



Order Paper for an ordinary meeting of the

QUEENSTOWN LAKES DISTRICT COUNCIL

to be held on

Thursday, 25 May 2017

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, 25 May 2017 commencing at 1.00pm

Item	Page No.	Report Title
		Apologies Councillor Forbes (on approved leave of absence) Councillor MacLeod
		Leave of Absence Requests
		Declarations of Conflict of Interest
		Matters Lying on the Table
		Public Forum
		Special Announcements
		Confirmation of Agenda
	6	Confirmation of Minutes 20 April 2017 (Public part of ordinary meeting)
1.	21	Special Housing Area: Business Mixed Use Zone (Gorge Road)
2.	38	Withdrawal of land subject to recent plan changes to the Operative District Plan from part of the Proposed District Plan
3.	51	Parking restrictions – Frankton and Glenda Drive
4.	64	Frankton Flats Land Exchange
5.	72	Underground Service Easement – Reserve Adjacent to 719 Frankton Road, Queenstown
6.	80	Fees and Charges Review – Environmental Health
7.	94	Class 4 and TAB Gambling Venue Policy Review 2017
8.	113	Chief Executive’s Report
	120	PUBLIC EXCLUDED Confirmation of Minutes 20 April 2017 (Public excluded part of ordinary meeting)
1.	124	PUBLIC EXCLUDED Special Housing Area: Business Mixed Use Zone (Gorge Road) – Draft Deed of Agreement (Attachment B)

Item	Page No.	Report Title
8a.	131	PUBLIC EXCLUDED Chief Executive's Report: ICC U19 Cricket World Cup 2018
9.	132	PUBLIC EXCLUDED Kawarau Falls Bridge Water and Wastewater Infrastructure Funding

Public minutes

Confirmation of minutes:

20 April 2017

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Lake Hawea Community Centre, Myra Street, Hawea on Thursday 20 April 2017 commencing at 1.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Tony Avery (General Manager, Planning and Development), Ms Meaghan Miller (General Manager, Corporate Services), Mr Richard Pope (Property Manager), Mr Ian Bayliss (Planning Policy Manager), Ms Anita Vanstone (Senior Planner – Policy), Mr Myles Lind (Manager, Asset Planning) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 25 members of the public

Apologies/Requests for Leave of Absence

There were no apologies.

The following requests for Leave of Absence were made:

- Councillor McRobie: 24 April – 5 May 2017
- Councillor Hill: 10-12 May 2017; 18-20 May 2017
- Councillor Forbes: 2-3 May 2017
- Councillor Miller: 17 June – 2 July 2017

On the motion of the Mayor and Councillor Stevens the Council resolved that the requests for Leave of Absence be approved.

Declarations of Conflicts of Interest

No declarations were made.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

1. Paul Cunningham, Hawea Community Association

Mr Cunningham stated that the Hawea community was opposed to permanent chlorination of the Hawea water supply. They wanted the item removed from the Annual Plan and a report prepared examining the necessity for it, as many viewed it as unnecessary. He noted that even with chlorination, water would still not meet national quality standards, adding that at the public meeting in January to discuss chlorination, the community had been promised full consultation and they expected this to happen.

QUEENSTOWN LAKES DISTRICT COUNCIL**20 APRIL 2017****Page 2****2. Jennifer Rumore, Hawea Stand for Pure Water**

Ms Rumore stated that she was also opposed to permanent chlorination of the Hawea water supply. She presented a flow chart setting out the processes a public service should follow in determining the best way forward.

Ms Rumore did not believe the Hawea community was seeing any research to discern the best 'how to' and no other alternatives besides a blanket approach to chlorination were being presented. She asked the Council to stop its present actions and undertake research so that it could present different options to the community. She noted that alternative approaches were available and were used in Christchurch and in other countries and she reminded the Council of the need to receive the community's approval in order to receive its money.

3. Don Robertson

Dr Robertson stated that he was not against chlorination itself, but he did oppose permanent chlorination of the water supply without evidence of it being necessary. He believed that Council's present consultation was token and the outcome would be permanent chlorination whether the community wanted it or not. Instead, he urged meaningful dialogue in a spirit of collegiality with the Council presenting evidence based reasons to the community.

4. Jude Battson

Ms Battson detailed the history of the water supply in Hawea. She asked the Council to 'go into bat' for the community on chlorination, as she did not believe the comparisons with Havelock North were relevant. She believed that the present system was up to scratch for what was required and there had been a history of no contamination.

Ms Battson spoke of her long association with Ruby Island and the working bees which took place there. She thanked the Council for the funding now provided, acknowledging in particular the work of staff members Diana Manson for getting the new Norski toilet installed and Jan Maxwell.

5. Ben Farrell, Planning Consultant, John Edmonds & Associates Limited,

Mr Farrell supported the recommendation to revisit the Gorge Road SHA, adding that a consent application was ready to be lodged if HASHAA status was received.

Mr Farrell commented that the Wakatipu Basin Land Use Study was a solid and robust report but he did not support the recommendation that the next step be a staff review. He suggested that instead of following the recommendation the Council should adopt the report with some minor tweaks and let it be tested by the statutory process in which the Council could itself participate. He urged the Council to ensure that this process was not dragged out and asked for a definite date to be placed on this consultation process.

6. John Heaton

Mr Heaton expressed concern about the Council's communication and consultation procedures, citing the information provided about chlorination as an example of poor performance. He had recently come to this community from a big city where he had observed an inability for the Council to communicate

effectively and he believed that with the chlorination debate, QLDC had failed to provide enough information to enable meaningful input. He considered that the fundamental decision was about safety and incomplete information had been provided. He also considered that consultation on this subject should have been taken out of the annual plan process.

Special Announcements

The Mayor invited Councillor Lawton to address the Council in light of her impending resignation from the Council to lodge her candidacy for the Otago Regional Council.

Councillor Lawton advised of her intention to resign from the Wanaka Community Board and Council the following day and put in her nomination for the Otago Regional Council. She commented on her time as a member of the Queenstown Lakes District Council. She urged the Council not to forget social policy in its focus on economic development. She spoke of her desire for Otago to be well governed and planned for in the long term, and thanked the Council for its strong Annual Plan submission to the Regional Council.

The Mayor recorded that Councillor Lawton had provided a tireless service of the district as a whole but especially the Wanaka and Upper Clutha areas and extended best wishes to her for the election.

Confirmation of agenda

The agenda was confirmed without addition or alteration.

Confirmation of minutes

9 March 2017

On the motion of Councillors Stevens and Forbes the Council resolved that the public part of the ordinary meeting of the Queenstown Lakes District Council held on 9 March 2017 be confirmed as a true and correct record.

