



Order Paper for an ordinary meeting of the

QUEENSTOWN LAKES DISTRICT COUNCIL

to be held on

Thursday, 26 July 2018

commencing at 1.00pm

In the Council Chambers, 10 Gorge Road,

Queenstown

9.12 ITEMS OF BUSINESS NOT ON THE AGENDA WHICH CANNOT BE DELAYED

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

REFERENCE:

Queenstown Lakes District Council Standing Orders adopted on 15 December 2016.

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 26 July 2018 commencing at 1.00pm

Item	Page No.	Report Title
		Apologies/Leave of Absence Requests Councillor Forbes, Councillor Miller and Councillor Stevens (All on approved leave of absence).
		Declarations of Conflict of Interest
		Public Forum
		Special Announcements
		Confirmation of Agenda
	5 24	Confirmation of Minutes 14 June 2018 (Public part of ordinary meeting) 28 June 2018 (Public part of ordinary meeting)
1.	35	Navigation Safety Bylaw 2018 – Clutha River
2.	113	Review of Alcohol Ban Bylaw 2014
3.	154	Frankton Masterplan – Establishment Report
4.	193	Wanaka Town Centre Masterplan – Establishment Report
5.	214	Traffic and Parking Bylaw Review
6.	245	Changes to Freedom Camping Bylaw and Lake Hayes Reserve Management Plan
7.	275	Underground Services Easement for Drivers Road Trust Company Limited and S Hodgson
8.	284	Delegated Authority for Proposed District Plan Appeals
9.	296	Chief Executive’s Report
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Public minutes

Confirmation of minutes:

14 June 2018

28 June 2018

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 14 June 2018 commencing at 1.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive), Dr Thunes Cloete (General Manager, Community Services), Ms Meaghan Miller (General Manager, Corporate Services), Mr Tony Avery (General Manager, Planning and Development), Mr Peter Hansby (General Manager, Infrastructure and Property), Mr Stewart Burns (General Manager, Finance, Regulatory and Legal), Mr Naell Crosby-Roe (Manager, Communication and Engagement), Mr Tony Pickard (Transport Strategy Manager), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Aaron Burt (Senior Parks Planner) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately six members of the public

Apologies/Leave of Absence Requests

Councillor Clark was on approved leave of absence.

The Mayor advised that Councillor Hill was ill and had apologised for the meeting.

The following requests for leave of absence were made:

- Councillor Forbes: 25-29 July
- Mayor Boulton: 9-20 July
- Councillor MacDonald: 9-10 July; 24-25 July
- Councillor Ferguson: 9-16 July
- Councillor Stevens: 12-27 July

On the motion of the Mayor and Councillor McRobie the Council resolved to accept the apology and grant the requests for Leave of Absence.

Declarations of Conflicts of Interest

Councillor MacDonald advised that he lived in Boyes Crescent, which was one of the streets affected by the proposed new parking restrictions in Frankton (item 2). Councillor Forbes advised that she lived in Robertson Street which was similarly affected. The Mayor advised that he considered this was a conflict that necessitated neither member removing themselves from the meeting or sitting back from the table.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

1. Glyn Lewers, Chair, Frankton Community Association

Mr Lewers thanked the Transport Strategy Manager (Tony Pickard) for his ongoing communications during the review of parking in Frankton. However, he questioned the report's assertion that parking occupancy overall was at less than 40% and suggested that this was because the survey had been undertaken at 10am. He believed that at other times occupancy would be much higher than 40%. Nonetheless, he was satisfied with the consultation process and the recommended way forward, although he was aware that the proposed action was not supported by everyone in the area.

2. Erna Spijkerbosch

Mrs Spijkerbosch expressed concern about the mixed messages coming from the Queenstown Town Centre Framework. She noted that it described her property in Robins Road as high density residential, part of the greater CBD and as an area of influence. She noted that different reports were providing different overlays and there simply needed to be one title for each piece of land. She added that the greater CBD could not individually fund all the proposals contained in the Town Centre Framework.

3. Sean Dent

Mr Dent advised that he was the planning consultant for Skyline. The applicant supported both the report and its recommendations but he was at the meeting to answer any questions.

4. Julian Haworth, Upper Clutha Environmental Society

Mr Haworth noted that the hearing panel for the Proposed District Plan ('PDP') had recommended that subdivision in areas of Outstanding Natural Landscape ('ONL') become non-complying. He urged the Council to follow this recommendation and initiate a variation to the PDP to alter the rule status to non-complying.

He advised that another recommendation of the hearing panel was that an Upper Clutha Basin Land Use Planning Study be carried out as had occurred in the Wakatipu Basin. The Society believed that similar rules would be carried over to the Upper Clutha if such a study were to take place and he urged the Council to undertake a similar exercise.

Special Announcements

Councillor Smith referred to the official opening of the new Wanaka Community Swimming Pool on Sunday, 10 June. He congratulated Simon Battrick and other members of the Sport and Recreation team for the successful delivery of this project.

Confirmation of agenda

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

Confirmation of minutes

3 May 2018

On the motion of the Mayor and Councillor Stevens the Council resolved that the minutes of the public part of the ordinary meeting of the Queenstown Lakes District Council held on 3 May 2018 be confirmed as a true and correct record.

1. Queenstown Town Centre Spatial Planning

A covering report from Tony Pickard (Transport Strategy Manager) introduced the Queenstown Town Centre Spatial Framework report, accompanied by the Queenstown Town Centre Public Realm Design Guidelines. Both documents were presented separately from the main agenda paper. The purpose of the Queenstown Town Centre Spatial Framework is to provide background and context to the Queenstown Town Centre Masterplan; the purpose of the Queenstown Town Centre Public Realm Design Guidelines is to provide the design intent and direction for future public realm projects.

Items 1-3 were presented by Mr Hansby.

Members commended staff for completing a great piece of work. They agreed that it was potentially confusing to have different planning and infrastructure terminology.

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

- 1. Note the contents of this report; and**
- 2. Approve the Queenstown Town Centre Spatial Framework and associated Queenstown Town Centre Public Realm Design Guidelines.**

2. Transport – Frankton Parking

A report from Tony Pickard (Transport Strategy Manager) presented proposed new parking restrictions in various residential streets of Frankton to accommodate the displacement of vehicles no longer permitted to park on the state highway. The report also sought approval to remove two carparking spaces at the Frankton public transport transfer hub to extend the bus stop. The purpose of this was to address safety concerns raised by Otago Regional Council and the bus operator (Ritchies) for buses pulling out.

The report noted that there was sufficient carparking in adjacent streets to offset the loss of these spaces.

Councillor Forbes suggested that lines needed to be painted on the Bridge Street where no parking was to be allowed on verges to prevent confusion about where the verge starts.

It was noted that McBride Street continued to be a problem area and there were also concerns about the safety of children walking to school. Mr Hansby advised that a major component of the Frankton Masterplan that would be presented to Council in July was safe walking and cycling linkages.

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

- 1. Note the contents of this report;**
- 2. Approve the further parking restrictions in:**
 - a. Boyes Crescent**
 - b. Wilmot Avenue**
 - c. Douglas Street**
 - d. Robertson Street**
 - e. Lake Avenue**
 - f. Stewart**
 - g. Yewlett Crescent; and**
- 3. Approve the extension of the bus stop within the Frankton Transfer Hub.**

3. 2017/18 Capital Works Programme – Third Re-forecast

A report from Ulrich Glasner (Acting General Manager, Property and Infrastructure) presented proposed amendments to the 2017/18 capital works programme for all Queenstown Lakes District Council capital projects for the third quarter of the financial year.

The report was presented by Mr Hansby. He confirmed that \$2M was being deferred to 2018/19 for reserve acquisition in Wanaka not currently required. He added that surplus from the EAR project was being reallocated to other projects and it was expected that the eventual total would be about \$2M. Overall however, there were few deferrals so far in the current financial year.

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

- 1. Note the contents of this report;**
- 2. Approve the budget changes proposed and detailed in Attachment A. [Attached to these minutes].**

4. Representation Review 2018

A report from Jane Robertson (Electoral Officer) discussed the Local Electoral Act 2001 requirements for councils to review their representation arrangements and assessed various models of representation for the district. The report sought the Council's agreement on its initial proposal for which consultation on the 2018 Representation Review would be undertaken.

The report was presented by Mr Crosby-Roe and Ms Miller. Mr Crosby-Roe advised of a correction to the report in paragraph 47 which should instead read:

'...the number of appointed members must be less than half of the total number of members.'

Councillor Stevens commented on the recommended proposal questioning if it identified those who related most closely to Arrowtown, suggesting that those who live in Malaghans and Speargrass Flat Roads would consider themselves part of Arrowtown.

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

- 1. Note the contents of this report;**
- 2. Adopts for the purposes of public consultation that:**
 - a. All Councillors are elected in wards;**
 - b. The names of the wards shall be: Queenstown-Wakatipu, Arrowtown and Wanaka;**
 - c. The boundaries of each ward will be as at present except that Queenstown-Wakatipu Ward will lose meshblocks MB3039711 and MB3039806 which will become part of the new and enlarged Arrowtown Ward with boundaries that will now take in MacDonnell Road and the area of Millbrook;**
 - d. Six Councillors will be elected by the voters in the Queenstown-Wakatipu Ward; one Councillor will be elected by the voters in the Arrowtown Ward; and three Councillors will be elected by the voters in the Wanaka Ward;**
 - e. There will be a Wanaka Community Board comprising four members elected directly by voters in the Wanaka Ward and the three Wanaka Ward Councillors appointed by Council;**
- 3. Agrees that submissions shall be received on the proposal and that the Council will meet as**

a Committee of the Whole on 13 August 2018 to hear submissions on this initial proposal; and

4. Notes that the final proposal will be considered at the Council meeting scheduled for 6 September 2018.

5. **Making Plan Change 35 – Queenstown Airport Aircraft Air Noise Boundaries, operative**

A report from Blair Devlin (Manager, Planning Practice) presented the Environment Court Final Decision – 8 May 2018 for Plan Change 35 and sought Council approval to make Plan Change 35 operative in accordance with Clause 17(2) of the First Schedule of the Resource Management Act 1991.

It was noted that this was a procedural item, with all appeals now settled.

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

1. Note the contents of this report;
2. Authorise officers to amend the Operative District Plan to incorporate the changes proposed through Plan Change 35 in accordance with the Environment Courts final decision dated 8 May 2018;
3. Approve public notification of the date on which Plan Change 35 shall become operative.

6. **Skyline Enterprises Ltd: Lessor's and Minister's Approval**

A report from Aaron Burt (Senior Planner, Parks and Reserves) assessed the Council granting Lessor's Approval and exercising the Minister's delegation to provide Minister's Approval to Skyline Enterprises Limited (SEL) to establish temporary and permanent buildings, and to undertake earthworks within their Lease Area, as described in Resource Consent Application RM180004. The report recommended that approval be given because it would enable SEL to install the buildings, noting that resource consent conditions (if approved) would serve to mitigate any adverse effects.

The report was presented by Mr Burt. It was noted that since preparation of the report, the Chief Executive had signed the Affected Person's Approval.

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

1. Note the contents of this report;

2. **Approve Lessor's Approval and Minister's Approval to establish a number of temporary and permanent buildings on Section 1 SO 24832, subject to resource consent RM180004 being granted;**
3. **Ensure that prior to any works being undertaken upon the site, a Health and Safety Plan is first provided to Council to ensure the health and safety of users of the Ben Lomond Recreation Reserve, for all works associated with the proposal; and**
4. **Require that all buildings and associated earthworks are in accordance with a final decision on resource consent RM180004, to also include a removal date for the temporary buildings considered appropriate by the Chief Executive Officer of the Queenstown Lakes District Council.**

7. Right of Way Easement – 17 Plantation Road, Wanaka

A report from Blake Hoger (Property Advisor, APL Property Ltd) assessed the Council granting a Right of Way Easement over Local Purpose Reserve, to enable access to the first floor level of 17 Plantation Road, Wanaka so that the owners could establish a residence for an onsite manager in the building. The report recommended that the application be granted subject to conditions because it would enable the applicant to establish an alternative accessway to their property with minimal impact on the Local Purpose Reserve.

Items 7- 9 were presented by Mr Cruickshank and Mr Burt.

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

1. **Note the contents of this report;**
2. **Grant a Right of Way Easement over Council administered Local Purpose Reserve (Lot 18 DP 300804) in favour of the proprietors of 17 Plantation Road, Wanaka (Lot 10 DP 300804) subject to the following conditions:**
 - a. **Building and Resource Consent is obtained prior to construction, if required;**
 - b. **All activities to be undertaken in accordance with the relevant Worksafe New Zealand, standards for the work environment;**

- c. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant;
 - d. Reinstatement of the area to be completed immediately following installation of the structures (ramp and walkway) to the satisfaction of the Parks and Reserves Planning Manager.
 - e. Ongoing maintenance of structures within the easement area to be the responsibility of the applicant;
 - f. Within three months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement;
3. Delegate authority to approve final terms and conditions, including location, and execution authority to the General Manager Community Services; and
 4. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to the proprietors of 17 Plantation Road, Wanaka over Lot 18 DP 300804.

8. **BCWanaka Limited - New Licence**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed the Council approving a new licence to BCWanaka Limited (trading as Climbing Queenstown) to take guided climbing tours on Queenstown Hill, off Gorge Road. The report recommended that a licence be granted for five years subject to conditions because they would provide a balance between Council controls and recreational user as well as enabling the operator to continue a successful and safe business.

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

1. Note the contents of this report;
2. Grant a new licence to BCWanaka Limited trading as Climbing Queenstown over recreation reserve on Queenstown Hill with legal description Lot 2 DP 496901, subject to the following terms and conditions:

Commencement **1 July 2018**

Term **5 years**

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Rent	The greater of \$500.00 plus GST per annum or 7.5% turnover
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties
Assignment/Sublease	With Council's approval
Use	Commercial guided rock climbing and associated activities
Insurance	Requirement to have public liability insurance of \$2 million
Safety/Suspension	<p>Council to retain ability to suspend the licence for health and safety purposes.</p> <p>Applicant must hold an approved Health and Safety at Work (Adventure Activities) certification or provide confirmation that this is not required for the activity, under the Adventure Activity Regulations 2011. Operating plan to be reviewed by an independent Health and Safety Specialist.</p> <p>The route and any infrastructure (e.g. fixing bolts) used must be independently certified each year at the licensee's cost.</p>

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 BCWanaka Limited over Lot 2 DP 496901; and

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

9. **New Licence for RWH Travel**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed the Council approving a new licence to RWH travel Limited to take walking tours on Ben Lomond and Queenstown Hill reserves. The report recommended that a licence for five years be approved subject to conditions because these would provide a balance between Council controls and the ability for the operator to continue a successful business.

Councillor Stevens noted that the operator was UK based with minimal traffic and he questioned whether a licence could be exploited by another party and result in a more intensive use. Mr Cruickshank noted that the lease contained strict conditions on assignment and included a recommended 30 day cap for usage.

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

1. Note the contents of this report;
2. Grant a new licence to RWH Travel Limited over recreation reserve on Queenstown Hill and Ben Lomond, with legal descriptions Lot 802 DP 306902, Part Section 104 Block XX Shotover Survey District, Part Section 110 Block XX Mid Wakatipu Survey District, Section 1 SO 24350, Section 4 Block 1 Mid Wakatipu Survey District and Section 106 Block XX Mid Wakatipu Survey District, subject to the following terms and conditions:

Commencement	1 July 2018
Term	5 years
Rent	The greater of \$500.00 base rent plus GST per annum or \$5 per walker plus GST
Reviews	At renewal
Renewals	1 of a further 5 years by agreement of both parties.
Assignment/Sublease	With Council's approval
Use	Guided walking tours not exceeding a total of 20 people per tour

Insurance	Requirement to have public liability insurance of \$2 million
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided to Council prior to commencing the activity.
Other	<p>The number of guided day tours operated by RWH shall not exceed (30) per annum for each of the areas described as Queenstown Hill and Ben Lomond.</p> <p>Tours shall not be conducted on more than six (6) consecutive days for each location.</p> <p>Walkers to behave responsibly.</p> <p>Licensee to implement both a rubbish and toilet policy and provide it to the Council.</p>

- 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 RWH Travel Limited over the reserves detailed above; and**
- 4. Delegate final licence terms and conditions and signing authority to the General Manager Community Services.**

10. Chief Executive's Report

A report from the Chief Executive:

- Sought retrospective approval of three Council submissions to the Otago Regional Council;
- Presented a list of delegations exercised by the Chief Executive under delegated authority during May 2018 for licences to occupy and temporary road closures licences;

- Presented a summary of items considered at recent committee and Wanaka Community Board meetings. This included two recommendations for Council ratification from the Wanaka Community Board (24 May 2018) and the Community and Services Committee (31 May 2018).

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

- 1. Note the contents of this report;**
- 2. Approve (retrospectively) the lodgement of the following submissions on 11 May 2018 on behalf of the Council:**
 - a. Otago Regional Council Long Term Plan 2018-28**
 - b. Otago Regional Council Air Quality Strategy**
 - c. Otago Regional Council Draft Biodiversity Strategy**
- 3. Note the delegations exercised for licences to occupy and temporary road closures by the Chief Executive during May 2018;**
- 4. Note the items considered during the past meeting round by the Planning and Strategy Committee, Appeals Subcommittee, Wanaka Community Board and Community and Services Committee;**
- 5. Recommendation from Wanaka Community Board**

Proposal to Vest Land in Wanaka as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy

- 1. Approve the vesting of the four proposed reserves being:**

Bright Sky Ltd SHA - PA170131

 - a. Reserve 1: Recreation Reserve, Frederick Street.**
 - b. Reserve 2: Local Purpose Reserve (access), Frederick Street.**
 - c. Reserve 3: Local Purpose Reserve (access), Frederick Street.**

Northlake Investments Ltd - RM180581

- d. Lot 4: Recreation Reserve, Northlake Drive.**

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

- i. Consent being granted (as necessary) for any subdivision required to formally create the reserve and to level out undulations (as advised necessary by the Parks and Reserves Planning Manager);**
 - ii. Presentation of the reserve in accordance with Council's standards for reserves;**
 - iii. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of a landscape and planting plan for the reserve.**
 - iv. The formation of any sealed pathways to a minimum 2 metre wide width, and also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);**
 - v. A potable water supply point to be provided at the boundary of the reserve lot;**
 - vi. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;**
 - vii. The registration of a Consent Notice on any land adjoining the reserve to ensure any fences on land adjoining the reserve are no more than 1.2 metres in height;**
 - viii. A three year maintenance period by the current landowner commencing from vesting of the reserve**
 - ix. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and**
 - x. Vesting of reserve to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.**
- 2. Agree to offset reserve land contributions in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation (iii) above.**

3. Agree that reserve improvement contributions be offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:
 - a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.
 - b. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
 - c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

6. Recommendation from Community and Services Committee

Proposal to Vest Land as Reserve and to Offset Reserve Land Contributions as per the Development Contributions Policy as Applicable

1. Approve the vesting of the two proposed reserves:

Glenorchy Trustee Ltd – RM171428

Lot 200 (a, b &c): Local Purpose (Beautification Strip) Reserve, Oban Street

Shotover Country Ltd - RM1714

Lot 1001: Local Purpose (Flood Protection) Reserve, Hicks Road, Shotover Country

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

- i. Consent being granted (as necessary) for any subdivision required to formally create the reserve;
- ii. Presentation of the reserve in accordance with Council's standards for reserves;
- iii. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of

- a landscape and planting plan for the reserve.
- iv. The formation of any sealed pathways to a minimum 2 metre wide width, and also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
 - v. A potable water supply point to be provided at the boundary of the reserve lot;
 - vi. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
 - vii. The registration of a Consent Notice on any land adjoining the reserve to ensure any fences on land adjoining the reserve are no more than 1.2 metres in height with a visual permeability of at least 50%;
 - viii. A three year maintenance period by the current landowner commencing from vesting of the reserve
 - ix. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and
 - x. Vesting of reserve to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
2. Agree that any reserve land contributions (if applicable) be offset in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation three above.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor Ferguson 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

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Information and Meetings Act 1987 for the passing of this resolution is as follows:

Confirmation of minutes of ordinary meeting held on 3 May 2018

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
13. Special Housing Area Expression of Interest: Bullendale <u>Attachment A: Draft Deed</u>	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)
15. Appointment of a Commissioner to the Hearings Panels for Stage 2 of the Proposed District 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: a) protect the privacy of natural persons, including that of deceased natural persons.	Section 7(2)(a)

Agenda items

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

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11. Commonage Land Sale	<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 out, 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>j) prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>Section 7(2)(j)</p>
12. Appointment of Resource Management Act hearing commissioners	<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>a) protect the privacy of natural persons, including that of deceased natural persons.</p>	<p>Section 7(2)(a)</p>

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The meeting came out of public excluded and concluded at 1.39pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

D A T E

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 28 June 2018 commencing at 3.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive), Ms Meaghan Miller (General Manager, Corporate Services), Mr Peter Hansby (General Manager, Infrastructure and Property), Mr Stewart Burns (General Manager, Finance, Regulatory and Legal), Mr Colin Keel (Chief Executive, Queenstown Airport Corporation Ltd), Mr Mark Edghill (Chief Financial Officer, Queenstown Airport Corporation Ltd), Mr Blair Devlin (Manager, Planning Practice), Mr Aaron Burt (Senior Planner, Parks and Reserves), Ms Sophie Mander (Senior Waste Minimisation Planner), Mr Paul Speedy (Strategic Projects Manager), Mrs Jan Maxwell (Arts and Events Facilitator), Mr Ben Harland (RCP), Mr John Holmes (CBRE), Mr Andrew Monteith (Minter Ellison Rudd Watts), Ms Gabrielle Tabron (Grit Projects), Mr Andrew Timms (RCP) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 30 members of the public; one member of the media joined the meeting via Skype from Wanaka

Apologies/Leave of Absence Requests

The following requests for leave of absence were made:

- Councillor Hill 12-24 July 2018
- Councillor Miller 26 July 2018

On the motion of the Mayor and Councillor Stevens the Council resolved to grant the requests for Leave of Absence.

Declarations of Conflicts of Interest

Councillor McRobie advised that he owned a property in the Luggate Park Residential Development and he would therefore not take part in discussion on Item 4 ('Proposal to vest land as Local Purpose (Stormwater Detention) Reserve associated with the Luggate Park residential development'.)

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

1. Lane Hocking, Universal Developments Ltd

Mr Hocking advised that he was the developer behind the Hawea SHA. He considered it was a compelling proposal involving the development of 400 new

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homes. The land and house packages would qualify for the KiwiSaver HomeStart scheme and the masterplan included a community hub and reserves. He believed the proposal represented the development of modern high quality housing in a timely fashion.

2. Jason Kelly

Mr Kelly advised that he was a low income earner and had been resident in Hawea for 7 years. He viewed the proposed Hawea SHA as the first glimmer of hope that he would be able to buy his own home, and without this he would not be able to do so. Affordable housing developments should not be limited to being a big city initiative.

3. Tim Ryan

Mr Ryan advised that he was also a lower income earner who lived in Hawea but he did not support the proposed SHA. He did not own the house he currently lived in but he could not afford to buy a land/house package in the Hawea SHA as with a 5% deposit it represented repayments of \$732/week. He was critical of the proposal because Universal Developments did not provide land size which created a doubling of cost per square metre on each property. In addition, he did not think the proposal would provide sections at a lower price than Sentinel Park and he was concerned about price premium and property speculation.

4. Jennifer Rumore (Vice President, Hawea Community Association)

Ms Rumore advised that the proposed SHA was both distressing and harming the Hawea community. Both the nature of the community and economics did not suggest that the Hawea SHA was a good idea. Further, the Council was disrespecting the residents because the agenda report had been written 14 days before public input on the proposal had closed and the community felt marginalised because it appeared the Council would simply carry on regardless. The people of Hawea supported growth but wanted smart growth.

5. Carmen Howell

Ms Howell understood that the Council was bound by legislation but there was compounding evidence that the Hawea SHA proposal was highly inappropriate. Further, Council approval would raise questions about its decision-making processes. She considered that the Council needed to acknowledge the data collected by the community showing the EOI's significant lack of important information. She observed that although the Council may be acting in accordance with legislation, it did not mean that the actions were lawful.

Special Announcements

There were no announcements.

Confirmation of agenda

On the motion of the Mayor and Councillor Hill the Council resolved that the agenda be confirmed as prepared but reversing the order of items 1 and 2.

2. Special Housing Area Expression of Interest: Hawea (Universal Developments)

A report from Blair Devlin (Manager, Planning Practice) assessed an expression of interest ['EOI'] from Hawea (Universal Developments Hawea Ltd) for development of a Special Housing Area ['SHA'] in Hawea and whether it was appropriate for the Council to recommend it for approval to the minister for Housing and Urban Development. The report concluded that the EOI was consistent with the Lead Policy, HASHAA and the Queenstown Lakes District Housing Accord. The report therefore recommended that the Council add the area into Category 2 of the Lead Policy, subject to negotiation of the Stakeholder Deed to address various requirements of the Lead Policy.

The report was presented by Mr Devlin. As signalled in the report, he noted that Te Ao Marama had not responded to date. In reply to concerns about alleged unlawfulness of the EOI Mr Devlin advised that he did not consider the EOI was unlawful, pointing to the seven SHAs approved to date. He explained why the change to the Lead Policy was necessary and that staff had decided to present both issues in the same report as the Hawea EOI gave more meaning to the recommended policy change. He noted that Hawea as a whole had not been considered in Stage 1 of the Proposed District Plan ['PDP'] because Township Zones were due to be reviewed in Stage 3. Although the SHA proposal was outside the Urban Growth Boundary that had come about through the PDP submissions process, the Urban Growth Boundary had been appealed and he did not consider that its existence harmed the proposal.

Councillor Stevens stated that he considered the proposal a sound development and well-intended, but he did not support it because it breached the Urban Growth Boundary that the Council had adopted as part of its resolution on 2 May 2018 to adopt the commissioners' recommendations on Stage 1 of the PDP.

Councillor Forbes did not agree with this argument. She considered that despite the feedback from the people of Hawea the proposal represented smart town development that achieved the objective of providing affordable housing. Accordingly, she supported the proposal. Her views were echoed by Councillors Miller and Hill and Clark.

Councillor MacLeod stated that whilst he commended the applicant, he considered that the proposal represented too much development too soon and needed to be subject to a more robust process.

Councillor Smith acknowledged the reality of the affordability issue in the area and the effort made with this proposal to address it. However, he could not support it without evidence based strategic planning which defined urban growth boundaries. Accordingly, he signalled that he could not vote for the motion until Stage 3 of the District Plan review addressed this issue.

Councillor McRobie acknowledged the views of the other Wanaka Councillors and agreed that it was a difficult decision. However, he was supportive of the proposal because of the impact the SHA would have on the provision of affordable housing in the area.

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

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

Councillors MacLeod, Smith and Stevens recorded their votes against the motion.

The meeting returned to the original order of the agenda items.

1. Adoption of Ten-Year Plan

A covering report from Meaghan Miller (General Manager Corporate Services) introduced the Queenstown Lakes District Council 2018-2028, recommending its adoption. The plan (in two separate volumes) was presented separately and appended to the report were the proposed resource consent and building consent fee schedules and the 10 Year Plan Executive Summary.

Item 1 was presented by Mr Burns and Ms Miller.

Ms Miller advised that in addition to the grants listed in the report, \$220,000 had been allocated to economic development to fund a districtwide start-up initiative and \$50,000 had been approved for Study Queenstown. She was also pleased to advise that the plan and all its supporting documents had received an unqualified auditor's opinion.

The Council thanked all the staff involved in production of the Ten-Year Plan for their input.

Members noted that although the submissions had showed the community's overall support for the plan's direction, the biggest challenge would be its deliverability.

The Mayor addressed the Council highlighting the unprecedented scale of this plan. He stressed the importance of effectively managing growth and the expectations of residents and he thanked the public for their contribution through the submissions process and Councillors for their work on the plan. He pointed to the importance of thinking as one District but expressed his personal disappointment in the lack of traction achieved to introduce a local bed tax as the district could not pay for all the visitor-related infrastructure itself. He observed that the Council would revisit and enhance the plan as part of future Annual Plans.

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

- 1. Adopt the 2018-2028 10 Year Plan (Long Term Plan) pursuant to sections 83, 83A, 85 and 95 of the Local Government Act 2002;**
- 2. Adopt the amendments to the Building and Resource Consent Fee Schedules as per section 219 of the Building Act 2004 and section 36 of the Resource Management Act 1991 to come into effect on 1 July 2018; and**
- 3. Adopt the Policy on Development Contributions for 2018/19 as per section 102 (4) of the Local**

Government Act 2002. (Pages 197-260 of Vol 2 of the 2018-2028 10 Year Plan (Long Term Plan)).

3. Statement of Intent, Queenstown Airport Corporation 2018-19

A covering report from Stewart Burns (General Manager, Finance, Legal and Regulatory) presented the Statement of Intent for the Queenstown Airport Corporation ['QAC'] for the 2018/19 year, amended following earlier consideration by the Council on 23 March 2018. The report noted that the three year forecast had improved since the draft and detailed why this had occurred. The updated Statement of Intent ['SOI'] was appended in both track changes and clean versions.

The report was presented by Mr Burns, Mr Keel and Mr Edghill.

Mr Keel expressed thanks to the Council for its contribution to the final SOI.

Councillor Smith encouraged ongoing communication between QAC and the Wanaka community, adding that the general aviation group sought discussion with Queenstown Airport and inclusion in the master plan process. Mr Keel advised that work was proceeding on Wanaka master plan process as fast as possible, whilst still maintaining a considered approach.

Councillor Forbes advised that she remained concerned about growth at the airport as she was aware that the community was increasingly resistant to greater visitor numbers. She saw an opportunity to work with neighbouring airports so that their different problems could become shared solutions.

The Mayor observed that the sort of growth being experienced by Queenstown Airport was the envy of others in New Zealand and there had been much discussion about sustainable growth. He added that it was important to maintain the present operating hours for the community.

On the motion of Councillors MacLeod and Clark it was resolved that Council receive the Statement of Intent for 2018/19 for the Queenstown Airport Corporation.

Councillor McRobie sat back from the table and did not take part in the following item.

4. Proposal to Vest Land as Local Purpose (Stormwater Detention) Reserve associated with the Luggate Park Residential Development

A report from Aaron Burt (Senior Planner, Parks and Reserves) assessed the Council approving a Local Purpose (Stormwater Detention) Reserve in the Luggate Park development. The report recommended that the Council approve vesting the proposed reserve subject to various conditions.

The report was presented by Mr Burt.

Councillor Smith noted that in the interests of expediting a decision, he had accepted that the report should not firstly go to the Wanaka Community Board. He added that stormwater management in this subdivision was of concern but this was a matter for engineering professionals to address.

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

1. Approve the vesting of the proposed reserve:

Willowridge Developments Ltd – RM171385

a. Lot 400: Local Purpose (Stormwater) Reserve, Luggate Park;

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

- i. Presentation of the reserve in accordance with Council's standards for reserves;**
- ii. The detention pond is fenced in accordance with any necessary legislative requirements to ensure that any water does not pose a hazard to persons;**
- iii. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of a landscape and planting plan for the reserve;**
- iv. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;**
- v. A three year maintenance period by the current landowner commencing from vesting of the reserve;**
- vi. A maintenance agreement being prepared specifying how the reserves will be maintained during the maintenance period; and**
- vii. Vesting of reserve to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.**

Councillor McRobie returned to the table.

5. Adoption of QLDC Waste Minimisation and Management Plan 2018

A covering report from Sophie Mander (Senior Waste Minimisation Planner) presented the final QLDC Waste Minimisation and Management Plan 2018 following completion of a consultation process.

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The report was presented by Ms Mander and Mr Hansby. Ms Mander commented positively on the successful consultation process with 199 submissions received. She added that future funding adjustments would be necessary as new initiatives were implemented.

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

- 1. Note the contents of this report;**
- 2. Agree to the recommended changes to the Draft Waste Minimisation and Management Plan 2018 as a result of the public consultation; and**
- 3. Adopt the final QLDC Waste Minimisation and Management Plan 2018.**

Resolution to Exclude the Public

On the motion of the Mayor and Councillor MacLeod the Council resolved that the public be excluded from the following parts of the proceedings of the meeting:

- Item 6: Lakeview Development Request for Expressions of Interest (REOI) Evaluation**
Item 7: Queenstown Town Centre Parking Buildings Detailed Business Case
Item 8: Events Funding Allocations

And

That the following persons remain because of their knowledge and expertise of matters in the following agenda items:

- Item 6: Mr B Harland (RCP), Mr J Holmes (CBRE), Mr A Monteith (Minter Ellison Rudd Watts), Ms G Tabron (Grit Projects), Mr A Timms (RCP)**

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:

Agenda Items

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

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<p>6. Lakeview Development Request for Expressions of Interest (REOI) Evaluation</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: h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</p>	<p>Section 7(2)(h)</p>
<p>7. Queenstown Town Centre Parking Buildings Detailed Business Case</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: h) enable any local authority holding the information to carry out, 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); j) prevent the disclosure or use of official information for improper gain or improper advantage;</p>	<p>Section 7(2)(h) Section 7(2)(i) Section 7(2)(j)</p>
<p>8. Events Funding Allocations</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: 2(b)(ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information to including that of deceased natural persons.</p>	<p>Section 7(2)(b)(ii)</p>

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

The meeting went into public excluded at 4.10pm.

The meeting came out of public excluded and concluded at 4.43pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

D A T E

**QLDC Council
26 July 2018**

Report for Agenda Item: 1

Department: Finance, Legal & Regulatory

Navigation Safety Bylaw 2018 – Clutha River

Purpose

To report on the outcome of informal public consultation during April – May 2018 and recommend that the Council commence a special consultative procedure to amend the Navigation Safety Bylaw 2018 (**the Bylaw**) regarding the Clutha River.

Executive Summary

- 1 During April – May 2018, Council staff carried out informal consultation with the public to assist the Council to understand the wider community’s views on four topics:
 - a. Options for regulating powered vessels / vessel speeds on the Clutha River (clause 37, Schedule 2 (Table 1) – Clutha River, Maps 8-9);
 - b. A new rule requiring river boarding (river boards, river bugs, body boards, and river sledges/hydro speeds) operators to comply with applicable health and safety regulations (Health and Safety in Employment (Adventure Activities) Regulations 2011) (clause 27);
 - c. A new rule requiring stand up paddle boarders, wind surfers, sail boarders and users of similar vessels to wear a leg leash (clause 25); and
 - d. Amending the definition of “vessel” to include surfboards (clause 6).
- 2 Public feedback given during the informal consultation suggested fairly divergent views were held by the public in relation to the Clutha River. The river is used by a wide range of users, many of whom are concerned about safety and the risk of collision between powered vessels and other users, while others are concerned to protect their rights of access and movement. A clear majority of submitters opposed any amendments to river boarding requirements, paddle boarding leg leashes, and changes to the definition of “vessel”.
- 3 This report recommends that the Council commence a special consultative procedure on a proposal to amend the clauses within the Navigation Safety Bylaw 2018 that regulate vessels using the Clutha River. The proposed amendment makes permanent a current timed speed uplifting for powered vessels between Albert Town Bridge and the Red Bridge (**Lower Clutha**). It proposes to prohibit powered vessels (subject to exceptions) between Lake Wanaka outlet and the Albert Town Bridge (**Upper Clutha**) over the Summer months when passive recreational use is high (1 December to 30 March), and to implement a timed speed uplifting for those vessels over the rest of the year. The

proposed amendment to the Bylaw recognises the different navigation safety risk profile in different parts of the Clutha River, and at different times of the year.

Recommendation

That **Council**:

1. **Note** the contents of this report.
2. **Note** that on 23 March 2018 the Council adopted the Navigation Safety Bylaw 2018 and directed staff to develop a new proposal for public consultation on possible amendments to the Navigation Safety Bylaw 2018 on four topics.
3. **Note** that the Council carried out informal consultation and received submissions from the public on four consultation topics concerning possible amendments to the Navigation Safety Bylaw 2018.
4. **Note** that the Council has considered the results of the informal consultation in April 2018, and has developed a proposed amendment to the Navigation Safety Bylaw 2018 in relation to regulation of vessels on the Clutha River, and agrees not to amend the bylaw regarding river boarding requirements, paddle boarding leg leashes, and changes to the definition of "vessel".
5. **Approve** the commencement of the special consultative procedure in relation to the proposed amendment to the clauses within the Navigation Safety Bylaw 2018 that regulate vessels using the Clutha River.
6. **Appoint** three councillors (to be named) to hear and consider the submissions on the proposal to amend the Navigation Safety Bylaw 2018 and make a recommendation to Council.

Prepared by:



Lee Webster
Manager, Regulatory

17/07/2018

Reviewed and Authorised by:



Stewart Burns
General Manager: Finance
and Regulatory

17/07/2018

Background

- 4 On 23 March 2018, the Council resolved to adopt the Bylaw, which took effect from 6 April 2018. At the same meeting the Council directed staff to develop a new proposal for public consultation on possible amendments to the Bylaw covering four topics. This informal consultation was intended to assist the Council to understand the wider community's views on the matters and to help the Council develop a preferred option on each topic.
- 5 The adoption of the Bylaw followed a special consultative procedure undertaken by the Council in late 2017. During that process a large majority of submitters (285/314 submissions) addressed their submissions to proposed changes to the Clutha River uplifting. The proposed changes involved extending the timed uplifting on the Upper Clutha to the Lake Wanaka outlet, and adopting a permanent uplifting on the Lower Clutha. Approximately 96% of submitters were identified as being opposed to the changes. The focal point of submissions was the proposed uplifting for the Upper Clutha, due to the community's concerns that a speed uplifting would increase collision risks to the growing number of passive recreational users of this section of the river.

Topics addressed in the informal consultation process

- 6 During April 2018, Council Officers notified parties who had participated in the 2017 public consultation process prior to the adoption of the Bylaw that it was seeking community feedback on four topics of potential amendments to the Bylaw:
 - a. Options for regulating powered vessels / vessel speeds on the Clutha River (clause 37, Schedule 2 (Table 1) – Clutha River, Maps 8-9);
 - b. A new rule requiring river boarding (river boards, river bugs, body boards, and river sledges/hydro speeds) operators to comply with applicable health and safety regulations (Health and Safety in Employment (Adventure Activities) Regulations 2011) (clause 27);
 - c. A new rule requiring stand up paddle boarders, wind surfers, sail boarders and users of similar vessels to wear a leg leash (clause 25); and
 - d. Amending the definition of "vessel" to include surfboards (clause 6).
- 7 The informal consultation closed on 11 May 2018. There was significant public participation in the consultation, particularly in relation to the topic concerning regulation of vessels on the Clutha River.

Overview of submissions on the informal consultation

Powered vessels / vessel speeds on the Clutha River:

- 8 Four options were proposed:
 - a. Retain status quo: a timed speed uplifting for vessels travelling between the Red Bridge and a 5 knot buoy located approximately 3km upstream from the

Albert Town Bridge (approximately 15 km stretch of river). The uplifting is all year between 10am and 4pm (winter) and 10am and 6pm (summer), and outside of those hours a 5 knot speed limit applies. Between the 5 knot buoy and the Lake Wanaka outlet, there is also a 5 knot speed limit that applies (with no uplifting);

- b. A prohibition of powered vessels entering the whole Clutha River (excluding resource consent holders);
 - c. A prohibition of powered vessels entering the Upper Clutha (excluding resource consent holders) and a permanent speed uplifting on the Lower Clutha;
 - d. A timed uplifting on the Upper Clutha and a permanent speed uplifting on the Lower Clutha (this was the proposal during the last consultation process).
- 9 In total, 663 submissions were received in relation to powered vessels and vessel speeds on the Clutha River. Of the four options, the most popular was a timed speed uplifting on the Upper Clutha and a permanent speed uplifting on the Lower Clutha (277 submitters or 41.78%). Submitters in favour of this option supported having the freedom to enjoy the river in the way they wished and noted there had been no recorded accidents between a vessel and recreational user. They said noise would be reduced if boats could hydroplane at faster speeds. While this option was the most popular during the April 2018 informal consultation, there was significant public opposition to the same proposal during the special consultative procedure in 2017 (over 90% of submitters were opposed).
- 10 The status quo had the support of 199 submitters (30.02%), who said no change was warranted because the status quo was working well and appropriately balanced different uses of the river. Some submitters noted that the Lower Clutha, on which there is a timed uplifting, has better visibility, is wide and easily navigated by jet boaters. Other submitters considered there was too little awareness of the existing rules and a lack of enforcement.
- 11 A prohibition of recreational vessels in some form on the Clutha River was supported by 28.2% of submitters. A total of 98 submitters (14.78%) supported a prohibition on the entire Clutha River. A total of 89 submitters (13.42%) sought a prohibition on the Upper Clutha, with a permanent uplift on the Lower Clutha. Most submitters who supported a prohibition considered this was necessary for safety, particularly on the Upper Clutha. They referred to the high number of passive users in summer (including swimmers, kayakers and anglers), increasing population, and near misses between boats and other river users. Some submitters argued that any liberalisation of speeds was inconsistent with the District Plan. Other submitters considered boats were noisy and disturbed the tranquillity of the natural environment.
- 12 A number of submitters were also concerned by the lack of speed controls in any of the proposals on resource consent holders and considered speed restrictions should apply to commercial jet boat operators on the Clutha River.

Safety obligations on white water boards

13 Most submitters opposed requiring river boarders to comply with health and safety regulations (271 were opposed and 135 in support). Those opposed considered the amendment was unnecessary and duplicative of health and safety regulations, that the activity was low risk and that a change could be hard to enforce. Those in favour said the amendment would increase safety and consistency by requiring all watercraft users to follow the same rules.

Leg leashes on paddle boards and similar vessels

14 Most submitters opposed requiring stand up paddle boarders, wind surfers and sail boarders to wear a leg leash. The 305 submitters in opposition referred primarily to the safety risk of wearing a leg leash, particularly in flowing water. Some submitters referred to a recent near drowning on the river. Other submitters said wearing a leash was a personal choice and a blanket rule would be hard to enforce. The 105 submitters in favour of the proposal supported it primarily to improve safety.

Amending the definition of “vessel” to include surfboards

15 Most submitters supported maintaining the status quo to exclude surf boards from the definition of vessel. These 234 submitters considered there was no need for change and that a life jacket could not sensibly be worn while surfing. Submitters who supported the amendment said it would enhance safety and ensure surfboards were not treated differently. Many submitters noted they had no opinion.

Recommended amendment to Bylaw

16 Council staff have carefully considered the feedback from the informal consultation process, and developed a proposal for regulating powered vessels on the Clutha River, which is a modification of the proposal to prohibit powered vessels in the Upper Clutha.

17 Council staff recommend amending the Bylaw (**the Proposed Amendment**) as follows:

- a. On the Upper Clutha (between the Lake Wanaka Outlet and Albert Town Bridge):
 - i. Between 1 December and 31 March: no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:
 1. it is expressly authorised to operate in this area by a resource consent issued by the Council, provided that between 15 January and 1 February the powered vessel shall:
 - a. only operate between 10am and 12pm; and
 - b. not exceed more than two daily trips.

2. it is carrying out a permitted activity under the Queenstown Lakes District Plan.
 3. it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.
- ii. Between 1 April and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting: 10am – 6pm).
 - b. A permanent speed uplifting to be implemented on the Lower Clutha (between Albert Town Bridge and the Red Bridge).
- 18 Council staff consider that the Proposed Amendment will provide greater protection for the high and growing volume of passive users of the Upper Clutha during the summer months from the risks of collision with a powered vessel. During the rest of the year, the passive use of the Upper Clutha is significantly less, and therefore a timed uplifting is considered appropriate. The navigation safety risk of collision in the Lower Clutha is reduced due to the width of the river on this section, and therefore a permanent uplifting is proposed in this area.
- 19 Council staff recognise that this proposal may impact on operators of powered vessels and has engaged with Jet Boating New Zealand regarding the proposed amendment. Staff have also engaged with two active commercial operators who hold resource consents to operate powered vessels in the area, which includes a condition that each consent holder comply with the applicable navigation safety bylaw. To address the community's concerns regarding collision risks, consent holders were willing to reduce their usage during a 2 week period in the summer (15 January – 1 February). As a result of those discussions, Council staff recommend that over this period consent holders only operate twice daily between 10am – 12pm. The consent holders would not be able to operate after 12pm on those dates.
- 20 Council staff do not recommend amendments to the Bylaw in relation to the other 3 topics for which it carried out informal consultation in April 2018. Members of the community are concerned that if the Council required paddleboarders to wear a leg leash in flowing water, it may in fact increase safety risks to paddleboarders. Submitters referred to a recent near drowning of a paddleboarder due to their leg leash becoming entangled on a buoy. Council staff consider given these concerns and the significant community opposition to the proposed rule no amendment is recommended at this time. In relation to the incorporation of health and safety regulations for whitewater boards into the Bylaw and amending the definition of "vessel", Council staff also note public feedback that the current rules are working as they should, and consider a further amendment is not necessary at this time.

Comment

- 21 The Council has the power to amend a bylaw under s 156 of the Local Government Act 2002. Under s33M of the Maritime Transport Act 1994 (**Act**), the Council can make a bylaw for the purposes of maritime safety. Section

33M(1)(a) and (c) of the Act provides that the Council may make a bylaw to regulate and control the use or management of vessels, and to prevent nuisances from the actions of persons and things on the water.

- 22 Council Officers proposed to initially conduct informal public consultation and then prepare a further report to Council on a preferred option. There was substantial engagement with the informal consultation, particularly in relation to regulating powered vessels on the Clutha River. This feedback demonstrated that the proposals is of substantial interest to the public, and the public holds fairly divergent views.
- 23 In relation to the Clutha River, there was not a groundswell of opinion in favour of any one particular option on which consultation was conducted. While the most popular position was a permanent uplifting on the Lower Clutha / timed uplifting on the Upper Clutha, a significant portion supported the status quo and nearly a third of submitters supported a partial or total prohibition of powered vessels on the Clutha. These results stand in contrast to the feedback during the 2017 special consultative procedure, in which there was strong opposition to establishing a timed uplifting on the Upper Clutha (285 of 314 submissions opposed the then proposed speed uplifting). This demonstrates that public opinion is somewhat polarised.
- 24 In relation to the other three topics on which informal consultation was conducted, Council Officers consider the status quo to be appropriate. The majority of submitters in each case preferred the status quo. To the extent that additional amendments to the Bylaw may be desirable in future, these can be addressed at the next statutory review of the Bylaw.

Options

Option 1 Retain the status quo and not propose amendments to the Navigation Safety Bylaw 2018

Advantages:

- 25 This option does not require the Council to conduct a further special consultative procedure, which saves the Council the time and resources associated with this process.
- 26 There are specific advantages in relation to the four specific proposals on which consultation was conducted:

a. Powered vessels / vessel speeds on the Clutha River:

Public opinion is reasonably split; some members of the public favour more restrictions including prohibition of powered vessels, whereas other members of the public favour fewer restrictions and an uplifted speed limit. The status quo was the second most popular option during informal consultation. It attempts to strike a balance by retaining the 5 knot speed limit on the Upper Clutha, which recognises the higher risk profile on the Upper Clutha due to the number of passive users. The status quo also reflects the fact that the Lower Clutha is less heavily used by passive

users, so a timed uplifting allows for powered vessels to operate without a speed limit on that part of the river.

b. Safety obligations on white water boards

White water boarding is already covered by Health and Safety regulations (Health and Safety in Employment (Adventure Activities) Regulations 2011), so some members of the public consider it does not need to be covered in the Bylaw.

c. Leg leashes on paddle boards and similar vessels

Many members of the public submitted that the status quo is arguably safer than requiring use of a leg leash, because it is not clear that requiring a leg leash would improve safety due to the risk of entangling, which is a particular risk in flowing river water.

d. Amending the definition of “vessel” to include surfboards

Most submitters noted that there was no need to include surfboards under the Bylaw, but some recognised that it would be beneficial to have consistency with the definition of “vessel” under the Act.

Disadvantages:

- 27 The disadvantage is that some members of the public are likely to be unhappy by retention of the status quo (a clear majority favoured one of the other options). In particular, some submitters may be unhappy that the Council has not made changes in relation to the Clutha River, to either prohibit powered vessels or to permit additional speed uplifts on parts of the Clutha River. The current rule does not go as far as many members of the public seek by prohibiting vessels to protect passive users from the risk of collision. This is a topic on which many members of the public appear to have strong views and have made submissions.

Option 2 Commence a special consultative procedure on the Proposed Amendment to the Bylaw in relation to vessel use and speeds on the Clutha River

Advantages:

- 28 The Proposed Amendment reflects the concern held by many members of the community about safety and the risk of collision in the Upper Clutha between powered vessels and passive users. The greatest concentration of passive recreational users on the Clutha (including swimmers, kayakers and anglers) is during the summer months and primarily in the Upper Clutha. Council staff consider that a prohibition on powered vessels in the summer would offer a much greater degree of protection than the status quo.
- 29 While some powered vessel operators may be unhappy about not being able to use powered vessels on the Upper Clutha during summer, this is balanced with fewer speed restrictions on powered vessels operating in the Upper Clutha

during the rest of the year, and a permanent uplifting year round in the Lower Clutha. Powered vessels operating under a resource consent will still be permitted to operate in the area, subject to a two week period in which they will be required to reduce their daily trips to 2, and operate between 10am – 12pm. Powered vessels carrying out a permitted activity under the District Plan, and the Harbourmaster properly exercising his functions, will continue to be able to operate in the area.

Disadvantages:

- 30 Council staff recognise that not all submitters will be happy with the proposed amendment. However, it does provide greater protection for passive users when the risk of collision is highest, and greater access to powered vessels at times/areas when the risk of collision is reduced. The Council will need to ensure that if the amendment is adopted there is appropriate signage and public education regarding the new rules.

Recommendation

- 31 This report recommends **Option 2** – that a special consultative procedure be conducted on the Proposed Amendment to the Bylaw. This approach reflects legitimate public concerns regarding collision risks, and recognises the different navigation safety risk profile in relation to parts of the Clutha River, and at different times of the year.

Significance and Engagement

- 32 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because there is community interest regarding the safe use of the District's waterways.

Risk

- 33 This matter relates to the operational risk OR005 – Death of a member of the community, as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because it directly affects the use of the Council's waterways.
- 34 The recommended option considered above mitigates the risk by attempting to provide greater protection to passive users of the Upper Clutha during summer months, when passive use is high.

Financial Implications

- 35 There are likely to be additional costs educating the public about the amendment to the rules and on enforcement, which will be met through existing budgets.

Council Policies, Strategies and Bylaws

- 36 The following Council policies, strategies and bylaws were considered:
- a. Navigation Safety Bylaw 2018

- b. Finance Policy
- c. 10 Year Plan
- d. Council's Operative District Plan and Proposed District Plan

37 This matter is included in the Annual Plan under Section 3 – Regulatory Functions and Services.

Local Government Act 2002 Purpose Provisions

38 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 maintain the current Bylaw;
- Is likely to require additional funding to conduct the Special Consultative Procedure, and 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 Consultation: Community Views and Preferences

Community views and preferences

39 The persons who are affected by or interested in this matter are residents and ratepayers of the Queenstown District, iwi, tourists, and any other users of the District's lakes and waterways.

40 The adoption of the Bylaw followed a special consultative procedure undertaken by the Council in late 2017. During that process a large majority of submitters (285/314 submissions) addressed their submissions to proposed changes to the Clutha River uplifting. The proposed changes involved extending the timed uplifting on the Upper Clutha to the Lake Wanaka outlet, and adopting a permanent uplifting on the Lower Clutha. Approximately 96% of submitters were identified as being opposed to the changes. The focal point of submissions was the proposed uplifting for the Upper Clutha, due to the community's concerns that a speed uplifting would increase collision risks to the growing number of passive recreational users of this section of the river.

41 After the adoption of the Bylaw, the Council sought public feedback on 4 topics of potential amendments to the Bylaw and received 663 submissions as part of the informal consultation. This consultation was valuable in assisting the Council to understand the wider community's thoughts on the matters and to help the Council to develop a preferred option.

42 The Council has also engaged with Jet Boating New Zealand, and the two commercial operators who hold resource consents and are active on the Clutha River.

Legal Considerations and Statutory Responsibilities

43 The power to make a navigation safety bylaw is set out in section 33M of the Maritime Transport Act 1994, which provides that the Council (in consultation with Maritime New Zealand) may make a bylaw for the purposes of ensuring maritime safety to:

- (a) regulate and control the use or management of ships:
- (b) regulate the placing and maintenance of moorings and maritime facilities:
- (c) prevent nuisances arising from the use of ships and seaplanes:
- (d) prevent nuisances arising from the actions of persons and things on or in the water:
- (e) reserve the use of any waters for specified persons, ships, or seaplanes:
- (f) in relation to boat races, swimming races, or similar events,—
 - (i) prohibit or regulate the use of ships:
 - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas:
- (g) regulate and control the use of anchorages:
- (h) prescribe ship traffic separation and management schemes:
- (i) specify requirements for the carriage and use of personal flotation devices and buoyancy aids on pleasure craft:
- (j) require the marking and identification of personal water craft

44 The Council has the power to amend a bylaw under s 156 of the Local Government Act 2002. The special consultative procedure should be used as staff consider the proposed amendments are more than minor changes.

45 The matters outlined in s 33M of the MTA are set out in the purpose clause of the Bylaw. A navigation safety bylaw is subject to certain constraints in s 33M(2) of the MTA, which include that the bylaw cannot be inconsistent with regulations or rules made under the MTA (including Maritime Rules), and it cannot be inconsistent with the Resource Management Act 1991.

Attachments

- A Amended Navigation Safety Bylaw 2018
- B Statement of proposal to amend Navigation Safety Bylaw 2018
- C Summary of statement of proposal to amend Navigation Safety Bylaw 2018



Navigation Safety Bylaw 2018

Queenstown Lakes District Council

Date of making: 23 March 2018

Commencement: 6 April 2018 (other than clause 46 which shall take effect on
1 July 2019)

This bylaw is adopted pursuant to the Maritime Transport Act 1994 and Local Government Act 2002 by virtue of a transfer of bylaw making powers by the Otago Regional Council pursuant to section 17 of the Local Government Act 2002 and section 650J of the Local Government Act 1974 which has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.

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Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw 2018”.
- 1.2 This bylaw comes into force on a date to be resolved by Council.

2 Application

- 2.1 This bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District, as set out in Schedule 1 of this bylaw.

3 Purpose

- 3.1 The purpose of this bylaw is to:
 - (a) regulate and control the use or management of ships;
 - (b) regulate the placing and maintenance of moorings and maritime facilities;
 - (c) prevent nuisances arising from the use of vessels, actions of persons and things on, in, or near the water;
 - (d) reserve the use of any waters for specified persons or vessels;
 - (e) in relation to any sporting event, training activity, ceremonial or other authorised customary event:
 - (i) prohibit or regulate the use of vessels;
 - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
 - (f) regulate and control the use of anchorages;
 - (g) prescribe vessel traffic separation and management schemes;
 - (h) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on recreational vessels;
 - (i) prescribe administrative requirements, fees and charges for the performance of administrative functions;
 - (j) prescribe offences and penalties for contravention or permitting a contravention of the bylaw.

4 **Bylaw to bind the Crown**

- 4.1 Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.

5 **Delegation**

- 5.1 Any of the various powers and functions of the Queenstown Lakes District Council as detailed and set out in this bylaw may be delegated by it to its Chief Executive Officer and through him or her to any person in accordance with the Act and the Local Government Act 2002.

6 **Interpretation**

- 6.1 In this bylaw, unless the context otherwise requires,-

Access Lane means an area defined and designated as an access lane described in clause 41 of this bylaw.

Accident has the same meaning as in the Maritime Transport Act 1994.

Act means the Maritime Transport Act 1994.

Alcohol has the same meaning as in section 5 of the Sale and Supply of Alcohol Act 2012.

Anchorage in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purpose by the Council or not.

Buoy means an anchored float, serving as a navigational mark or locational mark to indicate hazards, reefs or a mooring.

Commercial Vessel means a vessel that is not a recreational vessel.

Commercial Vessel Licence means a licence referred to in clause 44 of the bylaw.

Contravene includes fail to comply with.

Council means the Queenstown Lakes District Council.

Dangerous goods has the same meaning as in Maritime Rule 24A.

Director means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

District means the area administered by the Queenstown Lakes District Council.

Drug means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and includes (but is not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

Enforcement Officer means a person appointed by the Council as an Enforcement Officer under section 33G of the Act.

Fee means the fee prescribed by Council under clause 53.

Flag A means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

Foreshore means the whole or any part of the bed, shore or banks of a lake or a river as are covered or uncovered by the natural, normal and annual rise and fall of the level of the surface of the lake or river water whether caused by natural means or otherwise and includes any bed, shore or bank of any island within such waters and also includes any lakebed and any riverbed and excludes areas flooded by occasional and irregular flood events.

Harbourmaster means the person appointed by the Council to that position and includes any Deputy Harbourmaster.

Hot work operations includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

Impede the passage means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to alter course, alter speed or to stop.

Incident means an accident, collision, grounding or mishap associated with the operation of any vessel.

Intoxicated means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- (a) appearance is affected;
- (b) behaviour is impaired;
- (c) co-ordination is impaired;
- (d) speech is impaired.

Jet boat means a vessel with water jet propulsion that—

- (a) is less than nine metres in length overall; and

- (b) is designed to carry no more than 34 persons:

Launch facility means a place that:

- (a) is land (whether above or below water) within a 50 metre radius of a ramp; or
- (b) is that part of the foreshore that lies between the water and the Eely Point Reserve legally described as Section 71 Blk XIV Lower Wanaka SD (known as Eely Point); or
- (c) is that part of the foreshore that lies between the water and land legally described as Section 46 Block III Lower Wanaka SD (known as Waterfall Creek).

Length means the length overall of the vessel when measured in accordance with the text and diagram in Schedule 3.

Lifejacket means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

- (a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- (b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005.