24 March 2017

On the motion of Councillors Stevens and MacDonald the Council resolved that the public part of the ordinary meeting of the Queenstown Lakes District Council held on 24 March 2017 be confirmed as a true and correct record.

Councillor MacLeod abstained because he was not at the meeting.

1. **Wanaka Airport Future Governance and Management Model**

A report from Richard Pope (Property Manager) detailed the special consultative procedure undertaken on the future governance and management of the Wanaka Airport and the hearings panel's recommendation that the future governance and management of the Wanaka Airport be under a long term lease to the Queenstown Airport Corporation ('QAC').

The report was presented by Mr Pope and Mr Hansby.

The Mayor expressed thanks to the hearings panel.

Members stressed the importance of protecting the interests of existing Wanaka Airport users and of QAC maintaining a strong partnership with the community. There was agreement that these issues should be addressed in the lease terms and the Statement of Intent, in which as QAC's major shareholder, the Council could have a significant influence every year.

Councillor Stevens suggested that the hearings panel should be included in those with delegated authority to finalise the lease and Statement of Intent. This was supported and the recommendation was amended accordingly.

Councillor Lawton noted that whilst the relationship between the Council and QAC was currently good, the situation could change over a 33 year lease term. She proposed that conditions be included in the agreements compelling QAC to consider the broader social and economic wellbeing of the community.

The Mayor agreed that the lease needed to contain very clear requirements for the future of Wanaka Airport and to provide guidance to a future Council.

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

- 1. Note the contents of this report;**
- 2. Agree the future governance and management of the Wanaka Airport will be under a long term lease to QAC; and**
- 3. Delegate to the Mayor, Chief Executive, Councillor Hill and Councillor MacLeod the power to negotiate and execute the lease, and to engage with QAC to make any changes necessary to the QAC Statement of Intent to incorporate the Council's expectations of governance of Wanaka Airport.**

2. **Wakatipu Basin Land Use Study**

A covering report from Anita Vanstone (Senior Policy Planner) introduced the Wakatipu Basin Land Use Study which was appended, summarising its

preliminary findings. The report noted that release of the study was for information purposes only, recommending that staff undertake further investigation into the findings of the report and its recommendations to ascertain their appropriateness.

This report and that following were presented by Ms Vanstone, Mr Avery and Mr Bayliss.

Ms Vanstone circulated an amendment to Appendix K which corrected the following sentence:

'Very Low – corresponds to a situation where additional built development will have a ~~negligible~~ significant effect on the landscape and visual amenity values of the unit.'

Mr Avery advised that there had been public requests for the study and staff had concluded that it should be publicly released, despite the fact that there was still work to be undertaken on it. He stressed that at present the study was not Council policy but simply an external consultant's document.

The Mayor asked whether informal public comment would help to shape the process. Mr Avery warned against informal consultation as there was the risk that it would only attract comment from interested parties.

There was also discussion about how the study and the development of a Wakatipu Basin variation would fit with submissions to the Proposed District Plan. It was noted that consideration of rural chapter had been deferred to allow for the possibility of a variation and submitters to the rural chapter would be notified of the option of submitting to any variation developed.

Councillor Stevens was critical of some conclusions drawn in the document particularly in relation to the locations identified with potential to absorb urban development. Councillor Miller was also critical of the report's assertion that there were no longer any genuine farmers left in the Wakatipu Basin.

The Mayor asked what actions would occur if the recommendation was adopted, especially as maintaining a reasonable pace with this project was a concern. Mr Avery stated that the next steps were to examine which aspects of the report were supported and prepare a variation to the Proposed District Plan containing those parts of the study with merit.

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

- 1. Note the contents of this report, and that the release of the Wakatipu Basin Land Use Study is for information purposes only and that it does not represent Council's view at this time; and**
- 2. Instruct staff to review the Wakatipu Basin Land Use Study and to develop possible planning responses to be reported back to Council.**

3. **Special Housing Area: Business Mixed Use Zone (Gorge Road)**

A report from Anita Vanstone (Senior Planner Policy) proposed the re-establishment and extension of the existing Business Mixed Use Zone Special Housing Area (BMU SHA) prior to it expiring on 23 June 2017, with the extension to include 133 Hallenstein Street and Warren Park. The report recommended that the Council seek public feedback on the proposed re-establishment and for a report to be presented to the next ordinary Council meeting on 25 May 2017 detailing measures necessary for the SHA to be recommended with confidence to the Minister of Building and Construction.

Ms Vanstone advised that since preparation of the report, the Property and Infrastructure Department had confirmed that adequate infrastructural servicing existed for the area.

A question was raised about the use of 'may' in relation to the negotiation of a Stakeholder Deed [part (3) of the recommendation] and whether this was too weak. Ms Vanstone advised that with SHAs established over a number of sites, the ability to secure a stakeholder deed was lost. It was also noted that the criteria under (2), in particular the requirement for at least 30% of dwellings to be studio, one or two bedroom apartments served to achieve affordable objectives.

Councillor Miller expressed concern about potential social problems with high density accommodation. Councillor Clark agreed, stating that building designs needed to be mixed up to avoid a ghetto type of development. Ms Vanstone noted that each application would be assessed on amenity and urban design as part of resource consent process. She added that regard would also be had to the rules and objectives of the District Plan during consenting.

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

- 1. Note the contents of this report, including the amended extent of the SHA (to also include Warren Park and 133 Hallenstein Street) and the proposed disestablishment date for the new SHA being 16 September 2019;**
- 2. Resolve to seek public feedback on the proposed re-establishment and extension of the BMU SHA subject to the following criteria for qualifying developments:**
 - Minimum of three for the number of dwellings to be built;**
 - 'Gorge Road A' (Lot 1 DP 19293, Pt Lot 48 DP 8591 and Lot 2 DP 19293 (Warren Park)) building height limit of 15 metres and a maximum of four storeys;**
 - 'Gorge Road B' (all other sites) height limit of 20 metres and a maximum of six storeys;**

noting that this proposed height limit is 5m higher than the height anticipated under the Proposed District Plan for Lot 3 DP 12188 (133 Hallenstein Street); and

- At least 30% of dwellings shall comprise studio, 1 or 2 bedroom apartments.
3. Instruct Council officers to report back to the Council meeting on 25 May 2017 on any measures necessary for Councillors to, with confidence, recommend the proposal as an SHA to the Minister of Building and Construction. This may include the negotiation of a Stakeholder Deed to secure compliance with a recession plane and a contribution to the Queenstown Lakes Community Housing Trust;
 4. Note that Council's intent in extending the timeframe for the SHA for the BMU zone is expressly to encourage the building of affordable residential accommodation;
 5. Note Council's intent that its SHA lead policy would be applied to any SHA development within this zone, and
 6. Note Council's intent that developments over 12m in height would be forwarded to the Urban Design Panel for review, to ensure positive streetscape and living environment; and
 7. Instruct Council officers to report back to Council on issues and options relating to traffic and car parking within the BMU SHA.

Councillor Miller recorded her vote against the motion.

4. Declaration of upper Beach Street as a Pedestrian Mall

A report from Andrew Edgar (Senior Engineer) presented the outcome of the special consultative procedure undertaken to determine whether to declare upper Beach Street as a pedestrian mall permanently. The report noted that a hearings panel had heard submissions at a meeting on 15 February 2017 and recommended to Council that it declare Beach Street between Camp Street and Cow Lane a pedestrian mall except for:

- Emergency services vehicles at all times;
- Good services vehicles between 5am and 10am each day; and
- Any other vehicles authorised by the Council.

The report was presented by Mr Lind and Mr Hansby.

It was agreed that the trial had been successful with generally positive feedback, with the only concerns expressed about what the street space was used for.

Staff confirmed that they did not see the need for additional loading zones, stating that they wished to avoid making reactive changes to CBD parking.

Councillor Clark questioned the recommendation that making upper Beach Street smoke-free should be progressed via the Town Centre Master Plan, expressing concern that this would take too long. The Mayor noted that Town Centre Master Plan had a fast timetable on it and dealing with the smoke-free question in it should not result in undue delay.

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

- 1. Note the contents of this report, in particular the deliberations of the hearings panel;**
- 2. Declare Beach Street, between Camp Street and Cow Lane, in Queenstown, a pedestrian mall.**

The restrictions the pedestrian mall will impose are:

- The driving, riding or parking of any vehicle will be prohibited on all of the pedestrian mall area.**
 - The restriction will remain in place at all times.**
 - Emergency service vehicles are excluded from the restriction and may access the pedestrian mall area at all times.**
 - Between the hours of 5am and 10am each day, goods service vehicles are excluded from the restriction and may access the pedestrian mall area.**
 - Any other vehicles specifically authorised by Council are excluded from the restriction.**
- 3. Note that the related additional loading zone, 9pm parking restriction and Smoke free requests raised during the hearing will be addressed through the Queenstown Town Centre Master Plan and Queenstown Town Centre Transport Strategy.**

5. 2016/17 Capital Works Programme – Second Re-forecast

A covering report from Peter Hansby (General Manager Property and Infrastructure) presented changes to the 2016/17 capital works programme for the second quarter of the financial year for Council's approval.

The report was presented by Mr Hansby.

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

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

6. Joint Otago Councils Section 17A Shared Services Reviews

A report from Myles Lind (Manager, Asset Planning) updated the Council on the joint Otago Councils Shared Services reviews undertaken in accordance with Section 17A – Delivery of Services (LGA 2002).

The report was presented by Ms Miller and Mr Lind.

The next step was for the Otago group of Chief Executives to consider where to take the project, especially in terms of meeting statutory obligations and this detail would be presented to the Council. It was noted that these could involve decisions of high significance.

On the motion of the Mayor and Councillor Forbes it was resolved that the Council note the contents of this report.

7. Otago Regional Council Annual Plan 2017/18 Submission

A covering report from Meaghan Miller (General Manager, Corporate Services) introduced the proposed submission to the Otago Regional Council's 2017/18 Annual Plan for the Council's approval.

The report was presented by Ms Miller.

It was suggested that reference should also be made to the levels of growth in the district which were the highest in New Zealand and that it would be useful to refer to the numbers coming through the airport.

Members stressed the need for more funding to be allocated to air quality monitoring, as emissions from cars backed up along Frankton Road was becoming a significant problem. Councillor Stevens added that funding was needed for air quality enforcement action in Arrowtown.

Councillor Hill questioned the need for a rates rise when the regional council had huge cash reserves.

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

- 1. Note the contents of this report;**
- 2. Approve the Queenstown Lakes District Council submission to the Otago Regional Council Annual Plan 2017/18; and**
- 3. Authorise the Mayor and Chief Executive or delegated officers and elected members to speak to the submission at the Otago Regional Council Annual Plan hearing, 22-26 May 2017.**

8. Chief Executive's Report

A report from the Chief Executive:

- Presented a recommendation to amend a Council resolution establishing the hearings panel for the Coronet Forest Management Plan 2017;
- Presented a recommendation from the Wanaka Community board to change the lease area for Upper Clutha Sawmill and Wanaka Firewood Ltd;
- Summarised the delegations exercised over the period 15 February – 31 March for Licences to Occupy and temporary road closures; and
- Detailed the business conducted by committees and the Wanaka Community Board over the previous meeting round.

Councillor Clark stated that she was happy to replace Councillor Lawton on the hearings panel for the Coronet Forest Management Plan 2017.

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

- 1. Note the contents of this report;**
- 2. Revoke the following resolution made at the ordinary Council meeting held on 24 March 2017:**
That the Council:
Appoint Councillors Ferguson, Lawton and Stevens to participate in a hearing panel to consider and hear submissions on the proposed Coronet Forest Management Plan 2017.

And replace it with:

That the Council:
Appoint Councillors Ferguson, Stevens and Clark to participate in a hearing panel to consider and hear submissions on the

**proposed Coronet Forest Management Plan
2017.**

**Change of Lease Area: Upper Clutha Sawmill and
Wanaka Firewood Ltd**

3. Approve the amended area [as shown in Attachment B to these minutes] for the lease to be granted to Upper Clutha Sawmill and Wanaka Firewood Ltd on Section 37 Block III Lower Wanaka SD;
4. Note the delegations exercised for licences to occupy and temporary road closures by the Chief Executive during the period 15 February – 31 March 2017; and
5. Note the items considered during the past meeting round by the Audit, Finance and Risk Committee, Planning and Strategy Committee, Appeals Subcommittee, Infrastructure Committee and Wanaka Community Board.

The meeting adjourned at 2.30pm and reconvened at 2.38pm.