Explanatory note: for the purposes of this bylaw the term “lifejacket” has the same meaning as a “personal flotation device” under the Maritime Rules.

Making way means being propelled by an instrument or device.

Maritime rules means maritime rules made under the Maritime Transport Act 1994.

Master means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.

Moor means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or
- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

Mooring in relation to water, means any weight or article placed in or on the shore or bed of any lake or river for the purpose of securing a

vessel or any floating structure; and

- (a) includes any wire, rope, buoy or other device connected to the weight; but
- (b) does not include an anchor that is normally removed with the vessel or floating structure when it leaves the site or anchorage.

Mooring permit means a permit issued under clause 47 of this bylaw.

Navigate means the act or process of managing or directing the course of a vessel on, through, over or under the water.

Navigation aid includes any light, navigation mark, buoy, beacon, wharf, lifebuoy or lifesaving apparatus maintained or otherwise authorised by the Council on, or in, any lake or river within the District.

Owner has the same meaning as in section 2 of the Act.

Paddleboard is to be given its natural and ordinary meaning, and includes a craft that is:

- (a) powered by paddle; and
- (b) operated by a person in the standing, kneeling or sitting position; and
- (c) is constructed of rigid materials, whether inflatable or not, provided that it is continuously buoyant.

and does not include a kayak, surf ski or canoe.

Parasailing or **paragliding** includes any gliding or flying by use of a parachute or kite either towed by a vessel or released from a vessel.

Person in charge of a vessel means as the context requires:

- (a) the master of the vessel; or
- (b) in the absence of the master of the vessel, the owner of the vessel; or
- (c) in the absence of the master or owner of the vessel, the person steering the vessel or who appears to the harbourmaster or an enforcement officer to be responsible the vessel, whether or not it is in the water.

Personal water craft means a power driven vessel such as a Jet Ski, provided it:

- (a) has a fully enclosed hull; and

- (b) does not take on water if capsized; and
- (c) is designed to be operated by a person standing, sitting astride or kneeling on it but not seated in it.

Pleasure vessel means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not a commercial vessel; but does not include:

- (a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- (b) a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; or
- (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.

Powered Vessel means any vessel that is not solely powered manually or by sail.

Proper speed means speed through water.

Public notice means a notice published on the Council website and in a newspaper circulating in the area of the District.

Ramp in relation to water, means any structure that is provided for launching a vessel into the water or taking a vessel out of the water.

Recognised authority means an authority that the Director considers is competent to certify a lifejacket's compliance with a standard.

Recreational vessel means a vessel that is:

- (a) a pleasure vessel;
- (b) solely powered manually; or
- (c) solely powered by sail.

Reserved Area means an area reserved for a specific purpose under this bylaw.

Restricted visibility includes circumstances in which visibility is restricted due to fog, mist, or other adverse weather conditions.

Sailboard means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board.

Seaworthy in relation to any vessel means being, in the opinion of the Harbourmaster in a fit condition of readiness to safely undertake a voyage within its designed capabilities.

Shotover River Concession Area has the meaning set out in the Queenstown Lakes District Council Shotover River bylaw 2015.

Structure means any building, equipment, device, wharf, jetty, breastwork or other facility which is fixed to land or bed of a waterbody, and

- (a) includes slipways, jetties, ramps, launch facilities, pile moorings, swing moorings, wharves, marine farms, temporary structures associated with events and other objects whether or not these are above or below the waterline; and
- (b) does not include navigation aids.

Sunrise/sunset means the time designated for sunrise/sunset according to New Zealand Standard time.

Underway means that a vessel is not making way, and is not aground, at anchor, or made fast to the shore or other structure.

Unseaworthy in relation to any vessel means being, in the opinion of the Harbourmaster in a condition where it is not ready or in a fit condition to safely undertake a voyage within its designed capabilities.

Uplifting means a lifting of, or change to, speed limits in this bylaw.

Vessel means every description of boat or craft used in navigation, whether or not it has any means of propulsion, and includes:

- (a) a barge, lighter or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible;
- (d) a seaplane when operating on the surface of the water;
- (e) a personal water craft;
- (f) a raft;
- (g) a white water raft;
- (h) a kiteboard, sailboard or paddleboard;
- (i) an inner tube;

- (j) a kayak or canoe;

but does *not* include a surfboard.

White water raft means an inflatable vessel manoeuvred by

- (a) oars or paddles; or
(b) a combination of oars and paddles,

but does not include inflatable kayaks, inflatable canoes, river bugs, tyre tubes, or tyre tube rafts.

Part 2 – General navigation safety requirements

7 General duties of person in charge of the vessel to ensure safety

7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board;
(b) must navigate that vessel with all due care and caution and at a speed and manner so as not to endanger any person.

7.2 No person may operate or attempt to operate a vessel while intoxicated.

8 Minimum age for operating powered vessels¹

8.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.

8.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.

8.3 Clauses 8.1 and 8.2 apply unless an exemption has been granted by the Council under this bylaw or by the Director in accordance with the maritime rules.

¹ Rule 91.5.

9 Speed of vessels²

- 9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed greater than five knots within:
- (a) 50 metres of any other vessel or floating structure or person in or on the water;
 - (b) 200 metres of the shore or of any structure;
 - (c) 200 metres of any vessel that is flying Flag A of the International Code of Signals;
- 9.2 Clause 9.1(a) does not apply to:
- (a) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
 - (b) a vessel training for or participating in competitive rowing or paddling; or
 - (c) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with clause 9.1(a);
 - (d) a vessel operating in accordance with a speed uplifting established under this bylaw or the maritime rules.
- 9.3 Clause 9.1(b) does not apply to:
- (a) a vessel operating in an access lane or a reserved area for the purposes for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise;
 - (b) a vessel operating in accordance with a speed uplifting established under this bylaw or the maritime rules;
 - (c) a vessel training for or participating in competitive rowing or paddling; or
 - (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 9.1(b).

² Rule 91.6.

- 9.4 No person may propel or navigate a powered vessel at a proper speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.
- 9.5 No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in clause 9.1.
- 9.6 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.
- 10 Harbourmaster may instruct vessel not to exceed specified speed**
- 10.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigation safety.
- 11 Wake³**
- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
 - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
 - (c) does not cause any risk of harm to any other person.
- 12 Embarking and disembarking vessels**
- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.
- 13 Anchoring, mooring and obstructions⁴**
- 13.1 No person may anchor a vessel so as to:

³ Rule 91.7.

⁴ Rule 91.13.

- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
 - (b) create a hazard to other vessels at anchor.
- 13.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:
- (a) the vessel is securely fastened to the dock, wharf or landing place; and
 - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any conditions.
- 13.3 No person may place any obstruction in any waters that is likely to:
- (a) restrict navigation; or
 - (b) cause injury or death to any person; or
 - (c) cause damage to any vessel or any property.
- 14 Vessels to be seaworthy and not abandoned**
- 14.1 The owner of any vessel anchored or moored in any waters must:
- (a) keep the vessel in a seaworthy condition at all times, unless granted an exemption under this bylaw; and
 - (b) not leave any vessel sunk, stranded or abandoned within the foreshore or waters of the District, except where leaving the vessel within the foreshore or waters of the District is necessary to comply with clause 39.3 of this bylaw.
- 15 Damage to navigation aids⁵ (eg. buoys)**
- 15.1 No person may tie a vessel to any navigation aid without the written permission of:
- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
 - (b) if the navigation aid is operated by Maritime New Zealand, the Director.
- 15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

⁵ Rule 91.14.

16 Prevention of nuisances

- 16.1 No person may create a nuisance to any other person through:
- (a) his or her use or control of a vessel;
 - (b) the speed of a vessel; or
 - (c) the speed of any item or object towed behind or used in conjunction with such a vessel.
- 16.2 No person may obstruct the use of a jetty, wharf, ramp or launch facility owned or operated by the Council, including by doing any of the following:
- (a) causing an obstruction or loitering while loading or unloading a trailer; and
 - (b) leaving any vessel, trailer, or motor vehicle or any other object obstructing the reasonable use of such facilities by other persons.

17 Refuelling of vessels

- 17.1 No vessel is to be refuelled at any time while there are passengers on board the vessel.

Part 3 – Carriage and wearing of lifejackets**18 Carriage of lifejackets⁶**

- 18.1 No person in charge of a recreational vessel may use it unless there are on board at the time of use, and in a readily accessible location, sufficient lifejackets of an appropriate size for each person on board.

19 Wearing of lifejackets

- 19.1 If instructed to do so by the person in charge of a recreational vessel, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.
- 19.2 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.
- 19.3 Every person in charge of a recreational vessel greater than 6 metres in length must ensure that every person on the recreational vessel who is 10 years old and under is wearing a properly secured lifejacket of an appropriate size at all times.

⁶ Rule 91.4(i)

- 19.4 Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.
- 20 Requirement to wear lifejackets during dangerous situations⁷**
- 20.1 Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.
- 21 Requirement to wear lifejackets if being towed⁸**
- 21.1 No person in charge of a vessel may use it to tow any person at a speed of more than 5 knots and no person may cause himself or herself to be towed by any vessel at a speed of more than 5 knots, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.
- 22 Exceptions to requirements to carry or wear lifejackets⁹**
- 22.1 Clauses 18, 19, and 20 do not apply to:
- (a) any surfboard, sailboard, paddleboard, windsurfer, or other or similar unpowered craft, if a full wetsuit is worn at all times;
 - (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
 - (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
 - (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
 - (e) a commercial raft; and
 - (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity, and issues an exemption under clause 31;

⁷ Rule 91.4(6).

⁸ Rule 91.4(7).

⁹ Rule 91.4.

- 22.2 Clauses 18, 19, and 20 do not apply to any sporting event, training activity, authorised customary activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity and carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.
- 22.3 Clauses 21 does not apply to:
- (a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director; or
 - (b) persons participating in a sporting event that is administered by a national sporting organisation approved under the maritime rules.

Part 4 – Specific water-based activities

23 **Water skiing or towing of any person – requirement for a lookout¹⁰**

- 23.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:
- (a) 10 years of age or older; and
 - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 23.2 No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:
- (a) 10 years of age or older; and
 - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

24 **Water skiing or towing of any person – restriction between sunset and sunrise¹¹**

- 24.1 No person may operate, between sunset and sunrise, or in restricted visibility, a vessel that is towing any person, whether or not that person is on water skis, an aquaplane, surfboard, or similar object.
- 24.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

¹⁰ Rule 91.8.

¹¹ Rule 91.9.

25 Parasailing

- 25.1 Every person in charge of a vessel that is being used to conduct parasailing must comply with all applicable maritime rules, and safety guidelines issued by the Director.
- 25.2 No person in charge of a vessel that is being used to conduct parasailing may enter the Frankton Arm of Lake Wakatipu.

Explanatory note: Applicable maritime guidelines can be found in <https://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf>.

26 Whitewater rafting

- 26.1 Every person in charge of a white water raft that is used to transport fare paying passengers or trainee guides on rivers must ensure the whitewater board is operated and navigated strictly in accordance with the applicable maritime rules.

Explanatory note: Maritime Rule 81: Commercial Rafting Operations contains the applicable maritime rules.

27 Jet boating

- 27.1 Every person in charge of a jet boat that is a commercial vessel must ensure that the jet boat is operated and navigated strictly in accordance with the applicable maritime rules.

Explanatory note: Commercial river jet boating is subject to Maritime Rule 82: Commercial Jetboat Operations - River.

28 Swimming or diving around wharves or jetties

- 28.1 No person may jump, dive, swim or undertake any other related activities:
- (a) from or within 50 metres of any jetty or wharf where “no swimming” signage has been approved by the Harbourmaster or an enforcement officer;
 - (b) within any other area the Harbourmaster identifies for the purposes of ensuring navigation safety.

29 Hot works

- 29.1 A person conducting hot work operations on a vessel must comply with the current edition of the Code of Safe Working Practices for Merchant Seafarers (Maritime New Zealand).

- 29.2 The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.
- 29.3 In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

30 Dangerous Goods

- 30.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person:
- (a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and
 - (b) makes the written record of dangerous goods required under clause 30.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

31 Special events

- 31.1 Any person intending to conduct a race, speed trial, competition, display, performance, film, advertisement or other organised water activity must apply to the Harbourmaster to:
- (a) temporarily suspend the application of part or all of clause 9 and Part 5 of this bylaw in that area during the conduct of the event; and/or
 - (b) temporarily reserve the area for the purpose of that activity; and/or
 - (c) temporarily suspend the designation of permanent access lanes or reserved areas.
- 31.2 Where the Harbourmaster is satisfied, on considering an application under this bylaw (together with any safety plan that may be required), that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 7 days, and on such conditions (if any) as the Harbourmaster may specify.
- 31.3 No grant of an application under clause 31.2 has effect unless not less than 7 days or more than 14 days before the commencement of the activity a public notice is given specifying the period of the activity and details of the supervision or reserved area.

- 31.4 The Harbourmaster can recover all such actual and reasonable fees and expenses incurred by the processing of, and of any public notification of, any such application.
- 31.5 The Council may prescribe any fees associated with special events in accordance with clause 53.

Part 5 – Rules relating to specific locations

32 Rivers¹²

- 32.1 Subject to the more specific rules below, a person in charge of a vessel on a river must:
- (a) ensure that the vessel keeps to the starboard (right) side of the river channel;
 - (b) if going upstream, give way to any vessel coming downstream; and
 - (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

33 Lakes

- 33.1 No powered vessels may proceed at any speed exceeding 5 knots on the waters of Lake Hayes, Moke Lake, Lake Johnston, Lake Kilpatrick, Diamond Lake, Lake Dispute or Lake Reid.

34 Queenstown Bay

- 34.1 The proper speed of vessels must not exceed five knots within 50 metres of any boundary of the access lane in Queenstown Bay unless specifically permitted as a condition of the access lane or by a speed uplifting.

35 Clutha River

~~35.1 The proper speed of vessels must not exceed 5 knots on the Clutha River between the Outlet Camping Ground (marked by a five knot buoy) and the five knot buoy positioned downstream at GPS -44.67, 169.16. The following clauses apply to powered vessels operating in the area between the Outlet Camping Ground (GPS -44.66 to 169.15) and the Albert Town Bridge (GPS -44.68, 169.19):~~

- ~~(a) Between 1 December and 31 March no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:~~

¹² Rule 91.17.

(i) it is expressly authorised to operate in this area by a resource consent issued by the Council provided that between 15 January and 1 February the powered vessel shall:

(A) only operate between 10am and 12pm; and

(B) not exceed more than two daily trips.

(ii) it is carrying out a permitted activity under the Queenstown Lakes District Plan.

(iii) it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.

(b) Between 1 April and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting specified in Schedule 2).

~~35.2~~ 35.2 A permanent speed uplifting shall apply between the Albert Town Bridge (GPS -44.68, 169.19) and the Red Bridge (-44.73 to 169.28) as specified in Schedule 2.

36 Kawarau River

36.1 The areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel.

36.2 The person in charge of any vessel using the Kawarau River must give way to all vessels exiting from the Shotover River and all such persons must exercise extreme care in and near this junction.

36.3 No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam except in accordance with the following rules (or as may be directed by the Harbourmaster):

(a) vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River;

(b) vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River.

36.4 No powered vessels may operate on that part of the Kawarau River located below the Arrow River.

37 Shotover River

- 37.1 No vessel is permitted to use the Shotover River Concession Area, except as permitted under the Shotover River Bylaw 2015 or any bylaw adopted by Council to replace that bylaw.
- 37.2 Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E19) of the movements and location of the commercial vessel at all times.

38 Prohibited areas

- 38.1 No person in charge of a powered vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:
- (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
 - (b) the Outlet of Lake Wakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
 - (c) the Shotover, Kawarau and Clutha Rivers.

Part 6 – Incidents and near misses**39 Requirement to report to the Harbourmaster in the event of mishap or serious incident**

- 39.1 A person in charge of a vessel that has been involved in an incident where:
- (a) the incident has caused damage to another vessel, or a navigation aid or any structure;
 - (b) a vessel has been sunk or grounded or become stranded in any waterway;
 - (c) by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or
 - (d) any person has been injured;

must, as well as complying with the reporting requirements in Section 31 of the Maritime Transport Act 1994 (which requires reporting the

incident to the Authority), also report the incident to the Harbourmaster.

- 39.2 A report required by clause 39.1 must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause 52 of this bylaw.
- 39.3 If an incident results in damage to a vessel that affects or is likely to affect its safe operation, the person in charge of the vessel must not move the vessel except:
- (a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or
 - (b) in accordance with directions from the Harbourmaster or the police.

40 Requirement to report to the Harbourmaster in the event of a near miss

~~40.1~~ The person in charge of any commercial vessel that has been involved in an incident that is not covered by clause 39.1, but could have potentially led to an accident or collision, must report in writing the details of the incident to the Harbourmaster within 24 hours of the incident occurring.

~~40.2~~
~~40.1~~

Part 7 – Access Lanes and Reserved Areas

41 Access Lanes

- 41.1 The following areas are access lanes for the purposes of this bylaw:
- (a) the areas specified in Table 2 of Schedule 2 of this bylaw; and
 - (b) the areas declared to be access lanes in accordance with this clause.
- 41.2 The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.
- 41.3 The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.

42 Conduct in Access Lane¹³

- 42.1 Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:
- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
 - (b) by the most direct route through the access lane;
 - (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
 - (d) this clause applies to objects towed by a vessel.
- 42.2 No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.
- 42.3 No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.
- 42.4 No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 42.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

43 Reserved Areas¹⁴

- 43.1 The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:
- (a) for use of vessels generally; or
 - (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
 - (c) for the use of swimmers, water skiers, scuba divers or any persons undertaking other water recreation activities; or
 - (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).

¹³ Rule 91.10

¹⁴ Rule 91.12.

- 43.2 Adequate signs must be provided in the vicinity of any reserved area that:
- (a) define the area;
 - (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
 - (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands.
- 43.3 The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.
- 43.4 The reservation or revocation of a reserved area must be publicly notified by the Council at least seven days before such reservation or revocation of such reservation will have effect.
- 43.5 In any area declared by the Council to be a reserved area the Council may also give public notice that any of the provisions of this bylaw will not apply to the reserved area, or will only apply on terms and conditions and for such periods as the Council deems fit.
- ~~43.6~~ No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.

~~43.7~~

~~43.8~~ ~~43.6~~

Part 8 – Commercial vessels

44 Commercial vessels to be licensed

- 44.1 Any person who operates a commercial vessel that is not subject to a licensing requirement under applicable maritime rules must obtain a licence to do so from the Council.
- 44.2 The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Council may withdraw the licence.
- 44.3 Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the applicable fees and such further supporting information as the Council may require to enable processing of the application.
- 44.4 Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.

- 44.5 A licence is personal to the holder and to the vessel specified therein and is not transferable.
- 44.6 Every commercial vessel licence issued under this bylaw or the applicable maritime rules must be available for inspection at any time by the Harbourmaster or an enforcement officer.
- 45 Requirement as to survey**
- 45.1 No person may operate on any waters within the District a commercial vessel that is required to be surveyed under any relevant maritime rule unless the owner of such vessel holds a Maritime Operator Safety System certification or a certificate of compliance under the applicable maritime rule.

Part 9 – Structures and Moorings

- 46 Permission to use or occupy structures or the foreshore**
- 46.1 No person in charge of a commercial vessel may load or unload persons or materials using a structure under Council ownership or control other than in accordance with Council permission given under clause 46.3 of this bylaw.
- 46.2 No person may occupy any structure or foreshore under Council ownership or control, including by establishing a new structure on the foreshore, other than in accordance with Council permission given under clause 46.3 or clause 46.4 of this bylaw.
- 46.3 The Council may grant permission to any person to use or occupy a structure subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.
- 46.4 The Council may in accordance with the Reserves Act 1977 grant permission to any person to occupy the foreshore subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.
- 47 Mooring permits**
- 47.1 No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.
- 47.2 The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause 52.
- 47.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 53.

- 47.4 Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.
- 47.5 Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.
- 48 Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings**
- 48.1 The Harbourmaster or the Council may at any time, after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this Part of the bylaw.
- 48.2 If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.
- 48.3 The Harbourmaster or the Council may remove any mooring, and any vessel occupying the mooring if:
- (a) a mooring permit has been cancelled and the owner has not removed the mooring within one month of the mooring permit being cancelled;
 - (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
 - (c) the mooring is not authorised by a mooring permit granted under this bylaw; or
 - (d) the mooring does not have an identification number visible.
- 48.4 The Harbourmaster or the Council may detain any mooring or vessel together with the contents of the vessel until the actual cost of removing the mooring and storing the vessel has been paid.
- 48.5 If the cost of removal or storage has not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or vessel and its contents to recover the debt.

Part 10 - Administration provisions

49 Powers of Harbourmaster

- 49.1 The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and can exercise any of the powers conferred on the Harbourmaster under the Act or this bylaw.

50 Impersonation of Harbourmaster

- 50.1 It is an offence for any person who is not the Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer to behave in a manner that could lead any person to believe that the person holds any such appointment.

51 Speed Upliftings¹⁵

- 51.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.
- 51.2 An application under clause 51.1 must not be granted unless the Council is satisfied that:
- (a) the application has been publicly notified;
 - (b) the Director has been consulted;
 - (c) affected persons have had a reasonable opportunity to comment on the application;
 - (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
 - (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
 - (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.
- 51.3 The Council may grant an application in accordance with clause 51.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.
- 51.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause 53.

52 Administrative requirements

- 52.1 The Council may from time to time specify by publicly notified Council resolution requirements for the administration of this bylaw, including but not limited to the following:
- (a) any forms to be required by Council for the administration of this bylaw.

¹⁵ Rule 91.20.

- (b) any guidelines applicable to issuing a mooring permit, commercial vessel license, or other approval under this bylaw.
- (c) any terms and conditions upon which any approval under this bylaw may be issued.
- (d) any other processing or administrative requirements which the Council deems appropriate to give effect to this bylaw.

53 Fees and charges

- 53.1 The Council may by publicly notified Council resolution prescribe fees or charges in relation to any permit or licence issued under this bylaw following public consultation in accordance with section 150(3)-(6) of the Local Government Act 2002.
- 53.2 The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

54 Exemptions

- 54.1 The Council or the Harbourmaster may only grant an exemption under this bylaw on receipt of an application made prior to the commencement of any activity in contravention of the requirements of this bylaw.
- 54.2 The Council or the Harbourmaster may exempt by written approval, any person, vessel or class of vessels from clauses 8, 12, 14, 17, 19, 28, and Part 5 of this bylaw.
- 54.3 The Council or the Harbourmaster may exempt by written approval any person, vessel or class of vessels participating in a sporting event, training activity, ceremonial event, or other organised recreational activity from clauses 18 and 20 provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 54.4 In granting any written exemption to any clause of this bylaw the Council or the Harbourmaster must consider the effects of the exemption on public health and safety.
- 54.5 The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe public health or safety has, or might be, adversely affected.
- 54.6 No exemption may be granted:
 - (a) for a contravention of this bylaw that has already occurred;
 - (b) for a period exceeding 14 days;
 - (c) for an activity that has prohibited activity status within the Queenstown Lakes District Plan; or

- (d) if it would authorise something that is or would be contrary to any other enactment, regulations or a maritime rule.

54.7 The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause 53.

Part 11 – Enforcement

55 General enforcement powers of the Harbourmaster

55.1 In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, the Harbourmaster may prohibit or restrict the activity until satisfied adequate precautions have been taken.

55.2 The Harbourmaster, enforcement officer or police officer may use powers under the Act and maritime rules and/or the Local Government Act 2002 and regulations to enforce this bylaw.

55.3 The Harbourmaster, or enforcement officer may direct any vessel or person to take any action they deem necessary to ensure compliance with the maritime rules or this bylaw.

55.4 Where any provision in this bylaw imposes an obligation to pay a fee, the owner of the vessel is liable for that fee on the date that payment falls due.

56 Non-compliance with conditions of a permit or licence

56.1 Where a holder of any permit or licence issued under this bylaw does not comply with the terms and conditions of the permit, the Council or Harbourmaster may take one or more of the following steps:

- (a) issue a written warning to the holder of the permit, which may be considered as evidence of a prior breach of a permit condition during any subsequent review of the permit:
- (b) review the permit, which may result in:
 - (i) amendment of the permit;
 - (ii) suspension of the permit; or
 - (iii) cancellation of the permit.
- (c) enforce any breach of this bylaw, including as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.

56.2 There will be no refund of fees if any permit or licence is cancelled.

57 Offences

- 57.1 Every person commits an offence against this bylaw who:
- (a) contravenes or permits a contravention of this bylaw;
 - (b) prevents a Harbourmaster or an enforcement officer from carrying out their statutory functions or duties under this bylaw;
 - (c) when directed by a Harbourmaster or an enforcement officer to do anything, fails, refuses or neglects to comply with the Harbourmaster or an enforcement officer's requirement without reasonable cause;
 - (d) refuses to give information when directed to do so by a Harbourmaster or an enforcement officer or knowingly gives incorrect information.

58 Penalties

- 58.1 Every person who:
- (a) commits an offence against this bylaw will be liable either under the Act and/or the Local Government Act 2002;
 - (b) commits an infringement offence, set out in the regulations created under the Act and/or the Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

59 Exceptions

- 59.1 A person does not contravene this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer or a police officer.

Part 12 –Revocation and savings**60 Revocation**

- 60.1 The Queenstown Lakes District Navigation Safety Bylaw 2014 including all amendments is revoked.
- 60.2 The Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 including all amendments is revoked from a date specified by publicly notified resolution of the Council.

61 Savings

- 61.1 Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.
- 61.2 Any public notices, designations, declarations, revocations, or delegations or directions of the Harbourmaster issued under that bylaw or preceding bylaws are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 61.3 Directions of the Harbourmaster issued under that bylaw or preceding bylaws that were in effect before the date of commencement of this bylaw are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 61.4 Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 or the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014 continues in force but:
- (a) expires on the date specified; or
 - (b) if no expiry date is specified, expires on 1 July 2019; and
 - (c) can be renewed only by application made and determined under this bylaw.
- 61.5 Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 or the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014 that was filed before the date specified under clause 60 of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

The Queenstown Lakes District Council Navigation Safety Bylaw 2018 was adopted pursuant to the Maritime Transport Act 1994 and the Local Government Act 2002, by resolution of the Queenstown Lakes District Council on 23 March 2018.

Mayor:

Chief Executive Officer:

Schedule 1 – Map of Queenstown Lakes District



Schedule 2 – Speed upliftings and access lanes

1 Upliftings for Lakes and Rivers

- (i) The uplifting of speed restrictions applies in the areas and locations and for the durations described in Table 1.

Table 1 – Speed Upliftings

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Wakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	-44.85 to 168.36
			Upper Boundary	-44.57 to 168.35
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	-44.67 to 168.31
Rees River	From Lake Wakatipu to Muddy Creek	30 October to 1 May	River Mouth	-44.85 to 168.38
			Upper Boundary	-44.70 to 168.33
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	-44.89 to 168.67
			Skippers Bridge	-44.84 to 168.69
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	-45.02 to 168.77
			Oxenbridge Tunnel	-44.98 to 168.67
Kawarau River	From Lake Wakatipu to the Arrow River confluence, excluding an	All Year	Lake Wakatipu	-45.03 to 168.73
			Arrow River confluence	-45.01 to 168.89

	area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.			
Makarora River	From Lake Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44.32 to 169.17
			Young River confluence	-44.20 to 169.24
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44.27 to 169.18
			Kerin Forks	-44.24 to 169.03
Matukituki River	From Lake Wanaka upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	-44.62 to 169.019
			East Branch	-44.44 to 168.81
			West Branch	-44.5 to 168.79
Clutha River	From Lake Wanaka outlet to the Albert Town bridge.	1 April to 30 November between	Outlet camping grounds knot buoy	-44.66 to 169.15- 44.67 to 169.16

	From the 5 knot buoy marker to the Red Bridge. This is the end of the QLDC area.	the hours of 10am and 6pm All Year between the hours of 10am to 4pm in the winter and 10am to 6pm in the summer	Albert Town Bridge Red Bridge	-44.68 to 169.19 -44.73 to 169.28
	From the Albert Town Bridge to the Red Bridge.	All Year	Albert Town Bridge	-44.68 to 169.19
			Red Bridge	-44.73 to 169.28
Hunter River	From Lake Hawea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44.28 to 169.45
			Ferguson Creek	-44.71 to 169.21

2 Upliftings for Access Lanes

- (1) The Vessel TSS Earnslaw is excluded from the 5 knot limit due to the nature of her propulsion and manoeuvring characteristics.

3 Upliftings for Water Ski access lanes

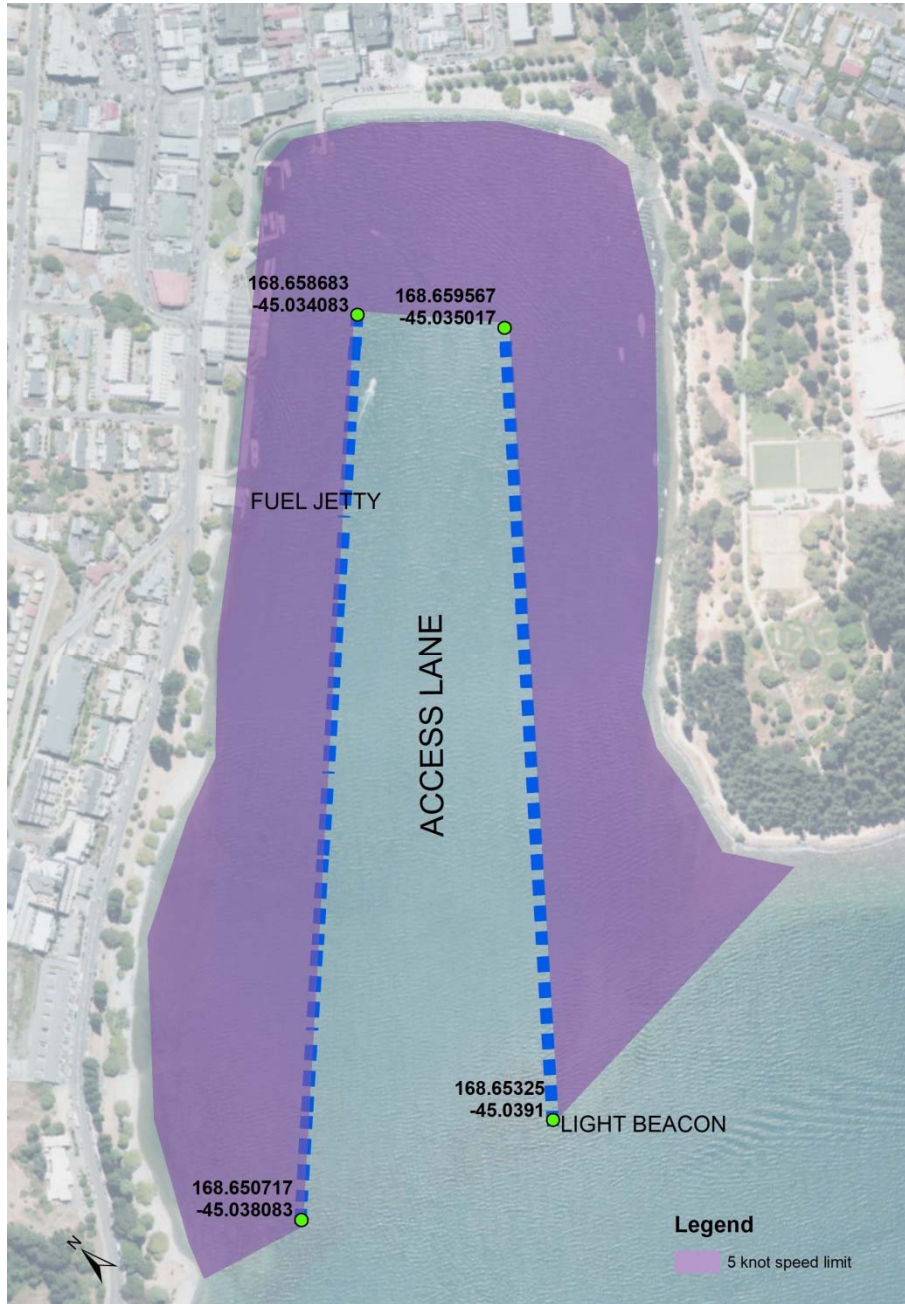
- (1) Each ski access lane is marked with an orange pole with black stripes at either end of the lane.

Table 2 – Access Lanes

Water ski access lanes – Lake Wakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44.86 to 168.38
Kinloch Main Beach	-44.84 to 168.35
Kelvin Grove	-45.04 to 168.68
Frankton Beach	-45.02 to 168.73
Willow Place West Side	-45.03 to 168.72
Loop Road	-45.036 to 168.70
Frankton Arm North Side	-45.03 to 168.69
Kingston Main Beach	-45.33 to 168.72
Bobs Cove	-45.07 to 168.51
Wilson's Bay	-45.06 to 168.57
Water ski access lanes – Lake Wanaka	
Roys Bay - Eely Point	-44.68 to 169.12
Roys Bay - Main Beach adjacent Pembroke Park	-44.70 to 169.13
Roys Bay - Water Fall Creek	-44.69 to 169.10
Dublin Bay	-44.65 to 169.17
Glendhu Bay - West ski lane	-44.67 to 169.01
Glendhu Bay - East ski lane	-44.67 to 169.02
Lake Hawea Ski Lane	-44.61 to 169.27
High speed access lanes – Lake Wakatipu	
Location	Description
Queenstown Bay	Access lane starts north east end of Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references -45.03 to 168.66, -45.04 to 168.66. These buoys define the lanes out of Queenstown Bay. The green beacon at the entrance to Queenstown Bay is the southern most boundary of the Access Lane (refer map 1).
The Narrows	Access lane is between Kelvin Heights Peninsula and Park Street. The south side of the lane is marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continues to a point 100 metres off shore between the Yacht Club jetties and at no point will the south side of the access lane be nearer than 50 metres from the shore. From the Eastern point, further buoys will be set approximately 120 metres off shore around to a point off the Earnslaw slipway. The north side of the lane is marked 50 metres off shore opposite the Frankton Walking Track, extending to a point 200 metres West along Park Street into the main body of Lake Wakatipu, with the outer boundary of the

	Narrows being the red beacon on the southern most tip of Queenstown Gardens (refer Map 2).
Kawarau Dam Access Lanes (Downstream):	Access lanes between Lake Wakatipu and the Kawarau River to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).
Kawarau Dam Access Lanes (Upstream)	Access Lanes between Kawarau River and Lake Wakatipu to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).

Map 1 – Queenstown Bay



Access lane, reserved area, speed limit, or prohibition	Refer to clause / schedule
Access lane	Schedule 3, Table 2
5 knot limit within 50m of boundary of access lane	Clause 34.1
No waterskiing, aquaplaning or towing of persons inside Queenstown Bay	Clause 38.1(a)

Map 2 – The Narrows, Queenstown



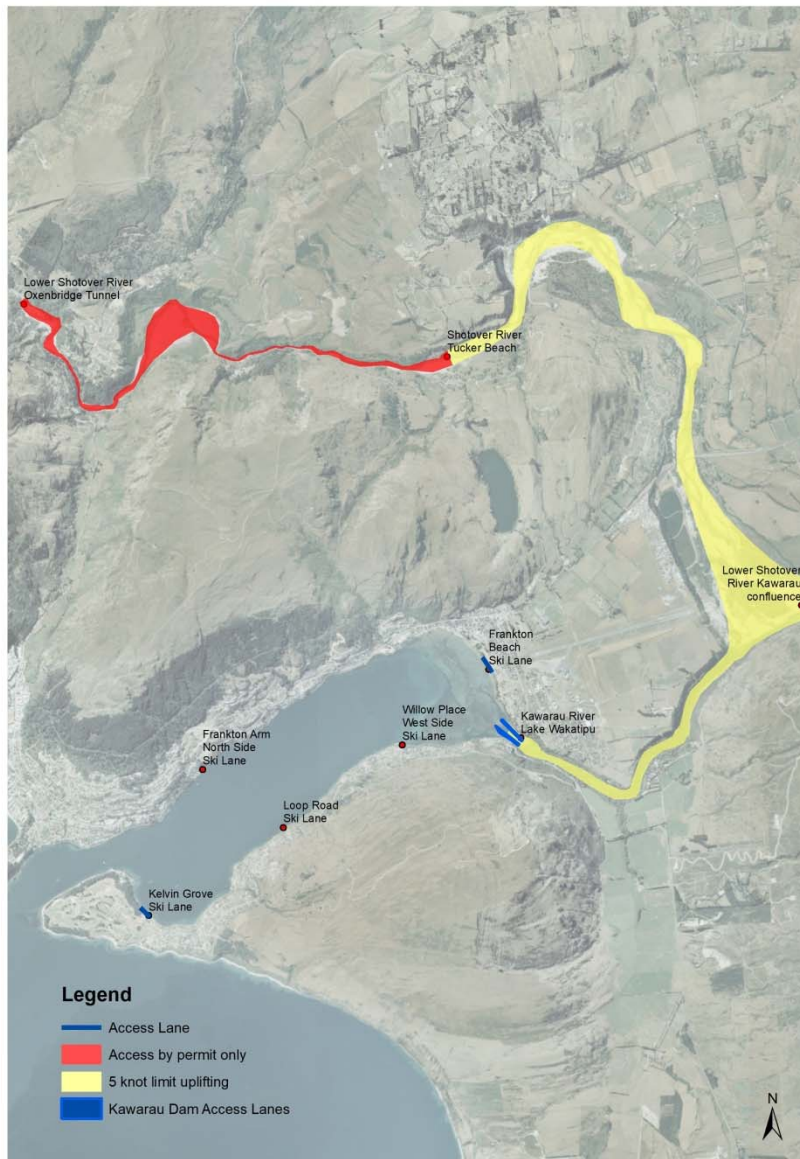
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 3, Table 2

Map 3 – Kawarau Dam



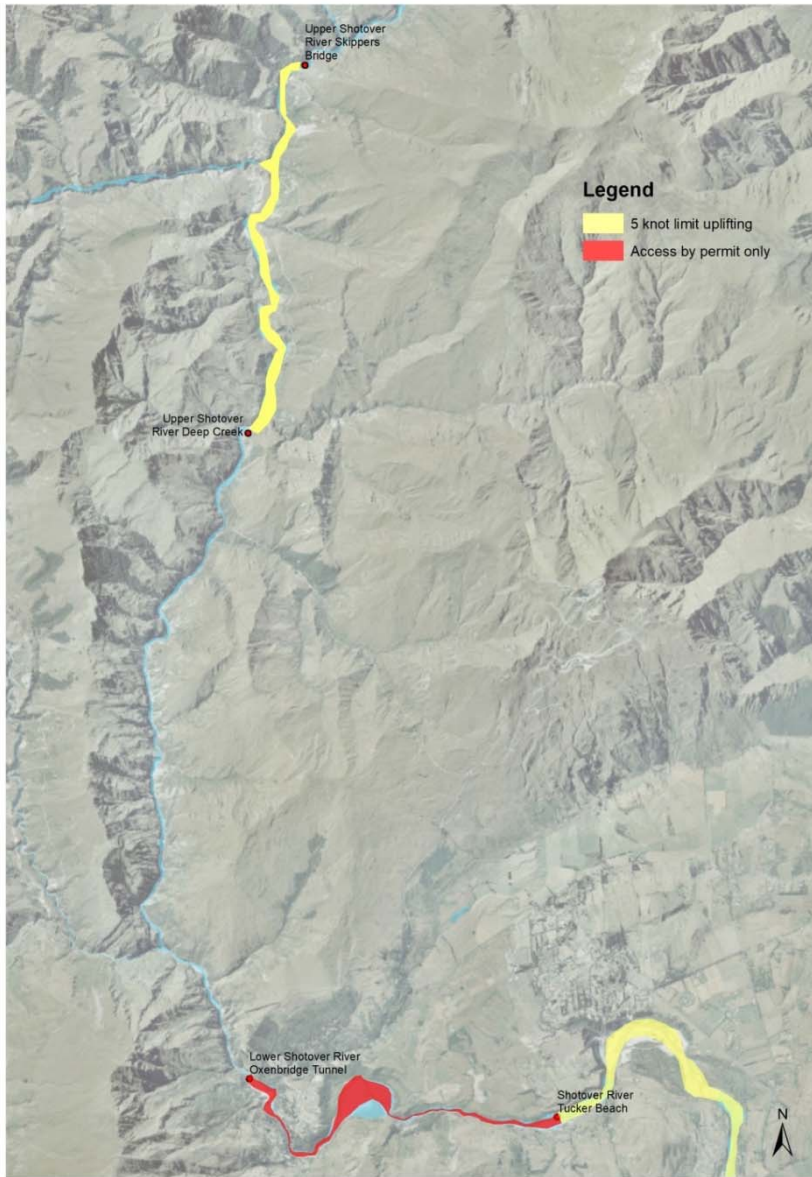
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 2, Table 2
Areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel	Clause 36.1
Vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River	Clause 36.3(a)
Vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River	Clause 36.3(b)

Map 4 – Frankton Arm, Lower Shotover & Kawarau River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Water ski access lanes: Frankton beach, Willow Place West Side, Loop Road, Frankton Arm North Side, Kelvin Grove.	Schedule 2, Table 2
Kawarau Dam access lanes (refer Map 3)	Schedule 2, Table 2
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Wakatipu, Kawarau River or Shotover River	Clause 38.1(b)-(c)

Map 5 – Upper Shotover



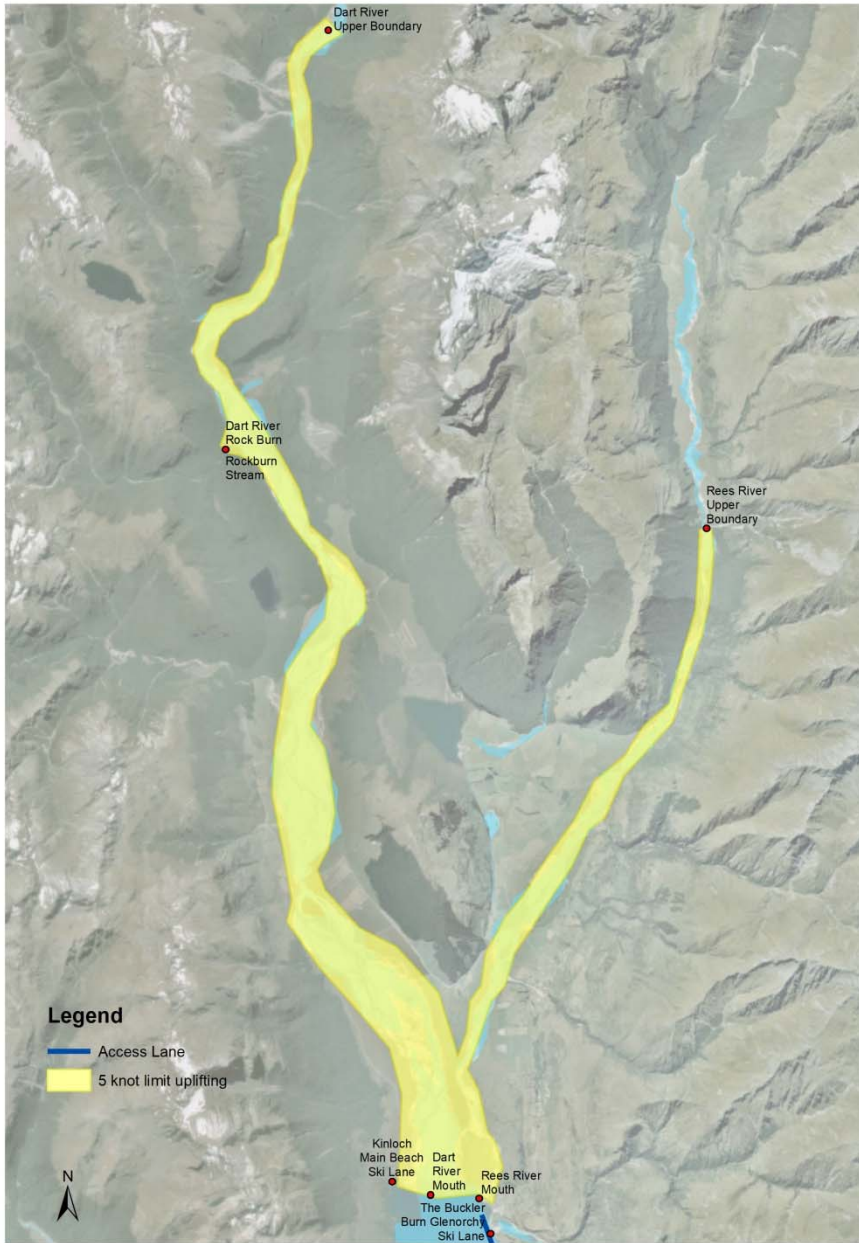
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed upliftings: Upper Shotover River, Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 37.2
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause 38.1(c)

Map 6 – Kawarau River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 37.2
Any vessel using the Kawarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction	Clause 36.2
No powered vessel may operate on the part of the Kawarau River below the Arrow River	Clause 36.4
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Wakatipu, Kawarau River or Shotover River.	Clause 38.1(b) - (c)
Water ski access lane: Frankton Beach	Schedule 2, Table 2

Map 7 – Dart & Rees River



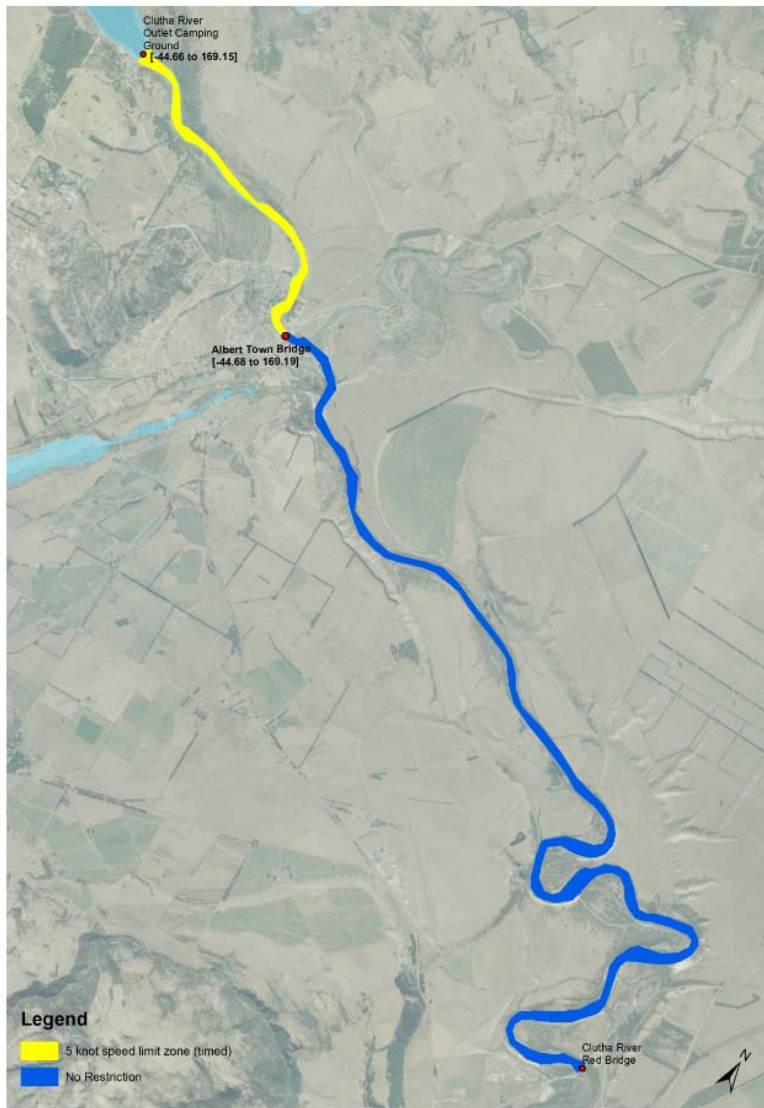
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed upliftings: Dart River (all year), Rockburn Stream (all year), Rees River (30 October to 1 May)	Schedule 2, Table 1
Water ski access lanes: Kinloch Main Beach, Buckler Burn Glenorchy	Schedule 2, Table 2

Map 8 – Clutha River Mouth



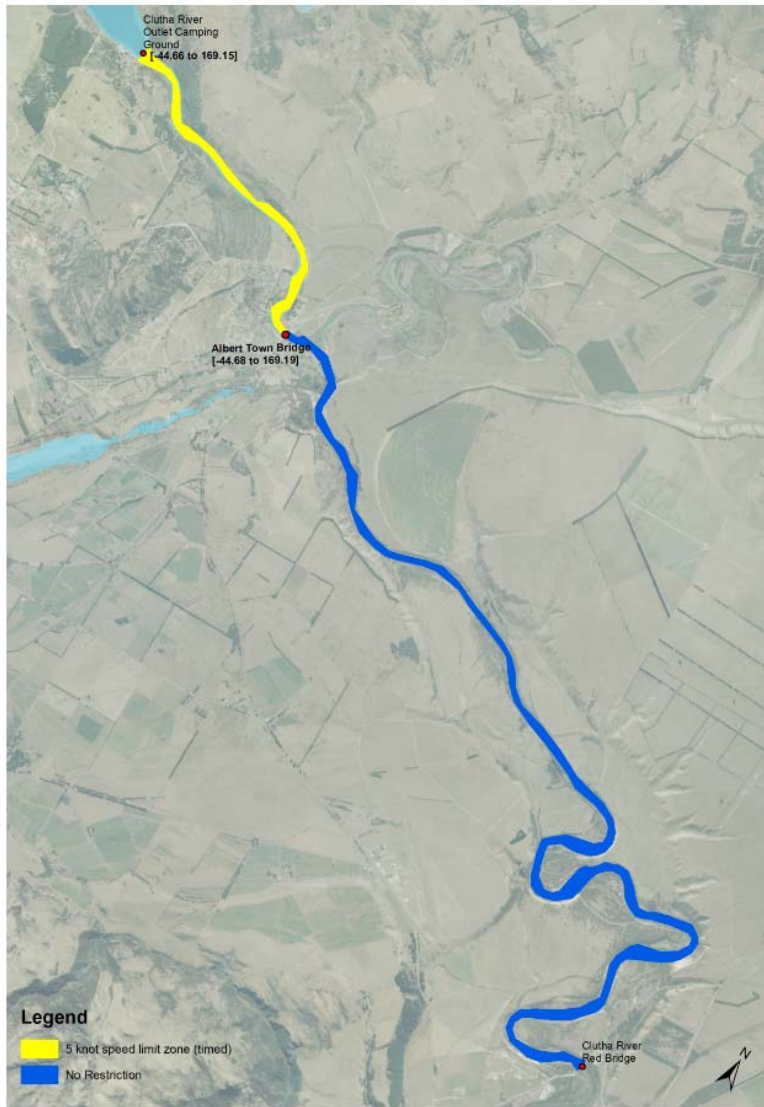
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
5 knot speed limit applies between the Outlet Camping Ground and the 5 knot buoy	Clause 35.1
Timed Speed Uplifting (10am – 4pm winter; 10am – 6pm summer): from the 5 knot buoy to the Red Bridge	Schedule 2, Table 1
Water ski access lane: Dublin Bay	Schedule 2, Table 2

Map 8 – Clutha River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Prohibition of powered vessels (subject to specified exceptions) from the Lake Wanaka Outlet to Albert Town Bridge between 1 December and 31 March.	Clause 35.1(a)
5 knot speed limit applies from the Lake Wanaka Outlet to Albert Town Bridge between 1 April and 30 November, except when there is a speed uplifting between 10am – 6pm.	Clause 35.1(b) Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge.	Schedule 2, Table 1

Map 9 – Clutha River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
	Clause 35.1.35.1(a)
	Clause 35.1(b)
Timed speed uplifting (10am – 6pm) between 1 April and 30 November: from Lake Wanaka outlet to Albert Town bridge.	Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge	Schedule 2, Table 1
5 knot speed limit applies between the Outlet Camping Ground and the 5 knot buoy	

Timed Speed Uplifting (10am – 4pm winter; 10am – 6pm summer); from the 5 knot buoy to the Red Bridge	Schedule 2, Table 1
No waterskiing, aquaplaning or towing of persons on the Clutha River	Clause 38.1(c)

Map 94 – Matukituki River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Matukituki River	Schedule 2, Table 1
Water ski access lane: Glendhu Bay West, Glendhu Bay East	Schedule 2, Table 2

Map 104 – Hunter River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Hunter River (1 November to 12 December; 19 March to 30 April)	Schedule 2, Table 1

Map 112 – Makarora & Wilkin River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Upliftings: Makarora River and Wilkin River	Schedule 2, Table 1

Map 123 – Wanaka Ski Lanes



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Water ski access lane: Glendhu Bay West, Glendhu Bay East, Roy's Bay, Roy's Bay Main Beach adjacent Pembroke Park, Roy's Bay Eely Point, Dublin Bay	Schedule 2, Table 2

Schedule 3 – Length Overall of a Vessel

1 Length overall of a vessel

- (1) Length overall of a vessel is measured from the foreside of the head of the bow to the aftermost part of the transom or stern of the vessel (see Figure 1 below).
- (2) For the purposes of this bylaw length overall:
 - (a) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) that project beyond these terminal points; and
 - (b) includes structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) that project beyond these terminal points

Figure 1 – guide to measuring the length overall of a vessel (other than a yacht)

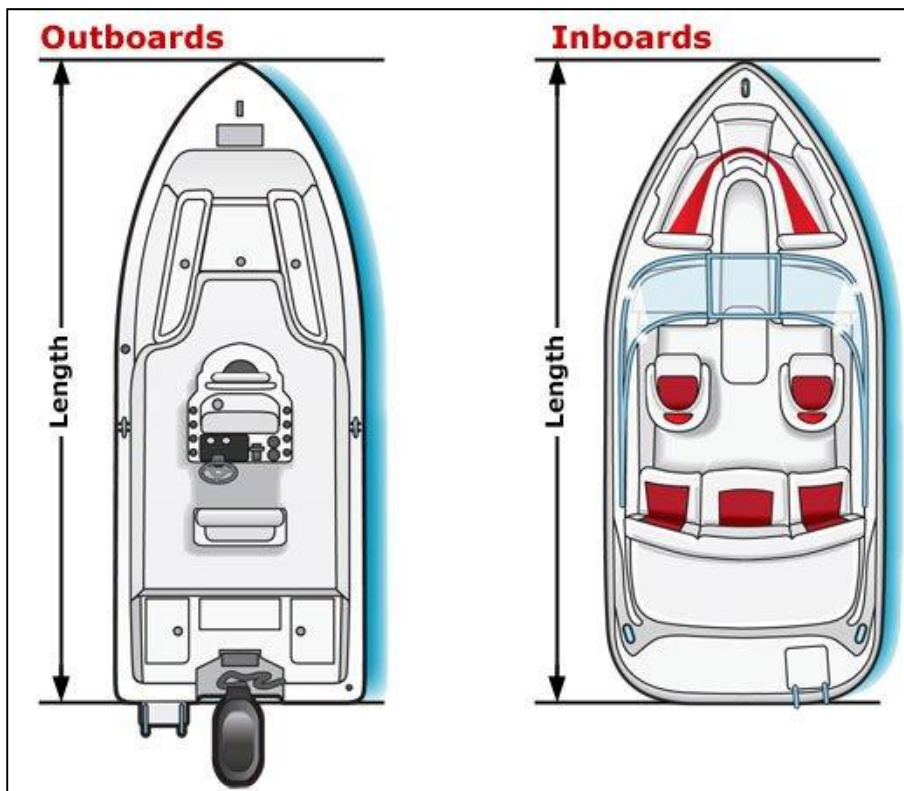
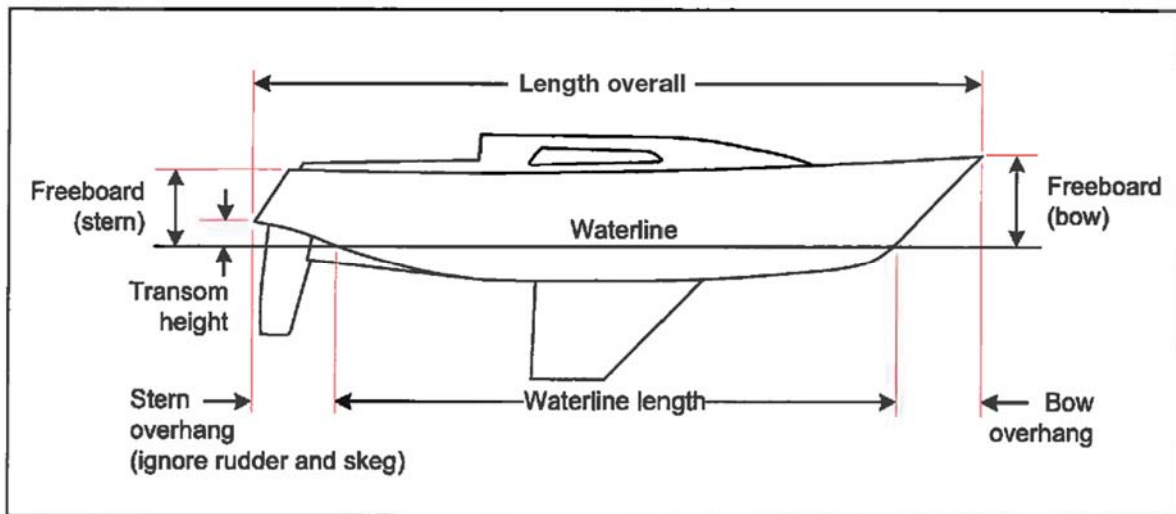


Figure 2 – guide to measuring the length overall of a yacht





**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

STATEMENT OF PROPOSAL

**PROPOSED AMENDMENT TO QUEENSTOWN LAKES DISTRICT
COUNCIL NAVIGATION SAFETY BYLAW 2018**

INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) propose to amend the clauses within the Navigation Safety Bylaw 2018 (**Bylaw**), which regulate vessels using the Clutha River (clause 37, Scheduled 2 (Table 1) – Clutha River, Maps 8-9). The proposed amendment affects the Clutha River, which is referred to as follows:
 - a. **Upper Clutha** = area of Clutha River between Lake Wanaka outlet and the Albert Town Bridge.
 - b. **Lower Clutha** = area of Clutha River between the Albert Town Bridge and the Red Bridge.
- 2 The proposed amendment (refer **Appendix**), if adopted, will result in a summer prohibition of powered vessels on the Upper Clutha (subject to exceptions), and a timed uplifting on the Upper Clutha during the rest of the year. A permanent uplifting is proposed on the Lower Clutha year round.

BACKGROUND

- 3 On 23 March 2018, the Council adopted the Bylaw, which came into effect on 6 April 2018. At the same meeting the Council directed staff to develop a new proposal for public consultation on possible amendments to the Bylaw.
- 4 The adoption of the Bylaw followed a special consultative procedure undertaken by the Council in late 2017. During that process a large majority of submitters (285/314 submissions) addressed their submissions to proposed changes to the Clutha River uplifting. The proposed changes involved extending the timed uplifting on the Upper Clutha to the Lake Wanaka outlet, and adopting a permanent uplifting on the Lower Clutha. Approximately 96% of submitters were identified as being opposed to the changes. The focal point of submissions was the proposed uplifting for the Upper Clutha, due to the community's concerns that a speed uplifting would increase collision risks to the growing number of passive recreational users of this section of the river.
- 5 During April 2018 Council staff carried out informal consultation with the public to understand the wider community's views on possible amendments being considered for the Bylaw. On the topic of regulating powered vessels on the Clutha River, four options were proposed:
 - a. Retain status quo: a timed speed uplifting (10am and 4pm (winter) and 10am and 6pm (summer)) for vessels travelling between the Red Bridge and a 5 knot buoy located approximately 3km upstream from the Albert Town Bridge (approximately 15 km stretch of river). Between the 5 knot buoy and the Lake Wanaka outlet a 5 knot speed limit to apply all year round;
 - b. A prohibition of powered vessels entering the whole Clutha River (excluding resource consent holders);
 - c. A prohibition of powered vessels entering the Upper Clutha (excluding resource consent holders) and a permanent speed uplifting on the Lower Clutha;
 - d. A timed uplifting on the Upper Clutha and a permanent speed uplifting on the Lower Clutha (also proposed in the notified version of the Bylaw).

- 6 The results of the informal consultation indicated that there is significant public interest in the regulation of powered vessels on the Clutha River. However, the feedback from this consultation process also demonstrated that there is significant divergence of opinion as to whether the status quo should remain (30.02%), some form of prohibition on powered vessels should be imposed (28.2%), or a timed uplifting on the Upper Clutha and a permanent uplifting on the Lower Clutha (41.78%). While the last option was the most popular during the April 2018 informal consultation, there was significant public opposition to this option when it was proposed during the 2017 special consultative procedure, prior to adoption of the Bylaw (over 90% of submitters were opposed).
- 7 A clear majority of the public opposed the other amendments proposed for consideration, including amendments to rules affecting river boarding, paddle boarders, and the definition of “vessel”. Many submitters argued that these other changes were not necessary.

PROPOSAL

- 8 Council staff carefully considered the feedback from the informal consultation process, and developed a proposal for regulating powered vessels on the Clutha River, which is a modification of the proposal to prohibit powered vessels in the Upper Clutha.
- 9 The Council proposes to carry out a special consultative procedure regarding an amendment to the Bylaw (clause 37, Schedule 2 and Maps 8-9), as follows:
- a. On the Upper Clutha (between the Lake Wanaka Outlet and Albert Town Bridge):
 - i. Between 1 December and 31 March: no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:
 1. it is expressly authorised to operate in this area by a resource consent issued by the Council, provided that between 15 January and 1 February the powered vessel shall:
 - a. only operate between 10am and 12pm; and
 - b. not exceed more than two daily trips.
 2. it is carrying out a permitted activity under the Queenstown Lakes District Plan.
 3. it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.
 - ii. Between 1 April and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting: 10am – 6pm).
 - b. A permanent speed uplifting to be implemented on the Lower Clutha (between Albert Town Bridge and the Red Bridge).
- 10 The Appendix contains the Proposed Amendment as a change tracked into the text of the Bylaw.

- 11 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:
- a. The reason for the proposal;
 - b. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
 - c. Consideration of whether the proposed bylaw is the most appropriate form of bylaw;
 - d. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
 - e. A draft of the proposed amendment to the Navigation Safety Bylaw 2018.

REASON FOR PROPOSAL

- 12 The Bylaw currently provides for a timed speed uplifting for vessels travelling between the Red Bridge and a 5 knot buoy located approximately 3 km upstream from the Albert Town Bridge (an approximately 15 km stretch of river). The uplifting is all year between 10 am and 4 pm (during winter) and 10 am and 6 pm (during summer). Outside of those hours a 5 knot speed limit applies. Between the 5 knot buoy and the Lake Wanaka outlet, there is also a 5 knot speed limit that applies (with no uplifting).
- 13 During the special consultative procedure carried out prior to adoption of the Bylaw (late 2017), the Council proposed an easing of speed restrictions on both the Upper and Lower sections of Clutha River. Over 90% of submitters opposed the notified speed uplifting on the Upper Clutha due to perceived navigation safety risks to passive recreational users of the area. There was more limited opposition to a permanent uplifting on the Lower Clutha, although some submitters noted that this stretch of water was more appropriate for fast boat traffic because it was wider and used less frequently by passive recreational users. Submitters also put forward various alternatives that were not part of the Council's original proposal (including prohibition of powered vessels).
- 14 Following the special consultative procedure, the Council decided to retain the status quo in the Bylaw, until further consultation could occur regarding a possible amendment to the Bylaw. The Council also directed that staff develop a new proposal for amending the Bylaw, which included changes to the regulation of powered vessels using the Clutha River.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA2002

- 15 Public feedback obtained during consultation in 2017-2018 shows that the Clutha River is used by a wide cross section of the community. It is popular with passive users (including swimmers, those floating on the river, kayakers and anglers), particularly in the Upper Clutha. Increased population and residential density has increased the number of passive users in the Upper Clutha, especially during the summer months.
- 16 Many members of the public are concerned about the navigation safety risks posed by powered vessels in the Upper Clutha, particularly the risk of collision between powered vessels and passive users. However, the status quo offers limited protection in the Upper Clutha as powered vessels are not restricted beyond a 5 knot limit which

commences approximately 3km above the Albert Town Bridge. The Council proposes to change this by prohibiting powered vessels entering the Upper Clutha during summer months when passive use is high.

- 17 The Council has issued a small number of resource consents to allow powered vessels to conduct commercial operations on the Clutha River, which includes a condition that each consent holder comply with the applicable navigation safety bylaw. The Council has approached the consent holders and advised them of its concerns regarding the risk of collision between powered vessels and passive users during summer. Consent holders have been willing to reduce their usage during a 2 week period in the summer to address community concerns regarding collision risks (15 January – 1 February). As a result of those discussions, the Council proposes that over this period consent holders only operate twice daily between 10am – 12pm. The consent holders would not be able to operate after 12pm on those dates.
- 18 The Council recognises that the Clutha River is also popular with users of powered vessels. The Lower Clutha in particular is seen as attractive for boating because it is wide, has better visibility than the Upper Clutha and is easily navigable. Users of powered vessels are concerned to protect their rights of access and movement in this area.
- 19 The Council considers that a bylaw is the most appropriate way of addressing the problem described above. Under s33M of the Maritime Transport Act 1994 (**Act**), the Council can make a bylaw for the purposes of maritime safety. Section 33M (1)(a) and (c) of the Act provides that the Council may make a bylaw to regulate and control the use or management of vessels, and to prevent nuisances from the actions of persons and things on the water. The perceived problem is fundamentally a navigation safety issue: collision risks between passive users and powered vessels using a river. The risk affects both recreational and commercial users of the Clutha River.
- 20 Council staff consider that an amendment to the Bylaw is the appropriate regulatory tool for addressing the problem. A prohibition on recreational vessels in summer on the Upper Clutha would significantly reduce the risk of collision highlighted by many members of the public, and it would be targeted to apply during the months when passive use is high. During the rest of the year, the proposed amendment would involve a timed uplifting on the Upper Clutha, at a time when there are fewer passive users and therefore a lower risk of collision. The Lower Clutha would be subject to a permanent uplifting which recognises the lower navigation safety risk profile of this area.

IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?

- 21 The Council has considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and determined that the proposed bylaw is the most appropriate means for addressing the issues.
- 22 In considering whether a bylaw is the most appropriate, Council has considered the following options:
 - a. Option 1 – Retain the status quo.
 - b. Option 2 – Adopt the Proposed Amendment to the Navigation Safety Bylaw 2018.

Option 1 – Retain the status quo

- 23 The advantage of this option is it does not require the Council to conduct a further special consultative procedure, which saves the Council the time and resources associated with this process. Public opinion is reasonably split; some members of the public favour more restrictions including prohibition of powered vessels, whereas other members of the public favour fewer restrictions and an uplifted speed limit.
- 24 The status quo was the second most popular option during informal consultation. It attempts to strike a balance by retaining the 5 knot speed limit on the Upper Clutha, which recognises the higher risk profile on the Upper Clutha due to the number of passive users. The status quo also reflects the fact that the Lower Clutha is less heavily used by passive users, so a timed uplifting allows for powered vessels to operate without a speed limit on that part of the river.
- 25 The disadvantage is that some members of the public are likely to be unhappy by retention of the status quo. In particular, some submitters may be unhappy that the Council has not made changes in relation to the Clutha River, to either prohibit powered vessels or to permit additional speed uplifts on parts of the Clutha River. The current rule does not go as far as many members of the public seek by prohibiting vessels to protect passive users from the risk of collision. This is a topic on which many members of the public appear to have strong views and have made submissions.

Option 2 – Adopt the Proposed Amendment to the Navigation Safety Bylaw 2018

- 26 The Proposed Amendment reflects the concern held by many members of the community about safety and the risk of collision in the Upper Clutha between vessels and passive users. The greatest concentration of passive recreational users on the Clutha (including swimmers, kayakers and anglers) is during the summer months and primarily in the Upper Clutha. Council staff consider that a prohibition on powered vessels in the summer would offer a much greater degree of protection than the status quo.
- 27 While some powered vessel operators may be unhappy about not being able to use powered vessels on the Upper Clutha during summer, this is balanced with fewer speed restrictions on powered vessels operating in the Upper Clutha for the rest of the year, and a permanent uplifting year round in the Lower Clutha. Powered vessels operating under a resource consent will still be permitted to operate in the area, subject to a two week period in which they will be required to reduce their daily trips to 2, and operate between 10am – 12pm. Powered vessels carrying out a permitted activity under the District Plan, and the Harbourmaster properly exercising his functions, will continue to be able to operate in the area.
- 28 Council staff recognise that not all submitters will be happy with the proposed amendment. However, it does provide greater protection for passive users when the risk of collision is highest, and greater access to powered vessels at times/areas when the risk of collision is reduced. The Council will need to ensure that if the amendment is adopted there is appropriate signage and public education regarding the new rules.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?

- 29 The proposed bylaw is consistent with the New Zealand Bill of Rights Act 1990 (**NZBORA**). The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

- 30 The proposal will potentially engage the following right under the NZBORA:

a. Right to freedom of movement (section 18).

- 31 The proposal potentially engages freedom of movement in that it limits the ability of powered vessel operators to enter the Clutha River. The proposed amendment does not restrict persons such as swimmers or operators of unpowered vessels from entering the Clutha River. Limited exceptions are also in place for other vessels authorised to access the area under the Resource Management Act 1991. The Council is satisfied that the proposed amendment is a reasonable limit on an individual's rights and freedoms, and which is justifiable in a democratic society. Therefore, the proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

TIMETABLE FOR CONSULTATION

- 32 The following dates represent the key times in the consultation programme:

- a. Council resolves to undertake public consultation regarding the Proposal between 28 July 2018 and 31 August 2018.
- b. Advertisement in Otago Daily Times, and Wanaka Sun – between 28 July 2018 and 4 August 2018.
- c. Submissions close on 31 August 2018.
- d. Submissions heard by a subcommittee of Councillors during the week of 10 – 14 September 2018 (to be confirmed).
- e. Council considers outcome of consultation process and whether to make decisions in the Proposal – 25 October 2018.
- f. Public notice of final decision – 27 October 2018.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 33 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, 47 Ardmore Street, Wanaka;
- b. any Council library within the Queenstown Lakes District; or
- c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 34 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. Submissions should be directed toward matters that are within the scope of the Proposal.
- 35 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 or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 36 Submissions must be received by **Friday 31 August 2018**. The Council will then convene a hearing, which it intends to hold between **Monday 10 September and Friday 14 September 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.
- 37 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 38 Every submission made to the Council will be acknowledged in accordance with the LGA 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.
- 39 Section 82 of the LGA 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

- 40 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the proposed bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 41 Submissions on matters outside the scope of the proposed amendment cannot be considered by the Hearings Panel.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX– Amended Queenstown Lakes District Council Navigation Safety Bylaw 2018*

*The above documents are appended elsewhere as part of this agenda item and are not repeated here.



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

SUMMARY OF STATEMENT OF PROPOSAL

**PROPOSED AMENDMENT TO THE NAVIGATION SAFETY BYLAW
2018**

OVERVIEW

- 1 The Queenstown Lakes District Council (**Council**) propose to amend the clauses within the Navigation Safety Bylaw 2018 (**Bylaw**), which regulate vessels using the Clutha River (clause 37, Scheduled 2 (Table 1) – Clutha River, Maps 8-9). The proposed amendment affects the Clutha River, which is referred to as follows:
 - a. **Upper Clutha** = area of Clutha River between Lake Wanaka outlet and the Albert Town Bridge.
 - b. **Lower Clutha** = area of Clutha River between the Albert Town Bridge and the Red Bridge.
- 2 The proposed amendment (refer **Appendix**), if adopted, will result in a summer prohibition of powered vessels on the Upper Clutha (subject to exceptions), and a timed uplifting on the Upper Clutha for the rest of the year. A permanent uplifting is proposed on the Lower Clutha year round.

PROPOSAL

- 3 The Council proposes to carry out a special consultative procedure regarding an amendment to the Bylaw (clause 37, Schedule 2 and Maps 8-9), as follows:
 - a. On the Upper Clutha (between the Lake Wanaka Outlet and Albert Town Bridge):
 - i. Between 1 December and 31 March: no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:
 1. it is expressly authorised to operate in this area by a resource consent issued by the Council, provided that between 15 January and 1 February the powered vessel shall:
 - a. only operate between 10am and 12pm; and
 - b. not exceed more than two daily trips.
 2. it is carrying out a permitted activity under the Queenstown Lakes District Plan.
 3. it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.
 - ii. Between 1 April and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting: 10am – 6pm).
 - b. A permanent speed uplifting to be implemented on the Lower Clutha (between Albert Town Bridge and the Red Bridge).

- 4 The proposal as a change tracked into the text of the Bylaw is in the **Appendix**.

AMENDMENT TO NAVIGATION SAFETY BYLAW 2018

- 5 The Bylaw currently provides for a timed speed uplifting for vessels travelling between the Red Bridge and a 5 knot buoy located approximately 3 km upstream from the Albert Town Bridge (an approximately 15 km stretch of river). The uplifting is all year between 10 am and 4 pm (during winter) and 10 am and 6 pm (during summer). Outside of those hours a 5 knot speed limit applies. Between the 5 knot buoy and the Lake Wanaka outlet, there is also a 5 knot speed limit that applies (with no uplifting).
- 6 Many members of the public are concerned about the navigation safety risks posed by powered vessels in the Upper Clutha, particularly the risk of collision between powered vessels and passive users. However, the status quo offers limited protection in the Upper Clutha as powered vessels are not restricted beyond a 5 knot limit which commences approximately 3km above the Albert Town Bridge. The Council proposes to change this by prohibiting powered vessels entering the Upper Clutha during summer months when passive use is high.
- 7 The Council recognises that the Clutha River is also popular with users of powered vessels. The proposed amendment includes limited exceptions for powered vessels authorised to access the Clutha River under the Resource Management Act 1991. Council also note that the Lower Clutha in particular is seen as attractive for boating because it is wide, has better visibility than the Upper Clutha and is easily navigable. Users of powered vessels are concerned to protect their rights of access and movement in this area.
- 8 The Council considers that a bylaw is the most appropriate way of addressing the problem described above. Under s33M of the Maritime Transport Act 1994 (Act), the Council can make a bylaw for the purposes of maritime safety. Section 33M (1)(a) and (c) of the Act provides that the Council may make a bylaw to regulate and control the use or management of vessels, and to prevent nuisances from the actions of persons and things on the water. The perceived problem is fundamentally a navigation safety issue: collision risks between passive users and powered vessels using a river. The risk affects both recreational and commercial users of the Clutha River.
- 9 Council staff consider that an amendment to the Bylaw is the appropriate regulatory tool for addressing the problem. A prohibition on recreational vessels in summer on the Upper Clutha would significantly reduce the risk of collision highlighted by many members of the public, and it would be targeted to apply during the months when passive use is high. For the rest of the year, the proposed amendment would involve a timed uplifting on the Upper Clutha, at a time when there are far fewer passive users and therefore a lower risk of collision. The Lower Clutha would be subject to a permanent uplifting which recognises the lower navigation safety risk profile of this area.

TIMETABLE FOR CONSULTATION

- 10 The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the proposal between **28 July 2018 and 31 August 2018**.
 - b. Advertisement in Otago Daily Times, and Wanaka Sun – between **28 July 2018 and 4 August 2018**.
 - c. Submissions close on **31 August 2018**.
 - d. Submissions heard by a subcommittee of Councillors during the week of **10 – 14 September 2018** (to be confirmed).
 - e. Council considers outcome of consultation process and whether to make decisions in the proposal – **25 October 2018**.
 - f. Public notice of final decision – **27 October 2018**.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 11 Copies of this Statement of Proposal and the text of the proposed amendment 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, 47 Ardmore Street, Wanaka;
 - b. any Council library within the Queenstown Lakes District; or
 - c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 12 Any person or organisation has a right to be heard in regard to the proposal and the Council encourages everyone with an interest to do so. Submissions should be directed toward matters that are within the scope of the proposal.
- 13 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
or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 14 Submissions must be received by **Friday 31 August 2018**. The Council will then convene a hearing, which it intends to hold between **Monday 10 September and Friday 14 September 2018** (dates to be confirmed) 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.

- 15 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 16 Every submission made to the Council will be acknowledged in accordance with the LGA 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.
- 17 Section 82 of the LGA 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

- 18 Written submissions can take any form (e.g. email, letter). An effective submission may be limited to a particular subclause(s) of the proposal and would reference the subclause(s) you wish to submit on. An effective submission states why the proposal or the particular subclause is supported or not supported and states what change is sought.
- 19 Submissions on matters outside the scope of the proposed amendment cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

**QLDC Council
26 July 2018****Report for Agenda Item: 2****Department: Finance, Legal and Regulatory****Review of Alcohol Ban Bylaw 2014****Purpose**

To consider the proposal to commence a special consultative procedure in relation to the proposed Alcohol Ban Bylaw 2018 (**proposed bylaw**) and revocation of the Alcohol Ban Bylaw 2014 (**Alcohol Bylaw**).

Executive Summary

- 1 The Council has an Alcohol Bylaw, which controls and restrictions the possession, consumption and carrying of alcohol, in some public places within the District. The Council is required to review its Alcohol Bylaw under section 158 of the Local Government Act 2002 (**LGA02**).
- 2 The Council currently has the following alcohol ban periods:
 - a. From 10.00pm on any day to 8.00am the following day;
 - b. 6.00am on 27 December of any given year to 6.00am on 6 January the following day;
 - c. 6.00am on the opening day of the Queenstown Winter Festival to 6.00am the day after the closing of the Queenstown Winter Festival; and
 - d. An additional period that may be defined by the Council by resolution from time to time in accordance with clause 5 of the Alcohol Bylaw.
- 3 The Council proposes to include the following bans:
 - a. the current specified period for an alcohol ban of 10.00 pm on any day to 8.00 am the following day be increased to 8.00 pm on any day to 8.00 am the following day for the public places specified in Schedule A of the Alcohol Bylaw; and
 - b. an additional alcohol ban be included for National Crate Day specified as Schedule 2 of the proposed law.
- 4 The reason for the proposed changes is to limit alcohol related harm and minimise the potential for offensive behaviour in public places.

Recommendation

That Council:

1. **Notes** the contents of this report;
2. **Adopt** the recommendation for an alcohol ban for National Crate Day (or any other similar event or promotion) within the highlighted area in Attachment D;
3. **Adopt** the recommendation to increase the hours for current specified period for an alcohol ban to 8.00pm on any day to 8.00am the following day for the public places specified in Schedule A of the proposed Alcohol Ban Bylaw 2018.
4. **Agrees** that pursuant to sections 155(2)(b) and 155(3) of the Local Government Act 2002, the proposed alcohol control bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (**NZBORA**).
5. **Authorise** Council Officers to consult with the public on the proposed Alcohol Ban Bylaw 2018 using the Special Consultative Procedure.
6. **Appoint** a hearings panel of three councillors (to be named) to hear submissions, deliberate and make recommendations to the Council on the proposed Alcohol Ban Bylaw 2018.

Prepared by:



Sian Swinney
Team Leader - Alcohol

12/07/2018

Reviewed and Authorised by:



Stewart Burns
General Manager: Finance,
Legal and Regulatory

12/07/2018

Background

- 5 The control of possessing, carrying (of open vessels) and consuming alcohol in public places is the responsibility of the Council and is important for the wellbeing of the District. The LGA02 enables Council to make specific bylaws to regulate the possession, carrying and consumption of alcohol in public places.
- 6 The Council currently has the Alcohol Bylaw. Within an alcohol ban area the possession, carrying (of open vessels) and consumption of alcohol is prohibited during the time the ban is operational. The Alcohol Bylaw also applied to the consumption and possession of alcohol in vehicles. Enforcement of the bylaw is the responsibility of the New Zealand Police.
- 7 The Council is required to review its Alcohol Bylaw under the LGA02. This review forms part of the Council's programme of bylaw reviews.

- 8 In 2017, the Police approached Council and requested that a temporary 48 hour alcohol ban be imposed in the Queenstown CBD for the weekend of 2-3 December 2017. This temporary alcohol ban was proposed to prevent the consumption of alcohol in public places during the upcoming 'National Crate Day' event, an unofficial event where participants consume a crate of beer during the first weekend of summer.
- 9 The 'National Crate Day' event has been going for a number of years, but since 2015 the Police have noticed a significant uplift in the numbers of people congregating in public places in the district to consume large amounts of alcohol. This has caused significant issues of disorder and placed a strain on police resources.
- 10 During the 2016 National Crate Day, a group began drinking alcohol in the Queenstown Village Green from mid-morning. By early afternoon the entire reserve was occupied with a large crowd drinking large quantities of alcohol, with crates of beer kept chilled in Horne Creek. Police described the crowd as initially good natured, but during the afternoon police became concerned with escalating disorder in the area, including participants engaging in foul language and deteriorating behaviour to the point where police had serious concerns that violence would occur.
- 11 Police responded to a number of disorderly incidents in the CBD with interventions such as issuing warnings and using de-escalation techniques. The Police stated that they exercised restraint on this occasion and decided not to make arrests because of concerns that a strict application of the law to disorderly incidents might inflame the intoxicated crowd and lead to a wider disturbance. Several members of the public approached the police during the day and expressed concerns that they felt unsafe due to the behaviour and language of the Crate Day participants.
- 12 The morning after the 2016 National Crate Day event, Council Officers observed a significant amount of alcohol related litter (crates, bottles, etc) left in the Village Green area. Photographs of the litter are contained in Attachment C.
- 13 Police considered that there was a significant risk of a repeat or escalation of the disorder observed during the 2016 National Crate Day for the 2017 National Crate Day.
- 14 Following discussions with the Police, the Council introduced a temporary alcohol ban for National Crate Day 2017. The ban applied for 48 hours between 12am Saturday 2 December 2017 until 12am Monday 4 December 2017. The geographical coverage of the ban extended the specified public areas in Queenstown in Schedule A of the Alcohol Bylaw to include the Queenstown Recreation Ground and associated Boundary Street carpark.
- 15 Both the Police and the Council considered that the temporary alcohol ban for the 2017 National Crate Day was successful with a reduction in alcohol related harm and litter.
- 16 The current alcohol ban begins at 10pm. This was put in place to ensure that consumption of alcohol in public places does not take place after that time with members of the public going to licensed premises or private premises. A review

of this start time for the alcohol ban is required to ensure that alcohol related harm is minimised.

- 17 Alcohol related harm is now a primary consideration under the Sale and Supply of Alcohol Act 2012 where section 4 aims to minimise harm caused by the excessive or inappropriate consumption of alcohol. Harm includes, but is not limited to the following, any crime, damage, disorderly behaviour, injury and harm to the community.
- 18 An earlier alcohol ban will create a buffer in time which may deter members of the public consuming alcohol in public places and then leaving that public place to immediately resume consumption on licensed premises where greater controls are in place.

Comment

Issues

- 19 The district is facing issues relating to the consumption of alcohol in public places. In particular, there have been issues during the National Crate Day event. Police have noticed an uplift in the numbers of people congregating in public places in the district to consume large amounts of alcohol. This has caused issues of disorder.
- 20 Council Officers have observed a significant amount of alcohol related litter left in public areas following the National Crate Day.
- 21 In 2017 the Council used its powers under clause 6 of the Alcohol Bylaw to impose a temporary alcohol ban for a period of 48 hours for National Crate Day. This temporary ban, coupled with additional Police presence, resulted in a reduction in alcohol related incidents and litter in the area subject to the alcohol ban.
- 22 Council Officers consider that alcohol related harm and the potential for offensive behaviour will be minimised if the current alcohol ban which begins at 10.00pm was changed to 8.00pm. The reason for this is that the earlier ban will create a buffer in time which may deter members of the public consuming alcohol in public places and then leaving that public place to immediately resume consumption on licensed premises. The change from 10.00pm to 8.00pm is a compromise between agency requests and the community. To have a 24 hour a day, seven days a week ban would be preferred by the agencies however vibrancy of the community and community requests also should be considered.

Current ban

- 23 Currently there is no permanent alcohol ban for National Crate Day.
- 24 The relevant part of the Alcohol Bylaw prohibits the consumption and possession of alcohol in the following specified public places between 10.00pm and 8.00am every day:
 - a. the whole foreshore of Lake Wakatipu from One Mile Roundabout to Park Street including the Queenstown Gardens; and

- b. the area from the foreshore to an outer boundary formed by and including Lake Esplanade, Lake Street, Man Street, Memorial Street, Stanley Street, Coronation Drive, Park Street to the Lake Wakatipu foreshore area directly adjacent to Queenstown Gardens.

Scope of proposed additional bans

25 It is proposed that the current bans are expanded to include the following:

- a. between 12am on National Crate Day until 12am the following day for the specified public areas in Queenstown in Schedule A of the Alcohol Bylaw including the Queenstown Recreation Ground and Boundary Street carpark; and
- b. increase the specified period from 8.00pm on any day to 8.00am the following day.

Grounds for proposed additional bans

26 Under section 145 of the LGA02, the Council may make bylaws to:

- a. Protect the public from nuisance;
- b. Protect, promote and maintain public health and safety; and
- c. Minimise the potential for offensive behaviour in public places.

27 In order to justify a bylaw for alcohol related purposes, the Council must be satisfied that the following criteria in section 147B of the LGA02, are met:

- a. there is evidence that the area to which the bylaw is proposed to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area;
- b. the imposition of the bylaw is appropriate and proportionate in the light of the evidence; and
- c. the bylaw can be justified as a reasonable limitation on people's rights and freedoms.

28 The area covered by the proposed ban for the National Crate Day involves all of the specified areas in Queenstown in addition to an extended area surrounding the Queenstown Recreation Ground. The reason for including this extended area is that there is a risk of participants relocating using social media to areas just outside of the ban zone.

29 Council Officers agree that the concerns raised by Police and Council Officers (including photographs in Attachment C) demonstrate that the 2016 Crate Day resulted in a high level of disorder shown to be made worse by alcohol consumption. The extension of the ban to apply over a 24 hour period, is an appropriate and proportionate regulatory response to the level of disorder described in this report. The proposed ban will not prevent members of the public consuming alcohol on licensed premises or at private premises.

- 30 The proposed ban will also not prevent members of the public gathering outside of the proposed alcohol ban area. However, the Council does not have the evidence required to have a ban throughout the district.
- 31 While an alcohol ban might inconvenience some people for the National Crate Day, it is a targeted ban that will only last for 24 hours. Council Officers consider it is not an unreasonable limitation on individual rights and freedoms having regard to the risk of disorder, resulting from the Council taking no action.
- 32 The additional time period of two hours a day for the areas identified in Schedule A of the Alcohol Bylaw, is not an unreasonable limitation on individual rights and freedoms having regard to the risk of disorder, resulting from the Council taking no action.
- 33 The extension of the ban to apply for an additional two hour period per day is an appropriate and proportionate regulatory response to ensure that alcohol related harm is minimised. It will minimise the potential for offensive behaviour in public places by creating a buffer in time which may deter members of the public consuming alcohol in public places and then leaving that public place and immediately going to licensed premises.

Options

- 34 The Council has three reasonable options available:
- a. maintain the status quo;
 - b. adopt a total ban across the district; or
 - c. adopt an alcohol ban that applies to the Queenstown CBD from 12am on Crate Day until 12am the following day and increase the specified period for alcohol bans for the public places specified in Schedule A of the Alcohol Bylaw from 8pm on any day to 8am the following day.

Option 1 Do nothing

Advantages:

- 35 Members of the public who wish to consume moderate amounts of alcohol between 8pm and 10pm in public places can continue to do so. Some members of the community may think that it is only a small minority of participants in the National Crate Day event that cause disorder, and that the majority of persons who drink in public are responsible.

Disadvantages:

- 36 The Police will be powerless to prevent day-time alcohol consumption in public on the weekend of National Crate Day and between 8pm and 10pm on all other days. The Police will only be able to intervene where disorderly or criminal conduct is observed, and may have difficulty controlling a large crowd of intoxicated persons. There is likely to be an increase in public disorder, including littering, and may also cause some members of the public to feel unsafe.

Option 2 Adopt a total ban across the district*Advantages:*

- 37 The Police will have powers to prevent day-time alcohol consumption in public places. They will be entitled to seize and remove alcohol in breach of the ban, issue infringement notices, arrest any person refusing to surrender alcohol or refusing to leave a place subject to the ban, and search persons or vehicles within the area to ascertain whether alcohol is present.
- 38 A total alcohol ban across the district will ensure that members of the public do not congregate outside of the proposed alcohol ban area.

Disadvantages:

- 39 Members of the public who wish to consume moderate amounts of alcohol in public places will not be able continue to do so. Some members of the community may think that it is only a small minority of participants in the National Crate Day event that cause disorder, and that the majority of persons who drink in public are responsible. Some parts of the community may consider a public alcohol ban to be an overreaction to the bad behaviour of a minority group.
- 40 There is insufficient evidence of high levels of crime or disorder that have been caused or made worse by alcohol consumption in the general district outside of the National Crate Day or between 8.00pm and 10.00pm.

Option 3 Adopt an alcohol ban that applies to:

- (a) the Queenstown area from 12am on National Crate Day until 12am the following day; and
- (b) increase the specified period for alcohol bans for the public places the Alcohol Bylaw from 8.00pm on any day to 8.00am the following day.

Advantages:

- 41 The proposed ban will give the Police preventative enforcement tools to respond immediately to the public consumption of alcohol in breach of the ban. These tools include seizing and removing alcohol in breach of the ban, issuing infringement notices, arresting any person refusing to surrender alcohol or refusing to leave a place subject to the ban, and searching persons or vehicles within the area to ascertain whether alcohol is present.

42 Additional alcohol ban parameters are likely to reduce the risk of disorder and crime posed by the heavy consumption of alcohol during 'National Crate Day' and between 8.00pm and 10.00pm on other days. Members of the public and visitors may feel safer if there is no public consumption of alcohol in the city centre on National Crate Day and in the areas specified in Schedule A of the Alcohol Bylaw between 8pm and 10pm.

Disadvantages:

43 Additional alcohol bans may interfere with plans by members of the public to consume alcohol in public on that date, for example, at a wedding or picnic event. Some parts of the community may consider a public alcohol ban to be an overreaction to the bad behaviour of a minority group.

Conclusion

44 This report recommends **Option 3** for addressing the matter because the Council Officers agree with the Police that the consumption of alcohol in Queenstown during the 2016 National Crate Day resulted in comparatively high levels of disorder and littering when compared with a typical weekend. The Police reported that large groups of intoxicated people engaged in foul language, littering and causing members of the public to feel intimidated.

45 Council Officers consider that:

- a. The proposed permanent ban for National Crate Day is a proportionate response to the high level of disorder observed during the 2016 Crate Day, and is not an unreasonable limitation on individual rights and freedoms;
- b. The proposed ban from 8.00pm on any day to 8.00am the following day is required to minimise alcohol related harm by creating a buffer in time which may deter members of the public consuming in public places and then either immediately entering licensed premises or a private premises and is not an unreasonable limitation on individual rights and freedoms.

46 Option 3 can be supported by sufficient evidence of high levels of crime or disorder that can be shown to have caused or made worse by alcohol consumption in the areas of concern. Option 3 is appropriate and proportionate in light of the evidence and the Council's ability to reduced alcohol related harm, and can be justified as a reasonable limitation on people's rights and freedoms.

Significance and Engagement

47 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. It is considered only temporal in nature and primarily impacts persons who intend to drink in a public place on National Crate Day and between 8.00pm and 10.00pm in the areas specified in Schedule A of the Alcohol Bylaw.

48 Some members of the public may also be concerned about the scope of any proposed ban if they are worried about a repeat of issues experienced during the 2016 National Crate Day.

Risk

- 49 This matter relates to the operational risk OROO4 – Serious injury to member of community, as documented in the Council’s risk register. The risk is classed as moderate. This matter relates to this risk because it involves a ban to prevent the day-time and evening consumption or possession of alcohol in public places.
- 50 Increasing alcohol bans within Queenstown will reduce the risk to the public by equipping Police with an early intervention tool to prevent public consumption of alcohol.

Financial Implications

- 51 A special consultative procedure is required for any bylaw review whether or not the Council looks to make changes to the bylaw. The consultation process must follow the special consultative procedure set out in the LGA02. The costs of this consultation will be met through the current budgets.

Council Policies, Strategies and Bylaws

- 52 The following Council policies, strategies and bylaws were considered:

- Alcohol Ban Bylaw 2014
- Enforcement Strategy and Prosecution Policy
- Significance and Engagement Policy

- 53 The recommended option is consistent with the principles set out in these policies.
- 54 This matter is included in the 10-Year Plan. The Council’s 10 Year Plan refers to minimising alcohol related harm as a consequence of excessive or inappropriate consumption of alcohol by avoiding and reducing the risk of alcohol related harm to our community, and protecting the image of the district.

Local Government Act 2002 Purpose Provisions

- 55 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 reducing risks resulting from the public consumption of alcohol;
- b. Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- c. Is consistent with the Council's plans and policies; and
- d. 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

56 The persons who are affected by or interested in this matter are the Police, residents and Council ratepayers, tourists, local businesses, and persons intending to participate in the 'National Crate Day'.

Legal Considerations and Statutory Responsibilities

57 Section 155 of the LGA02 sets out requirements for the making and reviewing of bylaws. In addition to the general provisions about decision making, the Council, when considering a bylaw, must:

- a. Determine whether a bylaw is the most appropriate way of dealing with the perceived problem or issue;
- b. Determine whether the bylaw is in the most appropriate form; and
- c. Determine whether it gives rise to any implications under the NZBORA. If there are implications under that Act, the bylaw must be amended to remove any inconsistencies.

58 The requirements of Section 155 have been considered. The proposed form of the Bylaw is considered the most appropriate form of the bylaw. Council Officers' assessment is that the content does not pose unjustified restrictions on people so is neither inconsistent with nor raises any implications with NZBORA.

59 The LGA02 requires that the Council must be satisfied that the statutory criteria in section 147B are met before imposing an alcohol ban:

- a. there is evidence that the area to which the proposed ban to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area;
- b. the imposition of the ban is appropriate and proportionate in the light of the evidence; and
- c. the ban can be justified as a reasonable limitation on people's rights and freedoms.

Attachments:

- A Proposed Alcohol Control Bylaw 2018
- B Alcohol Control Bylaw 2014
- C Photographs showing the aftermath of Crate Day 2016 in Queenstown town centre
- D Statement of Proposal
- E Summary Statement of Proposal



Alcohol Ban Bylaw 2018

Queenstown Lakes District Council

Date of making:
Commencement:

This bylaw is adopted pursuant to the Local Government Act 2002 and the Bylaws Act 2010, by Resolution of the Queenstown Lakes District Council on [REDACTED].

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Part 1 – Preliminary

Title

- 1.1 This Bylaw shall be the “Queenstown Lakes District Alcohol Ban Bylaw 2018”.

Commencement

- 1.2 The Bylaw shall come into effect on [REDACTED].

Purpose

- 1.3 The purpose of this Bylaw is to:
- (a) reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.
 - (b) achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.

Interpretation

- 1.4 For the purposes of this Bylaw, the following definitions shall apply,-

Act means the Local Government Act 2002 or any superseding legislation.

Alcohol means a substance—

- (a) that—
 - (i) is or contains a fermented, distilled, or spirituous alcohol; and
 - (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
- (b) _____ that—
 - (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; _____ and
 - (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
- (c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight _____ in a form that can be assimilated by people

Council means the Queenstown Lakes District Council.

National Crate Day means the first Saturday of December.

Offence means an offence under Section 239A of the Act that is a breach of this bylaw.

Person has the same meaning given in the Interpretation Act 1999.

Public Place means a place –

- (a) that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises.

Specified Period means:

- (a) From 8.00 pm on any day to 8.00 am the following day; and
- (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and
- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) 12.00 am on National Crate Day (or any other similar event or promotion) of any given year to 12.00 am on the following day for the public areas in Queenstown defined in Schedule 2; and
- (e) any additional period that may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

Specified Public Place means a public place defined or listed in Schedule 1 and such additional place as may be defined by the Council by resolution from time to time in accordance with clauses 1.6 to 1.8 of this bylaw.

Temporary Alcohol Ban Area means an area described in a resolution of the Council made under this bylaw in which the prohibitions under clauses 1.5 are temporarily in place in the public places within the area and during the times, days or dates specified in the resolution.

Vehicle means a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

1.5 Any explanatory notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without any formality.

1.6 The Interpretation Act 1999 applies to this Bylaw.

Part 2 –Alcohol bans

Prohibitions

1.7 The following acts are prohibited:

- (a) The consumption of alcohol in any Specified Public Place during any Specified Period;
- (b) The possession of alcohol in any Specified Public Place during any Specified Period;
- (c) The bringing of alcohol into any Specified Public Place during any Specified Period; and
- (d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.

Additions to Specified Periods and Specified Public Place by resolution

- 1.8 The Council may from time to time (by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional period to be included within the meaning of Specified Period as defined in this bylaw.
- 1.9 The Council may from time to time (by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional area to be included within the meaning of Specified Public Place as defined in this bylaw.
- 1.10 Every resolution made under clause 1.8. or clause 1.9 above shall be publicly notified at least 14 days before it shall take effect.

Temporary Alcohol Ban Areas

- 1.11 The Council may declare a Temporary Alcohol Ban Area by resolution which will describe the specific area and the times, days or date during which the prohibitions imposed under clause 1.7 apply to any public place in that area;
- 1.12 Before the Council declares a Temporary Alcohol Ban Area it will comply with sections 77 – 82 of the Act;
- 1.13 Any resolution made under clause 1.11 shall be publicly notified at least 14 days before it shall take effect.

Exemptions

- 1.14 The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container. –
- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place:
 - (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
 - (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
 - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) from those premises to a place outside the Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.
- 1.15 This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:
- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council.

- (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
- (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
- (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012.

Police powers of search in Temporary Alcohol Ban Areas

- 1.16 This bylaw authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any area which has been declared a Temporary Alcohol Ban Area by resolution of the Council under clauses 1.11 to 1.13.
- 1.17 Subject to clause 1.18 below, the powers of search contemplated under clause 1.16 can be exercised by the Police immediately and without further notice.
- 1.18 Clause 1.16 only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 1.16 of this bylaw will apply.

Part 3 – General Provisions

Offence

- 1.19 Every person who breaches this bylaw commits an offence.
- 1.20 Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

Signage

- 1.21 Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.
- 1.22 To avoid doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

Dispensing Powers

- 1.23 The Chief Executive of the Council may waive compliance with any provision of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.
- 1.24 The Chief Executive may in his discretion impose conditions of any such waiver granted under clause 1.23.

Revocations

- 1.25 The Queenstown Lakes District Council Alcohol Ban Bylaw 2014 is revoked.

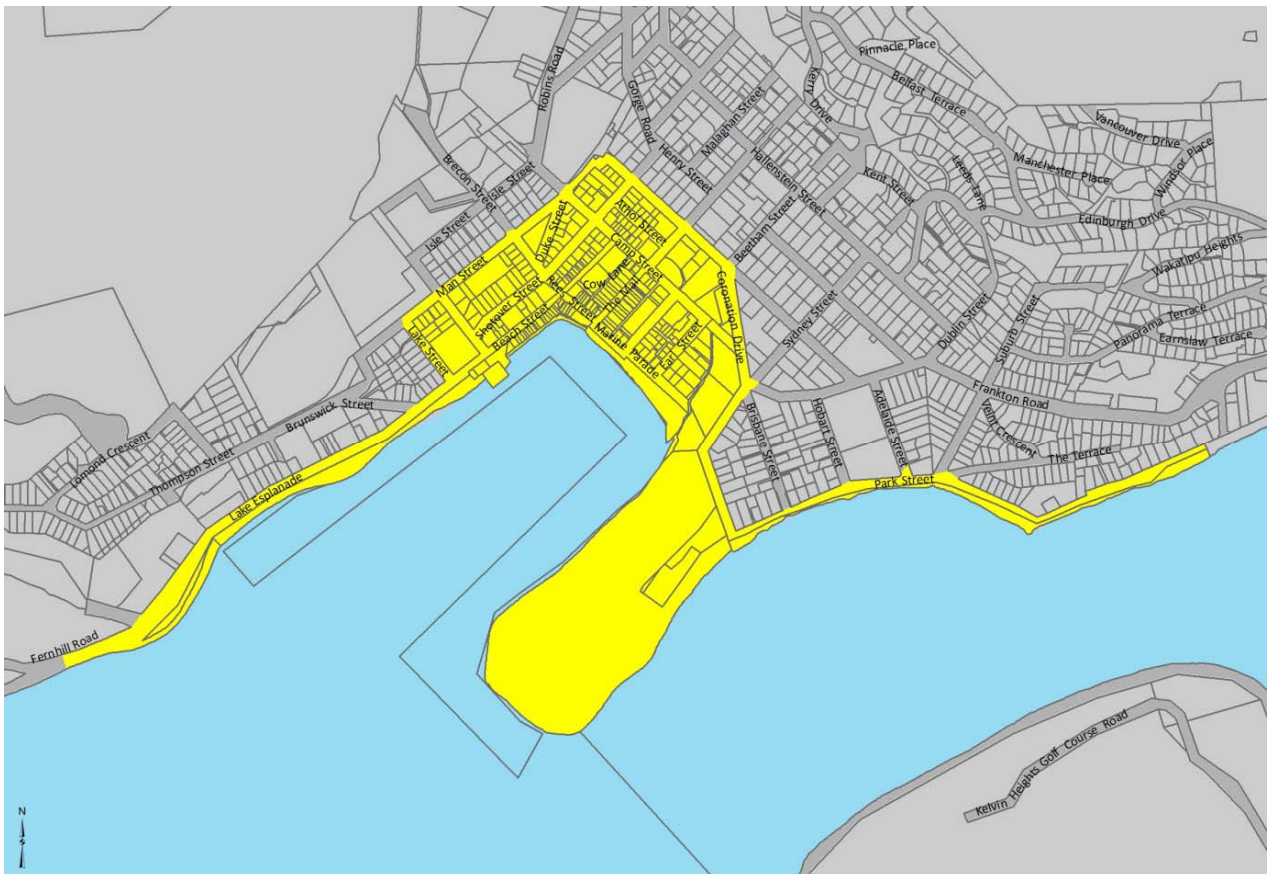
Schedule 1 - Specified Public Places

The areas identified below are those areas which have been classified as Specified Public Places in relation to which the prohibited acts as defined in clause 1.7 of this bylaw apply during any Specified Period.

(i) Queenstown

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

- Lake Esplanade
- Lake Street
- Man Street
- Memorial Street
- Stanley Street
- Coronation Drive
- Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens

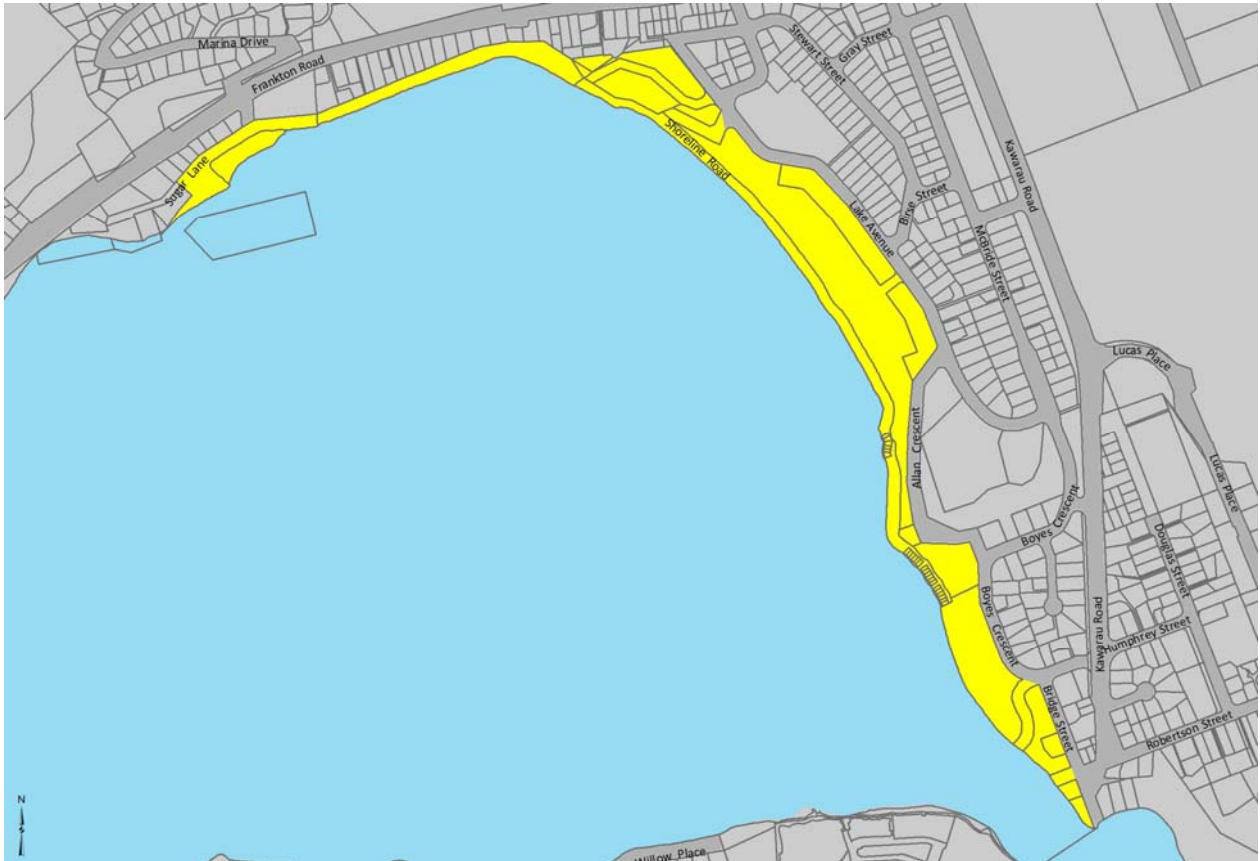




(2) Frankton

- (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Bridge Street
Boyes Crescent
McBride Street (from Boyes Crescent to Lake Avenue) Lake Avenue

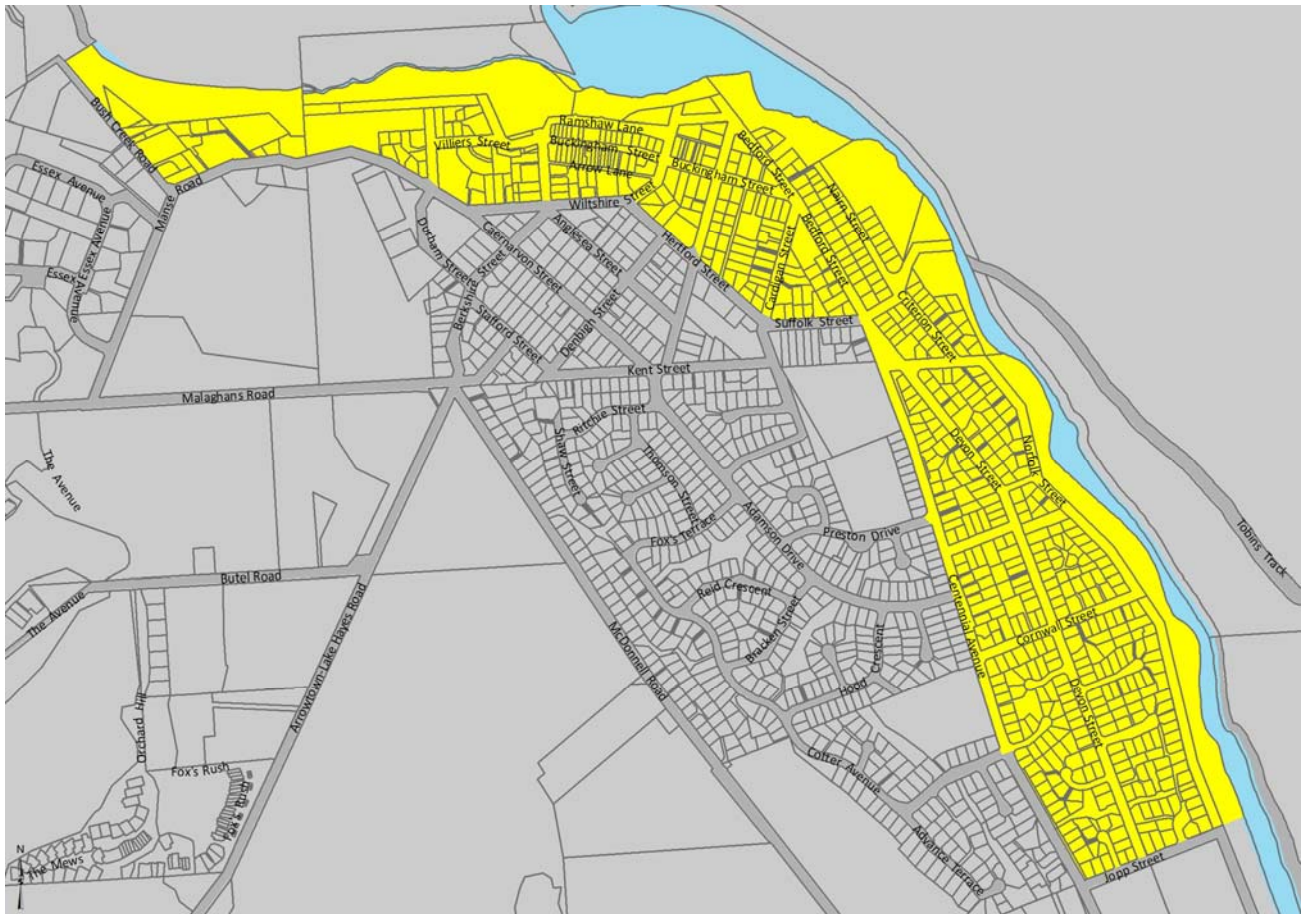




(3) **Arrowtown**

- (i) The north-eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O’Callaghan Reserve and the Arrow River 150th Anniversary walking track to and including the bridge to the south of Jopp Street; and
- (ii) The area from the north –eastern boundary to an outer boundary formed by and including the following streets and road reserves:

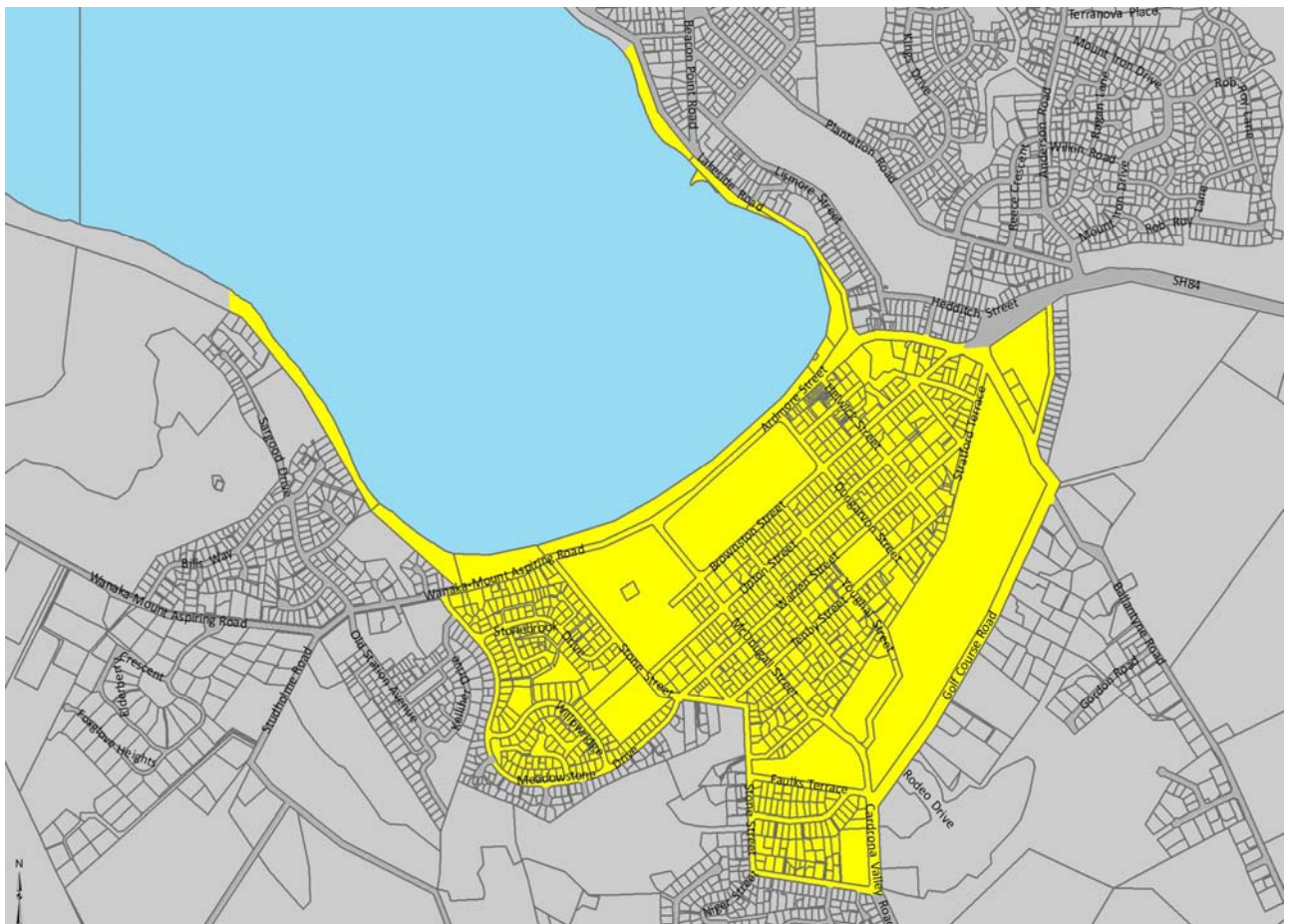
Bush Creek Road
 Manse Road
 Caernarvon Street
 Wiltshire Street
 Hertford Street
 Suffolk Street
 Centennial Avenue
 Jopp Street



(4) Wanaka

- (i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

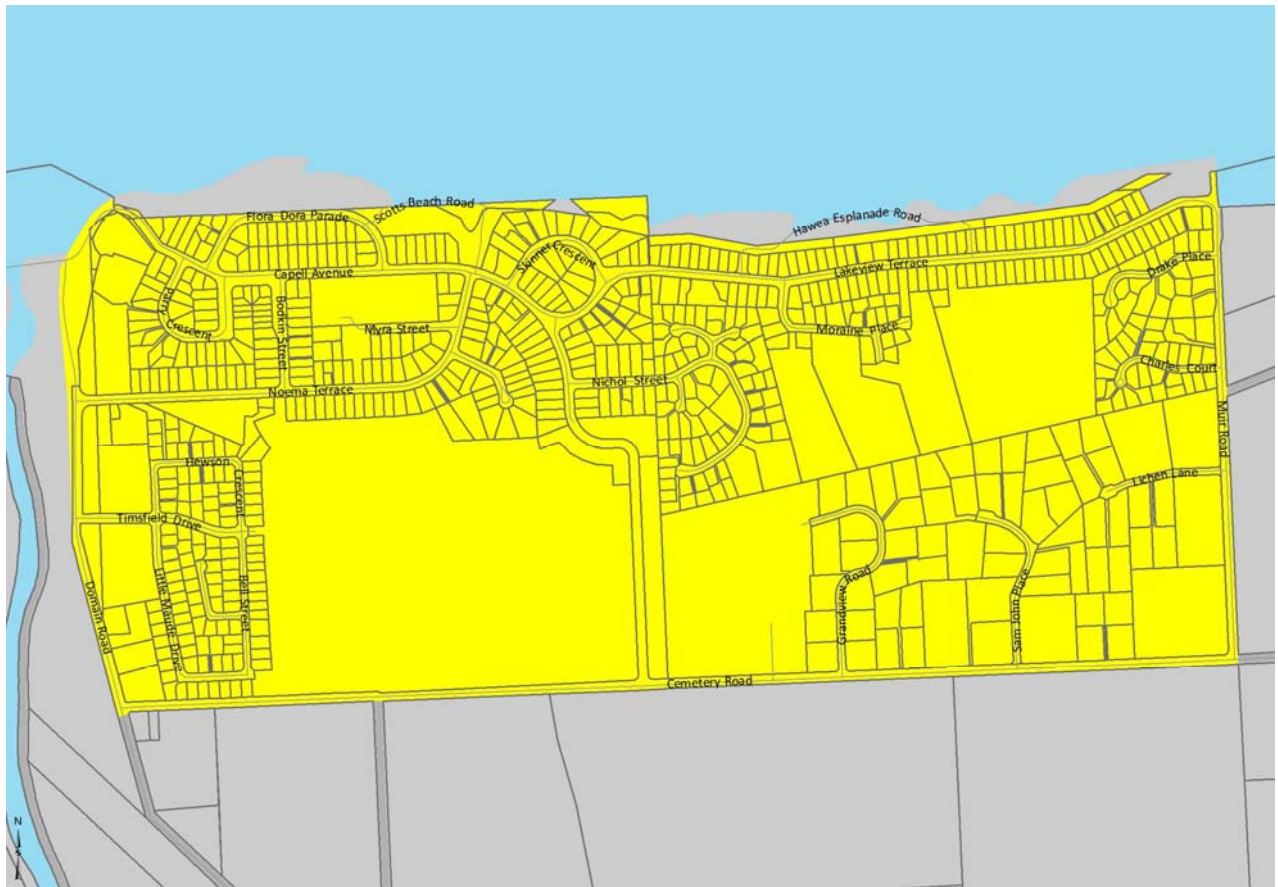
Meadowstone Drive
 Stone Street
 Golf Course Road
 Macpherson Street
 State Highway 84
 Ardmore Street



(5) Lake Hawea

- (i) The whole of the Lake Hawea foreshore area from Domain Road to Muir Road; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Muir Road
 Cemetery road
 Domain Road



Schedule 2 - National Crate Day (Or Any Other Similar Event or Promotion) Ban

(6) Queenstown

(i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and

(ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

Lake Esplanade

Lake Street

Man Street

Memorial Street

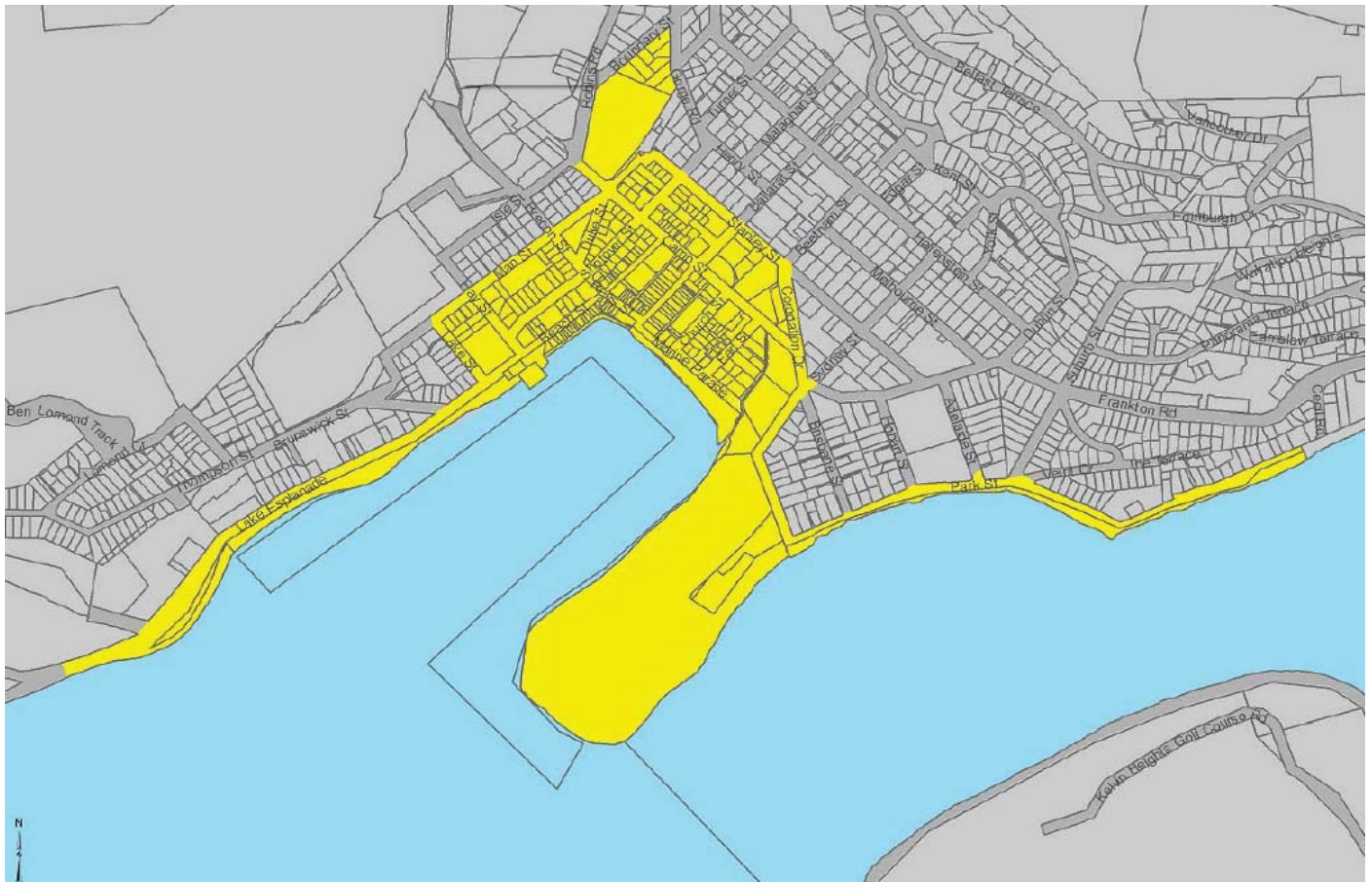
Stanley Street

Coronation Drive

Park Street to the Lake Wakatipu foreshore area directly adjacent to the

Queenstown Gardens

Boundary Street Carpark



QUEENSTOWN LAKES DISTRICT COUNCIL

ALCOHOL BAN BYLAW 2014

Pursuant to the powers vested in it by the Local Government Act 2002 and the Bylaws Act 1910, Queenstown Lakes District Council makes this bylaw.