Resolution to Exclude the Public

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

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

Confirmation of minutes of ordinary meeting held on 9 March 2017

- Item 10: Pre-approval for settlement clearance
Item 11: District Licensing Committee Membership

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

QUEENSTOWN LAKES DISTRICT COUNCIL

20 APRIL 2017

Page 12

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
10. Pre-approval for settlement clearance	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 7(2)(i)
11. District Licensing Committee Membership	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)

QUEENSTOWN LAKES DISTRICT COUNCIL

20 APRIL 2017

Page 13

Confirmation of minutes of ordinary meeting held on 24 March 2017

Item 6: Housing Infrastructure Fund – Final Proposals

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
6. Housing Infrastructure Fund – Final Proposals	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: j) prevent the disclosure or use of official information for improper gain or improper advantage.	Section 7(2)(j)

Agenda Items

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1. Wanaka Airport future governance and management model (Attachment E)	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: g) maintain legal professional privilege	Section 7(2)(g)
3. Special Housing Area: Business Mixed Use Zone (Gorge Road): Attachment A: Recession Plane Analysis	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: b) protect information where the making available of the information (ii) would be unlikely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;	Section 7(2)(b)(ii)

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

The meeting went into public excluded at 2.39pm.

The meeting came out of public excluded and concluded at 2.51pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

25 May 2017

D A T E

**QLDC Council
25 May 2017****Report for Agenda Item: 1****Department: Planning & Development****Special Housing Area: Business Mixed Use Zone (Gorge Road)****Purpose**

The purpose of this report is to recommend the Council initiated proposal for a Special Housing Area (**SHA**) over multiple privately and publicly owned properties within the Business Mixed Use Zone (Gorge Road) of the Proposed District Plan (**PDP**), 133 Hallenstein Street and Warren Park for consideration for recommendation to the Minister of Building and Construction (**the Minister**) as a SHA. This proposed SHA will re-establish and extend the existing Business Mixed Use Zone (Gorge Road) SHA (**BMU SHA**), which is due to expire on the 23 June 2017.

Recommendation

That Council:

1. **Note** the contents of this report, including the amended extent of the SHA (to also include Warren Park and 133 Hallenstein Street), including measures implemented to address the resolutions of the 20 April 2017;
2. **Confirm** that the Council agrees in principle with the contents of the (Draft) SHA Deed and **delegate** to the General Manager, Planning and Development the authority to execute the Deed on behalf of the Council, subject to any minor changes consistent with Council's Lead Policy;
3. **Recommend** the SHA for the BMU Zone (including 133 Hallenstein Street and Warren Park) to the Minister, subject to the following criteria for qualifying developments:
 - Execution of the Draft Deed and the performance of any conditions contained in it for the development of 133 Hallenstein Street only;
 - Minimum of three for the number of dwellings to be built;
 - 'Gorge Road A' (Lot 1 DP 19293, Pt Lot 48 DP 8591 and Lot 2 DP 19293 (Warren Park)) building height limit of 15 metres and a maximum of four storeys;
 - 'Gorge Road B' (all other sites) height limit of 20 metres and a maximum of six storeys; noting that this proposed height limit is 5m

higher than the height anticipated under the Proposed District Plan for Lot 3 DP 12188 (133 Hallenstein Street); and

- At least 30% of dwellings shall comprise of studio, 1 or 2 bedroom apartments.
4. **Note** that Council's intent in proposing that the BMU zone become an SHA is expressly to encourage the building of affordable residential accommodation;
 5. **Note** Council's intent that its SHA lead policy would be applied to any SHA development within this zone; and
 6. **Note** Council's intent that developments over 12 m in height would be forwarded to the Urban Design Panel for review, to ensure positive streetscape and living environment.

Prepared by:



Anita Vanstone
Senior Policy Planner

12/05/2017

Reviewed and Authorised by:



Tony Avery
General Manager, Planning &
Development

12/05/2017

Background

1 At its 20 April 2017, the Council resolved:

1. **Note** the contents of this report, including the amended extent of the SHA (to also include Warren Park and 133 Hallenstein Street) and the proposed disestablishment date for the new SHA being 16 September 2019;
2. **Resolve** to seek public feedback on the proposed re-establishment and extension of the BMU SHA subject to the following criteria for qualifying developments:
 - Minimum of three for the number of dwellings to be built;
 - 'Gorge Road A' (Lot 1 DP 19293, Pt Lot 48 DP 8591 and Lot 2 DP 19293 (Warren Park)) building height limit of 15 metres and a maximum of four storeys;
 - 'Gorge Road B' (all other sites) height limit of 20 metres and a maximum of six storeys; noting that this proposed height limit is 5m higher than the height anticipated under

the Proposed District Plan for Lot 3 DP 12188 (133 Hallenstein Street); and

- *At least 30% of dwellings shall comprise of studio, 1 or 2 bedroom apartments.*
3. **Instruct** Council officers to report back to the Council meeting on 25 May 2017 on any measures necessary for Councillors to, with confidence, recommend the proposal as an SHA to the Minister of Building and Construction. This may include the negotiation of a Stakeholder Deed to secure compliance with a recession plane and a contribution to the Queenstown Lakes Community Housing Trust;
 4. **Note** that Council's intent in extending the timeframe for the SHA for the BMU zone is expressly to encourage the building of affordable residential accommodation;
 5. **Note** Council's intent that its SHA lead policy would be applied to any SHA development within this zone, and
 6. **Note** Council's intent that developments over 12m in height would be forwarded to the Urban Design Panel for review, to ensure positive streetscape and living environment; and
 7. **Instruct** Council officer to report back to Council on issues and options relating to traffic and car parking within the BMU SHA.
- 2 This report to Council sets out how those matters have been addressed since the meeting for the BMU Zone SHA proposal.
 - 3 This report does not repeat the initial assessment relating to the proposal. But the Council may wish to remind itself of the advantages and disadvantages of the proposal when considering whether or not to recommend it to the Minister.
 - 4 Council has also been in discussions with multiple developers within the BMU SHA on other sites and consider there to be real merit in re-establishing the new SHA.
 - 5 It is proposed to extend the BMU SHA to include Warren Park and 133 Hallenstein Street. Warren Park is located in the High Density Zone of the Operative District Plan and is being considered as part of Stage 2 of the PDP review. It is surrounded by sites on its northern, eastern and southern boundaries that are proposed to be zoned BMU in the PDP. As a result, it makes sense for it to be included within the proposed SHA. It is noted that Warren Park is currently vested as reserve and there a no current plans for its use other than as a park.
 - 6 The proposed extended BMU SHA (to include Warren Park and 133 Hallenstein Street) is highlighted in Figure One below:



Figure One: Extent of the proposed new BMU SHA

- 7 133 Hallenstein Street is located within the High Density Residential Zone (**HDR**) of the PDP. Council has entered into pre-application discussions with the landowner of 133 Hallenstein Street, whose sites are located within the BMU and HDR zones (133 – 139 Hallenstein Street). The extension of the BMU SHA will allow these sites to be developed comprehensively and their development potential for residential accommodation maximised. As a result, it is considered appropriate to include 133 Hallenstein Street within the extended version of the BMU SHA.
- 8 It is noted that if Council choose not to extend the BMU SHA then 133 Hallenstein Street would fall within Category 1 of the Lead Policy. The only difference is that the landowner/developer would need to make an individual application of an 'expression of interest' to the Council, which would then if accepted, be forwarded to the Minister for approval.

Assessment process and resolutions of 20 April 2017

- 9 On 20 April 2017 the Council resolved to obtain feedback on the re-establishment and extension of the proposed SHA and draft a Deed with the owner of 133 Hallenstein Street to secure a recession plane restriction and 5% contribution to the Queenstown Community Housing Trust (**the Trust**) on the portion of the site that is located outside the BMU Zone of the PDP. Measures taken to address the resolution are detailed further below.

Consultation: Community Views and Preferences

- 10 Public feedback on the proposal is due by 22 May 2017 and will be provided to Councillors prior to the meeting, to help inform Council's decision making.

Three Waters Review

- 11 Holmes Consulting Group undertook a high level Three Waters Assessment for the original BMU SHA. This reported has been updated and has confirmed that there is adequate infrastructure to service the proposed SHA that either exists or is likely to exist (i.e forecast to be upgraded as part of the Long Term Plan), having regard to relevant planning documents and strategies. The updated report is contained in **Attachment A**.

Draft Deed of Agreement 133 Hallenstein Street

- 12 The Draft Deed (**Attachment B - Public excluded**) has been developed for consideration by Council to outline conditions on which this Proposal could be recommended to the Minister that is specific to 133 Hallenstein Street only. The Draft Deed addresses compliance with the height recession plane and a contribution to the Trust for the development that is taking place outside of the proposed BMU zone only.
- 13 The Draft Deed is likely to be agreed in principle by the developer. An update will be provided at the Council meeting. The Draft Deed is structured such that it would be executed prior to recommendation of the SHA to the Minister.
- 14 If the Council is satisfied with the terms of the Draft Deed, the Council is requested to delegate to the General Manager, Planning and Development the authority to execute the Draft Deed on behalf of the Council, subject to any further minor changes necessary to give effect to the Draft Deed that are consistent with Council's Lead Policy.

Conclusion

- 15 In recommending the SHA to the Minister the Council has to be satisfied that the proposal is generally consistent with the principles espoused in the Lead Policy. The proposal will target a specific housing need (apartments/worker accommodation) and it will provide a much needed housing choice and type to the market. The proposed SHA is within walking distance of the town centre and is located on existing transport routes. It has been confirmed that

there is adequate infrastructure that exists or is likely to exist to service the SHA.

- 16 Compared to other SHAs proposed by landowners where the Council can secure a commitment to affordable housing by Stakeholder Deed, in this instance that approach is not feasible due to the significant number of landowners rather than one site where the commitment can be locked in. However, the benefit to the community in regards to encouraging multi-level developments that are aimed at worker accommodation is considered to be significant.
- 17 However, the Council has approached the owner of 133 Hallenstein Street to make a contribution of 5% to the Trust for the development of the HDR Zoned site only. This is important to ensure that Council maintains a consistent process with developers/landowners when considering potential SHAs outside the proposed BMU zone.

Options

- 18 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

Option 1: Recommend extended BMU Zone SHA to the Minister, subject to agreeing with the terms of the Draft Deed

Advantages:

- 19 Helps contribute to achieving the purpose of the HASHAA, advancing the principles and priority actions in the Housing Accord, and in particular helps the Council achieve the housing targets in the Housing Accord by enabling new housing aimed at workers accommodation.
- 20 Generates a number of social and economic benefits (both short term and long term) such as the creation of jobs during the construction phase and the long term benefits relating to the provision of workers accommodation;
- 21 Provides the platform for the delivery of studio, 1 or 2 bedroom apartments to the housing market, noting that this type of development is currently in high demand, particularly for much needed worker accommodation.
- 22 Positive outcome for the Trust and ensures the residential amenities of the neighbours of 133 Hallenstein Street are protected.

Disadvantages:

- 23 Council is unable to enter into Deeds with individual landowners of the area of land proposed to be zoned BMU in the PDP due to the large number of properties covered. Council misses an opportunity to obtain contributions to Trust for the sites that are proposed to be zoned BMU.

- 24 There is some risk the extension of timeframe of the BMU SHA will enable development that does not align with the eventual shape of the PDP BMU or HDR zone rules, as the PDP is in the early stages of the plan change process and could change substantially following local hearings and the Environment Court Appeals.

Option 2 – Not agree with the terms of the Draft Deed and recommend current extent of the BMU SHA and Warren Park only to the Minister

Advantages:

- 25 Given the Council's support in principle for the re-establishment and extension of the BMU zone SHA, there are no significant advantages in not entering the draft Deed.
- 26 Consistent with the provisions of the BMU zone of the notified PDP and Council's approach towards the original BMU SHA;
- 27 Helps contribute to achieving the purpose of the HASHAA, advancing the principles and priority actions in the Housing Accord, and in particular helps the Council achieve the housing targets in the Housing Accord by enabling new housing aimed at workers accommodation;
- 28 Generates a number of social and economic benefits (both short term and long term) such as the creation of jobs during the construction phase and the long term benefits relating to the provision of workers accommodation;
- 29 Provides the platform for the delivery of studio, 1 or 2 bedroom apartments to the housing market, noting that this type of development is currently in high demand, particularly for much needed worker accommodation.
- 30 Would require an expression of interest, and stakeholder deed with the developer of a potential SHA outside of the existing boundaries, which would contribute 5% by value or area to the Trust.

Disadvantages:

- 31 Council is unable to enter into Deeds with individual landowners due to the large number of properties covered.
- 32 Would temporarily forgo the opportunity of the comprehensive development of 133 Hallenstein Street with adjoining properties.
- 33 Would forgo a financial contribution to the Trust for the development of 133 Hallenstein Street.
- 34 There is some risk the extension of timeframe of the BMU SHA will enable development that does not align with the eventual shape of the PDP BMU zone rules, as the PDP is in the early stages of the plan

change process and could change substantially following local hearings and the Environment Court Appeals.