1 Title and Commencement

(1) This bylaw is the Queenstown Lakes District Alcohol Ban Bylaw 2014.

(2) The bylaw shall come into force on 22nd December 2014.

2 Objective

(1) The objective of this bylaw is to reduce the potential for alcohol related offensive behaviour and harm, damage, disorder and crime and to promote and improve community health and safety.

(2) This bylaw seeks to achieve its objective by putting in place controls and restrictions on the possession, consumption and carriage of alcohol, in some public places within the Queenstown Lakes District.

3 Interpretation

In this bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Alcohol means a substance—

(a) that—

- (i) is or contains a fermented, distilled, or spirituous alcohol; and
- (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or

(b) that—

- (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and

- (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people

Council means the Queenstown Lakes District Council.

Offence means an offence under Section 239A of the Act that is a breach of this bylaw

Public Place means a place –

- (a) that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but

- (b) does not include licensed premises.

Specified Period means:

- (a) From 10.00 pm on any day to 8.00 am the following day; and
- (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and

- (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival; and
- (d) any additional period that may be defined by the Council by resolution from time to time in accordance with clause 5 of this bylaw.

Specified Public Place means a public place defined or listed in Schedule A and such additional place as may be defined by the Council by resolution from time to time in accordance with clause 5 of this bylaw.

Temporary Alcohol Ban Area means an area described in a resolution of the Council made under this bylaw in which the prohibitions under clause 4 are temporarily in place in the public places within the area and during the times, days or dates specified in the resolution.

Vehicle means a vehicle as defined in section 2 of the Land Transport Act 1998, but does not include an ambulance, fire engine or police vehicle.

4 Prohibitions

(1) The following acts are prohibited:

- (a) The consumption of alcohol in any Specified Public Place during any Specified Period;
- (b) The possession of alcohol in any Specified Public Place during any Specified Period;
- (c) The bringing of alcohol into any Specified Public Place during any Specified Period; and
- (d) The consumption and possession of alcohol in a vehicle in any Specified Public Place during any Specified Period.

5 Additions to Specified Periods and Specified Public Place by resolution

(1) The Council may from time to time (by resolution adopted following use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional period to be included within the meaning of Specified Period as defined in this bylaw.

(2) The Council may from time to time (by resolution adopted following the use of the special consultative procedure, as set out in sections 83 and 156 of the Act) define any additional area to be included within the meaning of Specified Public Place as defined in this bylaw.

(3) Every resolution made under clause 5.1 or clause 5.2 above shall be publicly notified at least 14 days before it shall take effect.

6 Temporary Alcohol Ban Areas

(1) The Council may declare a Temporary Alcohol Ban Area by resolution which will describe the specific area and the times, days or date during which the prohibitions imposed under clause 4 apply to any public place in that area;

(2) Before the Council declares a Temporary Alcohol Ban Area it will comply with sections 77 – 82 of the Act;

(3) Any resolution made under clause 6.1 shall be publicly notified at least 14 days before it shall take effect.

7 Exemptions

- (1) The bylaw does not prohibit, in the case of alcohol in an unopened bottle or other unopened container. –
- (a) the transport of that alcohol from premises that adjoin a Specified Public Place during any period when, under the Sale and supply of Alcohol Act 2012 it is lawful to sell alcohol on those premises for consumption off the premises, provided the alcohol is promptly removed from the Specified Public Place;
 - (b) the transport of that alcohol from outside a Specified Public Place for delivery to premises that adjoin the Specified Public Place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012.
 - (c) the transport of that alcohol from outside a Specified Public Place to premises that adjoin a Specified Public Place –
 - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
 - (ii) from those premises to a place outside the Specified Public Place by a resident of those premises, provided the alcohol is promptly removed from the Specified Public Place.
- (2) This bylaw does not apply to any areas or activities where the sale or consumption of alcohol is authorised by any licence issued under the Sale and Supply of Alcohol Act 2012, including:
- (a) any public place which is part of a licensed premises' outdoor area, where permission to occupy the area has been granted by the Council.
 - (b) any public place that is subject to a special licence issued by the Council for the term of that licence;
 - (c) any vehicle in a public place to which a licence under the Sale and Supply of Alcohol Act 2012 applies;
 - (d) any event held in a public place at which alcohol is served pursuant to a caterer's licence endorsed pursuant to section 38 of the Sale and Supply of Alcohol Act 2012;

8 Police powers of search in Temporary Alcohol Ban Areas

- (1) This bylaw authorises members of the Police to exercise the power of search under section 169(2)(a) of the Act for the purposes of section 170(2) of the Act in relation to any area which has been declared a Temporary Alcohol Ban Area by resolution of the Council under clause 6.
- (2) Subject to clause 8.3 below, the powers of search contemplated under clause 8.1 can be exercised by the Police immediately and without further notice.
- (3) Clause 8.1 only applies if the resolution declaring a Temporary Alcohol Ban Area provides that clause 8.1 of this bylaw will apply.

9 Penalties

- (1) Every person who breaches this bylaw commits an offence
- (2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

10 Signage

- (1) Where it is practicable and reasonable to do so, the Council will erect signage within public places covered by this bylaw to provide information to the public about the restrictions imposed under the bylaw. The size, location and terms of the signage will be at the Council's discretion.
- (2) To avoid any doubt, the absence of signage in any public place does not authorise a breach of this bylaw.

11 Dispensing Powers

- (1) The Chief Executive of the Council may waive full compliance with any provisions of this bylaw in any case where the Chief Executive is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community.
- (2) The Chief Executive may in his discretion impose conditions of any such waiver granted under clause 11(1).

12 Revocations

- (1) The Queenstown Lakes District Council Control of Alcohol in Public Places Bylaw 2009 is revoked.

This bylaw is made under the provision of the Local Government Act 2002 by resolution of the Queenstown Lakes District Council at a meeting of the Council on 18 December 2014 and publicly notified on 20 December 2014.

SCHEDULE A

The areas identified below are those areas which have been classified as Specified Public Places in relation to which the prohibited acts as defined in clause 4 of this bylaw apply during any Specified Period.

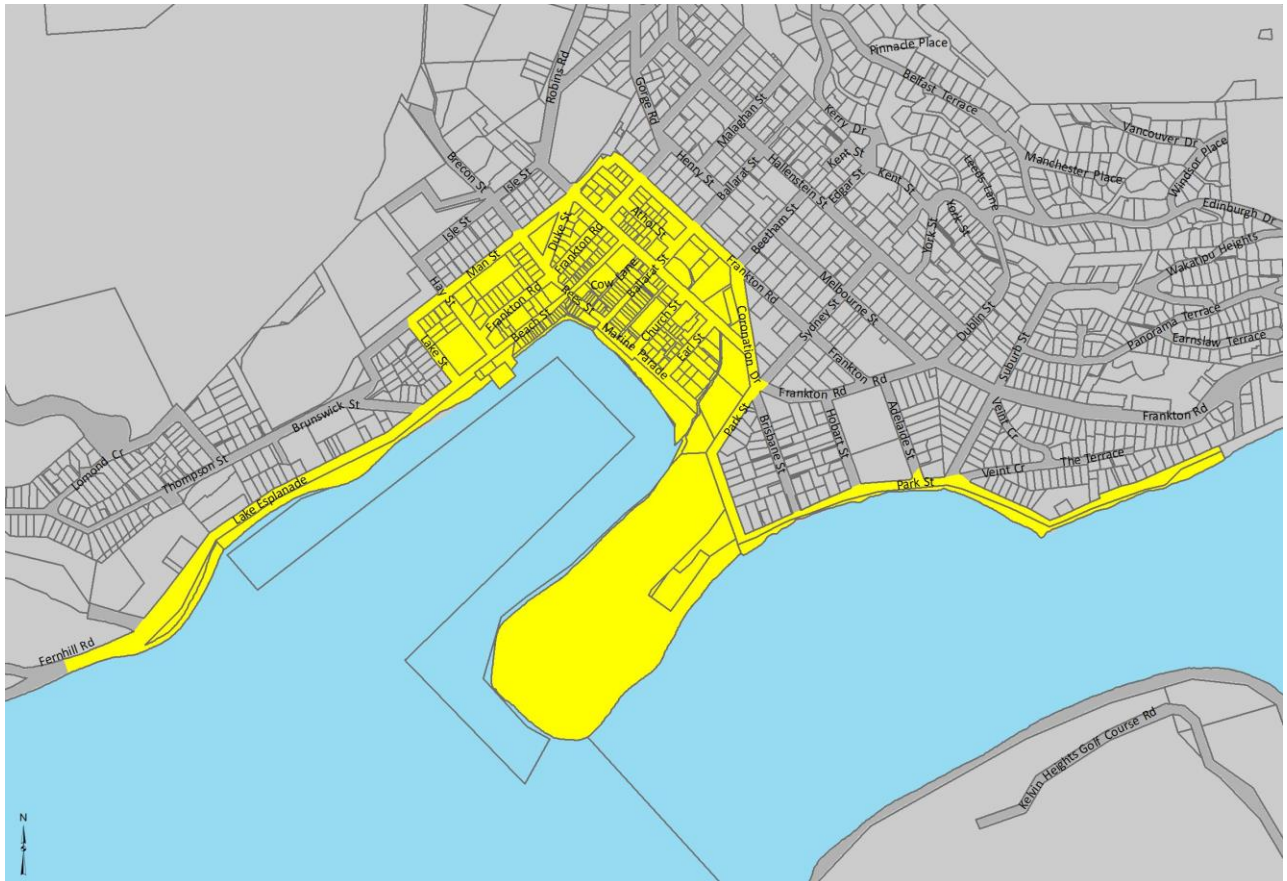
(1) Queenstown

- (i) The whole of the Lake Wakatipu foreshore area from the One Mile Roundabout to Park Street and including the Queenstown Gardens; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following street and road reserves:

Lake Esplanade
 Lake Street
 Man Street
 Memorial Street
 Stanley Street
 Coronation Drive
 Park Street to the Lake Wakatipu foreshore area directly adjacent to the Queenstown Gardens

Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



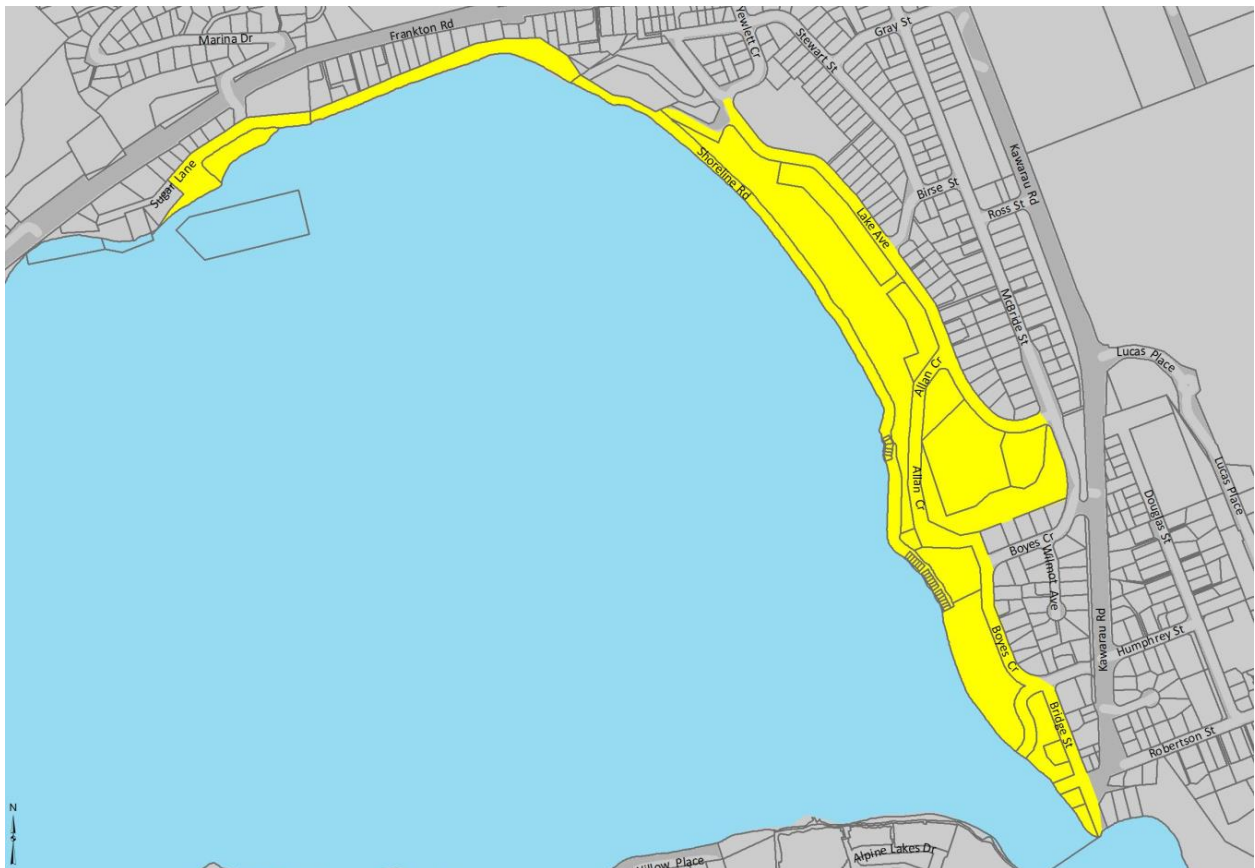
(2) Frankton

- (i) The whole of the Lake Wakatipu foreshore from the Kawarau Bridge to Frankton Marina, and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Bridge Street
 Boyes Crescent
 Allan Crescent
 McBride Street (from Boyes Crescent to Lake Avenue)
 Lake Avenue
 Frankton Beach
 Sugar Lane

Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



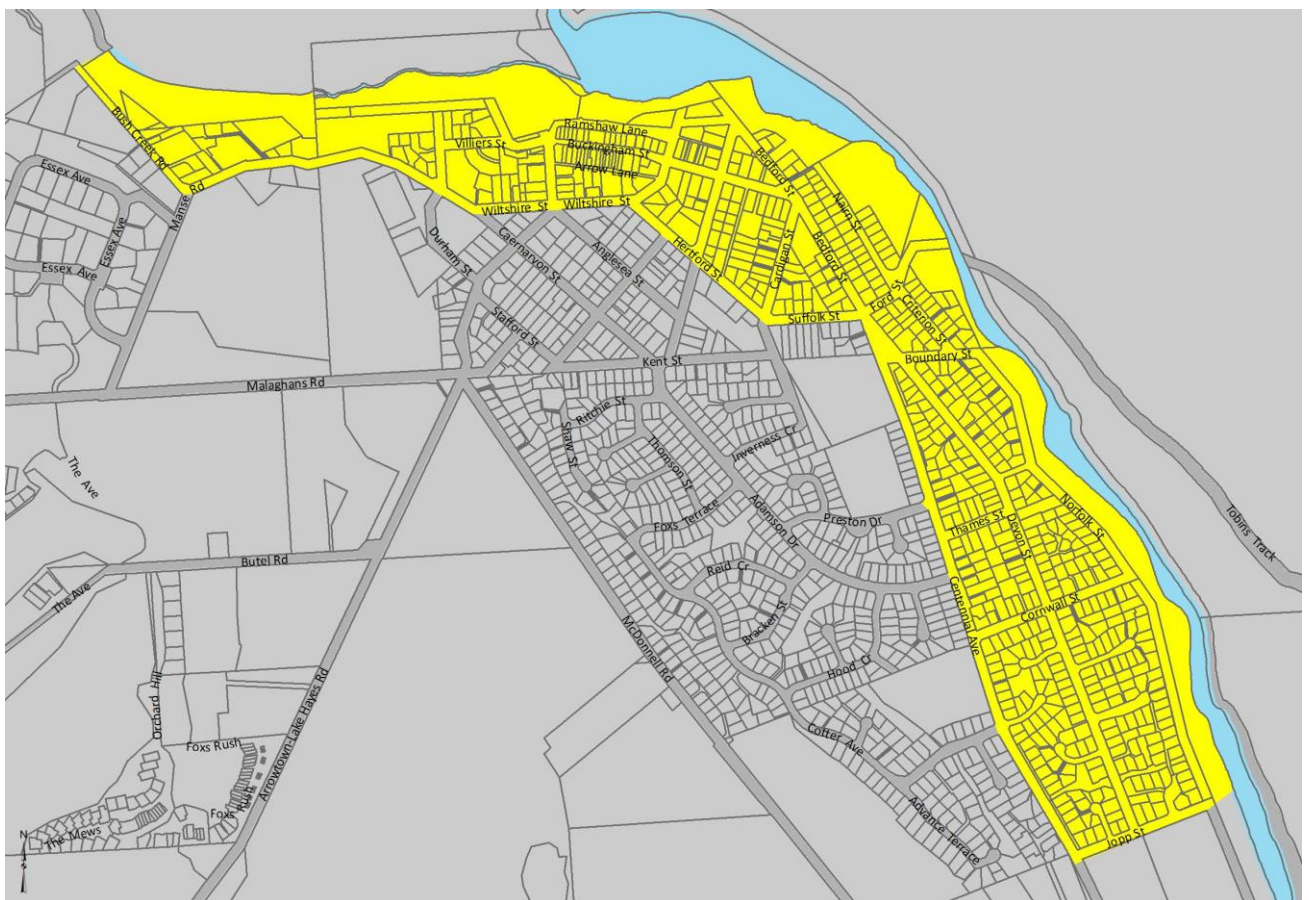
(3) Arrowtown

- (i) The north–eastern boundary being formed by the area 50m to the north of Bush Creek river bank, including Bush Creek Reserve, 100m either side of the Arrow River to the point where the Arrow Irrigation Company pipeline crosses the river, 50m to the north of the Arrow River and including Wilcox Green, O’Callaghan Reserve and the Arrow River 150th Anniversary walking track to and including the bridge to the south of Jopp Street; and
- (ii) The area from the north –eastern boundary to an outer boundary formed by and including the following streets and road reserves:

Bush Creek Road
 Manse Road
 Caernarvon Street
 Wiltshire Street
 Hertford Street
 Suffolk Street
 Centennial Avenue
 Jopp Street

Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



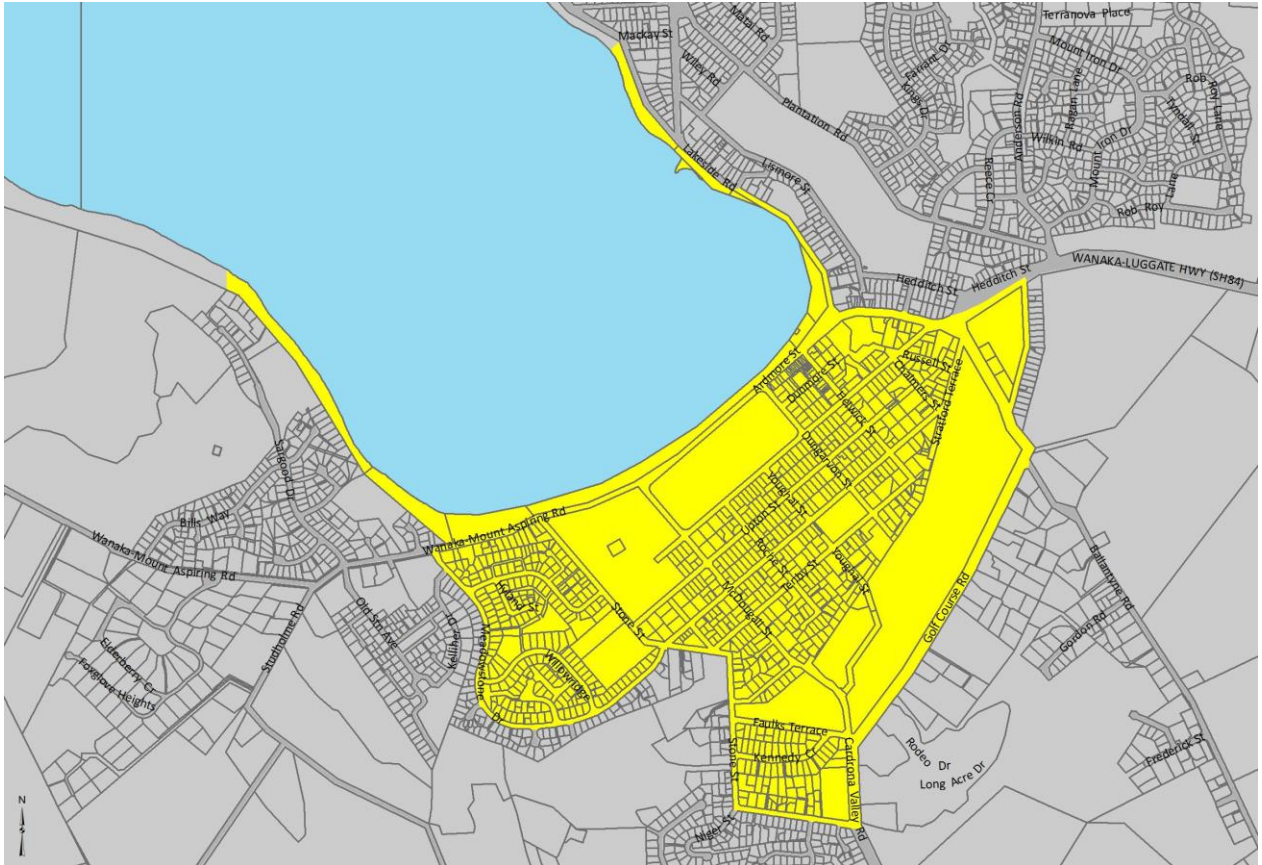
(4) Wanaka

- (i) The whole of the Lake Wanaka foreshore area from Sunrise Bay/ Edgewater to Penrith Park; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Meadowstone Drive
 Stone Street
 Golf Course Road
 Macpherson Street
 State Highway 84
 Ardmore Street

Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



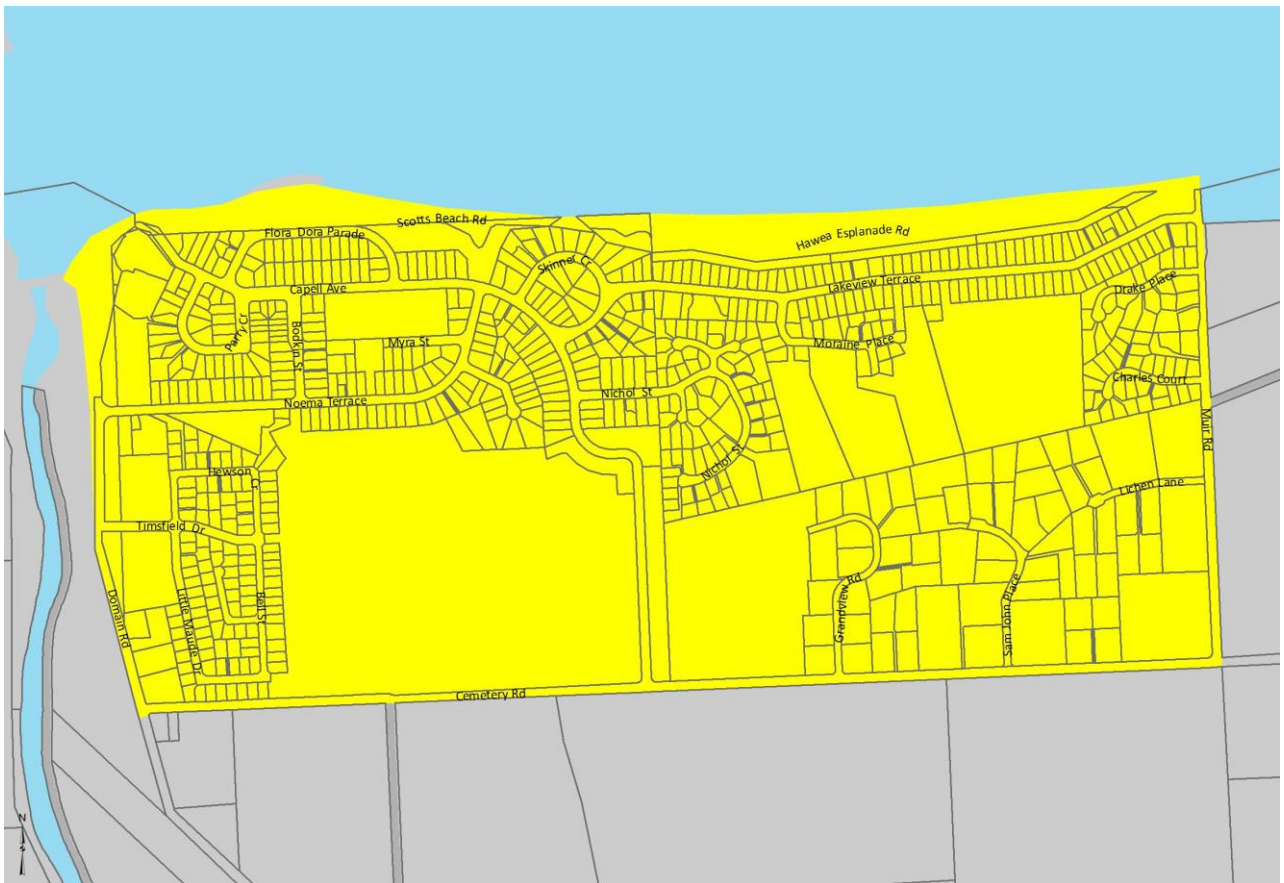
(5) Lake Hawea

- (i) The whole of the Lake Hawea foreshore area from Domain Road to Muir Road; and
- (ii) The area from the foreshore to an outer boundary formed by and including the following streets and road reserves:

Muir Road
Cemetery Road
Domain Road

Explanatory note:

This note and the associated map is not part of the bylaw, but is included to illustrate the location of the Specified Public Place described in this schedule.



Attachment C: Photographs of recent events







**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

PROPOSED QUEENSTOWN LAKES DISTRICT ALCOHOL BAN BYLAW 2018

STATEMENT OF PROPOSAL

INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) is one of the regulatory agencies along with the Police, who have enforcement capabilities regarding alcohol consumption in public places, with the objective to reduce alcohol related harm and offending.
- 2 The Council is required to review its bylaws periodically under the Local Government Act 2002 (**LGA02**). In accordance with section 147 of the Act the Council can make bylaws to prohibit or control the consumption, possession and bringing of alcohol into public places. These areas are referred to as either permanent or temporary alcohol ban areas. A ban must be a reasonable limitation on rights and freedoms and there must be evidence of a high level of crime or disorder that was caused by alcohol consumption.
- 3 The Council currently has the Alcohol Ban Bylaw 2014 (**Alcohol Bylaw**) which was made pursuant to section 147 of the LGA02. The Council is in the process of reviewing the Alcohol Bylaw. This review forms part of Councils programme of bylaw reviews.

PROPOSAL

- 4 The Council has determined that the current bylaw should be revoked, and replaced with the proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2018 (**Proposed Bylaw**). Under the Alcohol Bylaw the following bans exist:
 - (a) From 10.00 pm on any day to 8.00 am the following day;
 - (b) 6.00 am on 27 December of any given year to 6.00 am on 6 January the following year; and
 - (c) 6.00 am on the opening day of the Queenstown Winter Festival to 6.00 am the day after the closing day of the Queenstown Winter Festival.
- 5 These bans were put in place because of alcohol related crime or disorder being experienced at those times or locations.
- 6 The Council proposes to include the following bans in the Proposed Bylaw:
 - a. the current specified period for an alcohol ban of 10.00 pm on any day to 8.00 am the following day be increased to 8.00 pm on any day to 8.00 am the following day for the public places specified in Schedule A of the Alcohol Bylaw; and
 - b. an additional alcohol ban be included for National Crate Day (or any other similar event or promotion).
- 7 The reason for the proposal is to help reduce alcohol-related harm that is currently occurring during these times.
- 8 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA02, and includes:
 - a. The reason for the proposal;
 - b. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
 - c. Consideration of whether the Proposed Bylaw is the most appropriate form of bylaw;

- d. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
- e. A statement that the current bylaw is to be revoked; and
- f. A draft of the Proposed Bylaw.

REASON FOR PROPOSAL

- 9 The Council has undertaken a review of the Alcohol Bylaw to consider the making of a replacement bylaw. The review has involved Council Officers having discussions with the Police.
- 10 The reason for the proposal is to help reduce alcohol-related harm that is occurring during the proposed alcohol ban times.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA2002

Problem definition

Issues

- 11 The district is facing issues relating to the consumption of alcohol in public places. In particular, there have been issues during the National Crate Day event. Police have noticed an uplift in the numbers of people congregating in public places in the district to consume large amounts of alcohol. This has caused issues of disorder and placed a strain on Police resources.
- 12 Council Officers have observed a significant amount of alcohol related litter left in public areas following the National Crate Day.
- 13 In 2017 the Council used its powers under clause 6 of the Alcohol Bylaw to impose a temporary alcohol ban for a period of 48 hours for National Crate Day. This temporary ban, coupled with additional Police presence, resulted in a reduction in alcohol related incidents and litter in the area subject to the alcohol ban.
- 14 Council Officers also consider that alcohol related harm and the potential for offensive behaviour will be minimised if the current alcohol ban which begins at 10.00pm was changed to 8.00pm. The reason for this is that there will be a buffer created between members of the public consuming alcohol in public places and then leaving that public place to resume consumption on licensed premises.
- 15 Council Officers consider that alcohol related harm and the potential for offensive behaviour will be minimised if the current alcohol ban which begins at 10.00pm was changed to 8.00pm. The reason for this is that the earlier ban will create a buffer in time which may deter members of the public consuming alcohol in public places and then leaving that public place to immediately resume consumption on licensed premises. The change from 10.00pm to 8.00pm is a compromise between agency requests and the community. To have a 24 hour a day, seven days a week ban would be preferred by the agencies however vibrancy of the community and community requests also should be considered.

IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?

- 16 The Council has considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and determined that the Proposed Bylaw is the most appropriate means for addressing the issues.

17 In considering whether a bylaw is the most appropriate, Council has considered the following options:

Option 1: maintain the status quo;

Option 2: adopt a total ban across the district; and

Option 3: the Proposal.

Option 1: Status quo

18 There is evidence of increased incidences of alcohol related harm on National Crate Day. If the status quo is maintained, the Police will be powerless to prevent day-time alcohol consumption in public on the weekend of National Crate Day (or any other similar event or promotion) and between 8pm and 10pm on all other days. The Police will only be able to intervene where disorderly or criminal conduct is observed, and may have difficulty controlling a large crowd of intoxicated persons. There is likely to be an increase in public disorder, including littering, and may cause some members of the public to feel unsafe.

Option 2: Adopt a total ban across the district

19 While a total ban would undoubtedly reduce alcohol related harm in the district, if such an approach is adopted, members of the public who wish to consume even a small amount of alcohol in public places will not be able continue to do so. There is also insufficient evidence of high levels of crime or disorder that have been caused or made worse by alcohol consumption in the general district outside of the National Crate Day or before 8pm.

Option 3: The Proposal

20 The proposed ban will give the Police preventative enforcement tools to respond immediately to the public consumption of alcohol in breach of the ban. These tools include seizing and removing alcohol in breach of the ban, issuing infringement notices, arresting any person refusing to surrender alcohol or refusing to leave a place subject to the ban, and searching persons or vehicles within the area to ascertain whether alcohol is present.

21 The additional alcohol ban is likely to reduce the risk of disorder and crime posed by the heavy consumption of alcohol during 'National Crate Day'. Members of the public and visitors may feel safer if there is no public consumption of alcohol in the town centre on National Crate Day (or any other similar event or promotion) and in the areas specified in Schedule A of the Alcohol Bylaw between 8pm and 10pm.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?

22 The Proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 (**NZBORA**). The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

23 The LGA02 requires that there is evidence that the area to which the bylaw applies (or will apply by virtue of Council resolution) has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the areas identified.

24 It is not considered that such controls impose an unjustifiable restriction on the right to movement because the freedom of movement remains for all with alcohol that is not open, to purchase alcohol and take it to a permitted area to consume it e.g. home.

TIMETABLE FOR CONSULTATION

25 The following dates represent the key times in the consultation programme:

- a. Council resolves to undertake public consultation regarding the Proposal – **26 July 2018**.
- b. Advertisement in Otago Daily Times, Southland Times, and Wanaka Sun – between **28 July and 26 August 2018**.
- c. Submissions close on **26 August 2018**.
- d. Submissions heard by a subcommittee of Councillors **10 – 14 September 2018**.
- e. Council considers outcome of consultation process and whether to make decisions in the Proposal – **25 October 2018**.
- f. Public notice of final decision – **27 October 2018**.

26 The Proposed Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

27 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, 47 Ardmore Street, Wanaka;
- b. any Council library within the Queenstown Lakes District; or
- c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

28 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.

29 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 or
- b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.

- 30 Submissions must be received by **Sunday 26th August**. The Council will then convene a hearing, which it intends to hold between **Monday 10th September and Friday 14th September 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.
- 31 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 32 Every submission made to the Council will be acknowledged in accordance with the LGA02, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 33 Section 82 of the LGA02 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

- 34 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.
- 35 Submissions on matters outside the scope of the Proposed Bylaw cannot be considered by the Hearings Panel.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2018

APPENDIX 2 - Current Queenstown Lakes District Council Alcohol Ban Bylaw 2014*

*The above documents are appended elsewhere as part of this agenda item and are not repeated here.



**PROPOSED QUEENSTOWN LAKES DISTRICT
ALCOHOL BAN BYLAW 2018**

SUMMARY OF STATEMENT OF PROPOSAL

INTRODUCTION

- 1 The Queenstown Lakes District Council (**Council**) is one of the regulatory agencies along with the Police, who have enforcement capabilities regarding alcohol consumption in public places, with the objective to reduce alcohol related harm and offending.
- 2 The Council is required to review its bylaws periodically under the Local Government Act (**LGA02**). In accordance with section 147 of the Act the Council can make bylaws to prohibit or control the consumption, possession and bringing of alcohol into public places. These areas are referred to as either permanent or temporary alcohol ban areas. A ban must be a reasonable limitation on rights and freedoms and there must be evidence of a high level of crime or disorder that was caused by alcohol consumption.
- 3 The Council currently has the Alcohol Ban Bylaw 2014 (**Alcohol Bylaw**) which was made pursuant to section 147 of the LGA02. The Council is in the process of reviewing the Alcohol Bylaw. This review forms part of Council's programme of bylaw reviews.

PROPOSAL

- 4 The Council has determined that the current bylaw should be revoked, and replaced with the proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2018 (**Proposed Bylaw**). The proposed amendments to the Bylaw are to:
 - a. Include an alcohol ban between 12am on National Crate Day (or any other similar event or promotion) until 12am the following day for the specified public areas in Queenstown including the Queenstown Recreation Ground and Boundary Street carpark; and
 - b. increase the specified period for alcohol bans from 8pm on any day to 8.00am the following day for specified public areas.

TIMETABLE FOR CONSULTATION

- 5 The following dates represent the key times in the consultation programme:
 - a. Council resolves to undertake public consultation regarding the Proposal – **26 July 2018**.
 - b. Advertisement in Otago Daily Times, Southland Times, and Wanaka Sun – between **28 July and 26 August 2018**.
 - c. Submissions close on **26 August 2018**.
 - d. Submissions heard by a subcommittee of Councillors **10 – 14 September 2018**.
 - e. Council considers outcome of consultation process and whether to make decisions in the Proposal – **25 October 2018**.
 - f. Public notice of final decision – **27 October 2018**.
- 6 The Proposed Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 7 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, 47 Ardmore Street, Wanaka;
- b. any Council library within the Queenstown Lakes District; or
- c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 8 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.
- 9 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 or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 10 Submissions must be received by **Sunday 26th August 2018**. The Council will then convene a hearing, which it intends to hold between **Monday 10th September and Friday 14th September 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.
- 11 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 12 Every submission made to the Council will be acknowledged in accordance with the LGA02, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
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CHIEF EXECUTIVE

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*The above documents are appended elsewhere as part of this agenda item and are not repeated here.

**QLDC Council
26 July 2018**

Report for Agenda Item: 3

Department: Property & Infrastructure

Frankton Masterplan

Purpose

The purpose of this report is to present the Frankton Masterplan Establishment Report and to seek approval to proceed with the Masterplan and Programme Business Case.

Recommendation

That Council:

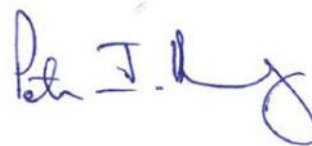
1. **Note** the contents of this report;
2. **Approve** the Frankton Masterplan Establishment Report.
3. **Approve** works to proceed on the Masterplan and Programme Business Case.

Prepared by:



Name: Tony Pickard
Title: Transport Strategy
Manager
12/07/2018

Reviewed and Authorised by:



Name: Peter Hansby
Title: GM Property & Infrastructure
12/07/2018

Background

- 1 The Queenstown Lakes District is experiencing significant growth, which is placing sustained pressure on existing facilities and infrastructure. As a pivotal hub for the district and region, Frankton is at the heart of these challenges.
- 2 As a critical transport gateway for citizens and visitors, Frankton shapes experiences for millions of people each year. Equally important is Frankton as a centre for commercial and industrial activity, community facilities, recreation and social services.
- 3 At present, the Frankton transport system both within and linking to Frankton is not appropriately developed to service current and future land uses. At the same time, development is continuing without a clear vision and this is having an increasing impact on the transport system.

- 4 A plan for Frankton that looks at how the transport system and land use (including sports, community and cultural facilities, education and healthcare) are catered for has not been adequately addressed.
- 5 A critical piece of the puzzle is the Queenstown Integrated Transport Programme Business Case (QITPBC) jointly developed by NZTA, QLDC and ORC in 2017. This document sets the strategic direction for NZTA investment across the Wakatipu Basin and outlines many key transport initiatives in Frankton. However, QITPBC only partially addresses the integration of transport and land use. A specific plan for Frankton will offer a level of granularity to populate QITPBC with an appropriate amount of detail and provide investment certainty.
- 6 It is proposed through the Establishment Report that this project consists of two closely linked elements:
 - **Frankton Masterplan:** A 30 year vision for Frankton which will focus on the physical interventions required to integrate the current and future potential opportunities (e.g. civic, recreational, environmental, land use, streetscape, transportation and development).
 - **Frankton Integrated Transport Programme Business Case:** A preferred programme of transport improvements, aligned and integrated with land use, which supports both the preferred Masterplan and the transport needs of Frankton.
- 7 The Establishment Report describes the context of the proposed workstreams and identifies why the work is needed. It explains the key drivers; outlines the proposed process, scope, and sequencing for each stage; and provides a framework for stakeholder and community engagement.

Comment

- 8 The NZ Transport Agency's Business Case framework will be used as a guide to identify gaps, to gather evidence, complete data analysis, initiate community involvement to select the right interventions and establish an achievable timeframe for delivery.

Options

- 9 Option 1: Reject the Establishment Report and Do Nothing.

Advantages:

- 10 No capital expenditure required.

Disadvantages:

- 11 Pressures on existing infrastructure and problems around connectivity, congestion, severance and safety will continue to increase along with resident and visitor dissatisfaction.
- 12 Frankton projects proceed in isolation and are less likely to attract funding due to lack of integration.

13 Option 2: Approve the Establishment Report enabling works to proceed on the Programme Business Case and Masterplan.

Advantages:

14 A consolidated and integrated plan for public realm and transport improvements, that is aligned with land use, is more likely to attract funding for future projects.

15 A consolidated and integrated plan will address the pressures on existing infrastructure and problems around connectivity, congestion and safety, improving the liveability experience.

Disadvantages:

16 Capital expenditure is required.

17 This report recommends **Option 2** to ensure that QLDC provides a forward thinking integrated plan for addressing the management of rapid growth within Frankton.

18 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the programme may cause a significant change to the transport networks and enable growth of areas surrounding Frankton. As an integrated package of projects, the overall outcome will be positive.

19 This matter relates to strategic 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 the change to the community will result in growth, behavioural changes, significant effects on infrastructure and high capital expenditure.

20 The recommended option considered above mitigates the risk by:

- Treating the risk – through a staged approach, good communications and multi-agency integration.
- Mitigating the risk – by integrating several large projects into a planned sequence of events.

Financial Implications

21 The expected budget for the programme business case and town centre masterplan is \$840,000. The following budgets are available:

22 \$400k is provisioned for within the LTP.

23 \$270k will be requested through the carry forward process from 2017/18

24 A budget transfer will be requested for the balance of \$170k once procurement is completed and a more informed budget can be determined.

Council Policies, Strategies and Bylaws

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

- Queenstown Town Centre Transport Strategy
- Queenstown Integrated Transport Programme Business Case
- Future Development Strategy (Work in Progress)

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

27 This matter is included in the 10-Year Plan/Annual Plan. The Programme Business Case and Masterplan will enable projects to be developed to address issues around connectivity, congestion and safety, increasing the liveability experience within Frankton.

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 having a robust business case supporting the investment;
- 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 Queenstown residents, visitors, business owners and operators.

30 The Establishment Report was developed with input from stakeholder representatives within the Frankton community. Refer Appendix 1 of the attached report.

31 It is proposed that a Communications and Engagement Plan will be developed at the outset of the project to identify the methods and degree of engagement, intended audience, and the proposed programme of events and activities.

Attachments

A Frankton Masterplan Establishment Report

Queenstown Lakes District Council Frankton Masterplan



Draft Establishment Report

July 2018



Document Title:

Frankton Masterplan Establishment Report

Prepared for:

QUEENSTOWN LAKES DISTRICT COUNCIL

Quality Assurance Statement

Rationale Limited	Project Manager:	Ben Smith
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1.4/1.5	July 2018	Revised draft	BS	TP/GT	EG
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Current Version

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Executive Summary

The future of Frankton is critically important to the Queenstown Lakes District.

Frankton currently lacks a clear vision and spatial framework that can proactively integrate transport planning with land use to meet future demands and improve liveability. Without clear ownership, the situation in Frankton is unlikely to improve.

However, with a clear, coherent and ambitious plan there are significant opportunities to build on and improve Frankton through positive partnerships between the public and private parties that make up the local landscape.

Given much of Frankton is under private ownership, it will be critical for Queenstown Lakes District Council, New Zealand Transport Agency (NZTA) and Otago Regional Council (ORC) to work closely with their stakeholders, business and the community to deliver the Frankton Masterplan.

Masterplan Objectives

1. Integrate all plans, strategies and projects impacting on Frankton.
2. Provide Local Government, Central Government and private stakeholders confidence to invest.
3. Align infrastructure planning and land use to create optimal outcomes for Frankton.
4. Ensure Frankton remains liveable, making for a positive experience for visitors, residents and businesses.

The Queenstown Lakes District is experiencing significant growth, which is placing sustained pressure on existing facilities and infrastructure. As a pivotal hub for the district and region, Frankton is at the heart of these challenges.

As a critical transport gateway for residents and visitors, Frankton shapes experiences for millions of people each year. Equally important is Frankton as a centre for commercial and industrial activity, community facilities, recreation and social services.

Frankton is an area with a wide range of influences. Work done as part of this Masterplan will inform and provide benefits to a much wider area. The Masterplan is an opportunity to get ahead of Queenstown's growth curve to have a positive effect on other plans and developments.

Transport system and land use integration

Transport and land use exist in an interdependent relationship.

At present, the Frankton transport system both within and linking to Frankton is not appropriately developed to service current and future land uses. At the same time, development is continuing without a clear vision and this is having an increasing impact on the transport system.

A plan for Frankton that looks at how the transport system and land use (including sports, community and cultural facilities, education and healthcare) are catered for has not been adequately addressed.

A critical piece of the puzzle is the Queenstown Integrated Transport Programme Business Case (QITPBC) jointly developed by NZTA, QLDC and ORC in 2017. This document sets the strategic direction for NZTA investment across the Wakatipu Basin and outlines many key transport initiatives in Frankton.

However, QITPBC only partially addresses the integration of transport and land use. The Masterplan will offer a level of granularity to populate QITPBC with an appropriate amount of detail and provide investment certainty.

The Masterplan is not designed to replace key documents such as QITPBC but will act as a central point that bring them together and informs them through a Frankton lens.

Transport

There are multiple transport issues affecting Frankton. Some of these are being partially addressed by QITPBC, but there remains an opportunity to look at them with a finer grain to better understand the problems and opportunities. These include:

- Roading network including State Highways and local roads
- Public transport
- Ferries
- Mass Rapid Transit
- Active travel connectivity
- Queenstown Airport
- Freight management
- Emergency services
- Rental cars

Land use

A range of public and private land uses are at play within Frankton and the surrounding area, creating both challenges and opportunities to the transport system. These include:

- Residential development both in and around Frankton
- Commercial development and operations
- Queenstown Airport
- Health and education
- Community, cultural and sporting facilities
- Public spaces and places for people

A significant amount of land in Frankton is held privately. Development has moved forward without a coordinated approach to the form and function of an integrated Frankton - a Masterplan offers a shared vision and framework to guide future direction and investment.

The Frankton Masterplan

To address the situation, a Frankton Masterplan is outlined in this report. It will provide a 30-year vision that will be explained visually through a Spatial Framework.

This will form the Frankton Integrated Transport Programme Business Case (FITPBC). It will be developed using the New Zealand Transport Agency (NZTA) Business Case Approach. This will ensure a robust process is used to clarify the problems, identify the desired outcomes, what options are available and their transparent evaluation.

A joint team, involving QLDC, NZTA, ORC and other stakeholders, will inform the creation of the Masterplan and ensure it can be used as a vehicle to inform a range of key strategic drivers and investment frameworks.

The Masterplan programme is proposed to be developed between August 2018 and June 2019 at an estimated cost of \$840,000.

This is the opportunity to ensure a truly integrated approach is taken to deliver positive experiences for residents and visitors. It will also ensure public and private investments are coordinated to deliver value for money and ensure the future of Frankton is approached in an integrated way.

1 Introduction

1.1 Purpose

The purpose of this report is to seek endorsement from the Council and its partners to commence an integrated planning project for Frankton. It will use the NZTA Business Case framework as a guide to identify gaps, to gather evidence, complete data analysis, initiate community involvement to select the right interventions and establish an achievable timeframe for delivery.

Critical to the success of this plan is the need to clearly spell out the case for investment in Frankton, to the community, NZTA, ORC and private developers. Frankton is the key transport node in the Wakatipu Basin and decisions made here will have significant impact across the District and beyond.

A coordinated and comprehensive approach is needed to ensure Frankton's growth can continue while safeguarding the key aspects of community, transportation, economic activity and public spaces. A plan that can act as a guide for the various stakeholder groups, land owners and developers is essential to ensuring the creation of a combined vision for the future of Frankton.

1.2 How this report was developed

This report was developed using a combination of stakeholder workshops, research and analysis. Early engagement with project partners and community stakeholders has been a feature of this process, providing invaluable inputs to help shape the Frankton Masterplan. The three main workshop discussion points and participants are listed in Appendix 1.

Many opportunities and solutions were also noted through very constructive discussions that predominantly fell within the themes shown in the image below. It must be noted that the Frankton Masterplan Programme cannot address all the themes listed here, but they all contribute to the context.



Figure 1: Workshop discussion themes

2 Drivers for Change

2.1 Growth

Continued growth in visitor numbers, residents and commercial operations across Queenstown are placing increased pressure on Frankton’s infrastructure, particularly the transport network.

Growth in visitors is expected to continue, with approximately 3.2 million people visiting the Queenstown area in 2017¹.

Queenstown continues to grow at a rapid rate with a 6.9% rise in population in the last year alone².

The District’s resident population is projected to nearly double between 2018 and 2058, increasing from an average of 38,048 residents to just under 75,000 residents³. The highest rate of growth is projected for the next ten to 15 years.

Population growth: 2000 - 2017

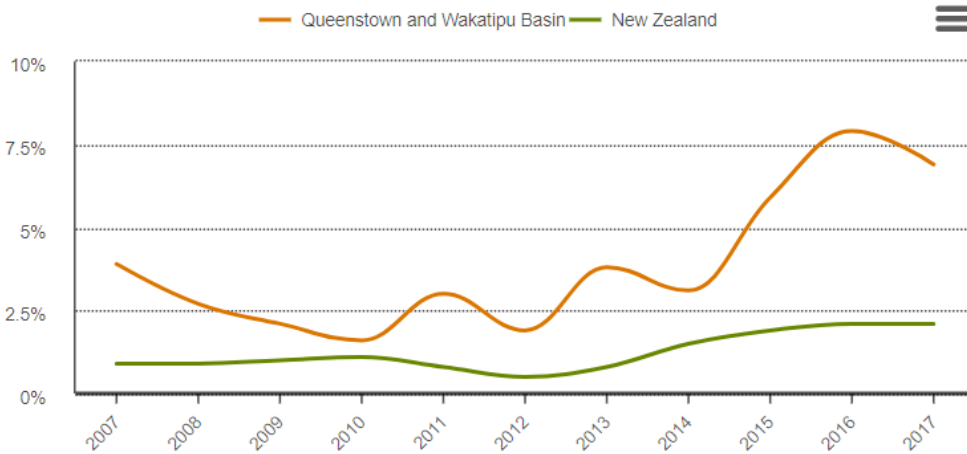


Figure 2 Wakatipu Ward population growth 200-2017, Queenstown and Wakatipu Economic Profile, Infometrics

Arrivals at Queenstown Airport continue to rise, increasing by 13% to 2,017,619 in 2017 alone, following over a decade of consistent passenger growth. Frankton is the first experience these passengers have of the Queenstown Lakes District.

¹ Destination Queenstown, visitor statistics year ending June 2017

² Wakatipu Ward population growth 200-2017, Queenstown and Wakatipu Economic Profile, Infometrics

³ QLDC Growth Projections to 2058, 25 May 201

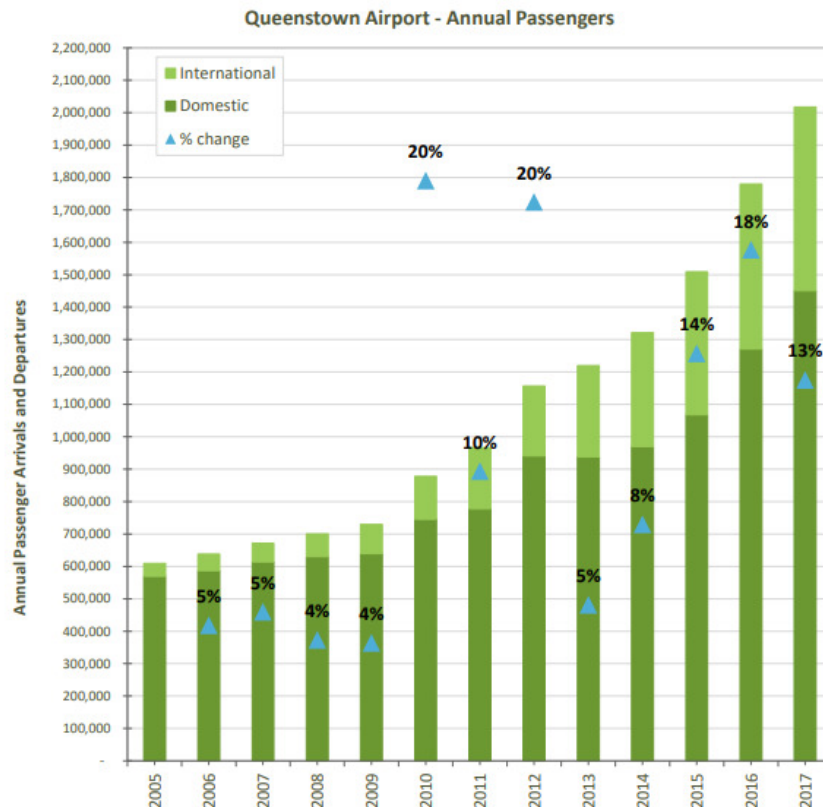


Figure 3: Queenstown Airport - Passenger History

2.2 Integration of transport and land use

2.2.1 Transport

There are multiple transport issues affecting Frankton. Some of these are being partially addressed by QITPBC, but there remains an opportunity to look at them with a finer grain to better understand the problems and opportunities. These include:

- a) Roading network including State Highways and local roads
- b) Public transport
- c) Ferries
- d) Mass Rapid Transit
- e) Active travel connectivity
- f) Queenstown Airport
- g) Freight management
- h) Emergency services
- i) Rental cars

2.2.2 Land use

A range of public and private land uses are at play within Frankton and the surrounding area, creating both challenges and opportunities to the transport system. These include:

- a) Residential development both in and around Frankton
- b) Commercial development and operations
- c) Queenstown Airport
- d) Health and education
- e) Community, cultural and sporting facilities

- f) Public spaces and places for people

2.3 Strategic drivers

Through the pivotal role that Frankton plays as a hub for the Queenstown Lakes District and beyond, Frankton is naturally influenced and directed by a range of strategies, plans and policies.