Option 3 – Retain the status quo (BMU SHA disestablished on the 23 June 2017)

Advantages:

- 35 Avoids further time and resources required to establish new SHA.
- 36 Proposals can still be applied for subject to the normal resource consent process, subject to the Operative District Plan provisions and the usual statutory notification provisions, hearing process and potentially Environment Court appeals.
- 37 Does not pre-empt the conclusion of the PDP process by enabling development ahead of its conclusion.
- 38 Development within the proposed BMU and HDR zones of the PDP would fall within Category 1 of the Lead Policy. Category 1 sites are those considered suitable for establishment of SHAs. These would require an expression of interest, and stakeholder deed with the developer of a potential SHAs, which would contribute 5% by value or area to the Trust.

Disadvantages:

- 39 Time and resourcing processing individual EOIs for the BMU zone.
- 40 May result in a lengthy assessment process if proposals were to proceed under the usual statutory process of the PDP process and the RMA.
- 41 Risk that the District's acute housing supply and affordability issues will continue to grow, with resulting social and economic impacts.
- 42 Would forgo the short and long term social and economic benefits offered by the proposal.
- 43 This report recommends **Option 1** subject to entering into a draft Deed with the owner of 133 Hallenstein Street volunteers a 5% contribution to the Trust (value or area) for the portion of the site located in the HDR Zone.

Significance and Engagement

- 44 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because:
- 45 Importance: the matter is of high importance to the District
- 46 Community interest: the matter is of considerable interest to the community

- 47 Existing policy and strategy: The proposal is considered to be consistent with the Accord and the Lead Policy, in addition to the Strategic Direction of the District Plan.

Risk

- 48 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as high. This is because of economic, social, environmental and reputational risks.
- 49 A key element of this risk is meeting the current and future development needs of the community and providing for development that is consistent with the strategic direction of Council's Policies and Strategies. There is some social risk relating to the economic and social consequences of not meeting development needs, which includes housing provision.
- 50 In this instance it is considered the social and economic benefits towards the provision of housing for the community are met. The subsequent resource consent assessment process under the HASHAA also provides the opportunity for further mitigation risk.

Financial Implications

- 51 There are no direct financial implications resulting from the decision. In terms of impact on infrastructure, development contributions will be charged as developments progress. Unlike some greenfield development scenarios, existing infrastructure is available.

Council Policies, Strategies and Bylaws

- 52 The following Council policies, strategies and bylaws were considered:
- Lead Policy, which provides guidance for Council's assessment of SHAs.
 - The Queenstown-Lakes District Housing Accord.
 - ODP, which regulates housing development and urban growth management.
 - PDP, which sets out proposed changes to the ODP.
 - Housing Our People in our Environment Strategy, which is relevant as it seeks to address the housing affordability issue in the District.
 - Economic Development Strategy, a key action of which is to "investigate all options for improving housing affordability in the District".
 - 2016/2017 Annual Plan, within which a number of Community Outcomes that are relevant as they relate to the economy, and the natural and built environment.
 - 10 Year Plan 2015-2025.
- 53 The recommended option is consistent with the principles set out in the named policy/policies.

54 This matter is included in the 10-Year Plan/Annual Plan to the extent that it affects strategic regulatory functions and services, and will potentially lead to financial implications for the provision of core infrastructure and services.

Local Government Act 2002 Purpose Provisions

55 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring that the best possible outcomes are achieved through out the HASHAA process;
- 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

56 HASHAA does not set any statutory responsibilities in terms of consultation on the establishment of SHAs. However, the Council has sought public feedback / comment regarding the proposed SHA, which it has done for all SHA proposals. In addition, should the SHA be established, the consent authority may request the written approval of adjoining land owners if they are deemed to be affected and may undertake a limited notification resource consent process.

57 The persons who are affected by or interested in this matter are neighbours adjoining the proposed SHA site, and more generally the wider Wakatipu Basin community. There is also likely to be some wider community interest in the EOI in Queenstown, given the notable lack of worker accommodation options in the Wakatipu Basin.

58 Public comments were sought and feedback will be provided to Councillors prior to the 25 May 2017 Council meeting.

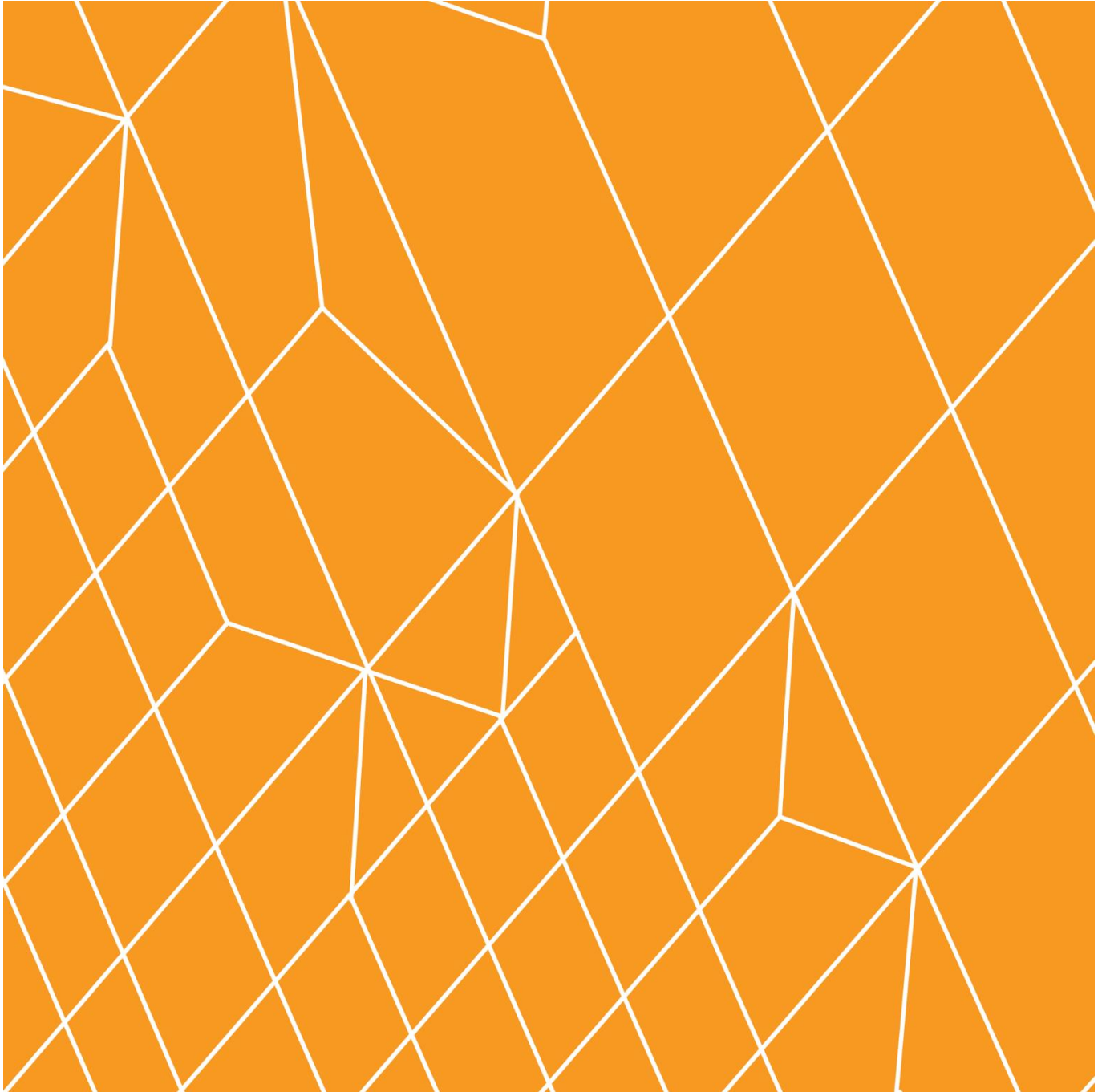
Legal Considerations and Statutory Responsibilities

59 HASHAA is the relevant statute with its purpose detailed in paragraph 2 of this report.

60 The Proposal would help achieve the purpose of HASHAA. On balance, the recommendation is that the Council recommend the establishment of the BMU SHA (in its amended form) to the Minister.

Attachments

- A Updated Three Waters Assessment (Holmes Consulting Ltd)
- B **Public Excluded** – Draft Deed



QLDC Infrastructure Assessment

Re-establishment & Extension of the Business Mixed Use (Gorge Road) SHA

Report

Report

QLDC Infrastructure Assessment
Re-establishment & Extension of the Business Mixed Use (Gorge Road) SHA

Prepared For:
Queenstown Lakes District Council

Date: 27 April 2017
Project No: 114562.01
Revision No: 4

Prepared By:



Sarah Duncan
PROJECT ENGINEER
Holmes Consulting LP

Reviewed By:



Andrea Jarvis
PROJECT DIRECTOR

Report Issue Register

DATE	REV. NO.	REASON FOR ISSUE
6/11/2015	1	Draft for QLDC Comment
9/11/2015	2	QLDC initial comments included
11/12/2015	3	Zone removed at request of QLDC
27/04/2017	4	For extension of SHA

CONTENTS

1	Introduction	1
2	Limitations	1
3	Basis of Assessment.....	1
4	Mixed Use Business Zone - Gorge Road	2
4.1	Wastewater.....	2
4.2	Water Supply	2
4.3	Stormwater.....	2
5	Conclusions.....	3

1 INTRODUCTION

Holmes Consulting Group LP (HCG) have been engaged by the Queenstown Lakes District Council (QLDC) to provide a high level assessment of the existing Three Waters infrastructure within the geographic areas covered by the Proposed Business Mixed Use Zone in the vicinity of Gorge Road. It is proposed that this area is re-established as a Special Housing Area (SHA). It is noted that Warren Park & 133 Hallenstein Street have also been proposed to be included within the SHA. As such, the purpose of this assessment is to investigate the ability of the Three Waters network (water supply, stormwater and wastewater) to be able to support the level of development intensification this new designation would enable and to identify any geographic areas of this zone which should be excluded from the SHA area due to difficulty in servicing efficiently.

2 LIMITATIONS

Findings presented as a part of this project are for the sole use of Queenstown Lakes District Council in its evaluation of the subject properties. The findings are not intended for use by other parties, and may not contain sufficient information for the purposes of other parties or other uses.

Our assessments are based on a desk study only. Condition assessments of existing infrastructure have not been undertaken and it has been assumed that any deficiencies due to damaged or aged infrastructure will be addressed within existing renewals budgets.

Our professional services are performed using a degree of care and skill normally exercised, under similar circumstances, by reputable consultants practicing in this field at this time. No other warranty, expressed or implied, is made as to the professional advice presented in this report.

3 BASIS OF ASSESSMENT

We understand that the proposed changes to the SHA are expected to result in a low yield of additional dwelling units, and underlying conditions such as site coverage rules will not be exceeded. Because site coverage will not increase, and outdoor living areas need to be maintained, the additional stormwater flows are expected to be minor increases over the current design allowances, associated mainly with additional driveway areas. The exception to this is the area currently known as Warren Park, which is currently grassed. QLDC's Land Development and Subdivision Code of Practice requires attenuation of stormwater to meet predevelopment flows, and therefore future development within the area complying with this code will not adversely affect the stormwater network. Water demand associated with smaller lots is expected to result in a higher domestic demand, but arguably a lower irrigation demand. This is also expected to result in minor increases when averaged across the zones. The wastewater demands have the most potential to increase demands, however, advice from Rationale Ltd is that the low expected yield is not expected to significantly impact on existing infrastructure.

The assessment has therefore been carried out by identifying any network constraints/capacity limitations which may limit intensification of a particular location – or require expensive upgrade works. Detailed assessments of the specific areas of the networks involved have not been carried out at the stage, but would be carried out for individual SHA proposals at the time of a consent application.

The areas of the wastewater network associated with the BMU zone have been previously assessed by Rationale as part of a high level test of capacity for a separate project. The results of this testing have shown that there are existing constraint issues within the Queenstown/Wakatipu Basin network that need to be addressed. The majority of these issues have already been programmed in to the LTP and involve trunk main capacity rather than pipe connections. As described above, it is anticipated that the increased wastewater flows that are likely to occur under the proposed SHA will not greatly increase these existing issues; the upgraded trunk mains will have some spare capacity. It is therefore considered that the

wastewater network for the BMU area has sufficient capacity to continue achieving the existing levels of service should the new SHA designation go ahead.

Tonkin & Taylor (T&T) have assessed the water supply infrastructure for the BMU zone.

HCG have assessed stormwater request for service records from the previous 5 years to determine areas within the Wakatipu Basin that experience surface flooding during storm events that have not been attributed to blockages or damage to the network.

As noted above, it is expected that the increase in density in these areas will not significantly increase the stormwater runoff beyond what is currently anticipated set by site coverage rules that are not expected to change.

The resulting comments are provided below.

4 MIXED USE BUSINESS ZONE - GORGE ROAD

The proposed SHA area is situated on both sides of Gorge Road, between Industrial Place and Robins Road. The total area covers approximately 15.5 hectares of land on both sides of the road. The current zoning of the majority of the proposed SHA is Business, but it is proposed under the Proposed District Plan these areas would become Business Mixed Use, which allows for both Residential and Non-Residential activities. The addition of Warren Park, currently designated as a reserve, increases the assessment to 15.5 hectares from the 12.8 hectares previously considered. It is noted that 133 Hallenstein Street is proposed to be located in the High Density Residential zone of the proposed District Plan.