- a) GPS on Land Transport
- b) NPS on Urban Development Capacity
- c) Urban Growth Agenda
- d) Housing Infrastructure Fund
- e) District Plan

3 Transport and Land Use Integration

Frankton's unique position as a critical junction presents a range of challenges when looked at through a masterplanning lens. However, wherever there is a challenge there is also an opportunity to do something new and improve the status quo. By looking at Frankton as a whole there is an opportunity to identify both challenges and opportunities and act on them.

3.1 Transport

3.1.1 Roading network including State Highways and local roads

Frankton is the key transport gateway into Queenstown for the State Highway network. Traffic congestion issues are continuing to increase alongside population and visitor growth. Queenstown's unique geography means there are limited options to build a way out of the issues around capacity.

Interventions are required to keep this corridor functioning properly. In 2017, State Highway 6A, between Frankton and Queenstown Town Centre was operating at 88% of its theoretical capacity of 28,500 vehicles per day, a figure that is expected to reach 100% by 2026. Traditional transport strategies and response to growth will no longer work in the Queenstown environment.⁴

The Shotover Bridge is already at capacity at times during the morning commute and no further capacity can be added. Growth projections to the east of Frankton see the Shotover Bridge as a pinch point which may affect higher density development along Ladies Mile.

Planned improvements to SH6 from the Kawarau Falls Bridge through to Grant Road are being looked at by NZTA. Detailed Business Plans are assessing options along SH6A from Frankton to Queenstown, including provision of a Mass Rapid Transport (MRT) corridor.

Given the State Highway interventions there remains uncertainty around the connectivity with the local road network. It is unclear how the local road network will service future land use changes.

Opportunity: Work with NZTA to look at futureproofing the State Highway network and improving alternatives to car use.

3.1.2 Public Transport

To date, Frankton has been configured to meet the needs of car drivers. Despite growth in the uptake of the public transport service since the introduction of the \$2 bus fare, mode share is still heavily weighted towards private car use. The bus hub in Frankton today is used by a range of services, but it is not well connected to the major attractions in Frankton. The location for this needs to be reviewed with a wider multi-modal hub in mind.

⁴ Queenstown Integrated Transport Programme Business Case

QITPBC has raised the possibility of an improved ferry service and the development of a form of MRT that exists outside of the roading network with connections to a potential Frankton transport hub (see Figure 4).

These are currently being investigated within the Frankton to Queenstown, Queenstown Town Centre and Lake Wakatipu Public Water Service Ferry business cases.

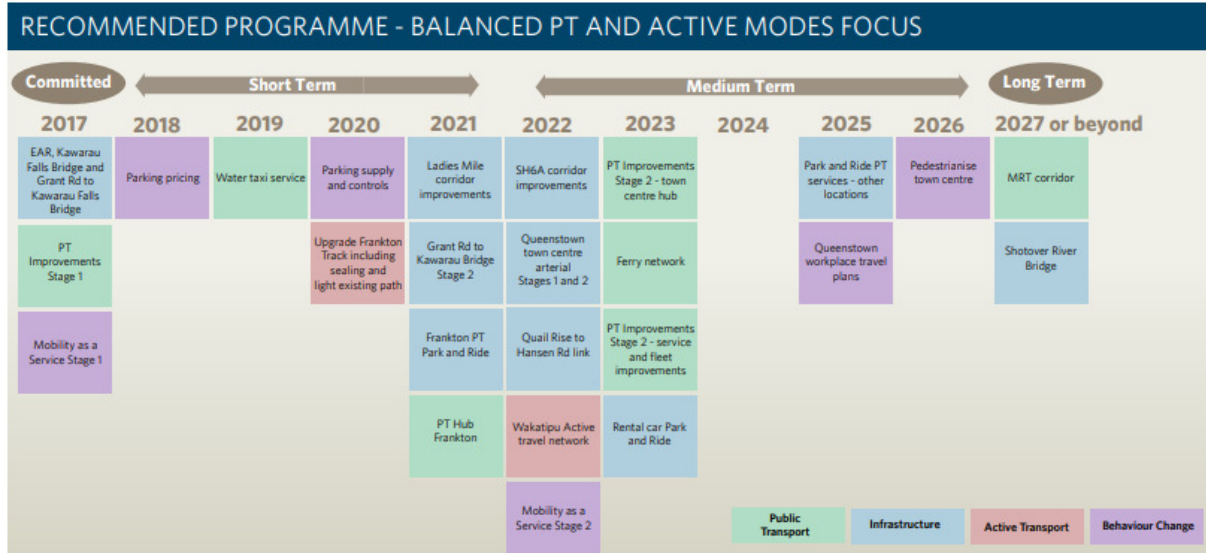


Figure 4: Queenstown Integrated Transport Programme Business Case, Recommended Programme - Balance PT and Active Modes

Opportunity: Take proactive steps to integrate land use, public transport provision to encourage the uptake of non-car transport in Frankton and beyond.

3.1.3 Active travel connectivity

The development of land in Frankton has not been coordinated from an active travel perspective. This has resulted in transport severance, most notably for people walking or cycling to get around Frankton.

There is a good network of off-road trails across the Wakatipu Basin that connect to and through Frankton, however there is less provision for commuters looking to utilise active travel on a daily basis. There is also a lack of on-road space for active commuter connections, particularly with regard to the Shotover Bridge.

Active travel connections to Frankton will be addressed through the business case for the Wakatipu Active Travel Network to be developed in 2018/19. However, this business case will focus on connections to Frankton, but not within.

Opportunity: Create a network of commuter friendly tracks and trails connecting to and through Frankton, encouraging increased use of active travel.

3.1.4 Queenstown Airport

The Queenstown Airport Masterplan outlines three development options, two of which outline moving the terminal to the north or south of the runway and a potential increase to 5.1 million passenger movements a year.⁵ These numbers may be influenced by future air noise boundaries (see Figure 5). The proposed boundaries are currently under public consultation and are expected to be resolved within the next one to two years.

⁵ Queenstown Airport, Master Plan Options

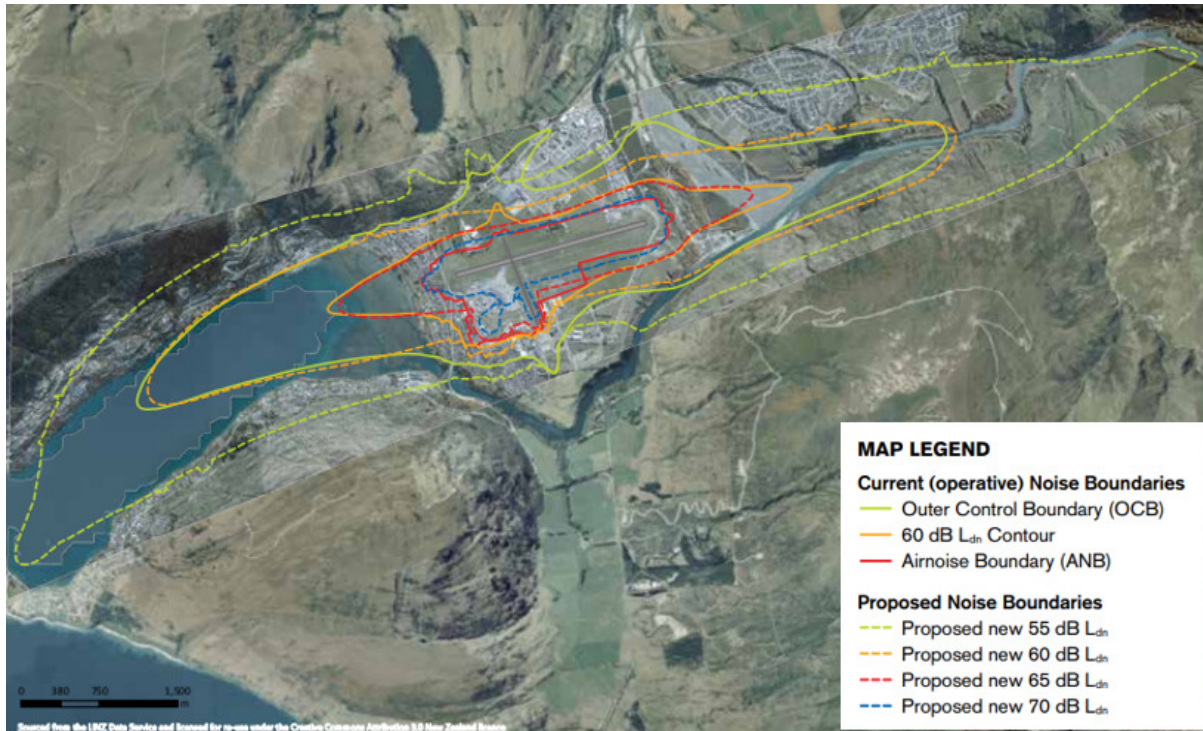


Figure 5: QAC Current and Proposed Noise Boundaries

The localised effects of the terminal location options are not yet understood, and future land use changes could alter the dynamics of several transport networks. Whichever option is chosen for a new terminal site, the transport system in Frankton will need to be enhanced to ensure Airport customers have appropriate travel experiences. Currently the Airport's masterplan and QITPBC have not addressed the impact of the Airport on the transport system.

The traffic arrangements in and out of the airport are also constrained and crowded by multiple users, including rental cars and tourism operators. A high number of arriving passengers pick up rental cars (one in three) and contribute to an increasingly congested network. There is an opportunity to coordinate planning of future public and mass transport hubs around an airport gateway, potentially providing an attractive alternative to driving a car into Queenstown.

Opportunity: Work with the Queenstown Airport Corporation to ensure an appropriate travel experience for the Airport and their customers.

3.1.5 Freight management

The freight network is growing. The main supply route is from Christchurch, through Cromwell to both Wanaka and Queenstown. Frankton lacks a freight hub for dry goods, so vehicles are passing through either Frankton or cross-docking to smaller delivery vehicles for Queenstown Town Centre and Frankton deliveries. This is doubling up on the traffic through Frankton. Passenger freight (tourism and intercity) operations are also growing with several independents boosting numbers.

Freight infrastructure in Frankton and Queenstown needs to meet the needs of the freight task.

Opportunity: Work with freight operators to better understand the issues they face and what a solution looks like. The opportunity to link in with industry led investigations is already underway in this space.

3.1.6 Emergency services

Frankton is host to critical emergency services including the Ambulance Station, Hospital and the Frankton Fire Station. These services are dealing with rising demands and they are considering

physical and operational expansions that are reliant on the efficient and reliable transport networks.

Opportunity: *Work with emergency services to understand their needs and design transport corridors that allow ease of movement in emergencies, including Civil Defence events.*

3.1.7 Rental cars

The rental fleet size and operation has not yet been addressed in full and is currently accommodated on any undeveloped land in Frankton. Rental car uptake is estimated as being a third of all air passengers into Queenstown, a ratio that is three times that of Auckland Airport.

This style of operation takes up a significant amount of land, impacting the visual amenity of the area, particularly for those arriving by air. It also impacts the capacity and operation of the local roads as rental vehicles (including many campervans) are moved between storage sites, Airport depots and subsequently onto the road network.

Opportunity: *Improve alternative modes of transport and encourage visitors to avoid renting vehicles unless necessary for wider travel.*

3.2 Queenstown Integrated Transport Programme Business Case

A critical piece of the transport landscape is the Queenstown Integrated Transport Programme Business Case (QITPBC) jointly developed by NZTA, QLDC and ORC in 2017. This document sets the strategic direction for NZTA investment across the Wakatipu Basin and outlines many key transport initiatives in Frankton.

However, QITPBC only partially addresses the integration of transport and land use. The Masterplan will offer a level of granularity to populate QITPBC with an appropriate amount of detail and provide investment certainty.

It is important that QITPBC is integrated into the thinking for the Frankton Masterplan, which includes several elements that fall outside the scope of QITPBC (see 5.3 Potential Workstream Diagram). That said, there is an opportunity to develop both QITPBC and the Masterplan alongside each other in parallel, ensuring that each document informs the other and integrates to provide the best possible outcomes for Frankton and the wider district.

There is potential for NZTA to develop QITPBC into a living document that integrates all the evidence and ensures all transport initiatives are heading in the same direction. By regularly updating QITPBC it could be used as a governance structure and a vehicle for informing transport decisions.

The below gap analysis uses the known issues for Frankton to look at the ability of QITPBC to address them.

Table 1: QITPBC Gap Analysis

Transport mode	Proposed	Gaps/opportunities
Land use integration	QITPBC plays a passive role to support current corridors and developments.	<ul style="list-style-type: none"> • Opportunity for transport to better integrate activities and enable higher density, more efficient freight, improved places for people, growth in economic activity and increased housing supply (choice and affordability). • This can occur through the Masterplan Spatial Framework.

Transport mode	Proposed	Gaps/opportunities
Roading network	SH6/6A interim upgrades to address network constraints. Shotover Bridge upgrade scheduled for 2027 Upgrades to SH6 from the Kawarau Falls Bridge to Grants Road.	<ul style="list-style-type: none"> Accelerated Shotover Bridge upgrade or alternative plans to meet current and future demand (noting current AM peak congestion). Investigation of alternate crossings or routes to Queenstown Town Centre. Improved allocation for active travel and crossing points, particularly as residential developments progress.
Public Transport (Bus)	Improved services/frequency and a public transport hub, bus priority on SH6A.	<ul style="list-style-type: none"> Consideration of other public transport hub sites to better integrate with mass rapid transit, RPL Gondola, ferry operations, airport gateway and active travel. Buses can play a larger role in supporting school and commuter transit through more efficient routes and integration with higher density development areas.
Mass Rapid Transit	High-level identification of the need for an MRT corridor and an indicative terminal.	<ul style="list-style-type: none"> Better integration with proposed RPL Gondola, future ferry network, airport gateway, or a transport hub. Potential to shape Transport Orientated Development (TOD). Investigation into a range of mode options. Provides an opportunity to reduce rental car travel into Queenstown Town Centre. Opportunity to connect with a park and ride facility.
Ferries	A ferry connection from Frankton to Queenstown. Mention of an 'extensive water taxi network' although detail is unclear.	<ul style="list-style-type: none"> Exploration of other connections, including Lake Hayes Estate and integration with the proposed RPL Gondola and Airport gateway. Further integration of ferries as a real alternative to car travel across the basin through a transport hub.
Active travel	Improved service levels and amenity for pedestrians and cyclists through the sealing and lighting of tracks as well as the extension of the active travel network - including an additional crossing of the Shotover River.	<ul style="list-style-type: none"> While there is a business case being developed for primary and secondary active travel routes throughout the Wakatipu Basin, there remains a need for a more fine-grained network within Frankton. There is a lack of integration between modes to allow for transitioning from a bike to public transport. Lack of cycling facilities to meet all abilities, particularly children as the school facilities grow. Opportunity to use the following areas for better connections: <ul style="list-style-type: none"> the reserve land on the eastern side of Glenda Drive link LHE/Shotover with Frankton using trails the whole way around the Kawarau River on the southern side of Frankton Frankton Golf Course.

Transport mode	Proposed	Gaps/opportunities
Airport interface	Not referenced	<ul style="list-style-type: none"> There is an opportunity to influence future airport operations by defining the future transport infrastructure mix and operations in Frankton.
Freight	No specific reference to freight. Note: Inefficiencies see many vehicle movements a day between Frankton and Queenstown (Bidvest alone have over 15,000 a year).	<ul style="list-style-type: none"> There is an opportunity to identify improved understanding of activities, requirements and supporting facilities. Improved allocation of space for distribution of goods. Improved operations to Queenstown support Queenstown Town Centre Masterplan objectives
Emergency services	Not referenced	<ul style="list-style-type: none"> There is an opportunity to work with emergency service providers to improve access and egress to facilitate improved response times.
Rental cars	Not referenced	<ul style="list-style-type: none"> There is an opportunity to better manage rental cars through improved public transport/MRT offerings, in addition to integrated planning that prevents network impacts through reduced rental car movements in high congestion areas. This may include improved storage options and alternate access routes to take the pressure off the network.
Housing Infrastructure Fund development	State Highway corridor improvements.	<ul style="list-style-type: none"> There is a need to cater for and shape the transport behaviour of residential growth in Ladies Mile and Quail Rise by providing attractive alternatives to private vehicle use.

3.3 Land use

3.3.1 Residential development in and around Frankton

Frankton will experience growing demand as residential and accommodation developments increase in and around the Frankton. Residential and commercial growth within Frankton itself, particularly along the southern boundary with the Kawarau River, combined with increased traffic flows from Hawthorne Drive are already placing pressure on the internal transport network within Frankton. This is forecast to grow as development in the Remarkables Park area increases and intensifies.

This growth will be exacerbated by further development in the surrounding areas, this includes:

- Large scale residential projects underway to the south at Hanley Downs and Jacks Point.
- Continued growth around Quail Rise, Lake Hayes Estate, Shotover Country and Bridesdale Farm.
- Planned development along Ladies Mile as part of the HIF funding from Central Government with a residential capacity of up to 1100 dwellings.
- Potential future housing development to the north of Frankton along SH6.
- Remarkables Park Ltd is planning some 4000 residential units with a mix of accommodation types and commercial sites. They are also looking to develop both education and healthcare offerings, as well as a gondola up the Remarkables ski field via Lake Hayes Estate.

- Kelvin Heights has capacity for another 2000 dwellings and development is considered more likely following a recent change of ownership. This will bring additional traffic through Frankton.

The effects of this will be increased by further developments that have not yet been identified, as well as the effects of growth elsewhere, including areas outside the District (e.g. Cromwell)

Opportunity: *By better understanding the location and density of developments, interventions can be planned for and put in place before they are required.*

3.3.2 Commercial development and operations

There has been significant commercial growth in Frankton over the past two to three years, the effects of which are still not being felt on the transport network. This will continue to increase, and much of the development thus far has been done in a car-centric way that doesn't support alternative modes of transport.

Opportunity: *Work to better understand how the transport system can support further commercial operations, while offering an improved transport experience.*

3.3.3 Health and education

Frankton is home to the Lakes District Hospital and other critical health services and providers for the District.

In addition to the planned expansion of the existing hospital, Remarkables Park Limited have announced plans to develop a full-service hospital, along with a new retirement facility.

Wakatipu High School (public private partnership) is planning an expansion and may reach capacity within the next five years. Recent changes to school transport operations are putting more reliance on public transport or parents driving children to school in cars, increasing traffic on local networks. There are currently no practical active travel connections servicing these areas.

The Southern Institute of Technology also operates in Frankton and there is growing interest from private education providers. These private facilities require attractive public transport and active travel connections to avoid bringing more cars into an already constrained network.

Opportunity: *Work with Central Government and private enterprise to understand their needs, help inform their future plans and align these with transport solutions.*

3.3.4 Sports, community and cultural facilities

Frankton's central position lends itself as an area to site a number of community and cultural facilities. That said, the development of an over-arching Cultural Masterplan, alongside a Sports and Cultural Facilities Review for the District are currently underway, and Frankton's role within these pieces of work is yet to be determined.

The Queenstown Events Centre is already reaching capacity and improvements to John Davies Oval has seen the return of high profile events, with several ICC Under-19 world cup matches held in Jan/Feb 2018 and the return of international cricket signalled. Future development opportunities at the QEC site remain unclear.

There may be a consensus that the Golf Course land should remain a green public space, but discussion around its future use as a more inclusive area are ongoing. The planned retirement of the wastewater oxidation ponds on the Shotover Delta in the next five to ten years may also provide the opportunity for more recreation space, particularly sports fields.

While the location of a temporary library has been confirmed at Frankton, the future of a permanent library facility remains unclear. An opportunity exists to look at both the location and function of a Frankton Library and how this could support other uses of such a facility.

There is a considerable amount of waterfront recreational reserve land available around the perimeter of Frankton, however there is little provision of passive recreational facilities within

Frankton itself. The waterfronts offer an opportunity to support passive recreation and create an attraction for both residents and visitors alike.

Opportunity: *Ensure demand is met by using the Masterplan to engage with the community and inform the provision and placement of facilities. Support the location of these facilities and ensure the transport system helps people utilise them.*

3.3.5 Quality of public spaces

Frankton has developed in a way that has not focused on liveability and quality places for people. This has led to a lack of coordinated development of high quality public spaces.

While some developers are trying to incorporate placemaking into the areas they control, they lack a common vision and approach to inform this. There is a genuine desire to work with Council to shape improved public places and create new attractions through a joined-up approach. Transport planning will play a large role in this, as it facilitates bringing people and activities together to make places vibrant and attractive.

There are also numerous natural assets within Frankton that are underutilised. The waterfronts are prime examples. Frankton Beach is already reasonably well used by the community, but it could benefit from better connections to the rest of Frankton. The interface between the Kawarau and Shotover rivers are currently disconnected from the high activity areas. Furthermore, this land is not currently in a state that would attract people to go there.

Increasingly, Frankton is being identified as a place where people dwell on the fringes of Queenstown as they plan the next leg of their journey. This provides an opportunity to develop attractions and dwell areas that provide value for visitors and locals alike. These types of spaces can go a long way to demonstrating the authenticity of Frankton and shaping positive experiences.

Opportunity: *Work with the community, developers, land owners and stakeholders to create a shared vision for the future of Frankton with ideals of liveability and placemaking at its core.*

3.3.6 Other physical considerations

There are other physical elements to be considered during the programme business case development. These are listed in Appendix 3. Strategic Drivers

3.4 Strategic drivers

Through the pivotal role that Frankton plays as a hub for the Queenstown Lakes District and beyond, Frankton is naturally influenced and directed by a number of strategies, plans and policies. For the purposes of informing the composition of a Frankton Masterplan, these strategies, plans and policies have been analysed to identify key considerations and gaps to be addressed. This analysis is shown below.

3.4.1 Government Policy Statement (GPS) on Land Transport

The GPS provides a focus on safety, access and supports a mode shift to lower emission forms of transport. This includes walking, cycling, public transport and lower emission vehicles (such as electric). It provides impetus to take a proactive approach, one where public and active transport play a much bigger role.

This provides an opportunity to proactively plan for:

- Better integration of transport and land use around public and active transport nodes
- Better active travel connections to and across Frankton
- Improved public spaces that are well served by transport links.

3.4.2 The National Policy Statement on Urban Development Capacity (NPS-UDC)

The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) recognises the national significance of:

- urban environments and the need to enable such environments to develop and change
- providing sufficient development capacity to meet the needs of people, communities and future generations in urban environments.

The NPS-UDC requires high-growth local authorities (including QLDC) to produce a Future Development Strategy (FDS) by 31 December 2018.

There is an opportunity to use the Future Development Strategy Process currently underway to inform the future land use of Frankton in the context of the district. This process should feed into the Masterplan programme development in time to inform the economic case (options development and evaluation).

3.4.3 Urban Growth Agenda

Central Government announced its urban growth agenda in November 2017. The purpose of the urban growth agenda is to achieve competitive urban land markets, where supply meets demand and prices cover the cost of growth. The five pillars to address this are:

1. Infrastructure funding and financing
2. A pro-growth planning system
3. Road pricing
4. Spatial planning by central and local government
5. Legislative reform of the Resource Management Act, Local Government Act and Land Transport Management Act.

Pillars 2 and 4 provide support for a proactive planning approach that will support growth and implementation of a spatial framework that defines how Frankton will look and operate in the future.

3.4.4 Housing Infrastructure Fund (HIF)

QLDC has applied for Government funding under the Housing Infrastructure Fund to assist in the development of key infrastructure projects in Kingston, Quail Rise and Ladies Mile.

All three of these will have impacts on Frankton, but none more so than the proposed development on Ladies Mile.

The New Zealand Transport agency is cautious about approving a large number of high-density residential dwellings on Ladies Mile because of the traffic capacity issues along SH6/SH6A, particularly in terms of the Shotover Bridge and through Frankton into Queenstown.

The Transport network to and through Frankton is now having impacts on development outside of its boundaries, and this requires urgent attention.

3.4.5 QLDC Long Term Plan

The LTP acknowledges the importance of the Frankton area and recommends a Masterplan be launched specifically to look at the strategic importance it holds for the rest of the District.

3.4.6 Proposed District Plan (including the operative plan change 19 for Frankton)

The PDP sets the strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities, notably:

- Vibrant and compact town centres.
- Compact and connected settlements that encourage public transport, biking and walking.
- Diverse, resilient, inclusive and connected communities.
- A district providing a variety of lifestyle choices.

The way that future zoning will enable these strategic directions needs to be clarified in the context of the Frankton.

3.4.7 Other relevant strategies

There are other relevant strategies listed in Appendix 2. They will also have a bearing on the Frankton Masterplan and should be considered further in the development of the business case.

4 Proposed Masterplan Description

Frankton currently lacks a clear vision and spatial framework that can proactively integrate transport planning with land use to meet future demands and improve liveability. Without clear ownership, the situation in Frankton is unlikely to improve.

4.1.1 Masterplan objectives

1. Integrate all plans, strategies and projects impacting on Frankton.
2. Provide Local Government, Central Government and private stakeholders confidence to invest.
3. Align infrastructure planning and land use to create optimal outcomes for Frankton.
4. Ensure Frankton remains liveable, making for a positive experience for visitors, residents and businesses.

The Frankton Masterplan will focus on the physical interventions and consider the contextual, heritage, cultural, infrastructural and development overlays that will integrate the current and future potential opportunities (e.g. civic, recreational, environmental, land use, streetscape, transportation and development).

The Spatial Framework will provide a strong visual story illustrating why the various interventions are a priority, how they are prioritised and how they are sequenced for implementation.

4.1.2 Area of focus

The Frankton Masterplan preliminary geographical scope is the area north of and including the Frankton Marina extending to the Kawarau and Shotover Rivers.

4.1.3 Area of influence

The area of influence extends beyond Frankton across into Shotover Country and Lake Hayes Estate, east to Queenstown and south to Drift Bay and around to Kelvin Heights.



Figure 6: Geographical Masterplan Scope

5 Masterplan Workstreams

The Frankton Masterplan will outline a 30-year vision for Frankton that will be described and explained visually through a Spatial Framework document. It will bring together key agencies, stakeholders and the community to offer a shared vision for the future of Frankton.

It will act as a central pivot point, bringing together Local Government, Central Government and private land use initiatives while adding a Frankton lens to a range of transport initiatives programmes and strategies.

By providing ownership and leadership of the process, with clear lines of coordination between all parties, the Masterplan will integrate the public and private sectors.

The Masterplan sits in the centre of the workstreams involved, informing transport, Local Government, Central Government and private enterprise functions. Setting the direction for Frankton through transparency and collaboration.

Key to this process is ensuring the Masterplan serves the needs of QLDC, NZTA and ORC – who all have significant roles to play, particularly in terms of the public transport, active travel and

transport networks. Ensuring private developers are engaged in the process is also critical to its success, particularly with respect to the amount of land that is privately held across Frankton.

5.1 Spatial Framework and Masterplan

At present there is no collective view on what Frankton is, what function and form it holds from a district perspective, or what it should become. While several plans and strategies have been created, there are none that specifically look at Frankton in the level of detail required.

The development of a Spatial Framework showing what should/could go where and why, would add confidence to investors and help map out a plan for the future of Frankton. The Spatial Framework not only shows what the future looks like in the Frankton context, it also helps define Frankton in the wider Queenstown context as a critical piece of the puzzle.

There is a wide and complex range of issues at play, which exist on a scale of control, influence and interest (see Potential Workstream Diagram below). Some issues can be controlled by QLDC and its partners as part of this Masterplan, others can be influenced or supported, while others are of interest but ultimately cannot be shaped by the masterplanning process, as it currently stands.

5.2 Transport and land use

Transport and land use exist in an interdependent relationship.

At present, the Frankton transport system both within and linking to Frankton is not appropriately developed to service current and future land uses. At the same time, development is continuing without a clear vision and this is having an increasing impact on the transport system.

A plan for Frankton that looks at how the transport system and land use (including sports, community and cultural facilities, education and healthcare) are catered for has not been adequately addressed.

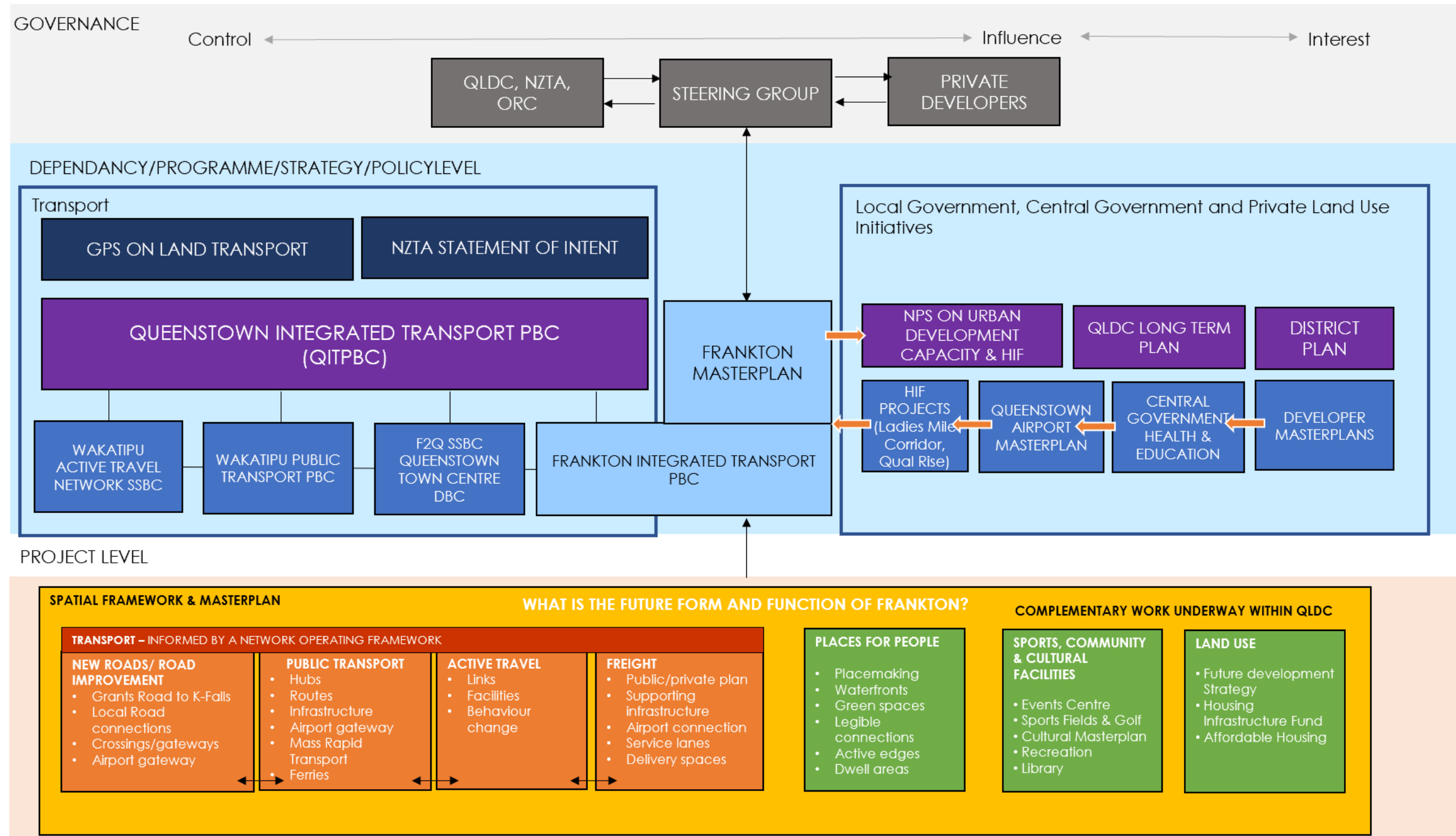
A critical piece of the puzzle is the Queenstown Integrated Transport Programme Business Case (QITPBC) jointly developed by NZTA, QLDC and ORC in 2017. This document sets the strategic direction for NZTA investment across the Wakatipu Basin and outlines many key transport initiatives in Frankton.

However, QITPBC only partially addresses the integration of transport and land use. The Masterplan will offer a level of granularity to populate QITPBC with an appropriate amount of detail and provide investment certainty.

The Masterplan is not designed to replace key documents such as QITPBC but will act as a central point that bring them together and informs them through a Frankton lens.

5.3 Potential Workstream diagram

FRANKTON MASTERPLAN - POTENTIAL WORKSTREAMS



- Frankton Masterplan programme workstreams
- Complementary projects

STATUS: FINAL DRAFT

Figure 7: Preliminary Workstreams Diagram

6 Programme Governance and Decision-Making

Programmes of this nature benefit from a clear and well-structured governance and decision-making framework. The proposed decision structure is set out in Figure 8.

The Programme Governance is the main forum for decisions and financial approvals. The Control Group is the primary review and integration forum to ensure implications are thought through and coordinated at an organisational level.

The decision structure also makes use of expert advisors on demand and well-informed advisory groups. The Queenstown Transport Governance Group includes representatives from QLDC, NZTA, ORC and QAC, which means it can provide valuable advice around proposed transport and land use activities. The Frankton Masterplan Technical Advisory Group will focus on ensuring the programme is capturing the right evidence, considering a range of options and applying robust evaluation of those options. Ideally, this group would be made up of local and national specialists that can bring an objective and discipline-focused perspective to discussions around improvements for Frankton.

Tony Pickard from QLDC will be the Business Case Development Lead within this structure. He will work with the Project Manager (Gabrielle Tabron) and the Business Case consultants to direct and support the speciality resources (shown below in purple) to develop and test the programme options using the NZTA Business Case approach.

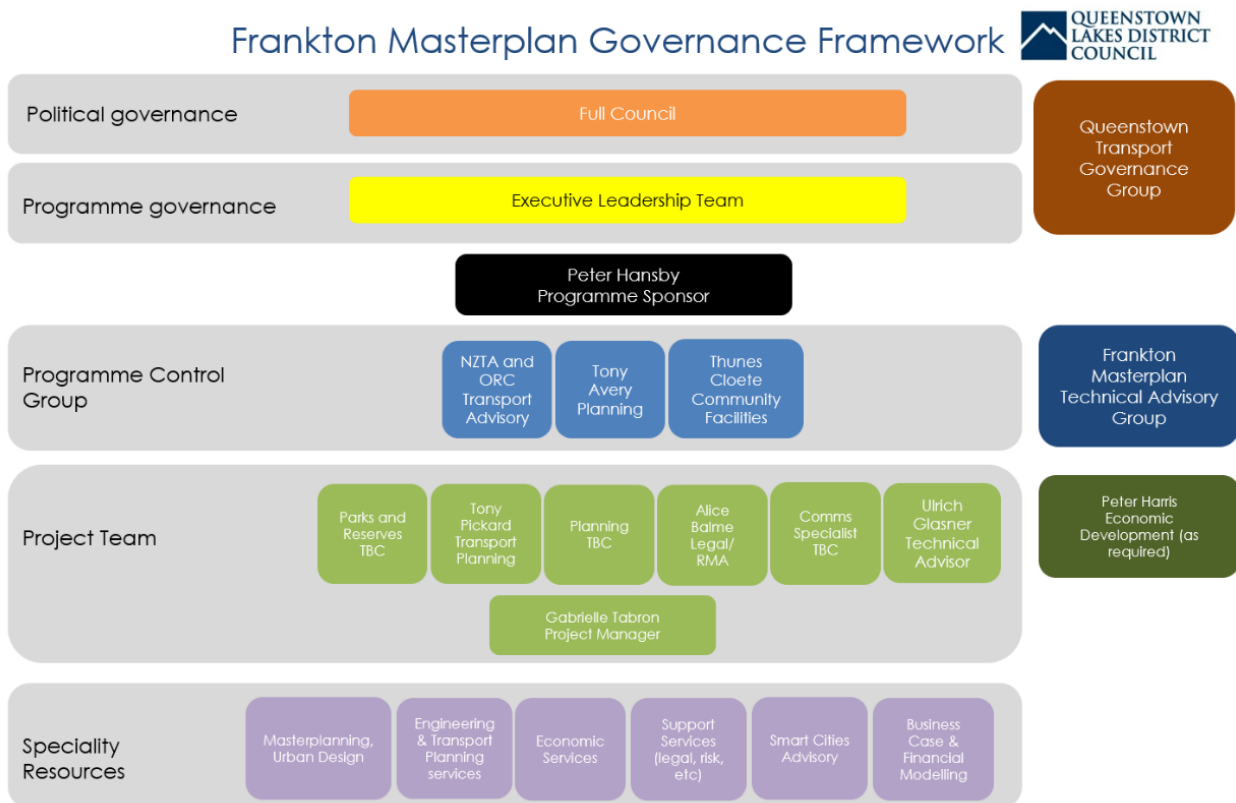


Figure 8: Frankton Masterplan Governance Framework

7 Proposed Process and Schedule

The proposed schedule for development of the Frankton Masterplan is shown below.

Table 2: Proposed Schedule Overview

August 2018 – September 2018	<p style="text-align: center;">1 - PROCUREMENT</p> <ul style="list-style-type: none"> Procure masterplan/business case services Hold a community and stakeholder engagement conversation around what is good and bad about Frankton and aspirations for the area. Focus on leveraging digital channels supported by targeted media coverage and discussions with representative groups. 	Approved procurement of required services and Community Engagement Summary
October 2018	<p style="text-align: center;">2 – STRATEGIC CASE</p> <ul style="list-style-type: none"> Project initiation workshops ILM Vision, problems and benefits Network operating framework workshop 	Approval of the Strategic Case Summary by the Partners and ELT
November 2018 – February 2019	<p style="text-align: center;">3 – ECONOMIC CASE</p> <ul style="list-style-type: none"> Longlist options development and evaluation Evaluation of shortlist options Engage stakeholders and community to test shortlist and preferred option Includes developing an initial masterplan to guide discussions 	Draft Report and presentation of the Short List of Options and Preferred Way Forward
March 2019 – April 2019	<p style="text-align: center;">4 – DRAFT PROGRAMME BUSINESS CASE</p> <ul style="list-style-type: none"> Workshops with the Programme Control Group and targeted QLDC staff to develop the Commercial, Financial and Management Case strategies. 	Presentation of the Draft Programme Business Case to the ELT and Council. Submission to Annual Plan Early Implementation Budget
May 2019 – June 2019	<p style="text-align: center;">5 – COMMUNITY ENGAGEMENT</p> <ul style="list-style-type: none"> Engagement events and activities Agreement around sequencing and mix with investors. 	Revised Programme Business Case report to the PCG in late May
July 2019	<p style="text-align: center;">6 – ENDORSEMENT OF THE PROGRAMME BUSINESS CASE</p> <ul style="list-style-type: none"> Inclusion as one of Council's non-statutory strategic documents to guide planning, development and projects within Frankton 	Agreement to incorporate the Frankton Masterplan within the Amended Long-Term Plan (2021-2031)

8 Delivery

QLDC will own and drive the development of the Masterplan but will work closely alongside NZTA and ORC to ensure all aspects of the wider Frankton situation are accounted for. At the time of writing there is a joint partnership being developed between QLDC, NZTA and ORC.

The Masterplan will inform the Frankton Integrated Transport Programme Business Case (FITPBC). It will be developed using the New Zealand Transport Agency (NZTA) Business Case Approach. This will ensure a robust process is used to clarify the problems, identify the desired outcomes, what options are available and their transparent evaluation.

The Masterplan will gather a wide range of information and present it in a way that creates a shared vision for the future of Frankton, whilst creating greater clarity for investment partners.

Of particular importance to this process is the ability to use FITPBC to both inform and refine QITPBC as a vehicle for securing investment from NZTA.

QLDC and partners require a delivery model that:

- meets the programme objectives
- is achievable despite known constraints (which include funding, resources and distributed land ownership)
- provides strong value for money
- recognises the need to differentiate between the things that can be controlled, influenced or are of interest to the programme
- demonstrates collaboration between public agencies, private enterprise, stakeholders and community.

The Frankton Masterplan will be fully integrated while applying the following approach:

- **Controlling** the proposed transport and public realm improvements in coordination with QITPBC.
- **Controlling** the development and application of the spatial framework.
- **Influencing** the land use and community/cultural facilities development within Frankton.
- **Supporting** private land owners and developers to understand what the future of Frankton could look like through a shared vision.

9 Procurement Approach

The primary procurement objective is to develop a series of integrated interventions, at best value, and in time to populate the 2019/20 Annual Plan / amended Long Term Plan.

A key element of success is the development of the right procurement approach, which creates a highly cooperative team comprising internal and external specialists. For this scope of work, a diverse team, including business case, urban design, engineering, planning, finance, property, communication and project management professionals, is required.

To ensure there is integration between the Frankton Masterplan and the Programme Business Case and to optimise outputs within the delivery timeframe, it is proposed that the core delivery team be procured through a single stage competitive tender process. This would be evaluated using the Price Quality Method in accordance with NZTA's procurement guidelines and would enable delivery by a single multi-disciplinary team.

The estimated cost of the Frankton Masterplan and Programme Business Case would be in the order of \$840,000 with the two components estimated as follows:

- Frankton Masterplan (including Spatial Framework) - \$250,000
- Frankton Integrated Transport Programme Business Case - \$590,000

10 Community and Stakeholder Engagement

Community engagement is a crucial component that will contribute to the success of the Masterplan. The community must be involved in the future of Frankton and opportunities will be provided for community and stakeholder input at key stages throughout the development of the Masterplan.

As identified in the programme schedule, it is recommended that wider community engagement occurs ahead of the Vision and Investment Logic Mapping workshops to inform these discussions and the development of the Strategic Case. This type of approach will build on the engagement completed to date while providing very valuable inputs to the key workshops.

Given the critical importance of input from the community and stakeholders, a Communication and Engagement Plan will be prepared to support the programme. This will be developed by the QLDC Communications Team, who have a significant amount of experience in this space and will reflect the principles of the Significance and Engagement Policy and recently updated Communication Policy.

Ensuring specific groups are brought along for the ride is particularly important given the influence of certain stakeholders in Frankton. Private developers, QAC, community groups, the Ministry of Education, Southern DHB, NZTA and ORC all have a significant part to play in this process and must have their say.

Building on the early engagement workshops already undertaken, the next components of this programme will be to undertake wider community engagement. This will be carried out using a range of QLDC communication channels and will inform people about the project and how they can engage with it.

Key elements may include:

- press releases and media stand-ups at key milestones throughout the Masterplan
- dedicated pages on the 'your views' and 'major projects' sections of the QLDC website (www.qldc.govt.nz)
- promotion through QLDC Facebook and Twitter pages, with potential scope for paid promotional posts
- dedicated articles in Scuttlebutt magazine
- marketing collateral in local publications
- Face-to-face engagement with local community groups
- a presence in the local community through stands and drop in sessions.

A stakeholder matrix has been developed to reflect the interest and influence of a range of stakeholders and interest groups (see Figure 9).

The communication and engagement plan should show when and how the respective partner and stakeholder will be engaged with. Additional stakeholder groups may be identified through the process.



Figure 9: Stakeholder Matrix

11 Programme Risk

The following Masterplan risks need to be considered and further developed as the programme progresses:

- funding is not approved by key partners and stakeholders
- the programme does not meet community, visitor and stakeholder expectations
- the Plan cannot adapt to changing external influences
- a failure to coordinate and integrate workstreams.

A full risk register will be developed as part of the Programme Business Case.

12 Recommendations

It is recommended that Queenstown Lakes District Council and project partners endorse this report, which includes the following arrangements:

1. Establishment of the Frankton Masterplan.
2. Establishing a Programme Business Case that contains each proposed area of focus, coordinated through a Spatial Framework.

Appendix 1 – Workshop Attendees and Participants

Project partner workshop

The project partner initiation workshop that included representatives from QLDC, NZTA and ORC was held on 16 May 2018 and the participants included:

- **QLDC** - Peter Hansby (General Manager Property and Infrastructure), Richard Pope (Team Leader Property), Ulrich Glasner (Chief Engineer), Blair Devlin (Manager Planning Practice), Ian Bayliss (Planning Policy Manager), Tony Pickard (Transport Strategy Manager), Tony Avery (General Manager Planning and Development), Thunes Cloete (General Manager Community Services) and Gabrielle Tabron (Project Manager).
- **NZTA** - Tony Sizemore, Chad Barker
- **ORC** - Stephen Patience
- **Rationale** - Edward Guy, Ben Smith and Andy Longman

Frankton stakeholder workshop 1 (commercial and business focus)

The first stakeholder workshop was held on 6 June and the participants included:

- Peter Hansby, General Manager Property and Infrastructure QLDC
- Tony Pickard, Transport Strategy Manager, QLDC
- Gabrielle Tabron, Project Manager, QLDC
- Tony Sizemore - NZTA
- Rachel Tregidga, General Manager Property & Planning – Queenstown Airport Corporation
- Mike Buyers - Assistant Manager Bidfood Queenstown
- Aaron Halstead – Destination Queenstown (Education)
- Greg Ewen, General Manager, Ramada Hotel (from 1030)
- Stephen Goddard, Regional Manager, Classic Builders
- Lindsay Williams, The Landing
- Tim Williams, Project Design and Planning Manager - RPL
- Brian Fitzpatrick, GM Development – RPL
- Vanessa Van Uden, HW Richardson Group Ltd
- *Edward Guy, Ben Smith and Jimmy Sygrove from Rationale*

Apologies

- Alistair Porter – CEO Remarkables Park Limited (RPL) •
- Craig Greenwood, 5 Mile
- Simon Holloway, Queenstown Central
- Louisa Paterson, CEO NZ Fly (proxy invited)
- Graham Budd, CEO Destination Queenstown
- Mike Smith, Stride Group
- Rob Neil, Safari Group
- Roy Thompson, Managing Director – New Ground Capital
- Andrea Wilton-Connell - Executive Officer Wakatipu High School
- Scott O'Donnell, HW Richardson Group Ltd (proxy sent)
- Paul Keene, Mitre 10.

Frankton stakeholder workshop 2 (community and services focus)

The second stakeholder workshop was held on 11 June and the participants included:

- Peter Hansby, General Manager Property and Infrastructure, QLDC
- Tony Pickard, Transport Strategy Manager, QLDC
- Gabrielle Tabron, Project Manager, QLDC
- Tony Sizemore, NZTA
- Stephen Patience, Otago Regional Council

- Anita Golden, Shaping our Future
- Esther Whitehead, Shaping our Future
- Lindsay Williams (as a Trails Trust representative)
- Debbie Dickson, Foundation Principal, Remarkables Primary School
- Janeen Holmes, Operations Manager, Queenstown Hospital
- Keith Raymond, St John's Ambulance Frankton Station
- Glyn Lewers, Frankton Community Association
- Erin Taylor, Frankton Community Association
- Peter Jackson, Frankton Community Association
- Wayne Matheson, CFO at Fly NZ
- Don Wallace – Frankton Community Association
- Kim Wilkinson – Presbyterian Church
- *Edward Guy, Ben Smith and Jimmy Sygrove from Rationale*

Apologies

- Jason Smith, Managing Director, EJ Smith (workshop apology but Jason was interviewed by phone after the workshop)

Summary of feedback and suggestions

A wide range of issues and opportunities were identified through the Masterplan establishment workshops. Many opportunities and solutions were also noted through very constructive discussions that predominantly fell within the themes shown in the image below. Feedback around each of these themes is summarised below. It must be noted that the Frankton Masterplan Programme cannot address all the themes listed here, but they all contribute to the context.

Note: The points below also demonstrate what the workshop participants suggested, as opposed to defined solutions for QLDC to implement. Solutions will be created and evaluated through the business case development process.

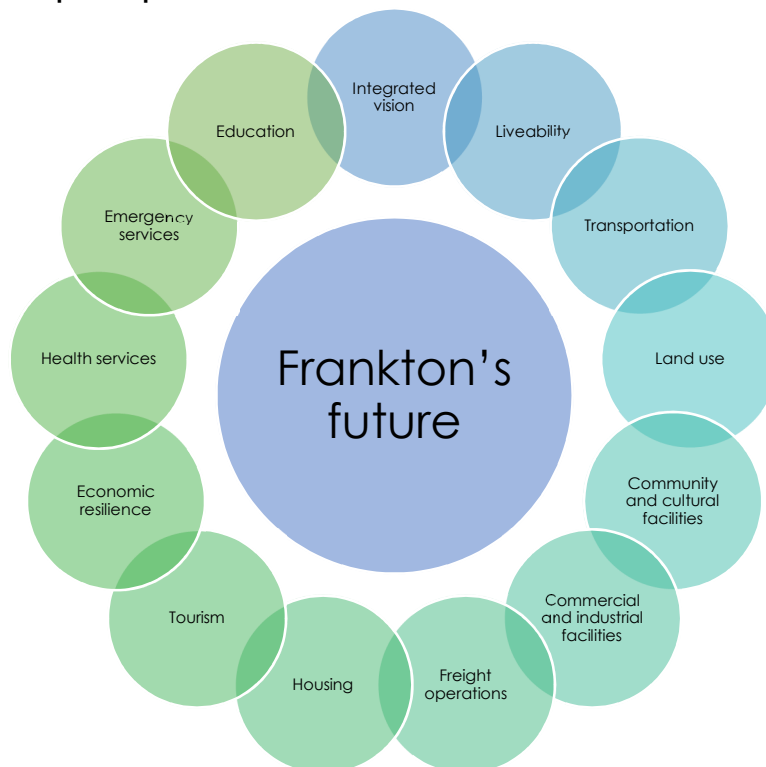


Figure 10: Themes from stakeholder workshops

Integrated Vision

Issue: Development in Frankton has moved ahead without a plan that considers Frankton's important position as a community base, a place of commerce, a gateway to Queenstown, and a crucial transportation hub for the rest of the Wakatipu Basin. This has seen Frankton develop in a somewhat siloed fashion without thought to interconnectivity, placemaking and what might constitute a community heart.

Opportunity: The development of a Frankton Masterplan offers a chance to set the plan for Frankton over the next 10, 20, 30 years and beyond. It will allow developers the confidence to invest and provide a framework for QLDC, its partners, the community and other significant stakeholders to plan ahead.

Transportation

Issue: Transportation is a major issue affecting Frankton, both internally and as a crucial junction for the Wakatipu. This affects the local community, Queenstown residents, commercial operators and visitors to the region in differing but significant ways. Frankton's transport networks are also critical to enabling the growth of surrounding areas across a range of land uses.

Opportunity: QLDC and project partners can develop a masterplan with transport as one of its key components. It will focus on the roading network, public transport, active travel connections both within and through Frankton. Discussions around a combined transport hub, ferry services and an alternative mode of transport, such as Mass Rapid Transit, are all within the scope of this project.

Liveability

Issue: As development continues in Frankton, how do QLDC and partners ensure it continues to be a place where a diverse and vibrant community want to live, and what does 'liveability' look like for Frankton?

Opportunity: By working with the community, stakeholders and design experts QLDC and partners can develop a plan that understands what liveability looks like in Frankton and ensures these ideals are adhered to as much as possible into the future.

Land Use

Issue: Understanding the implications of land use, particularly with regards to nearby residential development areas, both now and into the future is critical to ensuring Frankton grows in a cohesive fashion, with positive outcomes for everyone.

Opportunity: Using the masterplanning process QLDC and partners can create a future spatial framework that takes into account zoning regulations, reserve land, community spaces and the transport network. This will inform development for both public and private stakeholders. This can be done through the Future Development Strategy process which is currently underway.

Community and Cultural Facilities

Issue: Capacity issues and provision of community and cultural services are coming under pressure due to continued growth across Frankton.

Opportunity: By understanding the pressures on facilities such as QEC, and the demands for further facilities in the performing arts and cultural sector, we can ensure they are planned for accordingly. The development of the land that currently houses the oxidation ponds at the Shotover Delta offers an exciting opportunity for recreational facilities.

Commercial and Industrial Facilities

Issue: Growth is putting pressure on the provision of commercial and industrial facilities as residential accommodation expands into areas such as Glenda Drive that are already experiencing capacity issues.

Opportunity: By understanding land use, zoning regulations and demand we can look at potential future commercial land provision, both in Frankton and in the areas of influence to the east and south of Frankton, and potentially beyond into Cromwell.

Freight operations

Issue: The majority of freight comes into Queenstown by vehicles, which are generally loaded at a Cromwell freight hub. There is no shared freight hub in Frankton for dry goods and operators note a lack of loading zones in Frankton and Queenstown as an issue. Often freight vehicles travelling into Queenstown aren't full, resulting in inefficiencies and unnecessary vehicle movements on the transport network.

Opportunity: Work with freight operators to explore the benefits of a more efficient solution. Ensure provision of necessary infrastructure such as loading zones for freight vehicles is included in masterplanning work.

Housing

Issue: Low housing densities and rising house prices across Frankton are creating issues in terms of affordability and community diversity. A lack of affordable housing stock will have a significant impact on Frankton if not addressed. Traditional housing choices will not offer solutions.

Understanding the impact of how people live, work and recreate, and the impact this may have on new developments needs to be understood. This is particularly relevant to the project's areas of influence where low level housing will simply add to the congested network

Opportunity: By understanding zoning regulations and private development plans QLDC, and partners can get a better understanding of future housing densities, particularly in the Frankton area. Working to understand what young families and overseas workers are looking for, while ensuring these areas are attractive for a wide section of the community will improve vibrancy and sense of community. Understanding the effects of housing densities on transport and infrastructure provision will allow for more informed housing choices and the ability to futureproof developments.

Tourism

Issue: Frankton is the gateway to Queenstown for many tourists and arriving at the Queenstown Airport is the first experience they have of the District. A focus on tourism growth in terms of numbers places pressure on Frankton's infrastructure. The large number of rental cars is noted as a key issue.

Opportunity: Work with the Airport and other stakeholders to improve the image of Frankton as the gateway to Queenstown. Improving the tourist experience with a focus on developing transport options that act as a viable alternative for tourists hiring cars would take a significant amount of pressure off the transport network.

Economic Resilience

Issue: Frankton, like the Queenstown Lakes District as a whole, is largely reliant on the tourism and construction industries. This creates a level of risk if either industry were to enter a down turn.

Opportunity: Develop a wider industry base across Frankton, looking at things like education, healthcare, professional services etc. Development of a centralised transport hub would create further economic activity. Improving the economic position for large scale developments could be achieved through on-site accommodation for workers, targeted provision of public transport and other services.

Health Services

Issue: Queenstown's growing population continues to put pressure on the healthcare system, and upgrades are needed to the Lakes District Hospital in Frankton. An aging population and

development of a number retirement villages in the Wakatipu will put further pressure on this sector in years to come.

Opportunity: Use the Masterplan as an opportunity to work with the Ministry of Health, Southern DHB, community groups and developers to improve the provision of healthcare services. Specialist healthcare services could be housed in future developments.

Emergency Services

Issue: Emergency services are facing challenges getting to callouts due to congestion issues on SH6 and Frankton Road. St Johns are considering basing resources in Queenstown during busy periods so they can respond.

Opportunity: Work with NZTA and to reduce congestion and offer emergency services the ability to get where they need to go as fast as possible. Improved provision of public services will help in the reduction of congestion.

Education

Issue: Current provision of schools in Frankton will reach capacity in the next four years. Ministry of Education has yet to make a decision on the site of a new primary school or the need for a new secondary school. All of this will affect decisions around transport, residential and community provisions.

Opportunity: Work with the Ministry of Education to help them understand the growth facing the Wakatipu and enable them to make decisions around future school sites using the best information available. Working with private developers to understand the work they are doing the in the private education space will help spatial planning.

Appendix 2 - Other relevant strategies

Strategy Plans or Projects	What is provided for Frankton	Gaps/opportunities
Queenstown Lakes District Council District Plan	Permissive zoning regulations in the Frankton.	High density isn't permitted across much of Frankton, lack of public understanding around zoning rules – particularly in relation to SH6. Idea that zoning for Frankton is set. The subdivision code of practice includes encouragement/provision of on-street parking that may conflict with other outcomes that support public transport uptake.
QLDC Long Term Plan	Council prioritised the Queenstown Town Centre Masterplan as part of the LTP to address urgent issues such as traffic flow, visitor growth and future spatial planning. Frankton is partially covered in that work.	The LTP acknowledges the importance of the Frankton case and recommends a Masterplan be launched specifically to look at Frankton and the strategic importance it holds for the rest of the District.
QLDC Economic Development Strategy	This is focused on enhancing the District's unique environment. Supporting priorities of this strategy include encouraging higher contribution visitor activity and future proofing infrastructure, and an acknowledgement of the high costs of housing and living all of which are relevant in the Frankton context.	Addressing the unique issues facing Frankton as the gateway to Queenstown, the key transport hub for the Wakatipu and important local community base - and the flow on effects that this may have to the rest of the District if not addressed.
Queenstown Public Transport Business Case (ORC)	Improved public transport system across the Wakatipu basin.	There is an ongoing focus on improved bus frequency and reliability that Frankton can play a role in supporting. Frankton can also play a role in facilitating a ferry network that provides a real and attractive alternative for travel outside the roading network.
Shaping our Future Transport Report – Queenstown	Recommends an Integrated Strategic Plan for the Wakatipu Basin, with an initial focus on Frankton as a priority. Looks at long-term transport planning across the district to improve connectivity of trails, public transport, ferry terminals and air access. Also focuses on mixed land use, pedestrianisation and	There is an opportunity to align with these recommendations through more proactive planning and investment around public, active and mass transport solutions that integrate with and support mixed use developments, including a range of housing densities.

Strategy Plans or Projects	What is provided for Frankton	Gaps/opportunities
	the identification and protection of transport corridors and hubs.	
QLDC Disability Policy	QLDC will respond to the needs of disabled people living in and visiting our district, with a focus on removing barriers to their full participation in our community.	Transport networks, particularly around active travel and movement within Frankton are not optimised for disabled travel – this presents an opportunity for future infrastructure developments.
Wakatipu Public Ferry Detailed Business Case	This DBC will look at potential ferry infrastructure and operations for the Wakatipu.	There is an opportunity to ensure that Frankton's development makes use of a future ferry network through integrated development and people friendly connections to the ferry wharves.
Queenstown Town Centre Parking DBC and Strategy	The DBC outlines parking scale and funding in Queenstown Town Centre, the strategy outlines parking management activities for the district.	There is an opportunity to use parking strategically in Frankton to support the uptake of active, public and Mass Rapid Transit. The location of future transport hubs and park and rides will be a key part of this.
Public Transport demand and capacity analysis	Identifies the potential demand and capacity for bus, ferry and MRT services.	This investigation will help inform public transport infrastructure planning for Frankton.
Open Spaces Network Plan	Mapping exercise which investigates what types of parks and reserves exist across the District, focussing on Frankton first.	This investigation will allow for a much higher level of detailed knowledge of Frankton's open spaces, including who uses them, what is currently provided and what the gaps are.
Regional Sport Facilities Strategy	Provides a high-level strategic overview of the current and projected sport and active recreation facility needs for the region. It provides an ongoing and robust method to review and prioritise projects across the region.	Opportunity to look at the provision of new sporting facilities within Frankton, or the development of current offerings, including: <ul style="list-style-type: none"> • Provision of indoor space • Increased need for green space • Need for innovative solutions to lack of green space, i.e. artificial turf • Development of sporting hubs
Sports Field Demand Analysis	Aims to identify the demand for sports fields across the District, including areas where there are shortfalls and surpluses	Will offer a higher level of detail on the demands and pressures on sports fields in Frankton and across the District. Identify future requirements for land provision in Frankton.
Community Facilities Review	Review is in progress, aims to find out the demand for community facilities across the district, and	Will identify in greater detail the need for community facilities in Frankton and inform investment

Strategy Plans or Projects	What is provided for Frankton	Gaps/opportunities
	more about the groups using them.	opportunities for Council and community groups. Initial results show a desire for more facilities in Frankton with an emphasis on a community hub for social/community services.
Responsible Camping Strategy	Review is currently underway, looks at camping across the district but will have impacts on Frankton, particularly around future provision of camping areas	This strategy will inform the future of the Frankton Campground, currently occupying a desirable piece of public reserve land. It may also identify dedicated freedom camping areas within close proximity to Frankton and other camping opportunities.
QEC Masterplan	QEC is a key regional sport & recreation hub based in Frankton. Increasing pressures on land availability and future demand requires an integrated masterplan approach for the future activities and use of the site.	Development of improved facilities and a wider scope of recreational offering at QEC. This is already a key recreational asset based in Frankton, and a greater level of detail on the centre's future will assist in any future planning.

Appendix 3 – Other Physical Considerations

Physical features	Key considerations	Gaps/opportunities
Pedestrian & cycling bridges across the Shotover and Kawarau Rivers	Ensuring connections in and out of Frankton across both rivers for active travel users is important to both promote alternative modes of transport and reduce congestion.	<ul style="list-style-type: none"> An active travel connection across the Kawarau River is being addressed using the old bridge as a walking and cycle connection. A convenient and appealing commuter-focussed connection across the Shotover doesn't currently exist and is seen as critical to connecting Frankton.
Frankton Marina	The Queenstown Marina is currently under construction just off Frankton Road on Sugar Lane. Details for a public transport marina/ferry terminal on the southern end of Frankton Beach have been discussed for some time, but no concrete plans have been confirmed.	<ul style="list-style-type: none"> The development of a marina facility that could service an increased ferry network
Active Travel network	Ensuring an interconnected active travel network both within and connecting through Frankton.	<ul style="list-style-type: none"> Provision of recreational trails is good, but not currently provided for commuting users.

Physical features	Key considerations	Gaps/opportunities
		<ul style="list-style-type: none"> • Current lack of a clear commuter-based network that would encourage active travel over car use – both within Frankton and through Frankton into Queenstown. • The Wakatipu Active Transport Network Single Stage Business Case will address primary and secondary commuter routes through Frankton.
Project Shotover	Development of a second mechanical treatment plant is expected to be fast tracked, which will see the decommissioning of the oxidation ponds within the next 10 years.	<ul style="list-style-type: none"> • Creates an opportunity for reuse of the land currently taken up by the ponds, and the future of the Shotover Delta as a recreational reserve. • Its proximity to Frankton is a considerable recreational asset.
Frankton Campground	Frankton Campground lease is set to expire on 31 August 2019. Future plans for the site are to be included in the Camping Strategy currently under development.	<ul style="list-style-type: none"> • Campground occupies a key piece of recreational reserve, which will factor into the spatial planning for Frankton as a whole. • Clarity around the future use of the site will inform the public realm aspect of the Masterplan
Frankton Library	The location for a temporary library in Frankton has been confirmed at ground floor of Remarkables House, leasing from RPL.	<ul style="list-style-type: none"> • Location and function of a permanent Frankton Library is an important piece of the community services provision for function.
Frankton Golf Course	Frankton Golf Course is located in a key central position at the junction of SH6 and SH6A. General consensus that people would like to see it remain as a public green space.	<ul style="list-style-type: none"> • NZTA plans for improvements to SH6 – SH6A corridor may have an impact on the golf course. • Does it present an opportunity for increased active travel connections and more of a mixed-use approach?

QLDC Council
26 July 2018**Report for Agenda Item: 4****Department: Property & Infrastructure****Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan****Purpose**

The purpose of this report is to present the Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan Establishment Report and to seek approval to proceed with the programme business case and masterplan.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan Establishment Report.
3. **Approve** works to proceed on the Programme Business Case and Masterplan.

Prepared by:



Name: Tony Pickard
Title: Transport Strategy
Manager
12/07/2018

Reviewed and Authorised by:



Name: Peter Hansby
Title: GM Property & Infrastructure
12/07/2018

Background

- 1 More people are living and working in Wanaka than ever before, and the town is increasingly popular with domestic and international visitors. A period of unprecedented growth has led to pressures on existing infrastructure, such as parking and visitor facilities. Increasing growth has also led to undesirable outcomes that detract from the experience of visiting Wanaka, such as traffic congestion and delays.
- 2 The need to develop a Town Centre Masterplan and identify a preferred programme of improvements for Wanaka is compelling. The town is undergoing

rapid change. Between 2001 and 2013, the number of households in Wanaka and the resident population has doubled, and this unprecedented growth is forecast to continue.

- 3 For several years the community have been observing and experiencing the effects of this growth first hand, and have become frustrated at the missed opportunities and deterioration in the quality of the public realm.
- 4 Numerous documents have been developed over the last decade that have articulated aspirations and objectives for future development in Wanaka, influencing the form and function of the town. While these documents form a solid foundation for future planning and guide investment, they have generally been prepared in isolation, and do not necessarily recognise the wide-ranging impacts resulting from key decisions and outcomes.
- 5 It is clear that a co-ordinated approach is required. The key outcome of this project is to establish a single, holistic and unified vision for the future of Wanaka, and develop a consolidated transport and land use integration plan for the town.
- 6 It is proposed through the Establishment Report that this project consists of two closely linked elements:
 - **Wanaka Town Centre Masterplan:** A 30 year Masterplan for the town centre focussed on public realm improvements that are integrated and aligned with land use. The Masterplan will incorporate high quality urban design and an active interface with the waterfront, whilst maximising access by all transport modes and review the supply and management of parking.
 - **Wanaka Integrated Transport Programme Business Case:** A preferred programme of transport improvements, aligned and integrated with land use, which supports both the preferred Masterplan and the transport needs of the wider Wanaka urban area.
- 7 The Establishment Report describes the context of the proposed workstreams and identifies why the work is needed. It explains the key drivers; outlines the proposed process, scope, and sequencing for each stage; and provides a framework for stakeholder and community engagement.

Comment

- 8 The NZ Transport Agency's Business Case Approach will guide the process that will encourage critical thinking and ensure decisions are evidence-based.

Options

- 9 Option 1: Reject the Establishment Report and Do Nothing.

Advantages:

- 10 No capital expenditure required.

Disadvantages:

- 11 Pressures on existing infrastructure and problems around access, connectivity, congestion and safety will continue to increase along with resident and visitor dissatisfaction.
- 12 Wanaka projects proceed in isolation and are less likely to attract funding due to lack of integration.
- 13 Option 2: Approve the Establishment Report enabling works to proceed on the Programme Business Case and Masterplan.

Advantages:

- 14 A consolidated and integrated plan for public realm and transport improvements, that is aligned with land use, is more likely to attract funding for future projects.
- 15 A consolidated and integrated plan will address the pressures on existing infrastructure and problems around access, connectivity, congestion and safety.

Disadvantages:

- 16 Capital expenditure is required.
- 17 This report recommends **Option 2** to ensure that QLDC provides a forward thinking integrated plan for addressing the management of rapid growth within Wanaka.
- 18 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because the programme will cause a significant change to the transport networks and enable growth of the Town Centre. As an integrated package of individually significant projects, the overall outcome will be positive.
- 19 This matter relates to strategic 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 the change to the community will result in growth, behavioural changes, significant effects on infrastructure and high capital expenditure.
- 20 The recommended option considered above mitigates the risk by:
- Treating the risk – through a staged approach, good communications and multi-agency integration.
 - Mitigating the risk – by integrating several large projects into a planned sequence of events.

Financial Implications

- 21 The expected budget for the programme business case and town centre masterplan is \$900,000 and this is provisioned for within the LTP.

Council Policies, Strategies and Bylaws

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

- Wanaka Lakefront Development Plan
- Wanaka Transport and Parking Strategy
- Wanaka Town Centre Strategy
- Future Development Strategy (Work in Progress)

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

24 This matter is included in the 10-Year Plan/Annual Plan. The Programme Business Case and Masterplan will enable projects to be developed to address issues around access, connectivity, congestion and safety, increasing the liveability experience within Wanaka.

Local Government Act 2002 Purpose Provisions

25 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 having a robust business case supporting the investment;
- 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

26 The persons who are affected by or interested in this matter are Wanaka residents, visitors, business owners and operators.

27 It is proposed that a Communications and Engagement Plan will be developed at the outset of the project to identify the methods and degree of engagement, intended audience, and the proposed programme of events and activities.

28 An independent Advisory Group (with local representation) is proposed to be engaged to provide feedback throughout the Programme Business Case and Masterplan process.

Attachments

A Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan Establishment Report

ESTABLISHMENT REPORT

WANAKA INTEGRATED TRANSPORT
PROGRAMME BUSINESS CASE AND TOWN
CENTRE MASTERPLAN




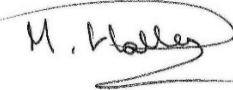
PREPARED FOR QUEENSTOWN LAKES DISTRICT COUNCIL

June 2018

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QUALITY STATEMENT

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REVISION SCHEDULE

Rev No.	Date	Description	Signature or Typed Name (documentation on file)			
			Prepared by	Checked by	Reviewed by	Approved by
1	11/6/18	Draft for internal review	S Connolly	K Huard	M Flatters	M Flatters
2	15/6/18	Draft for client review	S Connolly	G V Boxtel	M Flatters	M Flatters
3	28/6/18	Final for internal review	S Connolly	M Flatters	M Flatters	M Flatters
4	29/6/18	Final	S Connolly	M Flatters	M Flatters	M Flatters
5	3/07/18	Final Rev A	S Connolly	M Flatters	M Flatters	M Flatters

Executive Summary

More people are living and working in Wanaka than ever before, and the town is increasingly popular with domestic and international visitors. A period of unprecedented growth has led to pressures on existing infrastructure, such as parking and visitor facilities. Increasing growth has also led to undesirable outcomes that detract from the experience of visiting Wanaka, such as traffic congestion and delays.

Ardmore and Brownston Streets in the Town Centre are used as through routes, but also form the heart of the public realm, in conjunction with the waterfront. The through route and place function often conflict, leading to safety issues on those routes. The through route function also erodes the amenity of the centre, which is currently vehicle-dominated.

For several years the community have been observing and experiencing the effects of this growth first hand, and have become frustrated at the missed opportunities and deterioration in the quality of the public realm. In response to this, multiple community/advocacy groups have developed plans and visions for Wanaka. The Council's primary response of late has been through the Proposed District Plan, but this is focussed on managing land use rather than the broader issues. Other relevant Council documents, such as the 2008 Structure Plan are due for review.

It is clear that a co-ordinated approach is required, and in the Long Term Plan 2018-28 the Council committed to undertake an integrated land use and transport planning project for Wanaka, as well as a Future Development Strategy within the Wakatipu and Wanaka which will be undertaken in parallel.

The integrated land use and transport planning project consists of two closely linked elements:

Wanaka Town Centre Masterplan: A 30 year Masterplan for the town centre focussed on public realm improvements that are integrated and aligned with land use. The Masterplan will incorporate high quality urban design and an active interface with the waterfront, whilst maximising access by all transport modes and review the supply and management of parking.

Wanaka Integrated Transport Programme Business Case: A preferred programme of transport improvements, aligned and integrated with land use, which supports both the preferred Masterplan and the transport needs of the wider Wanaka urban area.

The two workstreams will run in parallel and will be developed iteratively, with a high level of collaboration with stakeholders and the community throughout the process. The NZ Transport Agency's Business Case Approach will guide the process that will encourage critical thinking and ensure decisions are evidence-based. It is anticipated that the Wanaka Community Board, with its local expertise and strong links to the wider community will play a key role and, along with an Advisory Group of specialists, act as a sounding board for the project team. Together, these members will provide immediate feedback at key stages for the project team to consider.

The Town Centre Masterplan will focus on the CBD area, whereas the Integrated Transport Programme Business Case will cover a wider geographic area. The business case workstream will incorporate Masterplan options but will also consider the wider transport needs of the growing Wanaka urban area, and the need for access to multiple destinations, including the CBD, local schools and airport, as well as the emerging activity centres at Three Parks and Northlake.

Two key pieces of preliminary work have been identified that will need to be completed prior to the initiation of the Masterplan and Programme Business Case workstreams. A Strategic Case is needed to demonstrate the case for investment. It is recommended that a community engagement exercise is also undertaken to explain the project and to understand the community's ideas for the Masterplan and vision of the town.

It is anticipated that the core elements of the project will commence in October 2018, and be completed by June 2019. This is an ambitious timeframe and will require a dedicated team of specialists to ensure successful delivery.

Queenstown Lakes District Council

Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan

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1. Introduction

The purpose of this report is to seek endorsement from Queenstown Lakes District Council (QLDC) and its partners to initiate an integrated planning project for Wanaka. The key outcome of this project is to establish a single, clear vision for the future of Wanaka, and develop a consolidated transport and land use integration plan for the town. There will be two main outputs from the project:

1. **Wanaka Town Centre Masterplan:** A 30 year Masterplan for the town centre focussed on public realm improvements that are integrated and aligned with land use. The Masterplan will incorporate high quality urban design and an active interface with the waterfront, whilst maximising access by all transport modes and review the supply and management of parking.
2. **Wanaka Integrated Transport Programme Business Case:** A preferred programme of transport improvements, aligned and integrated with land use, which supports both the preferred Masterplan and the transport needs of the wider Wanaka urban area.

A similar process has been used to progress the development of a Masterplan for the Queenstown Town Centre. The project commenced in 2017, and to date has been a well received, positive collaboration with key partners, stakeholders and the community.

This Establishment Report describes the context of the proposed workstreams and identifies why the work is needed. It explains the key drivers; outlines the proposed process, scope, and sequencing for each stage; and provides a framework for stakeholder and community engagement.

2. Project Drivers

2.1 Growth

The need to develop a Town Centre Masterplan and identify a preferred programme of improvements for Wanaka is compelling. The town is undergoing rapid change. Between 2001 and 2013, the number of households in Wanaka and the resident population has doubled, and this unprecedented growth is forecast to continue.

In addition to residential growth, Wanaka is also growing in popularity as a tourist destination. There are substantial influxes of tourists over the summer for recreational activities centred on the lake, in winter given its proximity to ski fields, and during key events such as Warbirds over Wanaka. The number of visitors to the town continues to grow each year, and is forecast to increase. On an average day there are currently around 8,000 visitors to Wanaka; at peak times this climbs to nearly 35,000 visitors in a day.

The impact of this increasing 'peak population' on core infrastructure and services in the town is significant. Demand for new residential and commercial development is increasing and local residents have expressed concerns about the lag in planning for growth in the settlement. Some residents are worried that the character and appeal of Wanaka is being eroded.

Rapid change in Wanaka is demonstrated by recent changes to the QLDC Housing Accord. In 2014 the Queenstown Lakes Housing Accord, a planning instrument to fast-track housing supply covered just the Queenstown area. In 2017, the scope of the area was extended to apply to the whole District, recognising that Wanaka has the 'same sorts of pressures around housing affordability'. In response to this there is a proposal to develop the 'Bright Sky' Special Housing Area, comprising 281 dwellings of a variety of housing types and section sizes at a higher density (all sections less than 400m²). The location of the Bright Sky development is adjacent to the Three Parks development, within Wanaka's urban growth boundary.

2.2 Emerging Centres

Up until recently, Wanaka's goods and services were primarily located in the town centre around Ardmore and Brownston Streets. Two new centres are emerging, of a different format and character to the Wanaka Town Centre. The location and land use within these centres has been primarily developer-led, and there is evidence that transport and land use planning are not widely integrated. These two new centres, located within the Three Parks and Northlake Developments will be significant destinations for residents and will require enhanced connectivity with surrounding residential areas to provide access for all modes, and reduce reliance on single occupancy vehicle trips. Mode choice is heavily influenced by provision of parking at destinations, and by the attractiveness of facilities for alternative modes.

2.2.1 Three Parks

Three Parks is a mixed-use development that will consist of up to 750 residential dwellings, located approximately 1.5 kilometres south-east of Wanaka Town Centre. The development consists of four core precincts that focus on a different activity and land use; commercial, residential, business and tourism/community (Figure 2-1).

The commercial core will accommodate large-scale retail, while creating a lively and vibrant commercial area to support smaller shops and services for local residents and visitors. The residential precinct will provide a range of accommodation consisting of traditional low-density residential sections, as well as higher density forms such as terraces, apartments and a retirement village. The business precinct will support a range of business activities such as trade, service, technology, light industrial and distribution businesses. A tourism and community precinct will be characterised by landscaped areas, open space and walkways. This precinct provides an opportunity to develop visitor attractions, visitor accommodation and community buildings. A community recreation centre was constructed in 2017, and a new aquatic centre opened in June 2018.

In 2018 the Ministry of Education announced that a new primary school for Wanaka will be located at the Three Parks site. The school is expected to open in 2019, and will initially accommodate 400 students, however the site and design will be planned to accommodate growth and cater for up to 700 students in the future.



Figure 2-1: Three Parks Wanaka (Source: Baxter Design Group, 2013)

There is evidence that traffic volumes have increased on Ballantyne Road as a result of Three Parks. There are safety issues on Ballantyne Road, and the rural section is currently unsealed. In its current form, Ballantyne Road is not suitable for increased traffic flow, or to function as a key arterial route to Three Parks/Wanaka.

2.2.2 Northlake Area

Northlake is a 220ha residential development, with capacity for up to 1083 dwellings (Figure 2-2). It is located to the north of the town centre, near the head of the Clutha River. This development together with the adjacent Hikuwai development, consists of low-density residential sections, and will also support a village centre that is expected to include a child care centre, medical centre, cafés and convenience stores, leisure centre, two tennis courts, communal office spaces, playground and swimming pool. A supermarket may also be provided within the development, subject to the outcome of a Plan Change hearing.



Figure 2-2: Northlake Development Plan (Source: Northlake website 2018)

2.3 Wanaka Airport

Wanaka Airport is a growing origin/destination for trips. Comprehensive planning for the future of Wanaka Airport has commenced with consultation on growth for the airport. Key assumptions include that the airport will remain in the same location, and that growth will occur. An increase in visitor numbers arriving/departing from the airport will lead to an increase in trips on the transport network.

2.4 Pressure on Transport Network

The resident and visitor population are highly reliant on private vehicles for key journeys particularly as there is no public transport serving the town and facilities for pedestrians and cyclists are limited. Mode share surveys undertaken in 2018 showed that motor vehicles made up 89% of recorded movements, bus/coach 2%, pedestrians 7% and cyclists 3%. For journeys to work, over 75% of trips are by motor vehicle. However Wanaka has higher walking and cycling rates than the New Zealand average. This high dependence on motor vehicles increases parking demands and leads to congestion and delays across the network at peak times. However there is potential to make active mode use more feasible for local trips in Wanaka, particularly for journeys to school or work.

Growth in residents and visitor numbers has been reflected in overall traffic volumes, which over the past five years has risen at a rate of around 10% per annum. There was a 30% increase in heavy vehicle volumes between 2015 and 2016. The number of vehicles owned by people living in Wanaka has doubled between 2001 and 2013. While this correlates with the growth in the number of households, more vehicles on the network increases parking demand and congestion. Between 2017 and 2018, the average on-street and off-street parking occupancy in the town centre increased by 10%. There is also anecdotal evidence of poor parking provision around the three boat ramps in Wanaka at peak times, impacting on safety and the amenity of these areas.

Compounding the pressure on the transport network, there are limited route choices from new development areas to the town centre; development to the north relies on Anderson Road and Lakeside Drive for key journeys, which leads to delays and risk taking at peak times. Route choices to key tourist destinations are also limited, with visitors relying on Ardmore Street or Brownston Street to access Mount Aspiring National Park and popular ski-fields. However these streets also perform a critical 'place' role for the town centre, providing access to central shops and services. This conflict between the through movement and place function detracts from amenity and makes it difficult for pedestrians to cross the road, increasing the safety risk. This dual function also leads to delays for through traffic as people undertake parking manoeuvres and turning in and out of local side roads and driveways.

There has also been growth in neighbouring settlements of Luggate, Cardrona, Hawea, Albert Town and Glendhu Bay. Hawea has been confirmed for a Special Housing Area, comprising 400 lots. Many people living in these surrounding settlements travel into Wanaka for essential goods and services.

3. Wider Context

Numerous documents have been developed over the last decade that have articulated aspirations and objectives for future development in Wanaka, influencing the form and function of the town. Most of these documents include an overarching vision and/or key objectives and desired outcomes. There are recurring themes and some consistency between the individually focused documents.

While these documents form a solid foundation for future planning and guide investment, they have generally been prepared in isolation, and do not necessarily recognise the wide-ranging impacts resulting from key decisions and outcomes. They have been prepared at different times, and are therefore influenced by changing government investment priorities, economic drivers and technology.

Spatial and structure plans focus on land use, and may not fully consider the transport impacts arising from urban development on the fringes, located away from core services. Zoning, minimum lot sizes and parking requirements aim to protect areas from adverse effects of inappropriate development, but can hinder innovation, add costs and reduce the feasibility of developing networks to support other modes. On the flip side, transport strategies focus on modes and movement, but pressures on networks may downgrade the place function of an area and contribute to severance and poor safety outcomes.

Most of the documents include a single vision statement for Wanaka. These separate statements demonstrate the disconnected scope of the separate documents, but are mostly complementary in their aspirations for Wanaka. However, segregated planning results in lost or missed opportunities for all sectors. A key outcome of this project is to develop a single, encompassing vision to guide future development and investment in Wanaka to ensure potential opportunities are identified and captured.

3.1 Recent Council Strategies, Policies and Initiatives

3.1.1 Draft Long Term Plan 2018-28

In the Draft Long Term Plan 2018–28, the Council identified the Wanaka Masterplan as 'Big Issue 4', explaining it will deliver a strategic and connected approach to existing funded projects including the Wanaka Active Travel Plan, the Wanaka Lakefront Development Plan and Wanaka Parking Projects. The expectation is that the Council will complete this integrated planning work in collaboration with the community over the next three years, with implementation commencing in the Long Term Plan 2021-31.

3.1.2 Transport Activity Management Plan 2018/19-2032/33

The Council's Transport Activity Management Plan (2018-2033) states that the Council will review the Wanaka Transport Strategy to ensure challenges are addressed proactively, before they become problems. It proposes that a Masterplan and Programme Business Case will be developed which is expected to:

- Cater for growth in travel demand and provide access to planned residential, commercial and industrial developments
- Provide for town centre/waterfront space
- Include development and implementation of a parking strategy, active transport network and other Programme Business Case improvements.

3.1.3 Proposed District Plan

The Proposed District Plan provides the overarching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the District's special features and qualities:

- Dramatic alpine landscapes free of inappropriate development
- Clean air and pristine water
- Vibrant and compact town centres
- Compact and connected settlements that encourage public transport, biking and walking
- Diverse, resilient, inclusive and connected communities
- A district providing a variety of lifestyle choices
- An innovative and diversifying economy based around a strong visitor industry

- A unique and distinctive heritage
- Distinctive Ngai Tahu values, rights and interests.

For Wanaka, the proposed changes to zoning identifies new areas for residential development and includes an urban growth boundary and a transitional Town Centre zoning to allow for growth of the Wanaka CBD. The focus on compact town centres and connected settlements provides scope for mode shift from single occupant vehicles to walking and cycling. Wanaka is particularly suited to travel by active modes, as distances to key destinations are relatively short and the town is reasonably flat.

3.1.4 Wanaka Lakefront Development Plan

Recent planning has focussed on the quality of the lakefront, following the adoption of Council's Lakefront Development Plan in 2016. The vision of this document is to create a park environment along the central lakefront that interfaces with the town centre.



Figure 3-1: Sample image from Wanaka's Lakefront Development Plan

The Lakefront Development Plan recognises the unique character of the area and seeks to provide a well-balanced landscape that maximises its visual and amenity values. The main feature of the design is for a continuous pedestrian and cycle promenade along the lakefront, enhancing access between the town centre and the lake. The Plan aspires to reduce vehicle use in the Town Centre, and seeks to remove the visual dominance of parking at the lake's edge. Concept plans propose the introduction of traffic calming and additional on-street parking along Ardmore Street. The scope of the Plan focuses on the strip of recreational reserve adjacent to Roys Bay, but does not encompass opportunities for Pembroke Reserve or the Showground.

3.1.5 Wanaka Network Operating Framework

In April 2018 work commenced on developing a Network Operating Framework (NOF) for Wanaka.

A NOF is an approach to network planning which considers all road users and the inter-relationship with land use, transport networks, and transport infrastructure and services. For Wanaka, a map has been developed based on network and land use analysis and stakeholder inputs. The map identifies, within the wider Wanaka area, primary and secondary routes for motor vehicles, freight, public transport, cycles and pedestrians. The NOF will be used to compliment the development of the Masterplan and Programme Business Case.

3.1.6 Future Development Strategy

As Wanaka continues to thrive and expand, the pressures on existing infrastructure will continue. Without an integrated plan and vision, and further investment to support this growth, the quality and reputation of the Wanaka experience for both residents and visitors will deteriorate. There is a compelling need to develop a Wanaka Town Centre Masterplan and accompanying programme of investment for the wider transport network to ensure the town meets the current and future needs and aspirations of the community. This aligns with work planned by the Council's planning department to produce a Future

Development Strategy for Wanaka during 2018/19. This will consider growth across the urban growth boundaries both within the Wakatipu and Wanaka. The interface with the Masterplan will enable joint forward planning of land use and infrastructure.

3.2 Other Relevant Background Documents and Initiatives

This project will build on the planning work that has been completed previously. Some of this planning has been completed by the Council, and some developed by stakeholder groups and community organisations. It is expected that the following documents will inform the background and provide a baseline of information to guide the development of the two workstreams.

Other Council documents:

- Network Operating Framework (under development)
- Ballantyne Road Strategic Case (2018)
- Proposed District Plan – zoning and strategic direction (2017/18)
- Population Forecasts and Housing Accord (2015-17)
- Wanaka Lakefront Development Plan (2016)
- Wanaka Draft Programme Business Case (2016)
- Wanaka Draft Strategic Case (2015)
- Economic Development Strategy (2015)
- Wanaka Lakefront Reserves Management Plan (2014)
- Wanaka Town Centre Character Guideline (2011)
- Wanaka Town Centre Strategy (2009)
- Wanaka Structure Plan (2007)
- Queenstown Lakes District: on Foot, By Cycle Strategy (2008) and Implementation Plan
- Wanaka Transport and Parking Strategy (2008).

Documents developed by other organisations:

- Wanaka Airport Masterplan (under development)
- Shaping Our Future (2017, Upper Clutha Transport Taskforce)
- Masterplan Active Transport (2017, Wanaka Active Transport)
- Aspiration Plan (2016, Chamber of Commerce)
- One Network Road Classification (2015, NZTA)
- Regional Public Transport Plan (2014, ORC)
- Tourism Strategic Plan (2012, Lake Wanaka Tourism)
- Ross to Wanaka Cycle Route (NZ Cycle Trail).

4. Methodology

This section describes the process that will enable development of a Wanaka Town Centre Masterplan and a Wanaka Integrated Transport Programme Business Case, and provides a timeline for the project. It is proposed to develop the Masterplan in parallel with the Integrated Transport Programme Business Case. This is because the two projects will be closely linked and develop iteratively, with each project influencing and impacting on the other. This approach will ensure key outcomes and decisions align and contribute to the overarching vision for Wanaka. It will allow the Council to make robust, well-informed decisions, guide the scope of long term and annual plans, and secure investment to support and manage the needs and aspirations of the Wanaka community.

However the development of the Masterplan and Programme Business Case will need to be preceded by the development of a Strategic Case to demonstrate the case for investment. It is also recommended that an initial community engagement activity is undertaken to gauge community opinions. These preliminary phases are described in Section 4.1 below.

4.1 Preliminary Work

Strategic Case (commencing July 2018)

A Draft Strategic Case was completed in 2015, however the Transport Agency has indicated that this needs to be refreshed to align with recent changes to key drivers and government investment priorities. A review of evidence has already been completed, and a fast-tracked Strategic Case will now be completed. This will commence with a problems/benefits workshop with key stakeholders to confirm the case for change. Following the workshop, a Strategic Case will be completed, that will document the story for investment, and form the basis for development of the Programme Business Case. The Strategic Case will focus on transport in Wanaka, and may include the wider access needs to key destinations that are located outside the Wanaka area. The Strategic Case will be submitted to the Transport Agency for endorsement of further work. It will also form part of the procurement package to possible tenderers for the Masterplan/PBC.

Initial Community Engagement (scheduled for Aug/Sept 2018)

To inform the initial Master planning exercises, there will be a period of community engagement to seek the community's views on their vision for Wanaka. This will also be an opportunity to explain the project scope, milestones, timeframe and outcomes. This initial engagement activity will be organised by Council communications and transport officers.

4.2 Wanaka Town Centre Masterplan

The Masterplan will build upon the existing documents identified above and should have a 30 year planning horizon. The Masterplan will be design-led, with a visioning workshop at the outset. It is proposed that a community engagement exercise is run prior to the start of the Masterplan project, in August/September 2018, to provide community inputs that will feed in to the visioning workshop.

The aim of the Masterplan will be to identify a holistic and unified aspiration and vision for Wanaka Town Centre, collaborating with key stakeholders and partners to agree on a desirable future state for the Town. The Masterplan process will consider various options and opportunities, and develop a feasible plan that encompasses multiple aspects such as:

- enhancing the quality of the public realm through its look and feel (e.g paving, planting, street furniture, etc)
- placemaking opportunities
- maximising connectivity and managing the interface with the waterfront
- providing access by all modes of transport
- reviewing the supply and management of parking to support access by both residents and visitors.

The Masterplan will consider the multiple roles of the town centre; as a tourist destination, commercial centre and community hub. The Masterplan will also consider opportunities to enhance these existing roles whilst addressing known and anticipated problems arising from growth in the number of residents and visitors.

It is likely that the Masterplan will see a move away from the current vehicle-dominant town centre, towards a more people-focussed centre. This desire has been articulated clearly in previously developed documents and aligns well with the Government's focus on mode neutrality, and encouraging walking, cycling and public transport.

The components of the Masterplan will be co-ordinated through a Spatial Framework document. The Spatial Framework is to present a compelling vision for the future of the town centre of Wanaka that reflects and enhances the Wanaka identity through sound planning, design and placemaking principles. It would seek to build upon and enrich the vibrancy, environmental qualities and heritage character of the Wanaka Town Centre. The document would describe and identify the public realm network and how it would integrate with proposed key catalyst projects and opportunities for re-development.

The document would outline the key moves and strategies that will have informed the Masterplan and vision for the town centre. It would include an Implementation Plan explaining how the strategy and actions should be coordinated and delivered. The Spatial Framework would also drive Public Realm Design Guidelines to guide the design strategy and coordinate the material palette for any future open space, pedestrian and cycleway upgrades in the town centre. The guidelines would tie into the Lakefront Development Plan and applicable Reserve Management Plans.

The study area of the Masterplan is focused on the Town Centre, Lakefront and surrounding area. It encompasses the Town Centre and Town Centre Transition zones as defined in the Proposed District Plan. It also includes the area between Lismore Park and the Lakefront, Pembroke Park, Wanaka Recreational Reserve and adjacent residential/commercial areas. This area is broad enough to provide many opportunities to enhance the form and function of Wanaka Town Centre.



Figure 4-1: Masterplan Study Area

The Town Centre Masterplan study area incorporates the area covered by the Lakefront Development Plan. The Council already have a commitment to deliver the Lakefront Development Plan, and implementation is underway. The Masterplan will need to consider and respond to the Lakefront Development Plan, focussing on the interface between the Masterplan area and the Lakefront area to ensure a high degree of connectivity and visual harmony. The Masterplan will also need to consider overall parking needs but specifically explore the effects of, and response to, Lakefront parking that will be displaced as a result of the Lakefront Development Plan.

4.3 Wanaka Integrated Transport Programme Business Case

The focus of the Wanaka Integrated Transport Programme Business Case will be to respond to the problems and opportunities identified in the Strategic Case, and support and enable the changes identified in the Masterplan. The development of the Programme Business Case will follow the initial Master planning exercises, but there will be overlap to test options for both workstreams.

It is expected that the scope of the Programme Business Case will include access to key destinations such as schools, centres and employment areas by all modes, as well as public realm and placemaking initiatives. Several programmes will be tested, and are likely to include both hard (infrastructure) and soft (e.g. policy, behaviour change, etc) measures. The preferred programme will identify where further work is required, costs/benefits and next steps.

For the business case workstream, the study area is substantially larger than the Masterplan area to capture the transport and land use impacts of the wider area. This area has been defined to incorporate all development areas included in the PDP for Wanaka, and includes links to the Airport and Luggate. The business case study area does not encompass surrounding townships such as Hawea, Glendhu Bay,

Cardrona and Luggate, but will broadly include transport options to and from these centres, as transport flows from these areas influence demands within the study area. The business case may consider tourist routes to Treble Cone, Mount Aspiring and Queenstown; this will be ascertained at the Strategic Case stage, based on a review of the evidence.



Figure 4-2: Wanaka Integrated Transport Programme Business Case Study Area

4.4 Milestones and Delivery Timeframe

The key stages for the project are shown in Figure 4-3. The Masterplan and Programme Business Case workstreams will progress in parallel, starting in October 2018. Preliminary work to finalise the Strategic Case and complete the initial community engagement exercise will be completed by the end of September whilst the Council procures professional services for the project. The target date for completion of the Masterplan and Programme Business Case is June 2019. After that time, it is expected that various Detailed Business Cases will be completed for separate aspects of the Programme Business Case. The purpose of the Detailed Business Case phase is to further develop and assess the options and complete detailed designs. This process will include continued conversations with stakeholders and community consultation. In parallel, preparations will be made to include specific improvements in the Draft Long Term Plan 2021-31, and Regional Land Transport Plan.

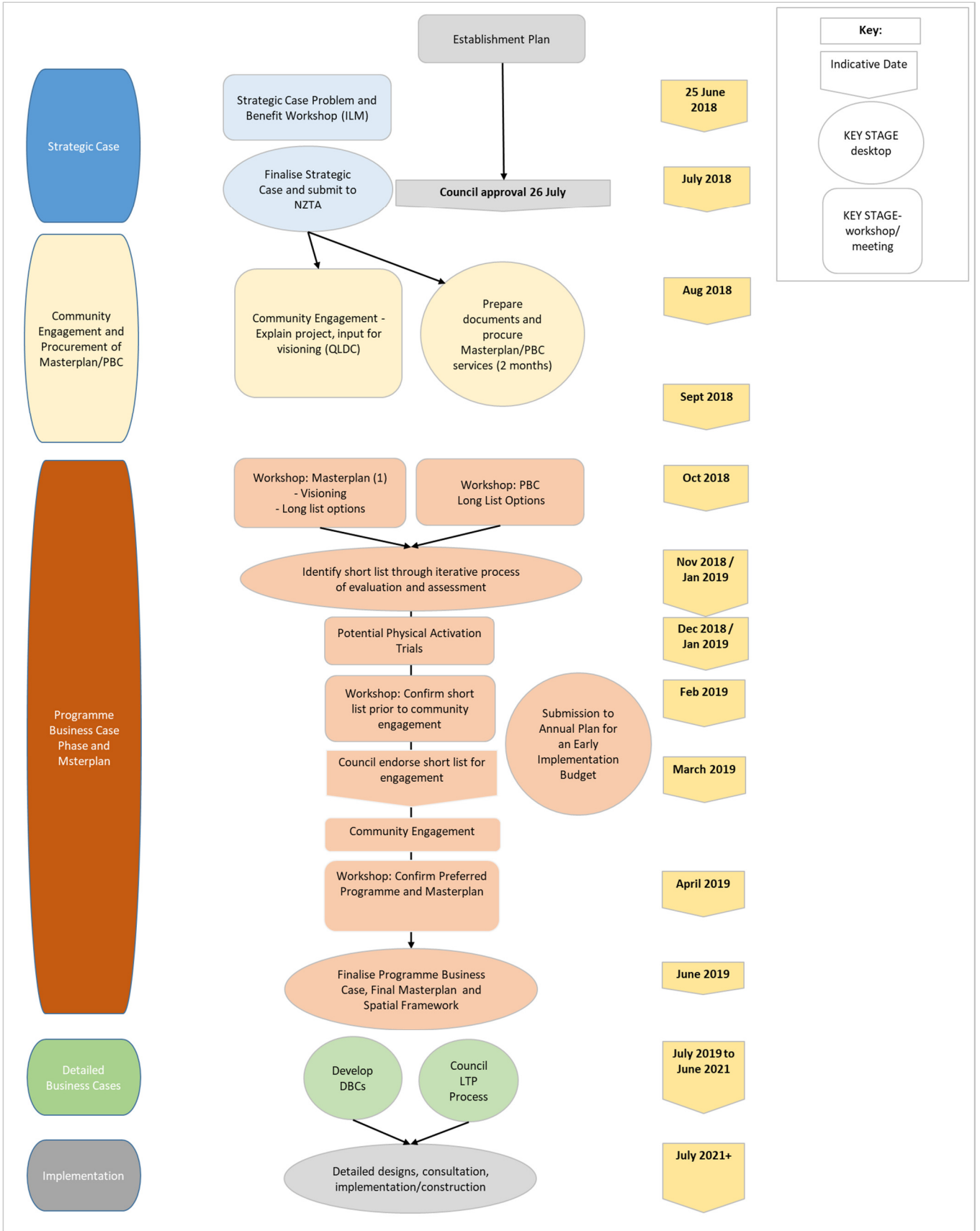


Figure 4-3: Key Milestones and Timeframes

5. Programme Governance

The proposed programme governance structure is similar to the structure used to progress the Queenstown Town Centre Masterplan. A key difference is the role of the Council's key partners, the Transport Agency and the Otago Regional Council (ORC). Representatives from these organisations have been included within the Programme Control Group. The Programme Governance structure is illustrated in Figure 5-1).

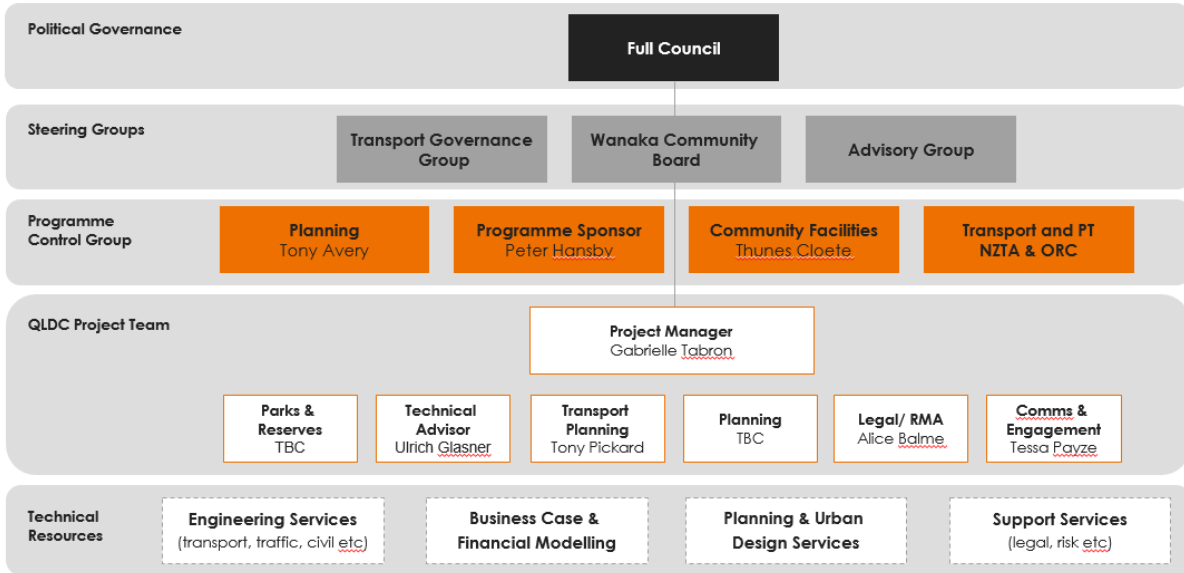


Figure 5-1: Proposed Programme Governance Structure

The role and function of each governance group is summarised below:

- **Political Governance:** This will be provided by the Council, and is the main gateway for financial and community engagement approvals. The preferred option will be presented to the Council for endorsement prior to community engagement.
- **Steering Groups:**
 - Wanaka Community Board: As local experts and with a strong connection to the local community, the Community Board will play a key role in the development of the project.
 - Advisory Group: This group consists of six individuals that bring a wide range of experience to the Master planning and business case process. Members will be chosen based on their knowledge and represent key sectors including urban design, transport planning, place making, tourism and local business. While this group has no delegated authority and is advisory only, they will guide and influence decisions.
 - Transport Governance Group: Regular updates will be provided to the Transport Governance Group at their normal meetings, so they can provide feedback or comment as required, and to ensure they are informed about the progress of the project.
 - The project team will provide regular presentations to the Community Board and Advisory Group as a single group. This will allow these two groups to provide input at all stages, and their feedback will be considered by the design team immediately. These two groups will act as a sounding board for the project, and provide strong local knowledge and input.
- **Programme Control Group:** This level provides a review and integration forum to ensure that wider implications are considered across the organisation. This group will provide close oversight of the project, to ensure that it is on track and on budget, and to deal with any day to day issues. There will be monthly meetings with this group.
- **QLDC Project Team:** This group will be involved in the day to day running of the project, and participate in meetings and workshops as required throughout the process. Officers will provide local knowledge and expertise to the wider team.
- **Technical Resources:** These specialist resources will be procured through a competitive tender process. They will work closely with the core QLDC Project Team and will lead the development of the Town Centre Masterplan and the Integrated Transport Programme Business Case. There will be a high level of interaction between these technical specialists and the QLDC Project Team.

6. Engagement and Consultation

Undertaking timely and effective engagement with key partners, stakeholders and the community is a critical element of any project, and can significantly influence the success of delivering a project. Council's Communication Team have confirmed that they will dedicate a staff member to coordinate targeted consultation activities for the project.

A Communications and Engagement Plan will be developed at the outset of the project to identify the methods and degree of engagement, intended audience, and the proposed programme of events and activities. The Communications and Engagement Plan will include an engagement register that provides a record of the date, audience and scope of engagement activities that have been undertaken.

The Wanaka Community Board will play a key role in the project, both in providing input at key programme milestones that can influence the outcomes, and through their day-to-day interactions with the wider community. The Community Board have considerable local knowledge that will be invaluable to the project. The Wanaka Community Board are invested in the community and are integral to the success of this project.

6.1 Partners and Stakeholders

The business case process, Master planning exercises, and the proposed governance structure ensure that partners and stakeholders are involved throughout the process. This will provide input from a variety of sources resulting in more robust outputs, as well as allowing stakeholders to be part of the process from the outset. A preliminary stakeholder matrix that assesses the partner investors, external stakeholders and government ministers has been created for the project, as shown in Figure 6-1: Partner and Stakeholder Matrix.

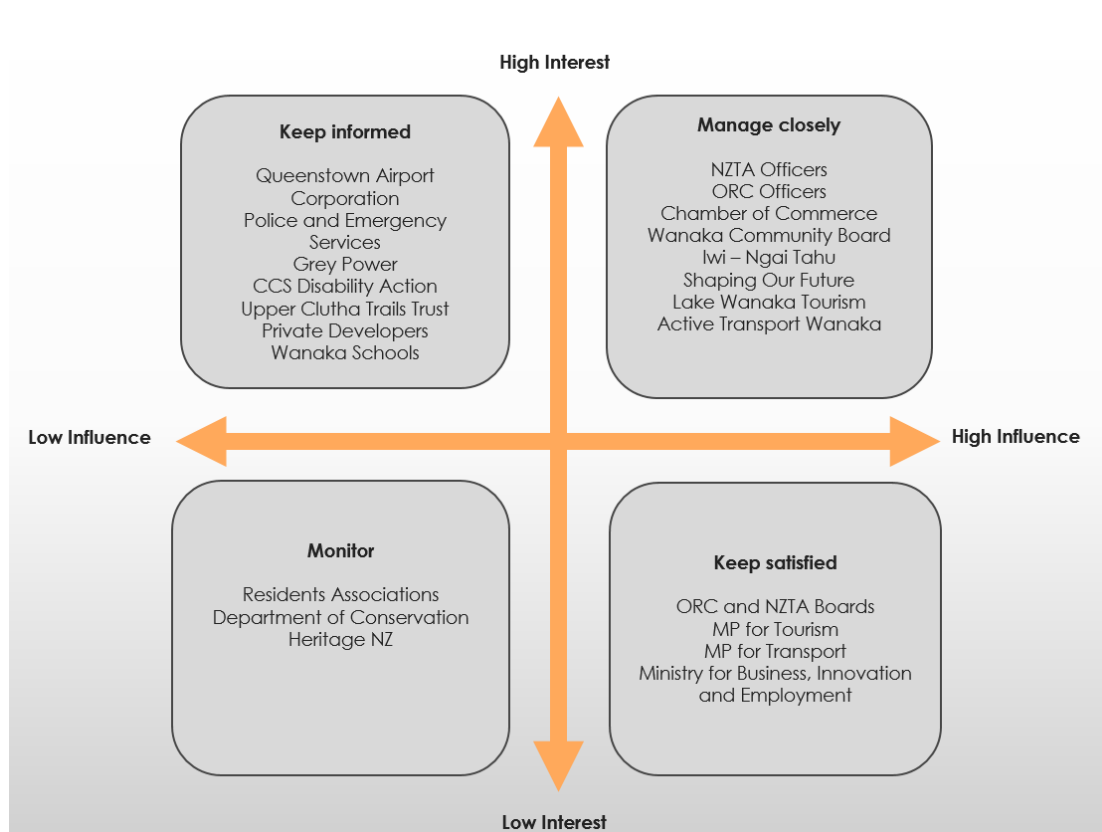


Figure 6-1: Partner and Stakeholder Matrix

Representatives from high interest stakeholder organisations will be invited to attend the workshops that are planned as part of this project, as appropriate. They will also be encouraged to participate in the wider community engagement activities.

6.2 Wider Community Engagement

The main purposes for engaging with the community are to:

- Gather feedback
- Define and manage project scope and expectations
- Understand reactions and implications of a proposal
- Generate support and 'buy-in' for actions.

Initial engagement with the community is proposed for September 2018. The scope and format of this process is still to be confirmed, but is likely to be a combination of an interactive session with the community (either informally in a public/ open air setting, or more formally through a public workshop or drop-in session), and via online platforms such as websites and social media.

There is the potential for physical activation trials to be held during the summer of 2018/19, to stimulate discussion and feedback on possible options.

The second period of engagement will be to confirm the preferred option(s), proposed for April 2019. This will allow the community to have their say on the short listed option(s), and allow their input to be considered in determining the preferred option(s).

There will be formal consultation on the preferred option(s) through either the Annual Plan or Long Term Plan process in late 2019/2021.

7. Procurement

To ensure an integrated approach between the Town Centre Masterplan and the Programme Business Case elements, delivery through a single competitive tender process is proposed. This would allow delivery by a single multi-disciplinary design team (e.g. urban designers, transport engineers, etc.).

Evaluation of this tender would be through Price/Quality Assessment in accordance with NZ Transport Agency's Procurement Manual.

The estimated cost of the Town Centre Masterplan and Programme Business Case would be in the order of \$900,000. Individual components have been estimated as follows.

- Town Centre Masterplan (including Spatial Framework) - \$300,000
- Transport Programme Business Case - \$600,000.

An allocation of \$900,000 has been committed within the existing 2018/19 and 2019/20 Long Term Plan.

8. Conclusion

The growth of Wanaka over the last ten years, together with the recurring transport issues and community frustration at lack of action, have been a catalyst for the Council to consider a new planning framework. The proposed approach will deliver both a vision and plan for the town centre, as well as a preferred programme of transport and land use planning improvements for the wider Wanaka area.

The proposed process will allow integrated land use and transport planning, as well as realisation of opportunities for Wanaka that could otherwise be lost in the face of rapid change and development. Given the growth and development, it is timely to intervene to shape a positive future for Wanaka, and to ensure that growth and its impacts are managed. This will enable Wanaka to retain its character and outstanding features that attract people to live and visit the town.

9. Recommendations

It is recommended that the QLDC adopt the project approach, which includes:

1. Delivery of a Wanaka Town Centre Masterplan.
2. Delivery of a Wanaka Integrated Transport Programme Business Case.
3. Collaborative and ongoing involvement of key stakeholders in the project.

QLDC Council
26 July 2018

Report for Agenda Item: 5

Department: Property & Infrastructure

Traffic and Parking Bylaw 2012 Determination Report

Purpose

The purpose of this report is to consider the findings of the Traffic and Parking Bylaw 2012 review and begin the process to amend the bylaw for public consultation.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Note** the contents of the attached Findings Report of the Traffic & Parking 2012 Bylaw Review;
3. **Agree** that a bylaw is the most appropriate way of addressing traffic and parking issues that could arise from conflicting demands for use of the road way by vehicle type and road user;
4. **Agree** that a bylaw is the most appropriate way to support the implementation of future on road changes to support the district's transport and parking strategies;
5. **Agree** that the Traffic and Parking Bylaw 2012 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;
6. **Agree** that a bylaw is considered consistent with the New Zealand Bill of Rights Act, in that while it can have implications for the freedom of movement, these are considered justified and not inconsistent;
7. **Approve** that the Traffic and Parking Bylaw 2012 be amended; and
8. **Request** that a Statement of Proposal and draft amended bylaw be prepared for Council consideration in September.

Prepared by:



Polly Lambert
Acting Asset Planning
Manager
10/07/2018

Reviewed and Authorised by:



Peter Hansby
General Manager, Property
and Infrastructure
13/07/2018

Background

- 1 The Queenstown Lakes District Council Traffic and Parking Bylaw 2012 (the bylaw) regulates parking and vehicle use of roads and public spaces under Council's control.
- 2 Section 158(1) of the Local Government Act 2002 (LGA) requires bylaws to be reviewed within 5 years of being passed.
- 3 Section 160(A) provides for a further two year period for a review to be carried out before the bylaw is revoked.
- 4 Council can also regulate parking and vehicle use on roads under section 22AB of the Land Transport Act 1998 (LTA).
- 5 On 3 May 2018 Council approved a bylaw review to consider whether:
 - a. the policy intent of the bylaw was met and remains appropriate for managing traffic and parking matters;
 - b. there are regulatory or non-regulatory alternatives to a Traffic and Parking bylaw;
 - c. there are new or future foreseeable traffic or parking matters that need to be considered; and
 - d. the Council has the capacity to continue enforcing compliance under different growth scenarios.

Comment: The Local Government Act 2002 requires a statutory review of the legacy bylaws

- 6 Council must complete a statutory review of the bylaw. To complete the statutory review, Council must determine whether a bylaw is the most appropriate way of addressing issues associated with parking and vehicle use of roads and public spaces under Council's control.
- 7 To undertake the review, staff undertook research and internal and external stakeholder engagement.
- 8 The review findings are contained in the Findings Report of the Traffic & Parking 2012 Bylaw (Attachment A).

Analysis and Advice

- 9 The review findings confirm there are issues that need to be managed that cannot be regulated or controlled under existing regulation or legislation.
- 10 A bylaw provides Council the opportunity to establish rules for parking and traffic movements that are either not prescribed in legislation or the legislation requires further refinement to address locally identified issues.
- 11 In considering parking regulation, a bylaw enables Council to establish rules to determine what parking, where, for who (or what), for how long and how it can be charged for. It also provides council the opportunity to penalise (either through infringements, prosecution or methods) non-compliance with these rules.

12 A bylaw also enables Council to establish local rules for the use of its roads, including by whom (or what), for what purpose, in what direction and at what times. This provides a framework for police to encourage road users to comply with Council's intentions for the use of its network, in addition to standard national road user requirements.

Methodology of Review

13 Various research and engagement methods were used to gain insight on the following:

- What rules and legislation currently regulate traffic and parking management?
- Are the issues the bylaw set out to address still evident?
- Is the bylaw still the most appropriate means for managing traffic and parking?
- Does the bylaw provide extra regulation compared to existing legislation?
- Does the bylaw provide greater enforcement power than existing legislation?
- Do Council's traffic and parking stakeholders identify additional issues a bylaw could address?

14 Research was completed to understand existing transport strategies and plans, legislation and associated regulations (including the Land Transport Act 1988, Local Government Acts 2002 and 1974, Road User Rule 2004, Traffic Control Devices Rule 2003), land use rules (Operative and Proposed District Plans), and other territorial authority' approaches.

15 Significant input was received from internal staff from Infrastructure and Property, Community Services, Parks and Recreation and Regulatory.

16 Initial external engagement was completed with representatives from community associations, education providers, business associations, large tourism operators, small passenger service vehicle operators, social service agencies, local and central government agencies including Police and New Zealand Transport Agency.

17 A summary of the issues identified that can be addressed through a bylaw and the recommended direction for changes are shown in Table 1 – Outcome of the statutory review.

18 Staff also consider the general form of the bylaw should be revised to improve accessibility and provide greater certainty for enforcement officers.

19 Further, the current bylaw is constituted only under the Local Government Act and it is recommended that any future bylaw addressing Traffic & Parking also be constituted under the Land Transport Act.

20 Should Council accept the findings and recommendations on bylaw form and legislative mandate, this will result in a substantial re-write of the current bylaw prior to public consultation.

21 Enforcement resource capacity implications will be evaluated together with preparing an amended bylaw for Council consideration.

	<i>Table 1 - Outcome of statutory review</i>			
<i>Issue identified</i>	Bylaw appropriate to address issue?	Bylaw form appropriate to address issue?	Bylaw still consistent with the Bill of Rights Act 1990?	Recommended direction for any changes
<i>Traffic</i>				
<i>Turning restrictions</i>	√	X	√	Amend
<i>Direction of travel</i>	√	X	√	Amend
<i>Cycle paths</i>	√	X	√	Amend
<i>Special vehicle lanes</i>	√	X	√	Amend
<i>Cruising</i>	√	X	√	Amend
<i>Heavy motor vehicles</i>	√	X	√	Amend
<i>Light motor vehicles</i>	√	X	√	Amend
<i>Engine braking</i>	√	√	√	Retain
<i>Unformed legal roads</i>	√	X	√	Amend
<i>Snow chains</i>	X	X		Revoke
<i>Skateboards</i>	X	X		Revoke
<i>Parking</i>				
<i>Parking areas</i>	√	X	√	Amend
<i>Parking restrictions</i>	√	X	√	Amend
<i>Method of parking</i>	√	X	√	Amend
<i>Payment for parking</i>	√	X	√	Amend
<i>Interfering with machines</i>	√	X	√	Amend
<i>Loading zones</i>	√	X	√	Amend
<i>Angle parking</i>	√	X	√	Amend
<i>Mobility parking</i>	√	X	√	Amend
<i>Resident's parking</i>	√	X	√	Amend
<i>Small passenger service vehicles</i>	√	X	√	Amend
<i>Goods vehicles</i>	√	X	√	Amend
<i>Rental car parking</i>	√	X	√	Amend
<i>Parking off roadway</i>	√	X	√	Amend
<i>Broken down vehicles</i>	√	X	√	Amend
<i>Things on roadway</i>	√	X	√	Amend
<i>Removal of vehicles</i>	X	X		Revoke
<i>Vehicles for sale</i>	√	√	√	Retain
<i>Exempt vehicles</i>	√	X	√	Amend

Options

22 Option 1 Do not prepare an amended bylaw for public consultation

Advantages:

- 23 Resource assigned to amending the bylaw can be reallocated to other projects.

Disadvantages:

- 24 Council will miss the opportunity to address identified current traffic and parking operational issues that are not contemplated under the existing bylaw.
- 25 Council will miss the opportunity to support changes contained in current and contemplated strategies.
- 26 Council may not meet external stakeholder expectations raised through the review process.
- 27 Council will miss the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.
- 28 Council will still need to determine either to revoke or retain the current bylaw which may be considered inconsistent with the findings of the statutory review and may undermine the ability for council to continue to rely on the bylaw (in the event it is retained).

29 Option 2 Prepare an amended bylaw for public consultation

Advantages:

- 30 Council will have the opportunity to address identified current traffic and parking operational issues that are not contemplated under the existing bylaw.
- 31 Council will have the opportunity to address identified future traffic and parking issues that are not contemplated under the existing bylaw.
- 32 Council will meet external stakeholder expectations raised through the review process.
- 33 Council will have the opportunity to continue positive engagement with the community in addressing perceived current and future traffic and parking issues.
- 34 Council's decision will be consistent with the findings of the statutory review.

Disadvantages:

- 35 Resource cannot be reallocated to other projects.

36 This report recommends **Option 2** for addressing the matter because:

- a. It is supported by the recommendation of the Findings Report of the Traffic & Parking 2012 Bylaw
- b. Council will meet its statutory requirements for the bylaw review as set out in the LGA
- c. The bylaw will continue to be in force during the review meaning council can continue to regulate vehicle use on roads and parking

Significance and Engagement

37 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. Although the matter is of considerable interest to the communities of the district, this decision is to prepare an amended bylaw for Council consideration, whereas the subsequent decision to begin a special consultative procedure will have higher significance because of the impact of the decision.

Risk

- 38 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, including confirmation that any bylaw does not breach the New Zealand Bill of Rights Act 1990.
- 39 The recommended option considered above mitigates the risk by treating the risk - putting measures in place which directly impact the risk.
- 40 The recommended option will be implemented such that all the requirements of the LGA and the Bill of Rights Act are identified, tracked and fulfilled to the satisfaction of Council's in-house legal counsel.

Financial Implications

41 Costs relating to the special consultative procedure will be covered within existing budgets.

Council Policies, Strategies and Bylaws

42 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
- Proposed and Operative District Plan
- Wanaka Transport Strategy 2008 supporting an appropriate transport network and parking provision.

- 43 The recommended option is consistent with the principles set out in the named policies.
- 44 This matter is not explicitly identified in the 10-Year Plan/Annual Plan as a separate line item / activity.
- 45 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.
- 46 There are three phases to a bylaw review:
- a. Evaluation of the existing bylaw and next steps (is a bylaw appropriate) – council is here
 - b. Further recommendations (investigate alternative approaches or significant changes) – council will consider these in September
 - c. Statutory consultation.

Local Government Act 2002 Purpose Provisions

47 The recommended option:

- Will help meet the current and future foreseeable 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 developing an enabling and responsive regulatory framework for the management of traffic and parking issues in the district;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and
- Is consistent with the Council's plans and policies.

Consultation: Community Views and Preferences

48 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.

49 Staff invited a range of stakeholders to discuss issues and opinions as part of the information gathering stage to inform the findings report and next steps recommendations.

Legal Considerations and Statutory Responsibilities

50 Staff continue to work with the in-house legal team on the appropriate form and content of the bylaw.

Attachments

A Findings Report of the Traffic & Parking 2012 Bylaw

Attachment A: Findings Report of the Traffic & Parking 2012 Bylaw

Findings of the Traffic & Parking Bylaw 2012 Review July 2018

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1 SUMMARY OF KEY FINDINGS

The issues the Traffic & Parking Bylaw 2012 set out to address are still evident.

A bylaw is still required to address traffic and parking issues in the district as it can provide additional regulation than currently available through the District Plan and legislation.

A bylaw can provide a framework to support the district's transport strategies, encouraging modal change and contribute to delivering an improved experience for residents and visitors on our roads. It can also support the introduction of new technologies in identifying, accessing and paying for parking across the district.

A bylaw can provide a framework to address potential safety issues associated with increasing volumes of small and large passenger service vehicles within the CBDs.

A bylaw can provide additional asset protection for roads and verges through regulating motor vehicle use and parking.

A bylaw under the Land Transport Act and Local Government Acts provide council officers and Police greater opportunity to encourage and enforce compliance across council controlled and owned roads and places.

Engagement with stakeholders revealed issues that a bylaw is the best option to address.

Benchmarking with other territorial authorities approaches revealed opportunities to improve the form and language of the bylaw to improve accessibility and understanding for both the public and enforcement officers.

2 INTRODUCTION

2.1 PURPOSE OF THE REPORT

This report presents findings from the review of Queenstown Lakes District Council's Traffic and Parking 2012 bylaw (the bylaw).

Queenstown Lakes District Council (council) has a statutory responsibility under the Local Government Act 2002 to review the bylaw by 2 May 2018.

2.2 KEY QUESTIONS

To meet council's statutory review requirements under section 160(1) of the Local Government Act 2002, the bylaw must be determined as the most appropriate way of addressing the perceived problem.

To identify this requirement, the review asked the following key questions:

- What rules and legislation currently regulate traffic and parking management?
- Are the issues the bylaw set out to address still evident?
- Is the bylaw still the most appropriate means for managing traffic and parking?
- Does the bylaw provide extra regulation compared to existing legislation?
- Does the bylaw provide greater enforcement power than existing legislation?
- Do council's traffic and parking stakeholders identify additional issues a bylaw could address?

2.3 WHY REVIEW NOW

Section 158(1) of the Local Government Act 2002 (LGA) requires bylaws to be reviewed within 5 years of being passed. A further two years is available to council under s160(a) of the LGA and council confirmed its intention to review the bylaw at its 3 May 2018 meeting.

2.4 SCOPE

The review included assessing:

- the nature and extent of issues associated with traffic & parking in the district
- the effectiveness of the bylaw in addressing these issues
- whether a new bylaw is necessary to address these issues or whether sufficient tools are already available (such as in the Land Transport Act 1998 and Land Transport (Road User) Rule 2004).

2.5 OUT OF SCOPE

The review did not include:

- Parking demand
- Parking fees.

2.6 METHODOLOGY

Various research and engagement methods were used to gain insight on the key questions.

Research: Desktop research was conducted on the existing plans and legislation for traffic & parking management, including stipulations in the Land Transport Act 1998, Land Transport (Road User) Rule 2004, Land Transport (Traffic and Control Devices) Rule 2004, Operative District Plan, Proposed District Plan, Local Government Act 1974 and Local Government Act 2002.

This research also drew on information from other Territorial Authorities on the nature of traffic & parking issues and the scale of the problem through customer complaint and infringement records.

Internal stakeholder engagement: Written communications and meetings were conducted with council staff to seek input on the regulatory framework, how it works internally and if additional regulation is required. Interviews were held with council staff from Regulatory, Community Services and Property & Infrastructure.

External stakeholder engagement: All community associations and schools, as well as representatives from business associations, large tourism operators, small passenger service vehicle operators, social services agencies, local and central government agencies and the airport were invited to engage and provide initial feedback on the issue.

Informal meetings were held with many and asked questions regarding known issues and whether additional enforcement powers are needed or any other ideas that could assist in addressing known issues. Others provided their thoughts in writing.

Analysis of past traffic & parking bylaw reviews: Several reviews of the bylaw and its predecessor have begun or been completed, and the results of those reviews were considered.

3 WHAT CURRENTLY GOVERNS TRAFFIC & PARKING MANAGEMENT

3.1 NATIONAL LEGISLATION REGULATING TRAFFIC AND PARKING

The overarching legislation applying to traffic and parking is the Land Transport Act 1998 (LTA). This is further augmented through the application of several regulations, known as Rules, the most relevant in this instance being the Land Transport (Road User) Rule 2004 and the Land Transport (Traffic Control Devices) Rule 2004 (collectively 'the Rule(s)').

The LTA confers on Road Controlling Authorities (RCAs), of which council is one, the ability as of right to implement a bylaw to regulate various transport and parking matters on roads. The intention of a bylaw is to enable council to regulate and enforce behaviours that either are not available through existing mechanisms (such as the LTA, LGA or Rules) or to further enhance or refine those abilities as required in response to issues identified in the district.

The Local Government Act 1974 provides legislative mandates in relation to parking areas and removal of vehicles; and the Local Government Act 2002 provides the ability for council to make bylaws to address issues of public safety, nuisance and for the protection of public health.

Bylaws under the LTA enable council to issue infringements for offences whereas bylaws under the LGA enables council to prosecute for offences. The choice of legislative backing for bylaws also takes into consideration the remedies available to council for breaches.

3.2 DISTRICT PLAN

The Operative District Plan (ODP) and Proposed District Plan (PDP) outline the requirements for parking and traffic such that they complement the overall land use goals and objectives established by the council for the development of the district.

The PDP Chapter 24 Transport endeavours to support council's strategies of encouraging mode change (away from cars) and improving both the safety and experience of residents and ratepayers on the district's roads. This chapter is currently out for consultation with key moves including reducing the requirements for parking provision within commercial developments, encouraging the provision of off street parking in residential developments and increasing densities around town centres.

3.3 CURRENT BYLAW

The Traffic & Parking Bylaw 2012 is constituted under the LGA 2002 and as such is subject to the review provisions.

The bylaw covers a mix of traffic and parking requirements, noting council officers can only enforce stationary vehicle offences. Moving vehicle offences (such as turning restrictions and directional requirements) are enforced by the Police.

Specific restrictions are detailed within the bylaw and as such, any on-road changes require amendments to the bylaw and the associated public consultation requirements.

Traffic restrictions applying in the current bylaw include:

- Left and right hand turn only
- One way streets
- Light vehicle restrictions in town centres
- Heavy vehicle restrictions in town centres and on certain roads
- Skateboard use.

Parking clauses include:

- Establishment of, and restrictions applying to, parking areas (for cars, buses and taxis)
- Paying for parking through pay machines and coupons
- Control of rental car parking on roads and in parking places [when not rented]

3.4 CURRENT ENFORCEMENT

Council employs 3 FTE (2 based in Queenstown and 1 based in Wanaka).

Queenstown parking officers cover general parking duties including patrols through Queenstown, Arrowtown and Frankton as well as responding to public requests for service and complaints.

The Wanaka parking officer covers general duties including CBD patrols and responding to public requests for service.

Supporting the enforcement officers are 1.5 administration FTE focused on requests for service, infringement waivers and general duties.

Issues are escalated to the Principal Enforcement Officer (an additional FTE) and Regulatory Manager as required.

In addition to staff resource, 6 contracted FTE cover Queenstown from 9am – 9pm seven days a week and 8am – 6pm on weekends in Wanaka. Contracted FTE aim to respond to after hours requests for service within 2 hours of receipt.

40,747 infringements were issued in the 2017/18 financial year, a small increase on the previous year's 39,704. Recovery rates were 80% and 70% respectively.

The enforcement team also responded to 2,177 public requests for service in 2017/18 and 1,959 the prior year. Between 65-70% of requests for service relate to general parking issues e.g. parked over time, parked in a mobility space etc. Requests relating to safety, parked on a berm, parked in a taxi stand or loading zone, over a driveway or in a bus park are recorded separately.

3.4.1 Infringements issued (and cancelled) 2017/18 and 2016/17

2017/18		2016/17		Reason
Issued	Cancelled	Issued	Cancelled	
339	1	152	3	C101 - not displaying current warrant of fitness
46	0	102	0	P102 - Stopped 6M of an intersection
36	0	14	0	P103 - 6 m of intersection
2	0	10	0	P104 - 6 m of pedestrian crossing
3,247	3	3,258	8	P105 - stopped/stood/parked contrary to traffic sign or road markings
1,603	167	1,992	97	P106A - Parking restricted by a traffic sign \$12
3,596	392	4,556	281	P106B - Parking restricted by a traffic sign \$15
3,728	319	6,287	402	P106C - Parking restricted by a traffic sign \$21
1,685	98	1,662	139	P106D - Parking restricted by a traffic sign \$30
428	23	436	28	P106E - Parking restricted by a traffic sign \$42
322	0	282	0	P106F - Parking restricted by a traffic sign \$57
4,172	0	3,790	3	P107 - Broken Yellow Lines
5	0	12	1	P108 - Parked in area not being a vehicle of a class indicated by a sign
78	1	152	0	P109 - Parked 6M of a bus stop sign
127	1	131	2	P110 - Obstructing a driveway
135	0	112	0	P111 - Parked a motor vehicle within 500MM of a fire hydrant
56	0	12	0	P113 - Double parked
715	1	479	0	P114 - Failed to park a vehicle parallel with the direction of the roadway
203	0	150	0	P115 - Parked on a footpath or cycle path
8	0	6	0	P16 - trailer over 7 days
2,951	6	1,457	7	P117 - Inconsiderate parking
1,021	4	1,456	1	P119 - Loading Zone
11	0	10	0	P124 - Parked facing the wrong way in a one way street
1	0	52	0	P127 - Parked on a flush median or traffic island
630	2	1,332	1	P134 - Parked on grass, flowerbed, shrubbery
40	0	20	0	P192 - license not displayed in the correct manner
1,077	2	681	0	P401 - unregistered
18	0	19	0	P402 - Unlicensed
11	0	2	0	P403 - registration plated not fixed correctly
1	0	3	0	P404 - displayed wrong registration plate
0	0	1	0	P405 - wrong licence displayed
0	0	3	0	P406 - Displayed item likely to be mistaken for a plate or licence
2	0	4	0	P409 - Obscured or Indistinguishable licence label
670	0	618	1	P969 - Parking reserved for disabled
10,215	5	6,945	8	Q143 - Failed to display valid parking coupon
436	5	386	5	Q146A - Pay and display ticket expired - \$12
1,083	20	1,152	26	Q146B - Pay and display ticket expired - \$15
1,114	24	1,237	20	Q146C - Pay and display ticket expired - \$ \$21
442	6	473	16	Q146D - Pay and display ticket expired - \$30
85	1	99	5	Q146E - Pay and display ticket expired - \$42
55	1	59	0	Q146F - Pay and display ticket expired - \$57
1	0	0	0	Q147 - parked on the road for purpose of washing it
0	0	1	0	Q148 - kept engine running for 5 min
26	0	6	0	149 - Vehicle for sale
21	0	11	0	Q151 - Parked for more than 14 days
3	0	0	0	Q153 - parked rental in unauthorised area
42	0	2	0	Q173 - Parked taxi other than in designated area
249	1	70	0	Q174 - Parked bus other than in designated area
1	0	0	0	Q175 - vehicle over 2000KG unlawfully overnight
1	0	3	0	V557 - worn or damaged tyre
8	0	7	0	V561 - operated a vehicle with insufficient tread pattern
40,747	1,097	39,704	1,054	Totals

4 ARE THE ISSUES THE BYLAW SET OUT TO ADDRESS STILL EVIDENT

4.1 PURPOSE OF THE CURRENT BYLAW

The bylaw is intended to regulate parking and the use of roads and public places vested in or under the control of the council.

The volumes of infringements issued relating to overstaying or not paying for parking confirms the need to continue to regulate parking to ensure ongoing availability and access. In addition, the numbers of tickets issued for safety related matters demonstrate the necessity for bylaw enforcement in this regard.

Outside of general parking matters, three key issues were identified during the 2011 review process that were intended to be addressed by changes in the bylaw, its interpretation and subsequent enforcement.

4.2 ENFORCEABILITY OF THE BYLAW RESTRICTIONS RELATING TO MOVING VEHICLE OFFENCES

Council officers can only enforce stationary vehicle offences, whereas moving vehicle offences require Police enforcement.

Police resources are constrained by national priorities, with those targeted at safety likely to receive attention rather than those aimed at primarily improving amenity (e.g. weight restrictions and engine braking).

The enforcement of moving vehicle offences within the bylaw remains an issue and is further commented on below.

4.3 CLARIFICATION OF RULES RELATING TO TAXI PARKING

Under the previous [and current] bylaw, taxis are unable to park outside of stands or designated parking areas unless hired or otherwise unavailable for hire. There had been inconsistent interpretation of this rule and clarification of the approach taken by council enforcement officers was required.

With changes to the legislation and road user rules that removed 'taxi' as a defined service vehicle with associated requirements and replaced it with 'small passenger service vehicle', the current bylaw does not reflect the prevailing on road conditions in respect of these. This is further commented on below.

4.4 RESTRICTIONS ON COACH/BUS PARKING AND A LACK OF ALTERNATIVES

Under the previous [and current] bylaw, buses have been restricted from parking outside of designated parking areas. A perceived lack of on road options, particularly around town centres, and constrained opportunities for off street locations were cited considering growing tourist demand.

This continues to be an issue, with displacement of parking from town centres to residential area an ongoing issue. This is further commented on below.

5 IS THE BYLAW STILL THE MOST APPROPRIATE MEANS FOR MANAGING TRAFFIC AND PARKING?

5.1 DOES THE BYLAW PROVIDE EXTRA REGULATION THAN THE DISTRICT PLAN AND LEGISLATION?

Under legislation, council can establish a bylaw to set (or regulate) the traffic and parking framework (or 'rules'), however it only applies to council owned or controlled land.

With large private parking areas now available and being developed across the district these may operate under conditions that differ to those provided by council and although may be subject to the same public expectations, the bylaw will not apply to these areas.

A bylaw establishes rules for parking and traffic movements that are either not prescribed in legislation, regulation or rules or these require further refinement to address locally identified issues. In this regard the bylaw can provide additional regulatory powers to council than would exist otherwise.

The District Plan establishes the rules of land use, including the amount of land that must be provided for vehicle parking associated with differing land uses, but does not establish the framework for how that parking is to be accessed, who by, for how long and how it can be charged for. Nor does it determine penalties associated with a failure to comply with any of the latter framework components, alternatively this is left to individual land owners.

In relation to traffic, the District Plan influence is in setting parameters to minimise the effects of land use, it does not dictate the way in which those parameters should be met.

Therefore, the District Plan is a necessary consideration in the management of traffic and parking in the district but is not sufficient to address issues identified.

5.2 DOES THE BYLAW PROVIDE GREATER ENFORCEMENT POWER THAN EXISTING LEGISLATION?

As discussed above, a bylaw establishes the rules council will follow when determining what parking, where, for who [or what], for how long and how it is to be charged for. Further, it provides council the opportunity to penalise [either through infringements, prosecution or other methods] non-compliance with these rules.

A bylaw also establishes local rules for the use of council's roads, including by whom [or what], for what purpose, in what direction and at what times. This provides the Police a framework for encouraging road users to comply with council's intentions for the use of its network, in addition to standard national road user requirements.

For these reasons, a bylaw provides greater enforcement power than existing legislation.

5.3 DO COUNCIL'S TRAFFIC AND PARKING STAKEHOLDERS IDENTIFY ANY ADDITIONAL ISSUES A BYLAW COULD ADDRESS

Since the review of the last bylaw there has been several changes to legislation, council has developed several transport related strategies in the face of unprecedented population and corresponding vehicle use growth, and technology has moved on in the provision, monitoring and charging for parking.

Feedback from interviews with key internal and external stakeholders highlighted the following significant traffic and parking issues for the district.

5.3.1 Changes in legislation/regulation - small passenger service vehicles

In 2017, the Land Transport Road User Rule was amended to remove the definition of taxi and its associated operating requirements and replace it with the concept of a small passenger service vehicle (spsv). The rationale for this change was to recognise the growth in app based "ride share" providers and to reduce the barriers to entry for providing passenger services (eg removing the requirements for livery, light boxes, fare counters etc).

This change and the concomitant growth in these services across the district has seen high levels of demand on existing "taxi stands" particularly in the Queenstown town centre, with greater issues at night.

Within a constrained physical environment, this unmet demand poses potential safety issues both to road users due to volumes and associated vehicle manoeuvres and passengers unfamiliar with the choices available and their rights when getting into a vehicle.

The issues identified by stakeholders are:

- Excess volumes of vehicles relative to standing areas
- Road safety due to vehicle behaviour
- 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
- 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"

5.3.2 Large passenger service vehicle [bus] parking and movements

The current bylaw prohibits bus parking except for in areas expressly dedicated or in other areas with council authorisation. The prohibition of bus parking in and around the CBD has resulted in displacement to residential areas such as Lake Hayes Estate.

Changes to bus routes have also resulted in bus diversions through residential streets due to an inability to turn at route ends. This is particularly prevalent in Arrowtown, where the presence of buses on otherwise quiet residential streets is unexpected.

Conversely, bus movements through main arterial routes through the CBD are expected but combined with a lack of on and off-street parking availability for these vehicles, results in traffic congestion, unsafe passenger movements to and from these vehicles and missed or delayed connections to tourist activities.

The issues identified by stakeholders are:

- Potentially inappropriate routes and volumes on routes (local and tourist buses operating in confined spaces or numbers converging)
- Lack of routes catering to residential demand or reflecting multi-stop requirements (e.g. collecting children from school and travelling onwards)
- Frequency of local bus services
- Bus parking on residential streets
- Heavy vehicle restrictions are contained in the bylaw, meaning on road changes require bylaw change.

5.3.3 Campervan parking and movements

The current bylaw prohibits campervans over a certain weight (those more commonly identified as motorhomes) from travelling through town centres at certain times of the day/night and parking in town centres at any time.

These prohibitions are not well understood and leads to these larger vehicles finding themselves in challenging road environments and exacerbating traffic congestion in the CBD.

The issues identified by stakeholders are:

- Lack of directional signage (from pick up throughout the district)
- On road changes require bylaw change (current restrictions contained in the bylaw).

5.3.4 Parking on verges, particularly CBD

With both visitor and population growth in the district leading to pressure on housing and higher demands for parking, parking on verges has become increasingly common. This has been identified as both a safety issue and is destroying planted road reserves.

The issues identified by stakeholders are:

- Absence of bylaw regulation resulting in ad hoc issue management
- Safety/sightline issues created particularly in roads around CBDs
- Consequence of intensified urban development (lack of choice for residents and visitor parking and attempting to park out of roadway).

5.3.5 Rental car and other commercial business on road parking

Visitor growth and the increased demand for rental cars has resulted in some companies using the road as effective vehicle storage. This is resulting in conflict with demands for use by residents, their visitors and workers.

The use of the road as vehicle storage by mechanics, panel beaters etc is also resulting in conflict with demands for use by other business workers and customers.

The issues identified by stakeholders are:

- Rental car parking on residential streets (particularly Frankton)
- Automotive business car parking on light industrial streets (particularly Glenda Drive)
- Consequence of increasing development and demand (lack of space/high cost associated with off road storage)

5.3.6 Supporting the district's transport objectives

As well as the Proposed District Plan, since the previous bylaw the Queenstown Integrated Transport Strategy and the Queenstown town centre master plan have been completed, with the Wanaka Transport Strategy and district parking strategies underway.

All these documents have implications for vehicle movements across the district and how transport and parking will be managed in future.

The issues identified by stakeholders are:

- On road changes supporting modal shifts (e.g. cycleways, bus lanes) and trials not provided for in current bylaw
- Technological changes in monitoring and charging for parking not provided for in current bylaw
- On road changes require bylaw change or council resolution undermining ability for council to respond promptly to emerging issues
- Reducing off street parking requirements for permitted land uses placing pressure on road parking supply.

5.3.7 Other issues raised by stakeholders (that cannot be addressed through a bylaw)

During stakeholder interviews, several other traffic and parking issues were raised that a bylaw is not appropriate to address. For completeness, these are recorded below. Stakeholders were advised of other workstreams either recently completed by Council, underway or planned in response to this feedback.

Other issues raised:

- General parking availability
- Parking for [CBD] workers, particularly parents with pre or school aged children

- Suitability of bus routes and frequency (also in relation to the point above).
- Lack of clear way finding signage (through district, particularly from airport and into/through CBDs)
- Numbers and locations of signs
- Types of signs (focused on regulation not information).

6 STATUTORY REVIEW FINDINGS AND CONCLUSION

Issue identified	Outcome of statutory review			Recommended direction for any changes
	Bylaw appropriate to address issue?	Bylaw form appropriate to address issue?	Bylaw still consistent with the Bill of Rights Act 1990?	
Traffic				
Turning restrictions	√	X	√	Amend – for completeness
Direction of travel	√	X	√	Amend – on road changes by resolution; supports safety, asset protection and transport strategy
Cycle paths	√	X	√	Amend – support district's transport strategy
Special vehicle lanes	√	X	√	Amend – support district's transport strategy
Cruising	√	X	√	Amend – for safety
Heavy motor vehicles	√	X	√	Amend – on road changes by resolution; supports safety, asset protection and transport strategy
Light motor vehicles	√	X	√	Amend – on road changes by resolution; supports safety, asset protection and transport strategy
Bus routes and frequency	X			
Engine braking	√	√	√	Retain
Unformed legal roads	√	X	√	Amend – for safety
Snow chains	X	X		Revoke – other enforcement options
Skateboards	X	X		Revoke – support district's transport strategy
Signage	X			
Parking				
Parking availability	X			
Parking areas	√	X	√	Amend – for clarification
Parking restrictions	√	X	√	Amend – for clarification and completeness
Method of parking	√	X	√	Amend – for clarification
Payment for parking	√	X	√	Amend – supports alternative payment options
Interfering with machines	√	X	√	Amend – for completeness
Loading zones	√	X	√	Amend – for clarification
Angle parking	√	X	√	Amend – for clarification
Mobility parking	√	X	√	Amend – for clarification
Small passenger service vehicles	√	X	√	Amend – supports safety and recognises legislative/rule change
Goods vehicles	√	X	√	Amend – for clarification
Rental car parking	√	√	√	Retain
Commercial premise parking	X			
Parking off roadway	√	X	√	Amend – supports safety and asset protection
Broken down vehicles	√	X	√	Amend – for clarification
Things on roadway	√	X	√	Amend – for clarification
Removal of vehicles	X	X		Revoke – other enforcement options
Vehicles for sale	√	√	√	Retain
Exempt vehicles	√	X	√	Amend – for clarification

7 APPENDICES

7.1 EXTERNAL STAKEHOLDER VIEWS

Stakeholder	Feedback
Community Associations	<ul style="list-style-type: none"> • More consistency in parking zone times e.g. Arrowtown and Wanaka CBD's have varying time limits which means extra sign pollution • Permit systems for commuter or locals for central Queenstown parking • Parking on verges around residential areas can block sightlines and cause safety issues
Large Tourism Operators	<ul style="list-style-type: none"> • Increase enforcement around bus loading zones • Increase bus parking areas to meet demand • Increase areas for tour operators to pick up drop off • Shift commuter (day stay or long term) parking outside of CBD to address congestion • Parking in residential areas a default for many operators as no other option for drivers
Education Providers	<ul style="list-style-type: none"> • More enforcement of illegal parking in school zones, especially during pick up and drop off times • Parking education provided to school communities without enforcement is not effective • Bus parking for school buses only • Safety review of areas and further traffic movement changes required
Social Service Agencies	<ul style="list-style-type: none"> • Increase number of mobility parks and continued enforcement • Enforcement in parking areas that are not council land is not consistent e.g. private parks often do not monitor mobility spaces or infringements are significantly higher • Option of a council permit for parking
Central Government	<ul style="list-style-type: none"> • Prefer an educational approach toward traffic infringements • Supportive of increased parking enforcement in CBD • Zone parking time reduction in CBD, to encourage pick up and drop off and reduce congestion of 'looking for a park'
Small Passenger Service Vehicles	<ul style="list-style-type: none"> • Not enough 'taxi' stands • Need for stands to be permitted (or numbers controlled in some way) if more not established • Option of a SPSV permit system in line with NZTA guidelines • Behavioural issues at ranks with potential safety implications for patrons • Change in LTA and new app base services changing the previous model of SPSV, bylaw needs to adapt to reflect changing behaviours
Business Associations	<ul style="list-style-type: none"> • Permit parks for families/commuters (until public transport is more frequent with better routes) • Signage needs to be proactive and directive for our visitors • Skateboarding is an active means of transport and shouldn't be prohibited in this bylaw
Other	<ul style="list-style-type: none"> • Not enough mobility parks in CBD for permit holders • Enforcement on non-permit mobility permit holders needs to be greater • Permit system that enables CCS permit holders longer stay in parking spaces

7.2 SUMMARY OF THE LEGISLATION, REGULATION AND RULES APPLYING TO TRAFFIC AND PARKING

LEGISLATION

Land Transport Act 1998 promotes safe road user behaviour and vehicle safety; provides for a system of rules governing road user behaviour, the licensing of drivers and technical aspects of land transport; recognises reciprocal obligations of persons involved; consolidates and amends various enactments relating to road safety and land transport; and enables New Zealand to implement international agreements relating to road safety and land transport. It now includes the registration and licensing of motor vehicles and the regulation of commercial transport services and the limits on driving hours.

Local Government Act 2002 establishes for a system of rules to be introduced by councils to protect the public from nuisance, protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places; provides for setting of fees relating to bylaws and for enforcement.

Local Government Act 1974 delegates the responsibility for local roads to councils; enables the removal of vehicles and structures from roads.

REGULATION

Land Transport (Offences and Penalties) Regulation 1999 details the offences for breaching land transport rules and the penalties for those offences.

Traffic Regulations 1976 Land transport rules now cover nearly all of these requirements. A few obligations, such as requirements on towing trailers by passenger service vehicles, power to require inspection of motor vehicles after accidents, and restrictions on motor vehicle reliability trials, still remain in these regulations.

Transport Services Licensing Regulations 1989 provides for fees payable for transport service licences (except rail services), and a few exemptions from operator licensing.

Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 sets out vehicle registration and licensing requirements; including requirements for motor vehicle registration plates (number plates), such as colour and character combinations, and the way they must be displayed. Also includes specific offences and penalties.

RULES

Land Transport (Road User) Rule 2004 establishes the rules under which traffic operates on roads. The rule applies to all road users, whether they are drivers, riders, passengers, pedestrians, or leading or driving animals.

Land Transport (Traffic Control Devices) Rule 2004 covers requirements for the design, construction, installation, operation and maintenance of traffic control devices, and functions and responsibilities of road controlling authorities.

7.3 LAND TRANSPORT ACT 2008 – BYLAW MAKING PROVISION

Heading: inserted, on 1 December 2009, by [section 8](#) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

22AB Road controlling authorities may make certain bylaws

(1) A road controlling authority may make any bylaw that it thinks fit for 1 or more of the following purposes:

- (a) controlling, restricting, or prohibiting cruising, including (but not limited to)—
 - (i) specifying the section of road or roads on which cruising is controlled, restricted, or prohibited:
 - (ii) prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising:
- (b) prescribing fines, not exceeding \$1,000, for the breach of any bylaw made under this section.

Vehicle and road use

- (c) prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads:
- (d) for the safety of the public or for the better preservation of any road,—
 - (i) fixing the maximum speed of vehicles or of specified classes of vehicles on any road:
 - (ii) designating any area, where that designation will have the effect of determining the speed limit in that area:
- (e) prohibiting or restricting engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour:
- (f) prohibiting or restricting the use of vehicles on beaches:
- (g) restricting the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users:
- (h) prescribing the use of roads and cycle tracks, and the construction of anything on, over, or under a road or cycle track:

Heavy traffic

- (i) providing for the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic:
- (j) prohibiting any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the Minister or the relevant road controlling authority, as the case may be, is paid previously:
- (k) providing for the annual or other payment of any reasonable sum by any person concerned in any heavy traffic by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry, or ford:
- (l) providing for the establishment, in accordance with [section 361](#) of the Local Government Act 1974, of a toll to be levied on any class of heavy traffic:

Parking

- (m) prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles; and providing that a vehicle used for the time being for any specified purpose must be treated for the purposes of the bylaw to be of a specified class or description, whether or not the vehicle belongs to any other class or description for any other purpose:
- (n) prohibiting or restricting, subject to the erection of the prescribed signs, the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicle, on any specified road during specified hours or for a period that exceeds a specified period:
- (o) prescribing the use of parking places and transport stations, which includes (but is not limited to)—
 - (i) specifying the vehicles or classes of vehicle that may be entitled to use any parking place or transport station:

(ii) reserving any specified parking place or transport station for use, either generally or at specified times, only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons as defined in [section 2](#) of the Disabled Persons Community Welfare Act 1975:

(iii) if in the relevant road controlling authority's opinion it would be reasonable to reserve parking places or transport stations for use by persons who reside in the vicinity,—

(A) reserving specified parking places or transport stations for those persons to use, either generally or at specified times; and

(B) setting the fees that those persons must pay to the relevant road controlling authority, whether annual or otherwise, for the use of those parking places or transport stations (provided that the fees do not exceed the reasonable cost to the relevant road controlling authority of the service involved in granting a permit to park in any parking place or transport station, collecting fees, or otherwise in relation to the reserving of any parking place or transport station):

(iv) prohibiting or restricting parking (being the stopping or standing of a vehicle for a period in excess of that specified in the bylaws) on specified roads or part of roads in residential areas by specified classes of vehicles, either generally or at specified times, where in the relevant road controlling authority's opinion the parking is likely to cause a nuisance or danger:

(v) prescribing the conditions under which any parking place or transport station may be used:

(vi) prescribing the charges to be paid to the relevant road controlling authority in connection with the use of any parking place or transport station, as measured by parking meters or in any other manner specified in the bylaws:

(vii) providing for the removal of vehicles from parking places or transport stations or roads where those vehicles are using those places or stations in breach of the bylaws, and requiring the payment of the reasonable cost of such removal:

Signs and markings

(p) providing that, subject to the erection of the prescribed signs, vehicles on roads must travel in 1 specified direction only:

(q) prohibiting, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in 1 direction to facing or travelling in the opposite direction, or prohibiting vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left:

(r) prescribing, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by vehicles of specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants:

Livestock

(s) prohibiting, either absolutely or conditionally, the crossing of any bridge or culvert by horses, cattle, sheep, pigs, or other animals, or vehicles and regulating the times at which or the manner in which any horses, cattle, sheep, pigs, or other animals, or vehicles, may cross or be taken over any bridge or culvert:

(t) prescribing the routes by which and the times at which horses, cattle, sheep, pigs, or other animals, or specified classes of vehicles, may pass over any road:

(u) prohibiting the driving of loose horses, cattle, sheep, pigs, or other animals along any road, otherwise than at the times and by the routes so prescribed, except with the permission of the Minister or of the relevant road controlling authority, as the case may be, and on the conditions that the Minister or the relevant road controlling authority, as the case may be, thinks fit:

(v) prohibiting, either absolutely or conditionally, the driving of horses, cattle, sheep, pigs, or other animals along any road, and requiring that no horses, cattle, sheep, pigs, or other animals may be taken upon or enter any road unless they are confined within a motor vehicle:

Displays, vegetation, and access

(w) regulating the use of any means of access constructed under [section 319\(1\)](#) of the Local Government Act 1974:

(x) requiring the owner or occupier of any area of land on which a building is situated or the owner or occupier of any building or part of a building, being land or a building or part of a building to which a number has been allocated under [section 319B](#) of the Local Government Act 1974, to display that number in a position visible from the road:

(y) regulating, controlling, or prohibiting the display or continuance of the display of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes on or over public buildings or bridges, or on or over buildings, walls, fences, posts, trees, pavements, or hoardings, that are situated—

(i) in or on or adjoining any land or road that is the property of, or under the control of, the relevant road controlling authority; or

(ii) where that display is visible from a road or public place:

(z) restricting or prohibiting the planting or erection, at or within a specified distance from corners, bends, or intersections on roads, of trees, shrubs, hedges, scrub, or other growth, or of fences or walls, that, in the opinion of the relevant road controlling authority are, or are likely to constitute, a source of nuisance or danger to traffic, and requiring the trimming or cutting down of such trees, shrubs, hedges, scrub, or other growth:

(za) requiring any allotment in such parts of the district as are specified in the bylaws to be fenced along its line of frontage to any road and to be kept clear of noxious plants:

(zb) prohibiting the cutting of grass for seed on roads or on any specified roads without the previous consent in writing of the relevant road controlling authority, either at all times or during any specified part of the year:

(zc) regulating the use of, and protecting, grass plots, flower beds, and shrubberies laid out in roads or on land vested in or under the control of the relevant road controlling authority by or under the authority of the relevant road controlling authority, and protecting trees growing on any roads or on land vested in or under the control of the relevant road controlling authority (whether or not planted by the relevant road controlling authority):

(zd) regulating or prohibiting the construction of cellars or the making of excavations within a specified distance from any road or any adjoining land, and preventing cellars and excavations from becoming a receptacle for stagnant water or other impure matter:

Weights

(ze) providing for—

(i) the weighing or measurement of vehicle loads:

(ii) the computation of the weight or measurement of loads from the cubical or superficial measurements of vehicle loads:

(zf) prescribing the quantity of material that, for the purpose of a computation, may be conclusively treated as a specified weight or measurement of vehicle loads from the cubical or superficial measurements of vehicle loads:

(zg) providing for the drivers of vehicles to—

(i) give information as to vehicle loads and as to the quantity, weight, size, or measurement of vehicle loads:

(ii) do any thing for the purpose of enabling the quantity, weight, size, or measurement of the loads to be ascertained, as may be requested by any person authorised in this regard:

(zh) regulating the weights of vehicles or loads that may pass over bridges or culverts:

Pedlars

(zi) prohibiting or permitting the occupation of stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops (subject, in the case of a State highway, to the prior consent of the Agency and to any conditions imposed by the Agency)—

(i) in roads, public places, and State highways as the relevant road controlling authority thinks fit; or

(ii) in specified roads or State highways or parts of specified roads or State highways; or

(iii) in any public place adjoining specified roads or State highways or parts of specified roads or State highways if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic:

(zj) prescribing charges in respect of any permits that may be granted in relation to matters specified in paragraph (zi):

General

(zk) regulating any road-related matters not addressed by paragraphs (a) to (zj), including (but not limited to) enhancing or promoting road safety or providing protection for the environment.

(2) A bylaw made under subsection (1) may apply—

(a) to all roads, any specified road, or any part of a specified road under the care, control, or management of the road controlling authority making the bylaw:

(b) to all vehicles or traffic or to any specified class or classes of vehicles or traffic using a road under the care, control, or management of the road controlling authority making the bylaw:

(c) at any specified time or times.

(3) A bylaw made under subsection (1) may leave any matter or thing to be regulated, controlled, or prohibited by the road controlling authority by resolution generally, for any specified classes of case, or in a particular case.

(3A) A relevant road controlling authority may, by resolution that is publicly notified, limit a parking place or transport station or any specified part of that parking place or transport station to vehicles belonging to or used by particular persons or classes of persons or to vehicles used for particular public purposes.

(3B) If, under subsection (3A), a parking place or transport station is limited to vehicles belonging to or used by particular persons or classes of persons or to vehicles used for particular public purposes, no person in charge of any other vehicle may allow the vehicle to stand in the parking place or transport station.

(4) A copy of every bylaw made under this section by a road controlling authority must, within 1 week after being made, be sent by the road controlling authority to the Minister, who may at any time disallow the bylaw or any part of the bylaw under [section 22AC](#).

(5) Nothing in this section—

(a) applies to any railway on, over, or across any road; or

(b) limits any provision in this Act or any other Act, or any provision in any rules or regulations made under this Act or any other Act, regarding the regulation of traffic on roads; or

(c) limits the power to make bylaws conferred on a road controlling authority under any other Act.

(6) In this section,—

keeper, in relation to a mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of the mobile or travelling shop

mobile or travelling shop—

(a) means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or available for sale in the road, or from which goods, wares, or merchandise may be ordered in the road (whether or not in response to any invitation) or from which services are offered for sale in the road; but

(b) does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise ordered previously

parking place has the same meaning as in [section 591\(6\)](#) of the Local Government Act 1974

railway has the same meaning as in [section 4\(1\)](#) of the Railways Act 2005

transport station has the same meaning as in [section 591\(6\)](#) of the Local Government Act 1974.

7.4 KEY FINDINGS FROM THE DISTRICT PLAN

The Proposed District Plan Transport chapter sets out:

- what can occur within roads
- the design of new and existing roads
- the effects of larger scale developments on the transport network
- how much parking a development needs to provide for both cars and bikes
- the design of accesses, street layouts, and loading spaces
- creation of new carparking areas
- the provision of Park and Ride, public transport facilities, and ferry services.

The main changes to the Operative District Plan rules affecting traffic and parking are:

- reducing the onsite residential parking required in most of the High Density Residential, Medium Density Residential, and Business Mixed Use zones
- reducing the onsite parking required for playing fields, industrial activities, and schools
- increasing the onsite parking required for hospitals and day care facilities
- requiring developments and subdivisions that generate a lot of traffic to obtain a specific consent
- new rules relating to the establishment of new carparking areas
- new rules relating to Park and Ride and public transport facilities
- new rules permitting a wide range of transport activities and public amenities within 'roads' and requiring consent for other activities
- aligning rules relating to access, parking, and loading with council's Land Development and Subdivision Code of Practice and with relevant national standards, other legislation, best practice, and/or common practice around NZ (except where a local approach is justified)
- requiring rental vehicle businesses to obtain a specific consent.

7.5 KEY FINDINGS FROM INTERVIEWS WITH ENFORCEMENT OFFICERS

Perceptions of underlying causes of parking issues and resulting complaints and infringements:

- Permitted commercial activities at residential properties contributing to higher demand for on-street parking. In some cases, vehicles associated with businesses end up on streets in high densities.
- Growth in numbers and locations of rental car businesses is leading to vehicles parked on the streets when not for hire
- Mechanics, panel beaters, etc parking customer cars in car parks and on streets, in some cases taking all available on road parking in vicinity
- Lack of car parking around day care facilities and schools resulting in conflict at pick up/drop off times
- Lack of bus parks at hotels
- People driving to town when parking provision is insufficient
- Availability and affordability of housing is forcing shared accommodation and an increased number of people residing at dwellings, resulting in vehicles on street and on verges –
- Urban densification generating more vehicles on local roads
- Storage of vehicles in general in residential areas – increased volume of vehicles per household, greater than off street parking availability

QLDC Council**26 July 2018****Report for Agenda Item: 6****Department: Community Services****Amendments to Arrowtown-Lake Hayes Reserve Management Plan and Queenstown Lakes District Freedom Camping Control Bylaw.****Purpose**

The purpose of this report is to consider the proposed amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 and the Arrowtown-Lake Hayes Reserve Management Plan 2013, to enable the consultation under the special consultative procedure to commence.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Agree** to notify the amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 to prohibit freedom camping at Lake Hayes and Shotover Delta;
3. **Approve** the amendments to the Arrowtown-Lake Hayes Reserve Management Plan 2013 as relating to freedom camping policies for notification; and
4. **Appoint** three Councillors [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowtown-Lake Hayes Reserve Management Plan.

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Background

- 1 The Queenstown Lakes District is seeing significant growth in freedom camping numbers in all locations. The majority of campers are responsible and respectful, and bring economic benefit to the area. In key areas (specifically Lakes Hayes, Shotover Delta, Wanaka Lakefront) residents have escalating concerns regarding freedom camper behaviour, such as washing in lakes, human waste, overcrowding etc.
- 2 The Council has previously allowed freedom camping to take place at Lake Hayes and on the Shotover Delta in accordance with its Queenstown Lakes District Freedom Camping Control Bylaw 2012 (the **Bylaw**). These locations are shown on Attachment A of this report.
- 3 It is note that Freedom Camping is currently prohibited at the Shotover Delta under the Reserves Act. However, this has not historically been enforced.
- 4 The Arrowtown-Lake Hayes Reserve Management Plan 2012 (the **RMP**) permits Freedom Camping through the following policies for Lake Hayes Reserves:
 - 17.1 *Permit freedom camping in certified self-contained vehicles for a maximum of two nights at:*
 - i) *The northern end of Lake Hayes within a designated area.*
 - ii) *The area adjacent to the State Highway, north of the rowing club access road within a designated area.*
 - 17.2 *Determine the designated area for freedom camping, with regard to demand for camping and reducing impacts on day visitors*
- 5 Late in 2017 there were growing concerns from the public as described above. In response to this, at the Council meeting on 8 February 2018 resolved the following:
 - a. **Authorise** staff to install lockable gates to restrict vehicle access to the northern end of Lake Hayes Reserve, to monitor and restrict all other areas of Lake Hayes under Council control as required, along with the Shotover Delta area, between the hours of 10pm and 5.30am;
 - b. **Direct** staff urgently to progress the review of Council's Freedom Camping Bylaw and the Arrowtown Lake Hayes Reserve Management Plan and preparation of the District's Camping Strategy; and
 - c. **Agree** to notify the intent to review parts of the Arrowtown-Lake Hayes Reserve Management Plan as relating to freedom camping policies.

Comment

- 6 Since the 8 February 2018 Council meeting, Council staff have been establishing the framework for the Queenstown Lakes District Responsible Camping Strategy.
- 7 This has involved establishing a Project Control Group and Governance Group, both of which have representatives from Department of Conservation, Land Information New Zealand, Ministry of Business Innovation and Employment, QLDC

and New Zealand Transport Association. A Memorandum of Understanding and a Funding Agreement have been signed by the Governance Group.

- 8 A Responsible Camping Strategy Writer and Project Manager were appointed in early June and the strategy is currently being drafted. The findings and recommendations of the strategy will be reported back to Council in October 2018.
- 9 The recommendations of the strategy will determine where freedom camping is appropriate in the District and subsequently may include a full review of the Bylaw and RMP. In the interim, the Bylaw and RMP must be amended so that freedom camping is restricted at the Shotover Delta and Lake Hayes North, and so the policies are fit for purpose, consistent with one another and consistent with council recommendations.
- 10 The current bylaw should be amended by updating the maps to prohibit freedom camping at the Shotover Delta and Lake Hayes Reserves. The updated bylaw maps are included as Attachment B.
- 11 The RMP will be amended by amending policy 17.1 and deleting policy 17.2. Policy 17.1 should be amended to read:

17.1 Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw

The amended page of the RMP is included as Attachment C.

- 12 A Statement of Proposal (Attachment D), prepared in accordance with the Local Government Act 2002 sets out in detail the proposal including:
 - a. A summary of the problem,
 - b. The legislative framework,
 - c. Alternatives considered; and
 - d. The consultation procedure.
- 13 A Summary of Proposal has been prepared for notification purposes and is also include as Attachment D.
- 14 It is acknowledged that part of the community who do camp responsibly will be upset by the formalisation of the prohibition on Freedom Camping in these areas. It is anticipated that through the Responsible Camping Strategy work, the appropriateness of these areas for freedom camping will be reconsidered and/ or new areas may be identified to accommodate the growing number of freedom campers visiting the District. However, this must be balanced against that part of the community whose enjoyment of Council reserve land is significantly diminished by irresponsible freedom campers visiting the district and not respecting our reserves.
- 15 An important part of the Responsible Camping Strategy going forward and the consultation in respect of the changes proposed in this report will include direct

engagement with the New Zealand Motor Campervan Association and the campervan industry generally. This will ensure that both sides of the community are heard and are able to inform Council in its decision making on this polarising issue.

Options

- 16 Option 1 Approve the initiation of the consultation process to amend the Bylaw and RMP to prohibit freedom camping at Lake Hayes Reserves and Shotover Delta

Advantages:

- 17 Amending the current Bylaw will provide clarity in relation to the rules regarding freedom camping at Lake Hayes and Shotover Delta, while the Strategy is completed and implemented. In addition, Council also proposes to amend the current RMP to provide that freedom camping can be regulated and enforced through the Bylaw. It will ensure that there is a consistent regime in place to control and enforce freedom camping in the District in areas where issues have been identified.

Disadvantages:

- 18 The disadvantage is that following the consultation process will take some time (around 2 months), and will require costs to complete the process.
- 19 Some members of the freedom camping community may feel displaced as additional alternative sites have not been provided for.

- 20 Option 2 Maintain Status Quo

Advantages:

- 21 The advantage of this option is it does not require the Council to undertake amendments to the legislation.

Disadvantages:

- 22 The policies are not fit for purpose, inconsistent and will not be meeting Council's recommendations.
- 23 The issues associated with freedom camping at these reserves will not be addressed and will continue to degrade the environment and people's enjoyment of these areas.

- 24 Option 3: Allow Freedom Camping at Lake Hayes and Shotover Delta

Advantages:

- 25 The advantage of this option is it does not require the Council to undertake amendments to the legislation.
- 26 Freedom campers will be able to continue camping at Lake Hayes and Shotover Delta.

Disadvantages:

- 27 This option is inconsistent with the key principles of Reserves Act, which is to provide for the preservation of reserves and public access. This would also not be meeting the Council resolutions and public desire to prohibit freedom camping at these locations.
- 28 This report recommends **Option 1** for addressing the matter because there will be full consistency between the bylaw and the RMP for these two areas. Because the prohibition in section 44(1) has been overturned, the Council will be able to regulate freedom camping through a freedom camping bylaw under the Freedom Camping Act 2011. Council considers it desirable to regulate freedom camping through its freedom camping bylaw, given the advantageous enforcement mechanisms under the Freedom Camping Act 2011 (notably infringement notices). This approach would also enable greater consistency in regulating freedom camping across local authority areas in the district.

Significance and Engagement

- 29 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council land and reserves, but that are not classified as strategic assets by the Council.

Risk

- 30 This matter related to the operational risk OR11 decision making – working within legislation, as documented in the Council's risk register. The risk is classed as low. The 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

- 31 There are operational cost implications resulting from the decision regarding the amendments to the Bylaw and RMP. These costs will be met through current operational and Capex budgets.

Council Policies, Strategies and Bylaws

The following Council policies, strategies and bylaws were considered:

- Freedom Camping Bylaw 2012
- Arrowtown – Lake Hayes Reserve Management Plan (RMP)

- 32 The recommended option is consistent with the principles set out in the named policy/policies.
- 33 This matter is not included in the 10-Year Plan/Annual Plan. Costs will be met in existing operational budgets.

Local Government Act 2002 Purpose Provisions

- 34 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 removing a problem activity from high amenity land and reserves;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's obligations under the Reserves Act 1977; 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

- 35 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes district community.
- 36 The Council will be consulting through the special consultative procedures in the LGA for both the amended bylaw and the RMP.
- 37 It is suggested that a hearing for submissions be heard in the week of the 20th-24th September 2018 with a final report and bylaw being presented to Council at the Council meeting on 25 October 2018.

Legal Considerations and Statutory Responsibilities

- 38 Council has obtained legal advice which confirms that the proposed changes to the bylaw and RMP are consistent with the purpose of the Reserves Act 1977, Freedom Camping Act, New Zealand Bill of Rights 1990 and are in line with the Council's role as administering authority of the affected reserves.

Attachments

- A Map showing Lake Hayes and Shotover Delta areas
- B Updated Freedom Camping Bylaw Maps
- C Reserve Management Plan page amendments
- D Statement of Proposal and Summary of Proposal

Attachment A. Areas to be restricted





Attachment A. Areas to be restricted





Schedule A. - No Freedom Camping Zones

All Council controlled land not specified below is restricted to self-contained vehicles for freedom camping.

No Freedom Camping Zones Boundaries.
No Freedom Camping permitted in all Council controlled land between:

Lake Hawea

- A. 400m North of Intersection of SH6 and Hawea Motor Camp Road
- B. Intersection of Domain Road and Cemetery Road
- C. Intersection of Cemetery Road and Gladstone Road
- D. 400m north west of Johns Creek on Timaru Creek Road

Wanaka

- F. Intersection of Riverbank Road and SH6
- G. Intersection of Ruby Island Road and Wanaka-Mt Aspiring Road
- H. Clutha River/ Mata – Au Bridge, Lake Hawea - Albert Town Road (State Highway 6)
- I. Intersection of Cardrona Valley Road and Riverbank Road

Arrowtown

- J. Intersection of Jopp Street and Centennial Ave
- K. Intersection of Manse Road and Malaghans Road
- L. Intersection of Malaghans Road, McDonnell Road and Arrowtown Lake Hayes Road

Lake Hayes Estate

- M. Intersection of Howards Drive and Ladies Mile (SH6)
- M1. The northern end of Lake Hayes within a designated area.
- M2. The area adjacent to the State Highway, north of the rowing club access road within a designated area.

Quail Rise

- N. Intersection of Ferry Hill Road and Tuckers Beach Road

Arthurs Point

- O. Intersection of Arthurs Point Road and Coronet Peak Road
- P. McChesney Creek Bridge, Gorge Road

Queenstown

- Q. Intersection of Gorge Road and Industrial Place
- R. Intersection of Moke Lake and Glenorchy Queenstown Road
- S. Intersection of Frankton Ladies Mile Highway and Glenda Drive
- T. Intersection of Peninsula Road and Kingston Road

Jacks Point/Wye Creek

- U. Intersection of Kingston Road and Maori Jack Road

Kingston

- V. Intersection of Kingston Road and Kent Street

Glenorchy

- W. True Right of Buckler Burn/Glenorchy-Queenstown Road
- X. Intersection of Lake Rd (unformed) and Glenorchy Paradise Road

Kinloch

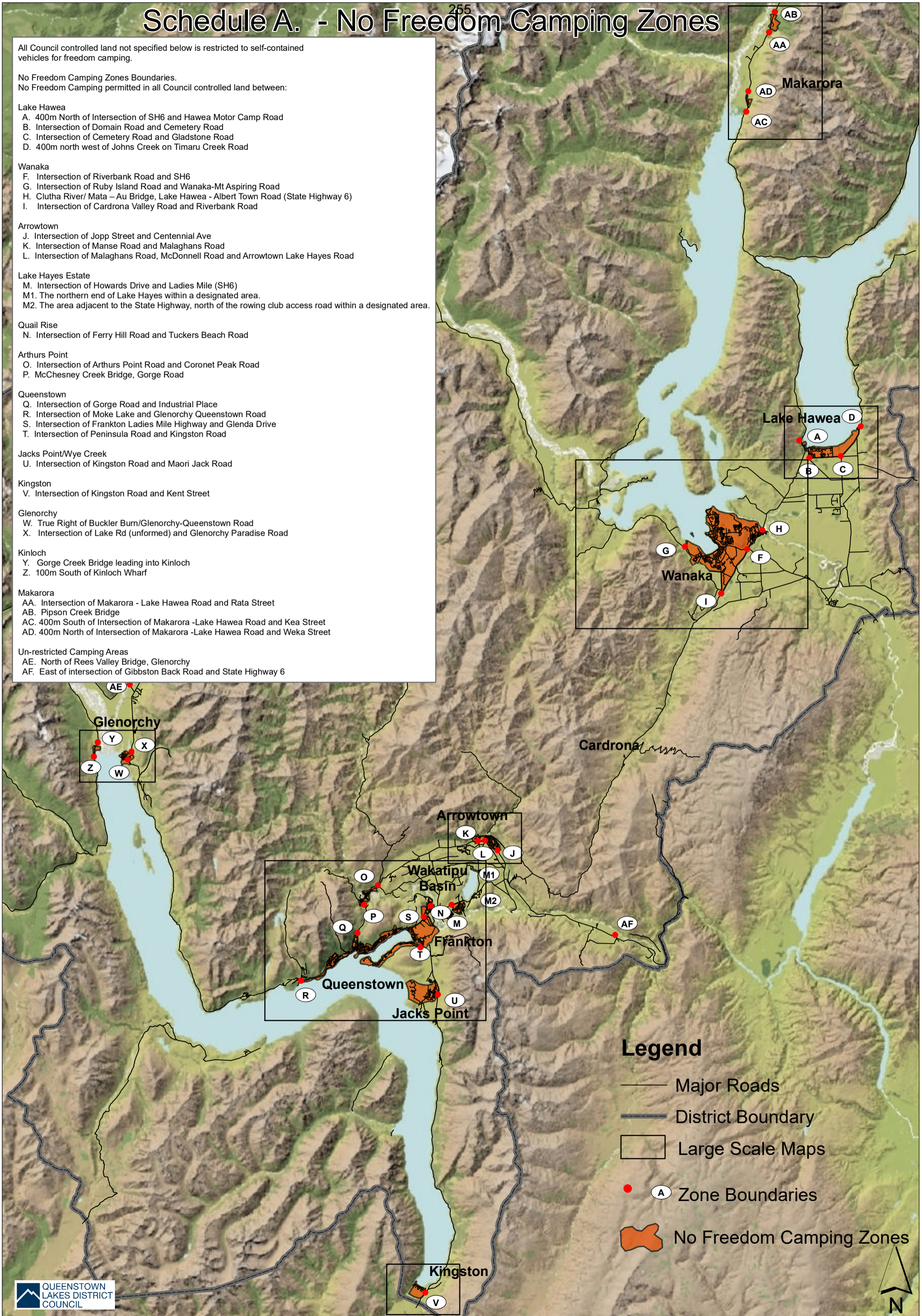
- Y. Gorge Creek Bridge leading into Kinloch
- Z. 100m South of Kinloch Wharf

Makarora

- AA. Intersection of Makarora - Lake Hawea Road and Rata Street
- AB. Pipson Creek Bridge
- AC. 400m South of Intersection of Makarora -Lake Hawea Road and Kea Street
- AD. 400m North of Intersection of Makarora -Lake Hawea Road and Weka Street

Un-restricted Camping Areas

- AE. North of Rees Valley Bridge, Glenorchy
- AF. East of intersection of Gibbston Back Road and State Highway 6



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Wanaka

- F. Intersection of Riverbank Road and SH6
- G. Intersection of Ruby Island Road and Wanaka-Mt Aspiring Road
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- I. Intersection of Cardrona Valley Road and Riverbank Road

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- K. Intersection of Manse Road and Malaghans Road
- L. Intersection of Malaghans Road, McDonnell Road and Arrowtown Lake Hayes Road

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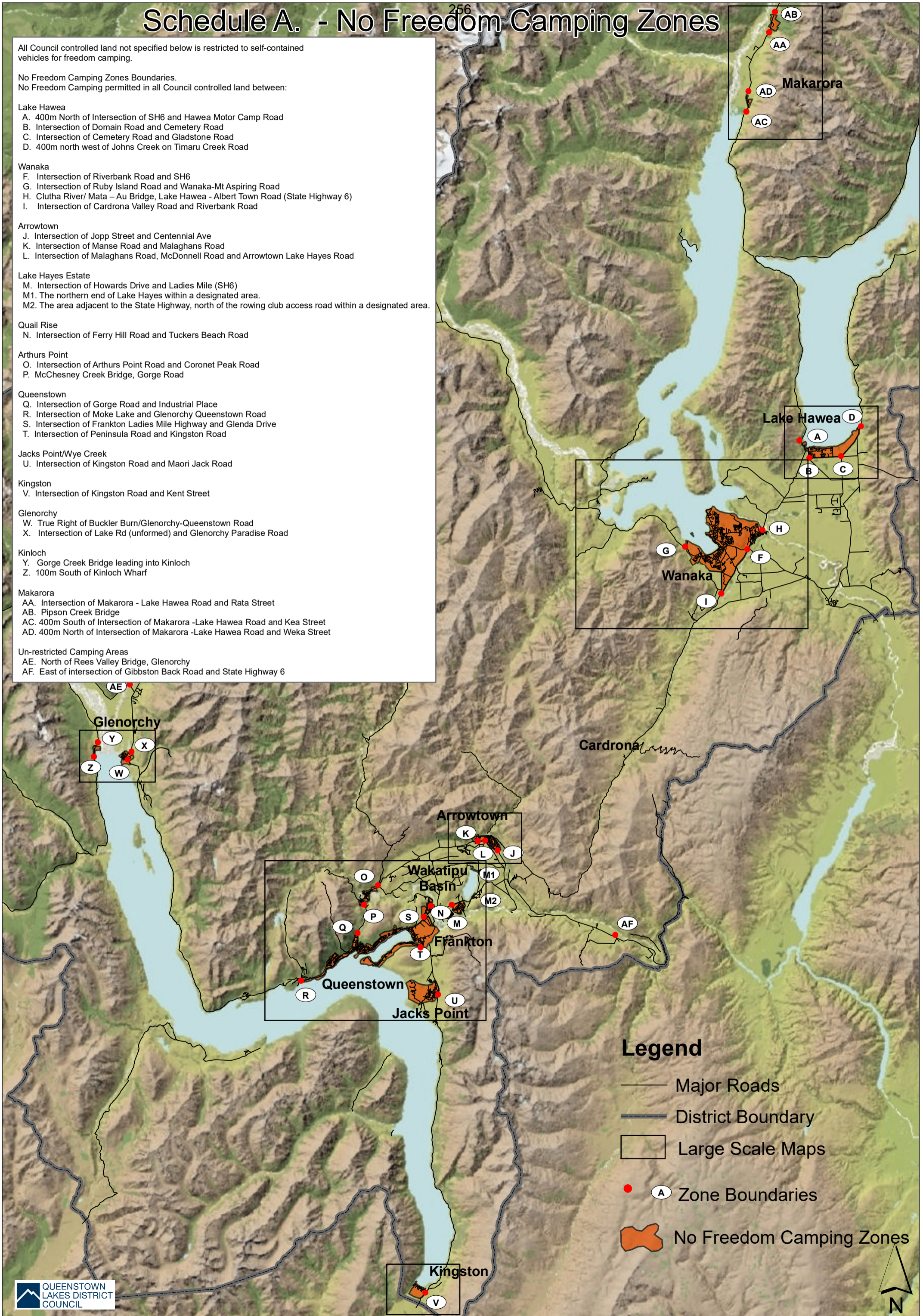
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Schedule A. - No Freedom Camping Zones



Schedule A. - No Freedom Camping Zones





**Queenstown Lakes District Council Freedom
Camping Bylaw 2018 and Arrowtown - Lake
Hayes Reserve Management Plan 2013
Amendments**

STATEMENT OF PROPOSAL

BACKGROUND

Queenstown Lakes District is a significant tourist destination and home to approximately 30,000 residents. There has been significant growth in our community and in the number of visitors to our district, which includes an increase in the number of freedom campers. Freedom camping numbers have increased dramatically in the past two years specifically at the Shotover Delta and Lake Hayes Reserves. This has resulted in excessive overcrowding, restricted public access and enjoyment of the reserves and public health issues resulting from human waste. Queenstown Lakes District Council (**Council**) has received many complaints from the public about freedom camping particularly in these two locations.

The Queenstown Lakes District Council Freedom Camping Control Bylaw 2013 (**current bylaw**) sets out the rules regarding where freedom camping is permitted, restricted or prohibited, and the number of consecutive nights' freedom camping is permitted in certified self-contained vehicles.

The current bylaw permits freedom camping at Lake Hayes and on the Shotover Delta. For Lakes Hayes, the current Arrowtown-Lake Hayes Reserve Management Plan 2013 (Lake Hayes RMP), permits a limited form of freedom camping. Freedom camping at Shotover Delta, which does not have a Reserve Management Plan (RMP) is permitted for two nights under the current bylaw (however it is subject to a prohibition under the Reserves Act 1977, which is not enforced).

In February 2018, Council resolved to install lockable gates to restrict vehicle access to the Lake Hayes and Shotover Delta reserves as a 'temporary' measure to address the issues associated with freedom camping.

This was a short term solution to address the urgent issues at these two locations, while the Council developed a long term Responsible Camping Strategy that will consider all forms of camping across the district e.g. freedom camping, paid camping.

The proposed amendment to the current bylaw and the Arrowtown-Lake Hayes RMP is Council's response to address the immediate issues caused by freedom camping at the two reserves. The intention is to have in place additional protection for the reserves before the coming busy summer season. The process is to ensure transparency and consistency in regulating freedom camping across local authority areas in the district while the Responsible Camping Strategy is prepared.

LEGISLATIVE FRAMEWORK

Freedom Camping Act 2011 and the Freedom Camping Control Bylaw 2012

The Freedom Camping Act 2011 (**FCA**) allows freedom camping anywhere within the district that Council has control over, except at those sites where it is specifically prohibited or restricted. This control is also used by the Department of Conservation (**DoC**) regarding land they control.

Council and DoC have enforcement capabilities regarding freedom camping, with the objective to ensure that:

- (a) the areas are protected;
- (b) the health and safety of people who may visit the areas is protected; and
- (c) access to the areas is protected.

The current bylaw, made in accordance with the Local Government Act 2002 (**LGA2002**), is one of the tools used by Council to define the local authority areas throughout the district where freedom camping is permitted, restricted or prohibited and the relevant restrictions in those areas.

Reserves Act 1977 and Reserve Management Plan

The Reserves Act 1977 (**Reserves Act**) also regulates the use of reserves under the Council's control for temporary accommodation. Section 44(1) of the Reserves Act provides that no person can use a reserve, or any vehicle, caravan, tent, or other structure situated on the reserve, for the purposes of permanent or temporary accommodation. Therefore, freedom camping on reserves is prohibited unless:

- A Reserve Management Plan provides for camping to occur and may impose conditions or requirements for such camping;
- The Council exercises its delegated authority to allow camping, which could be subject to conditions or requirements.

Lake Hayes Reserves and the Shotover Delta are classified as Recreation Reserves under the Reserves Act and are administered by the Council. The Reserves Act must be administered for the purpose of:

- Providing for the preservation and management of and for the benefit of the public, areas that have special value, such as areas used for recreation, that possess wildlife or indigenous flora, or that have landscape amenity;
- Ensuring the preservation of representative natural ecosystems or landscapes; and
- Ensuring the preservation of access for the public to the coastline, islands, lakeshore and riverbanks and to encourage the protection and preservation of the natural character of these areas.

The main purpose of Recreation Reserves is the provision of areas for recreation, to provide for the physical welfare and enjoyment of the public and for protection of the natural environment.

The Arrowtown-Lake Hayes Reserves Management Plan

The Lake Hayes reserves are subject to the Arrowtown-Lake Hayes Reserves Management Plan 2013 (Arrowtown **RMP**) that has been prepared under the Reserves Act.

The RMP provides that freedom camping is prohibited unless:

- i) provided for in the specific policies in each reserve; or
- ii) approved as part of a special event.

There are specific policies for Lake Hayes Reserves, including:

- 17.1 Permit freedom camping in certified self-contained vehicles for a maximum of two nights at:
 - i) The northern end of Lake Hayes within a designated area.
 - ii) The area adjacent to the State Highway, north of the rowing club access road within a designated area.
- 17.2 Determine the designated area for freedom camping, with regard to demand for camping and reducing impacts on day visitors.

Shotover Delta

There is currently no RMP for the Shotover Delta, so the prohibition on camping in section 44(1) applies. Council has not regulated freedom camping in this area through its current bylaw.

³ Section 18 New Zealand Bill of Rights Act 1990

PROPOSAL

In response to the immediate issues at Lake Hayes Reserve and the Shotover Delta until the outcomes of the Responsible Camping Strategy are known, Council is proposing that:

- The current Freedom Camping Bylaw should be amended by updating the maps to include the Lake Hayes Reserve and the Shotover Delta reserve in the areas where freedom camping is prohibited; and
- The Lake Hayes RMP be amended by amending policy 17.1 as follows:

17.1 Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw

- Policy 17.2 of the Lake Hayes RMP should be deleted.

As there is currently no RMP for the Shotover Delta, the prohibition on camping in section 44(1) applies. This proposal leaves the prohibition under the Reserves Act at Shotover Delta intact and will in addition prohibit freedom camping under the proposed bylaw to enable more effective and consistent enforcement.

A combined approach of the above two actions will result in a consistent, transparent means by which freedom camping is regulated and enforced throughout the district (eg the bylaw). Council's preference is to regulate freedom camping through its freedom camping bylaw, as opposed to the Reserves Act, given the more streamlined enforcement mechanisms under the FCA (notably infringement notices).

Consultation

Bylaw

The proposal to amend the bylaw to control freedom camping must follow the special consultative procedure in the LGA 2002.

Lake Hayes RMP

The proposal to amend the RMP either must follow the consultation process in the Reserves Act or special consultative procedure in the LGA 2002. The consultation procedure in section 41 of the Reserves Act is required for a review of a reserve management plan that Council considers is a "comprehensive review". This proposed amendment is a limited and targeted review that only considers two policies of the Arrowtown-Lake Hayes RMP specific to one area and there is no intention at this point in time to make other general changes to other aspects of the Lake Hayes RMP. For these reasons Council considers that this is not a comprehensive review and, as such is not required to follow the consultative procedure outlined in the Reserves Act. Council could exercise its discretion under section 41(9) of the Reserves Act to use the consultation process if it deems it to be appropriate, even though it is not compulsory. In this instance Council considers that the use of the consultation procedure is not appropriate.

However, given the nature of this decision, Council must give consideration to the views and preferences of persons affected by the proposal in accordance with section 78 of the LGA 2002. Freedom camping issues at Lake Hayes and Shotover Delta are a matter of high public interest to the community. They should be afforded an opportunity to put forward their views. Accordingly, Council considers that it is appropriate to use the special consultative procedure outlined in section 83 of the LGA 2002.

This statement of proposal has been prepared in accordance with the requirements of the LGA 2002, and the FCA, and includes:

- a) The reason for the proposal;
- b) Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
- c) Consideration of whether the proposed bylaw is the most appropriate form of bylaw;
- d) Any implications under the New Zealand Bill of Rights Act 1990; and
- e) A draft of the proposed bylaw.

REASON FOR PROPOSAL

Since the current bylaw and Lake Hayes RMP became operative in 2012 and 2013 respectively, the numbers of freedom campers visiting the district has exponentially increased and is now significantly beyond what the Council anticipated when the current bylaw was adopted. In key areas (specifically Lakes Hayes North and the Shotover Delta) the growing numbers of freedom campers pose health and safety risks from human waste and are causing accessibility issues. In addition, there are escalating public concerns regarding freedom camper behavior, such as washing in lakes, causing damage to the environment and overcrowding. Appendix 4 contains a number of photographs that have been received by Council attached to complaints either by members of the public or visits by Council staff.

In February 2018, Council invited comments regarding freedom camping and received over 1000 submissions to assist Council in its review of freedom camping across the District, which is being considered as part of Council's Responsible Camping Strategy. Freedom camping rules are required to ensure that users of our Council controlled areas can do so, without detriment to others.

Freedom Camping is best regulated through the adoption of freedom camping bylaws, under the Freedom Camping Act.

The proposal to amend the current Bylaw and the Arrowtown-Lake Hayes RMP to prohibit freedom camping at the Lake Hayes Reserve and Shotover Delta has been made to ensure the effectiveness of the Bylaw in assisting to control freedom camping in the district, in accordance with the objectives of the FCA and the and the effectiveness of the existing RMP to manage the reserves in accordance with the Reserves Act.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LOCAL GOVERNMENT ACT 2002

Problem definition

Council officers have reported a significant increase in issues relating to freedom camping at Lake Hayes Reserves and Shotover Delta. These issues include for example:

- overcrowding due to excessively high numbers of freedom campers;
- evidence of human waste in reserves that is creating health and safety risks;
- large amounts of litter;
- people washing themselves and clothes in waterways and hanging clothes throughout the reserves; and
- significantly limited accessibility and enjoyment experienced by other members of the general public of reserves.

The problems outlined above are a major concern to Council and to the public. Council has received complaints from members of the public relating to freedom camping at Lake Hayes Reserves and Shotover Delta. The complaints detail similar issues to that of Council officers.

Council staff consider the policies 17.1 and 17.2 of the RMP that permit freedom camping at the Lake Hayes reserves, are no longer appropriate due to the issues described above.

³ Section 18 New Zealand Bill of Rights Act 1990

The amended RMP updates these policies to provide that freedom camping is to be regulated through the bylaw at the Lake Hayes reserve and Shotover Delta and subsequently prohibited. This will ensure that the reserves can continue to be managed in accordance with the functions of the Reserves Act and that Council will have available to it effective enforcement mechanisms to address the effects on reserves.

Currently at Shotover Delta the Reserves Act prohibits freedom camping. This has proved ineffective and despite the prohibition has led to the issues described above due to the limited enforcement tools available under the Reserves Act. To enable better and consistent enforcement, Council staff consider that regulating freedom camping at Shotover Delta using the Freedom Camping bylaw is appropriate. This would involve prohibiting freedom camping under the bylaw, while leaving the prohibition under the Reserves Act in place.

Council staff consider that the text of the current bylaw is appropriate and effective in addressing freedom camping within the district for land that Council controls but the maps require updating. Consequently, the Council intends to retain the current bylaw with an amendment to the maps to prohibit freedom camping in two additional locations:

- a) Lakes Hayes Reserve; and
- b) Shotover Delta Reserve.

The current bylaw allows freedom camping in these two locations, for up to two consecutive nights in a certified self-contained vehicle (although the Reserves Act currently prohibits freedom camping at the Shotover Delta).

The new bylaw proposes to prohibit freedom camping in Lake Hayes Reserve and Shotover Delta to protect the reserves, to enable public access for all and to increase public health and safety in these locations

IS THE PROPOSED BYLAW and RMP THE MOST APPROPRIATE?

The proposed bylaw defines the local authority areas in the District where freedom camping is permitted, restricted or prohibited. The proposed amended RMP provides that freedom camping is permitted but only in accordance with the regulations in the bylaw –the proposed bylaw no longer permits freedom camping at Lake Hayes. Shotover Delta does not have an RMP so the prohibition under the Reserves Act applies. The proposed bylaw will also prohibit freedom camping at Shotover Delta to enable effective and consistent enforcement. .

Council staff have considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and considers that the proposed bylaw and amended RMP is the most appropriate means for addressing the issues in the short term while the Responsible Camping Strategy is completed.

In considering whether an amended bylaw and amended RMP is the most appropriate, Council has considered the following options:

1. Option 1 – Maintain the status quo
2. Option 2 – Amend the Arrowtown-Lake Hayes Reserves Management Plan 2013 to prohibit freedom camping.
3. Option 3 – Approve the initiation of the public consultation process for the proposed Freedom Camping Bylaw 2018 and amended Arrowtown-Lake Hayes Reserves Management Plan 2013 to prohibit freedom camping through the bylaw at both areas.
4. Option 4 – Permit freedom camping in the Lake Hayes RMP subject to meeting certain restrictions

Option 1 – Status Quo

If the Council does nothing, the current bylaw will continue to have effect until the next statutory review of the Freedom Camping Control Bylaw and freedom camping will continue to be permitted at Lake Hayes through the RMP.

As freedom camping is prohibited under the Reserves Act, Council could enforce the prohibition of freedom camping at Shotover Delta through the Reserves Act. However, this is cumbersome and does not provide for the same enforcement mechanisms as the FCA. This would result in inconsistencies in how freedom camping is enforced across the District.

The advantage of this option is that it does not require the Council to undertake a special consultative procedure this year. However, the bylaw would need to be considered within five years of its adoption i.e. 2019.

The disadvantage is that the Council will have a bylaw and RMP that that is not fit for purpose regarding the specified areas, and the bylaw would be inconsistent with the Reserves Act at Shotover Delta, as a result of the issues identified above.

Option 2 – Reserves Act - Only amend the Reserve Management Plan to prohibit Freedom Camping

The Council could consider not amending the current bylaw, and to only amend the RMP for the Lake Hayes Reserves. The Council would also enforce the prohibition at Shotover Delta under the Reserves Act.

The advantage of this option is that the process to amend the RMP is more simplistic than a bylaw review.

The disadvantage is that there would be inconsistency between the freedom camping bylaw allowing camping at the Lake Hayes Reserves and Shotover Delta, and the RMP and Reserves Act prohibiting camping at these areas. This may also require further amendments to the RMP depending on the recommendations of the Responsible Camping Strategy.

Option 3 – Approve the initiation of the public consultation process for the Freedom Camping Bylaw 2018 and the Reserve Management Plans

The Council considers that amending the current bylaw will provide clarity in relation to the rules regarding freedom camping in the two locations specified above.

In addition, Council also proposes to amend the current Lake Hayes Reserve Management Plan to provide that freedom camping can be regulated through the bylaw.

As there is no reserve management plan for the Shotover Delta, camping is currently prohibited. However, updating the bylaw to replicate this prohibition will ensure that there is full consistency between the bylaw and the RMP for these two areas. Council considers it desirable to regulate freedom camping through its freedom camping bylaw, given the availability of better enforcement mechanisms under the FCA (notably infringement notices). This approach would also enable greater consistency in regulating freedom camping across local authority areas in the district.

The disadvantage is that following the consultation process will take some time (around 2 months), and will require costs to complete the process.

³ Section 18 New Zealand Bill of Rights Act 1990

Option 4 – permit freedom camping in the Lake Hayes RMP subject to meeting certain restrictions

Council could permit freedom camping at Lake Hayes if it met the current restrictions (i.e. the vehicle used must be self-contained and a maximum of 2 night per stay), and impose a further condition that only a certain amount of freedom campers would be permitted per night. This further condition could be imposed through a limited number of designated freedom camping car parks.

The addition of a limited number of designated freedom camping carparks could assist in addressing the issues relating to overcrowding.

However, it is not clear how these controls would effectively be enforced without putting a disproportionate burden on Council staff to monitor compliance with the controls.

The problems identified at Lake Hayes have occurred despite the existing conditions as the Council does not have available to it appropriate enforcement tools such as those available under a Freedom Camping Bylaw. A disadvantage with this option is that the conditions were not complied with previously, so it is likely that a further condition at Lake Hayes will not be complied with and the same problem will result.

This option will also require further consideration of what conditions should be imposed and whether it is necessary to provide for additional council infrastructure on the reserve such as toilets and washing facilities. These aspects have not yet been considered and will likely be addressed through the Camping Strategy work.

Council's preferred option, which will be consulted on is **Option 3**.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS?

The proposed bylaw is consistent with the New Zealand Bill of Rights Act 1990 (**NZBORA**). The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The proposal will potentially engage the following right under the NZBORA:

- 1 Right to freedom of movement (section 18).

The proposal provides for the continuation of access to the reserves, and proposes a restriction in accordance with the FCA.

Therefore, the Council considers that the restrictions imposed are unlikely to infringe the right to freedom of movement. Alternatively, even if there is an infringement of this right, it is a reasonable limit on an individual's rights and freedoms and which is justifiable in a democratic society. Therefore, the proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

PROPOSED BYLAW

A draft of the proposed bylaw and RMP is attached. The amended bylaw and RMP will revoke the current bylaw and RMP.

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

26 July 2018	Council resolves to undertake public consultation regarding the proposed bylaw and Arrowtown-Lake Hayes Reserves Management Plan 2013
28 July 2018	Advertisement in Otago Daily Times, Southland Times and Wanaka Sun.
31 August 2018	Submissions close
20 – 24 September 2018	Submissions heard by a subcommittee of Councillors (to be confirmed)
25 October 2018	Council considers outcome of consultation process and makes appropriate decision.
3 November 2018	Public notice of final decision (if Council resolve to adopt the bylaw and RMP)

The Bylaw and RMP come into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal, the draft Bylaw and RMP and the supporting reports 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, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 1 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. Submissions should be directed toward matters that are within the scope of the Proposal.
- 2 The Council would prefer that all parties intending to make a submission:
 1. go to the Queenstown Lakes District Council Website: www.qldc.govt.nz
- 3 Submissions must be received by **Friday 31 August 2018**. The Council will then convene a hearing, which it intends to hold between **Thursday 20 September and Monday 24 September 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.
- 4 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 5 Every submission made to the Council will be acknowledged in accordance with the LGA 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.

³Section 18 New Zealand Bill of Rights Act 1990

- 6 Section 82 of the LGA 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

An effective submission references the clause(s) of the draft Bylaw and RMP you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the Bylaw and RMP cannot be considered by the Hearings Panel.

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Freedom Camping Control Bylaw 2018

APPENDIX 2 – Arrowtown – Lake Haves Reserve Management Plan 2013

APPENDIX 3 - A Summary of the Statement of Proposal prepared in accordance with Section 83 Local Government Act 2002

APPENDIX 4 - Photographs of freedom camping complaints.

[Only Appendix 4 is attached as all other appendices are presented elsewhere in the attachments to the agenda item.]

APPENDIX 4: Photographs of Freedom Camping Complaints







QUEENSTOWN LAKES DISTRICT COUNCIL**SUMMARY OF STATEMENT OF PROPOSAL****FREEDOM CAMPING CONTROL BYLAW 2018 and ARROWTOWN-LAKE HAYES RESERVE MANAGEMENT PLAN 2013 AMENDMENT****INTRODUCTION**

This summary of the statement of proposal has been prepared in accordance with the Local Government Act 2002 (LGA 2002).

THE PROBLEM

Queenstown Lakes District is a significant tourist destination and home to approximately 30,000 residents. There has been significant growth in our community and in the number of visitors to our district, which includes an increase in the number of freedom campers. Freedom camping numbers have increased dramatically in the past two years at specifically at the Shotover Delta and Lake Hayes Reserves. This has resulted in overcrowding, restricted public access and enjoyment of the reserves and public health issues. Queenstown Lakes District Council was receiving many complaints from the public about freedom camping particularly in these two locations.

The current Freedom Camping Control Bylaw 2012 (the bylaw) does not regulate freedom camping at the Shotover Delta and on the Lake Hayes Reserves. The Lake Hayes reserves are covered by the Arrowtown-Lake Hayes Reserve Management Plan. In February 2018, as a 'temporary' measure to address issues associated with freedom camping, Council agreed to install lockable gates to restrict vehicle access to the Lake Hayes and Shotover Delta reserves. This was a short term solution to address the urgent issues at these two locations, while the Council prepares a long term Responsible Camping Strategy that will address all camping across the whole district. This Responsible Camping Strategy is likely to recommend a comprehensive review of the Freedom Camping Control Bylaw commencing 2019.

This review of the current Bylaw and amendments to the Arrowtown-Lake Hayes Reserve Management Plan is to address the immediate issues at the two areas for the coming busy summer season. This is to ensure transparency and consistency in regulating freedom camping across local authority areas in the district.

THE PROPOSAL

In response to the immediate issues at Lake Hayes Reserve and the Shotover Delta until the outcomes of the Responsible Camping Strategy are known, Council has determined that:

- The current Freedom Camping Bylaw should be amended by updating the maps to include the Lake Hayes Reserve and the Shotover Delta Reserve in the areas where freedom camping is prohibited; and
- The Lake Hayes Reserve Management Plan be amended by amending policy 17.1 as follows:
- *17.1 Freedom Camping is permitted in the Reserve only to the extent allowed in Council's Freedom Camping Bylaw Policy 17.2 should be deleted from the Lake Hayes Reserve Management Plan.*

A combined approach of the above actions will result in a consistent, transparent means by which freedom camping is regulated throughout the district (eg the bylaw). Council considered other alternatives, such as regulating under the Reserves Act, but Council's preference is to regulate freedom camping through its freedom camping bylaw given the better enforcement mechanisms under the Freedom Camping Act (notably infringement notices).

TIMETABLE FOR CONSULTATION

The following dates represent the key times in the consultation programme:

26 July 2018	Council resolves to undertake public consultation regarding the proposed bylaw and Arrowtown-Lake Hayes Reserves Management Plan 2013
28 July 2018	Advertisement in Otago Daily Times, Southland Times and Wanaka Sun.
31 August 2018	Submissions close
20 – 24 September 2018	Submissions heard by a subcommittee of Councillors (to be confirmed).
25 October 2018	Council considers outcome of consultation process and decides appropriate course of action.
3 November 2018	Public notice of final decision (if Council resolve to adopt the bylaw and management plan) The Bylaw and management plan come into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

Copies of this proposal, the draft Bylaw and the supporting reports 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, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission set those submissions out in writing and email them to services@qldc.govt.nz or submit them to QLDC, Private Bag 50072, Queenstown, no later than 31 August 2018. The Council will then convene a hearing, which it intends to hold between 20 – 24 September 2018, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act 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

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.

Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Mike Theelen
CHIEF EXECUTIVE

Attachment 1: Proposed Queenstown Lakes District Council Freedom Camping Control Bylaw 2018.

Attachment 2: Proposed amended Arrowtown-Lake Hayes Reserve Management Plan 2013

**QLDC Council
26 July 2018****Report for Agenda Item: xx****Department: Community Services****Consider an Underground Services Easement for Drivers Road Trust Company Limited (445 Peninsula Road) and S Hodgson (451 Peninsula Road) to drain stormwater over reserve****Purpose**

To consider granting an underground services easement for the right to drain stormwater over Section 21 Block I Coneburn SD, being Recreation Reserve along Kelvin Heights waterfront, to the owners of 445 and 451 Peninsula Road, being Drivers Road Trust Company Limited and S Hodgson respectively.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Grant** an underground services easement for right to drain stormwater over Recreation Reserve, Section 21 Block I Coneburn SD, to Drivers Road Trust Company Limited and S Hodgson, henceforth referred to as the applicants, subject to the following conditions;
 - a. The applicants notify and liaise with QLDC Infrastructure Department in advance of any onsite works so they can approve the design of headwall and oversee and provide input relating to existing inground infrastructure;
 - b. The conditions of rule 12.B.1.8 of the Regional Plan: Water for Otago are adhered to at all times.
 - c. A \$2000 bond payable to QLDC prior to installation of pipes and structures commencing;
 - d. The work site to be evidenced by before and after photographs or video to be provided by the applicant to APL Limited;
 - e. 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 during duration of works and make specific reference to signage along the track. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.

- f. Certificate of adequate public liability cover to be held by persons undertaking the works.
 - g. A Reserves Permit must be obtained from QLDC via APL Property prior to commencement of physical works.
 - h. Reinstatement of the area to be completed immediately following the works, to the satisfaction of QLDC's Community Services Department.
 - i. Reinstatement of the track immediately following the works to the confirmed satisfaction of the Queenstown Trails Trust.
 - j. Within 3 months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement.
3. **Agree** that notification to grant the easement is not required as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reason set out in this report.
 4. **Delegate** authority to approve final terms and conditions, and execution authority to the General Manager Community Services; and
 5. **Agree** to the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easement to the applicants over Section 21 Block 1 Coneburn SD.

Prepared by:

Reviewed and Authorised by:



Blake Hoger
Property Advisor
APL Property
Limited

12/07/2018



Aaron Burt
Senior Planner: Parks
& Reserves

12/07/2018



Thunes Cloete
General Manager
Community Services

12/07/2018

Background

- 1 Council administers the recreation reserve known as Kelvin Heights Lakeside Reserve, legally described as Section 21 Block 1 Coneburn SD. The Kelvin Peninsula Track runs through the reserve.
- 2 The applicant's request the easement so they may discharge stormwater from their properties located at 445 and 451 Peninsula Road (above and upslope of the reserve), into Lake Wakatipu. It is understood that several other properties along the Kelvin Peninsula use this method for draining stormwater, although it is unclear if easements are in place to accommodate such.

- 3 The first pipe will take stormwater from 445 Peninsula Road through 447 Peninsula Road. The pipe will then enter 451 Peninsula Road and follow a route over which a sewerage easement already exists. A second pipe, solely taking water from 451 Peninsula Road, will be laid next to the first.
- 4 Both stormwater pipes are intended to be laid side by side through the reserve under the existing Kelvin Peninsula Track, with a minimum of 300mm cover before disposing of stormwater via a headwall just above lake level, with the stormwater then travelling by overland flow into Lake Wakatipu.
- 5 Access to the location on the Recreation Reserve where the pipes are to be installed will be along the Kelvin Peninsula Track. There will be a disturbance to use of the Track while the trench is being excavated, refilled then compacted.

Comment

- 6 The area where the proposed easement crosses the Recreation Reserve comprises of the Kelvin Peninsula Track and surrounding vegetation.
- 7 The houses on properties 445 and 451 Peninsula Rd sit below street level, making disposal of stormwater to existing roading connections difficult. The proposed solution has apparently been applied to other houses in the area, although this could be an ad hoc historic situation.
- 8 The extent of Recreation Reserve sought for the easement is 26.84m long and 3m wide, with a total area of 80.52 square meters.
- 9 As per the Easement Policy 2008, both the application fee along with a one off underground services easement fee are applicable. In accordance with the policy, the easement fee is calculated at \$423.43 plus GST:

Land value of property	\$2,270,000
Size of property	129,499 m ²
Easement length	80.52 m ²
Calculation:	
\$2,270,000/129,499 m ²	\$17.53
30% of \$17.53	\$5.26
\$5.26 x 80.52	\$423.43 plus GST

- 10 Existing infrastructure may already be present in the recreation reserve, which might be crossed by the pipes to be laid in the proposed easement. The applicant will need to liaise with QLDC's Infrastructure Team to ensure existing infrastructure is not damaged during installation.
- 11 The Sunshine Bay to Kelvin Heights Reserve Management Plan considers drainage into Lake Wakatipu. Policy G12 of the Plan states that Council should decline any right of way or easement over reserve land for the purposes of drainage or effluent discharge that would result in a pollution hazard.
- 12 Under the Regional Plan for the Otago Regional Council, discharging of stormwater from a house into the lake is a permitted activity subject to a series of

conditions which serve to prevent pollution hazards. A condition of approval for the proposed easement is that the requirements under the regional plan are adhered to in order to satisfy the Management Plan.

- 13 Under the Reserves Act 1977, Ministerial consent is required before an easement can be granted over a reserve. This consent is now delegated to Council and must be granted prior to the Easement being lodged with LINZ.
- 14 Granting an easement is permitted by the Reserve Act 1977, however, such easement must 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 permanently affect the ability of people to use and enjoy the reserve?

- 15 While there will be temporary and minor disruption during the installation of the stormwater lines and during possible future repairs, long term there will be no permanent effects on the ability of the public to use and enjoy the reserve.

Does the easement create materially alter or permanently damage the reserve?

- 16 Aside from during the installation process, this easement will not affect the ability of the reserve to provide for its current purpose. As the infrastructure will be underground it is considered the creation of the easement will not materially alter or permanently damage the reserve.
- 17 Taking into account the above, it is not considered that the easement will permanently affect the reserve or the ability of people to use and enjoy the reserve, and therefore public notification is not deemed necessary.
- 18 The proposal utilises the shortest route over the recreation reserve, and is considered a suitable location.

Options

- 19 Option 1 Grant the proposed easement.

Advantages:

- 20 Will allow for the disposal of stormwater from the applicant's land in a controlled manner.
- 21 Council will receive an Easement Fee of approximately \$423.43 plus GST

Disadvantages:

- 22 The installation and potential future repairs to the pipes and headwall may temporarily prevent the full enjoyment of the Kelvin Peninsula Track.

- 23 Option 2: Decline the proposed easement.

Advantages:

24 Would result in no disruption to the use of the track. There would be no initial installation or requirement for future repairs to the pipes or headwall.

Disadvantages:

25 The applicants would be required to consider alternate means to dispose of stormwater from their properties.

26 Council will not receive an easement fee.

27 This report recommends **Option 1** for addressing the matter as it manages stormwater runoff through the reserve and will only result in minor and temporary effects on people's ability to enjoy the Reserve.

Significance and Engagement

28 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

29 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 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

30 All costs associated with the survey and registration of the easement on the Council's title will be paid for by the applicant. Maintenance of the easement will be borne by the applicant as per Council's easement policy and the Property law Act 2007.

31 An easement fee to compensate Council for the land impacted by the easement will be charged in accordance with the Easement Policy 2008 and is calculated at \$423.43 plus GST.

32 A fee to process this application has been paid by the applicant.

Council Policies, Strategies and Bylaws

33 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 aside from the headwall which will be above ground, subject to final design approval by Council's Infrastructure team.
- Sunshine Bay to Kelvin Heights Reserve Management Plan: The application is consistent with the Reserve Management Plan. The stormwater will be primarily from residential hardstand areas, surfaces that would not typically cause pollution hazard.
- Regional Plan: Water for Otago: Discharge of stormwater from a reticulated stormwater system to water, or onto or into land in circumstances where it may enter water, is a permitted activity subject to certain conditions.

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

35 This matter is not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

36 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 at no cost to Council 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

37 Otago Regional Council have been consulted and the proposal under the Regional Plan is considered a Permitted Activity.

38 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.

39 The applicant at 445 Peninsula Road has gained written permission from the neighbours at 451 Peninsula Road and the other applicant at 447 Peninsula Road to create an easement over their properties.

Attachments

- A Overview Plan
- B Plan of Easement layout
- C Photo of Reserve



Notes:
a. Data sourced from LINZ Data Service and licenced for re-use under Creative Commons Attribution 4.0 Licence
b. This plan has been prepared for discussion purposes only. Areas and measurements are subject to LINZ approved cadastral survey and are likely to vary from those shown herein.

Plan Name:

Overview Map

Date: 28/06/2018
Version: A
Sheet 1
Drawn By: ER

Legend

-  445-451 Peninsula Rd
Kelvin Heights
-  Recreation Reserve,
Gazette 1967/1787

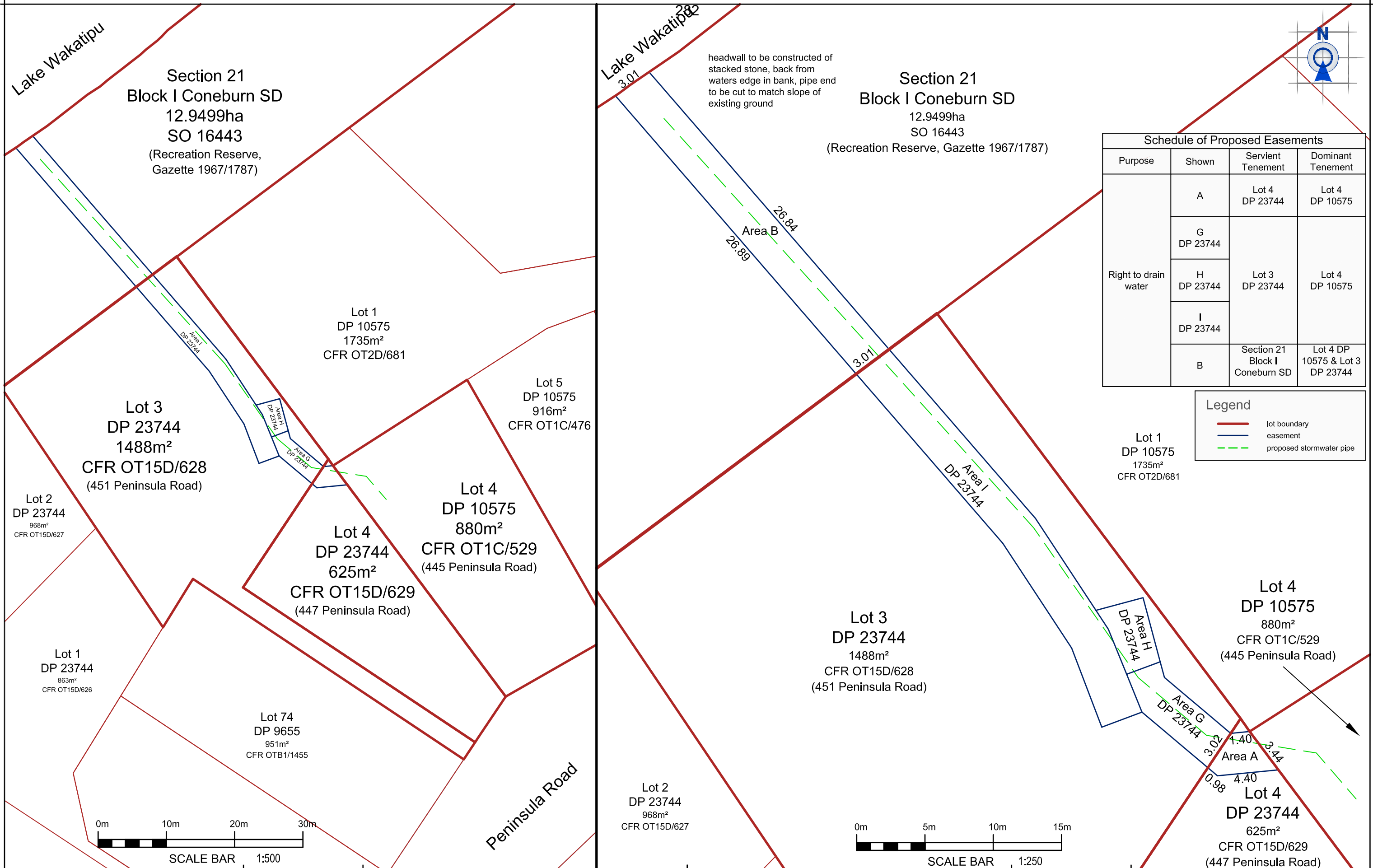
Prepared By:



P: 03 442 7133
w: www.aplproperty.co.nz

Prepared For:





headwall to be constructed of stacked stone, back from waters edge in bank, pipe end to be cut to match slope of existing ground

Schedule of Proposed Easements			
Purpose	Shown	Servient Tenement	Dominant Tenement
Right to drain water	A	Lot 4 DP 23744	Lot 4 DP 10575
	G DP 23744	Lot 3 DP 23744	Lot 4 DP 10575
	H DP 23744		
	I DP 23744		
B	Section 21 Block I Coneburn SD	Lot 4 DP 10575 & Lot 3 DP 23744	

Legend	
	lot boundary
	easement
	proposed stormwater pipe

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 0800 PPGROUP

QUEENSTOWN:
 Terrace Junction,
 1092 Frankton Road,
 PO Box 2645,
 Queenstown 9349.
 T 03 441 4715
 E queenstown@ppgroup.co.nz

Client/Location:
Geoff Thomas
445 Peninsula Road, Queenstown
Lot 4 DP 10575

Purpose/Drawing Title:
Proposed Easement Plan

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Surveyed by:	DB May 2016	Original Size:	Scale:
Designed by:		A3	As Shown
Drawn by:	DB May 2018		
Checked by:	MA May 2018		
Approved by:		DO NOT SCALE	
Job Ref:	Q6256 - 12	Sheet No:	1
		Revision No:	B
		Date Created:	11/06/2018

Recreation Reserve – Location Photo



**QLDC Council
26 July 2018**

Report for Agenda Item: 8

Department: Planning & Development

Delegated Authority for Proposed District Plan Appeals

Purpose

The purpose of this report is to consider providing delegations to the General Manager Planning and Development, Manager Planning Policy, and Principal Planner Planning Policy under section 34(1) of the Resource Management Act 1991 for the purpose of the resolution of the appeals on Stage 1 of the Queenstown Lakes District Council Proposed District Plan (**PDP**).

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Note** that the Appeals Subcommittee has the delegated power to approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991.
3. **Delegate** to the General Manager Planning and Development, Manager Planning Policy, and Principal Planner Planning Policy (acting severally) the authority to represent and participate on behalf of Queenstown Lakes District Council in mediation and/or alternative dispute resolution for appeals to the Council's decisions on Stage 1 of the PDP and reach an agreement within the guidelines and parameters set by the Appeals Subcommittee.
4. **Note** that once a decision on the district plan is appealed to the Environment Court, the ultimate decision on the outcome of that appeal will be directed by the Court and is not for the Council to decide.

Prepared by:



Ian Bayliss
Manager, Planning Practice
25/05/2018

Reviewed and Authorised by:



Tony Avery
General Manager,
Planning & Development

Background

- 1 At its meeting on 3 May 2018, the Council adopted recommendations from the Independent Hearing Panel as its decisions on submissions to Stage 1 of the Proposed District Plan (**PDP**) (**decisions**).
- 2 The decisions address 34 chapters of the PDP and related planning maps. The decisions affect the zoning of about 90% of the land in the District. The decisions also confirmed the Council's designations contained in the PDP.
- 3 On 19 June 2018 other requiring authorities issued their decisions on their requirements contained in the PDP.
- 4 Appeals on the provisions of the PDP and the Council's designations were due on 19 June 2018. 98 appeals and two additional proceedings (an application for a declaration and an application for an enforcement order) were filed resulting in a total of 100 separate proceedings. The appeals relate to a broad range of matters contained within the PDP. Given the breadth of the appeals it is likely that the PDP will not be able to be treated as operative until the appeals are resolved.
- 5 Appeals on the other requiring authorities' designations are due to be filed within 30 working days of the notice of decision being issued. As such, at the time of writing this report it is not yet known what appeals will be received on the other requiring authorities' designations.

Environment Court

- 6 The management of the appeals is in the hands of the Environment Court. As it currently stands the Court has directed the Council to review all notices of appeal, to identify the relevant topics covered by each appeal and report back to the Court by 31 July 2018 as to how the appeals should be managed.
- 7 It is anticipated that the following processes will take place for the resolution of appeals (subject to any alternative direction from the Court):
 - a. informal negotiations will begin in early August 2018 on appeals that are amenable to be resolved in this manner;
 - b. Court assisted mediations on all other appeals will begin in mid-October 2018 (the Council will seek to mediate on the appeals wherever possible. However, it is possible that some appeals will not be able to be resolved through mediation); and
 - c. Environment Court hearings will commence in early 2019 for any appeals that are not able to be resolved through informal negotiation and Court assisted mediation. It is possible that some of those appeals that reach the stage of Environment Court hearing will take years to resolve.
- 8 The Council has engaged additional legal support in the form of a secondment lawyer (from May 2018-October 2018) to assist in the management of the appeals process.

- 9 While the management of the appeals is in the hands of the Court, this does not alter the convention that final decisions on the District Plan are made by Full Council. In other words, once the Environment Court appeals are resolved, Stage 1 of the PDP will go back to Full Council to be formally approved and made operative. Also, if any significant changes are recommended to Stage 1 of the PDP through the appeals process that go outside of the scope of what was notified, then those changes will be presented to the Full Council to approve in the form of a variation.

Comment

- 10 The Appeals Subcommittee has the following power delegated to it from Full Council:

“The Appeals Subcommittee will approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991, including resolving or withdrawing any proceedings and providing guidelines and settlement parameters to officers responsible for participating in mediations.”

- 11 Currently the Manager Planning Practice and the Manager Resource Consents have the delegation to participate and resolve Environment Court mediations and alternative dispute resolution subject to the guidance of the Appeals Subcommittee. This has been necessary for the resolution of appeals on resource consent decisions. Given that the PDP appeals relate to district plan policy matters it is considered appropriate to extend this delegation to the General Manager Planning and Development, Manager Planning Policy, or Principal Planner Planning Policy for the purpose of resolving the PDP appeals. The Manager Planning Practice and the Manager Resource Consents are not actively involved in the PDP’s development and hearings and they do not currently have the necessary in depth knowledge of the appeals, underlying issues and reasoning behind the decisions.
- 12 The status quo arrangements provide for the Manager Planning Practice to report to the Appeals Subcommittee on each appeal separately including the background to each appeal, relevant factors relating to the decision and an exploration of the implications of each appeal. Members of the Appeals Subcommittee can discuss parameters for informal discussions, mediation and resolving each appeal with the Manager Planning Practice and receive updates at regular (currently 6 weekly) intervals. In reality current commitments would not allow them to serve the needs of the Court and participate in a large number of potentially fast moving appeals and to keep the Appeals Subcommittee abreast of them in an efficient manner.
- 13 Due to the large number of appeals that have been received it is intended that the following process will be proposed to the Appeal Subcommittee for the purpose of keeping Councillors informed of the progress of the resolution of the appeals:
- a. The Manager Planning Policy, or Principal Planner Planning Policy will present a report to the Appeals subcommittee in August summarising the appeals and their scope and seeking guidelines and parameters to be set for the resolution of such appeals;

- b. The Appeals Subcommittee will meet roughly once every three weeks or more frequently as required, subject to the timing of other Council meetings and commitments;
- c. The Appeals Subcommittee will be provided with an update at each meeting on all current appeals to the PDP, including details of any changes to Council's position in relation to those appeals and any proposals to resolve or withdraw from proceedings.

14 The approach proposed above will enable the Appeals Subcommittee to maintain an oversight of the appeals on the PDP and their progress, through the mediation rounds and subsequent Environment Court hearings where a hearing is necessary. It is important that a flexible and responsive approach is taken to this next stage of the PDP processing as it is the Environment Court that will be setting the timing of the mediations and hearings. Staff entering into the mediation processes will be expected to have the authority to be able to consider and commit to a mediated settlement. Providing regular reporting to the Appeals Subcommittee and discussing possible appeal parameters will enable that to occur.

15 Under the Local Government Official Information and Meetings Act 1987 section 7(2)(g) and (i) discussions and correspondence relating to the above can be considered outside of public meetings and kept confidential in order to maintain legal professional privilege and to enable the Council to conduct any necessary negotiations with the other parties. It should also be noted that while standing orders provide for a public forum at the start of each meeting, in the case of PDP appeals, no such public forum shall be held because the matters relate to negotiations with other parties in respect of the resolution of the appeals.

Options

16 Option 1 Retain the Status Quo where delegated authority to act on Council's behalf to participate in and resolve appeals sits with the Manager Planning Practice and the Resource Consents Manager

Advantages:

17 The Manager Planning Practice and the Resource Consents Manager would have the delegation to participate and resolve Environment Court mediations and alternative dispute resolution in respect of the PDP. If time and staff resources permitted, the Appeals Subcommittee would receive detailed individual reports setting out detailed information about each of the 98 different appeals including the background to each appeal, relevant factors relating to the decision and an exploration of the implications of each appeal. Members of the Appeals Subcommittee could discuss parameters for informal discussions, mediation and resolving each appeal with the Manager Planning Practise (and in theory the Resource Consents Manager) and receive updates at regular (currently 6 weekly) intervals.

Disadvantages:

18 The Parties currently delegated to represent and participate in appeals are not the parties in the best position to do so due to lack of involvement in the formulation

and review of the PDP. Current commitments would not allow the Manager Planning Practice and the Resource Consents Manager to get to grips with all the details of a large number of potentially fast moving appeals in an efficient manner. Keeping abreast of the details of the plan appeals would also be a very significant task for members of the Appeals Subcommittee. This investment of time does not appear to be justified given the limits on the role of elected members in the Environment Court processes, which as they progress are extensively driven by lawyers and experts and will ultimately be decided by a Judge.

19 Option 2 – Delegate to first and second tier managers and elected officials only the authority to determine Council’s position and to act on Council’s behalf in the mediation and hearing of appeals to the PDP

Advantages:

- 20 More senior officials have a range of experience and a broad understanding of Council and community interests.

Disadvantages:

- 21 In addition to the disadvantages of Option 1, current commitments would not allow these senior officials to get to grips with all the details of a large number of potentially fast moving appeals and to participate in Environment Court processes in an efficient manner.

22 Option 3 – Delegate to the General Manager Planning and Development, Manager Planning Policy or Principal Planner Planning Policy the authority to determine Council’s position and to act on Council’s behalf in the mediation and alternative dispute resolution of appeals to the PDP

Advantages

- 23 Allows those officers with specific knowledge of the PDP to participate in the appeals process and in various forms of mediation, and for these officials to have authority to act on Council’s behalf after first obtaining appropriate direction from the Appeals Subcommittee.

- 24 Retains an appropriate level of oversight from elected members.

Disadvantages

- 25 Requires a high level of trust between elected members and officials. However, this disadvantage is mitigated by the reporting process proposed intended to be put in place between the officers and the Appeals Subcommittee.

- 26 This report recommends **Option 3** for addressing the matter.

Significance and Engagement

27 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it is a decision relating to the administration of Council affairs.

Risk

28 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 recommended option considered above mitigates the risk by appointing Council officers to make decisions that affect the 'Current and future development needs of the community (including environmental protection)'.

29 The recommended option considered above mitigates the risk by:

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

Financial Implications

30 There are no financial implications as a result of this proposal.

Local Government Act 2002 Purpose Provisions

31 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

32 No persons are considered to be affected by this matter.

Attachments

A Queenstown Lakes District Council Register of Delegations February 2018 (Extracts showing delegations for Planning and Strategy Committee and Appeals Subcommittee)

QUEENSTOWN LAKES DISTRICT COUNCIL REGISTER OF DELEGATIONS



LAST UPDATE JUNE 2018

Planning & Strategy Committee

Terms of Reference

Membership

The Planning & Strategy Committee will have six appointed members – Councillors Tony Hill, Calum McLeod, Ross McRobie, Valerie Miller, John MacDonald and Quentin Smith

Quorum

The quorum for every meeting shall be three members

Chair

Councillor Tony Hill will be the Chair and Councillor Calum McLeod will be Deputy

Frequency of Meetings

The Planning & Strategy Committee will meet six weekly.

Parent Body

The Committee reports to the Queenstown Lakes District Council.

Objectives of the Committee

To recommend strategies, plans and policies that advance the Council's vision and goals for the District and ensure integrated and sustainable management of the natural and physical resources of the District in accordance with the Resource Management Act 1991.

In fulfilling their role on the Planning & Strategy Committee, members shall be impartial and independent at all times.

Terms of Reference

Activity Areas

- District Plan
- District Plan review
- Private Plan changes

- RMA appeals
- Growth management
- Environmental sustainability
- Affordable housing
- Building control
- Monitoring of Resource Consents

Key Projects

1. Delivery of Annual Work Programme

Delegated Authority

The Planning & Strategy Committee 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 Planning & Strategy Committee will:
 - a. approve the adoption of strategies, policies and plans that relate to any activity area listed above where authorised by the Council;
 - b. exercise all of the Council's functions, powers and duties pursuant to section 34(1) of the Resource Management Act 1991 in relation to the consideration of Council-initiated Plan Changes and Variations. (Note: To avoid doubt, a Council-initiated Plan Change includes a private request for a Plan change under clause 22 of Schedule 1 of the Resource Management Act 1991 that has been adopted by the Council under clause 25(2) of that Schedule);
 - c. consider, make determinations and notify variations to the Queenstown Lakes Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991.
 - d. maintain the Council strategic relationships with Government and non-Government agencies and funding bodies (excluding NZ Transport Agency) with respect to any of the activity areas listed above;
 - e. lodge and present submissions to external bodies on policies and legislation relevant to the Planning & Strategy Committee's Terms of Reference and any activity area listed above. (Note: Where timing constraints apply, the Chairperson (or in their absence, the Deputy Chairperson) has the authority to lodge submissions and seek retrospective approval);

- f. approve the review of bylaws under the Planning & Strategy Committee's jurisdiction and consider submissions;
- g. initiate commencement of a consultation process, excluding initiating the special consultative procedure under the Local Government Act 2002 related to any activity area listed above.

Power to Recommend

1. The Planning & Strategy Committee will:
 - a. recommend the adoptions of strategies, policies and plans that relate to any activity area listed above where the final decision must be made by the Council;
 - b. consider any proposal where public consultation is (or may be) required (including the use of the special consultative procedure) related to any activity area listed above, other than a consultative process pursuant to the Resource Management Act 1991 and to make recommendations to the Council as appropriate;
 - c. consider any strategic planning or development matter, including matters related to planning for and managing growth in the District and make recommendations to the Council as appropriate. (Note: this responsibility should be exercised in partnership with any other committee responsible for a particular activity area impacted by specific proposals.)
 - d. recommend adoption of any new or amended bylaw related to any activity area listed above.

Delegation Limitations

The Planning & Strategy Committee 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 Council with recommendations of the Planning & Strategy Committee at the next Council meeting following each committee meeting.

Appeals Subcommittee

Terms of Reference

Membership

The Appeals Subcommittee will have three appointed members: The Chair of the Planning & Strategy Committee and any two members of the Planning & Strategy Committee

Quorum

The quorum for every meeting shall be three members

Chair

The Chair of the Planning & Strategy Committee will be the Chair

Frequency of Meetings

The Appeals Subcommittee will meet as required

Parent Body

The Committee reports to the Planning & Strategy Committee

Objectives of the Committee

To guide the resolution of appeals and mediations under the Resource Management Act 1991

In fulfilling their role on the Appeals Subcommittee, members shall be impartial and independent at all times

Terms of Reference

Activity Areas

- RMA appeals

Delegated Authority

The Appeals 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 Appeals Subcommittee will approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991, including resolving or withdrawing from any proceedings and providing guidelines and settlement parameters to officers responsible for participating in mediations.

Delegation Limitations

The Appeals 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 Planning & Strategy Subcommittee at the next Planning & Strategy Committee meeting following each subcommittee meeting.

**QLDC Council
26 July 2018**

Report for Agenda Item: 9

Department: CEO Office

Chief Executive's Monthly 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 Audit, Finance and Risk Committee, Infrastructure Committee, Wanaka Community Board and Community and Services Committee.
- 3 Recommendation from Community and Services Committee
Proposal to amend the Reserve Improvements offsets for Shotover Country Sports field

Agree to amend the credit from the following previously agreed reserve improvement contributions for Shotover Country, to the Shotover Country Sports fields:

- a. Cycleway linking to future reserve adjacent to Lower Shotover - \$35,000
- b. Playground in Merton Park - \$66,455.90

subject to the following works being done in accordance with the associated costs:

- a. Sports field in future reserve adjacent to Lower Shotover - \$69,000 (additional to the \$72,768.95 agreed by Council on 10 August 2017 and \$138,231.05 agreed by Council on 24 February 2016 for this purpose).

1 Matters approved under delegated authority

Below are the licences issued since the previous Council meeting under delegated authority.

Address/Site/Event	Type	Brief Description	Date of Decision	Outcome
133 -139 Hallenstein Street	Licence to Occupy Road Reserve and Licence to Occupy Air Space.	Licence for occupation of road reserve for new development - foot path, balconies and a canopy.	26/06/18	Approved

Address/Site/Event	Type	Brief Description	Date of Decision	Outcome
59 Beach Street	Licence to Occupy Road Reserve	Extension of existing licence for construction works – hoarding.	26/06/18	Approved
Grant Road – 5 Mile	Licence to Occupy Road Reserve	Extension of existing licence for construction works – hoarding.	26/06/18	Approved
24 Frankton Road	Licence to Occupy Road Reserve	Short term licence for construction works – hoardings and gantry.	05/07/18	Approved
Mt Nicholas Beach Bay Road	Licence to Occupy Road Reserve	Licence to install private in ground infrastructure within road reserve.	05/07/18	Approved
180 Capell Avenue	Licence to Occupy Road Reserve	Licence to install private in ground infrastructure within road reserve.	05/07/18	Approved

2 Committee Meetings of Previous Round

Audit, Finance and Risk Committee - Councillor McRobie (13 June 2018)

Information:

- 1 Full Year Re-forecast and Quarterly Financial Overview – March 2018
- 2 Sensitive Expenditure
- 3 Risk Management Update
- 4 Organisational Health, Safety and Wellbeing Performance

Public Excluded Items

- 5 Treasury Update – May 2018
- 6 Deloitte Planning Report for 2017/18 Audit
- 7 2018-2028 Long Term Plan Update (verbal)

Infrastructure Committee – Councillor Forbes (28 June 2018)

Information:

- 1 Closure of Hawea Waste Collection Point

Wanaka Community Board – Councillor Smith (5 July 2018)

Information:

- 1 Parkrun New Zealand Ltd - New Licence Notification for Wanaka Run
- 2 Affected Person's Approval - CCR Ltd, New Wanaka Reception Building

3 Chair's report

Community and Services Committee – Councillor Stevens (10 July 2018)

Ratification:

- 1 Proposal to amend the Reserve Improvements offsets for Shotover Country Sportsfield

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 of ordinary meeting held on 14 June 2018

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
11. Commonage Land Sale	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 out, 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); j) prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(h) Section 7(2)(i) Section 7(2)(j)
12. Appointment of Resource Management Act hearing commissioners	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)

13. Request for Council Guarantee in Favour of the Queenstown Lakes Community Housing Trust	<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>2(b)(ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information to including that of deceased natural persons.</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)(b)(ii)</p> <p>Section 7(2)(i)</p>
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Confirmation of minutes of ordinary meeting held on 28 June 2018

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
6. Lakeview Development Request for Expressions of Interest (REOI) Evaluation	<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 out, without prejudice or disadvantage, commercial activities;</p>	<p>Section 7(2)(h)</p>

7. Queenstown Town Centre Parking Buildings Detailed Business Case	<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 out, 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>j) prevent the disclosure or use of official information for improper gain or improper advantage;</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>Section 7(2)(j)</p>
8. Events Funding Allocations	<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>2(b)(ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information to including that of deceased natural persons.</p>	<p>Section 7(2)(b)(ii)</p>

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.