4.1 Wastewater

As noted above, there are some areas within the wastewater network with known constraints. The lowest capacity within the Gorge Road network are a section of sewer across Warren Park, and a section of trunk sewer running within private property on the southern side of Robins Road. These constraints, and others downstream, are known and programmed for upgrade where necessary. It is noted that the planned future upgrades should take into consideration the potential increase in flows as a result of the SHA designation.

4.2 Water Supply

No areas of constraint have been identified by T&T within the proposed Gorge Road SHA areas. The existing infrastructure should therefore be capable of servicing the increased level of development that could be enabled by the proposed change.

4.3 Stormwater

No flooding issues were noted in the request for service records for this area.

The developed area within this catchment is at the bottom of a steep sided valley and includes an open channel drain starting at the natural outlet of the Gorge Road wetland area to the north, becoming Horne Creek, which passes through Queenstown CBD. Sections of this drain are culverted. As no incidences have been reported it is anticipated that these culverts are operating below capacity. This is also true for the lateral network that feeds this drain.

It is noted that Horne Creek has a history of flooding in large rainfall events, and as a result, the Memorial Grounds adjacent to the Queenstown Memorial Hall are a designated overflow area for the stream to alleviate short term peaks. This overflow basin has spare capacity and therefore any issues downstream of this point in large scale flood events are thought to be mitigated.

A more detailed assessment will be required to ensure any significant increase in development density would not overwhelm the culverts. This would include, culvert flow rate analysis and calculating the increased stormwater runoff rates. It is also noted that the QLDC Land Development and Subdivision Code of Practice now requires attenuation of stormwater to meet pre-development flows, and therefore the effects on the stormwater network are considered to be minor.

5 CONCLUSIONS

The wastewater network has a number of known constraints, specifically within the trunk mains. Upgrades to the network have been proposed to deal with these known constraints, and the advice received is that the upgrades will have sufficient spare capacity to handle the potential increase in demand as a result of the SHA proposed. However, it is recommended that the increased demand is taken into account when the design of any upgrade is finalised.

Other than the wastewater upgrades described above, the Gorge Road Business Mixed Use area can be designated as an SHA without requiring significant new upgrades (other than those already proposed for the wastewater network) to the Three Waters network.

**QLDC Council
25 May 2017**

Report for Agenda Item: 2

Department: Planning & Development

Withdrawal of land subject to recent plan changes to the Operative District Plan from part of the Proposed District Plan

Purpose

- 1 The purpose of this report is to:

Formally withdraw in accordance with Clause 8D of Schedule 1 of the RMA specific district-wide chapters of the Proposed District Plan as they apply to the geographic areas of land covered by the following plan changes to the Operative District Plan:

- a. Operative District Plan, Plan Change 19: Frankton Flats B Zone.
- b. Operative District Plan, Plan Change 34: Remarkables Park Zone.
- c. Operative District Plan, Plan Change 41: Shotover Country Estate
- d. Plan Change 45: Northlake Special Zone.
- e. Plan Change 46: Ballantyne Road Industrial and Residential extension.
- f. Plan Change 50: Queenstown Town Centre Extension.
- g. Plan Change 51: Peninsula Bay North.
- h. Operative District Plan, Plan Change 52: Mount Cardrona Station.

Executive Summary

- 2 A number of areas of land have been excluded from the review of the Proposed District Plan (the PDP) and partly to avoid any doubt about their exclusion, Council have made several resolutions to “withdraw” specific areas of land from Volume A of the PDP. These previous decisions did not address the fact that district wide chapters of the PDP would continue to apply to these areas. This could lead to confusion about how the PDP is to be applied when decisions on it are released. This report seeks to address this by seeking a decision to remove certain district wide chapters of the PDP from applying to the areas of land that have been the subject of these recent plan changes.
- 3 Plan Changes for Frankton Flats B, Remarkables Park Zone and Shotover Country have recently been through an RMA process to modify the Operative District Plan. This land has not been notified in Stage 1 of the review, and the Mount Cardrona Station private plan change has been accepted for processing and submissions and further submissions have been received. Although the land areas are shown on the Proposed District Plan Planning Maps for information

purposes only, submissions have been made on this land relating to the underlying zoning and a hearing of submissions and evidence on the mapping and annotations for the Queenstown ward is about to begin.

- 4 The Operative District Plan (ODP) zone provisions, including the ODP district wide chapters, should continue to apply to these land areas. To remove any uncertainty as to the status of this land and what specific rules apply, it is recommended that specific district wide chapters 26, 27, 28, 30, 32-36 be withdrawn from the Proposed District Plan, in so far as they apply to these land areas excluded from the PDP review. As a result the district wide rules (except for the high level strategic chapters 1, 3-6 of the PDP) and zoning provisions are all to be located within Volume B (Operative District Plan).
- 5 Legal advice obtained by the Council recommends that previous decisions to “exclude” areas from the Proposed District Plan review (except for chapters 1, 3-6) may not suffice and that the Council should record a decision under the relevant legislation to formally “withdraw” specific Stage 1 district wide chapters, as they apply to the land being excluded from the PDP review, these being:
 - Chapter 26 Historic Heritage
 - 27 Subdivision and Development
 - 28 Natural Hazards
 - 30 Energy and Utilities
 - 32 Protected Trees
 - 33 Indigenous Vegetation and Biodiversity
 - 34 Wilding Exotic Trees
 - 35 Temporary Activities and Relocated Buildings
 - 36 Noise.
- 6 This withdrawal does not remove the Outstanding Natural Landscapes and Features (ONL’s and ONF’s), Urban Growth Boundaries (UGB’s) or the Air Noise and Outer Noise Boundaries (ANB’s and ONB’s). Chapters 1, 3, 4, 5 and 6 of the PDP are not being withdrawn from the geographic areas covered by Plan Changes 19, 34 41, 45, 46, 50, 51, and 52 to the Operative District Plan. Those chapters of the PDP continue to apply District-wide and to both Volumes of the district plan.

7 Recommendations

That Council:

1. **Note** the contents of this report:
2. **Approve** pursuant to Clause 8 (D) of Schedule 1 of the Resource Management Act 1991 (RMA) the withdrawal of the following specific district-wide chapters of the Proposed District Plan from the geographic areas of land identified in recommendation 3 below:
 - a. 26 Historic Heritage
 - b. 27 Subdivision and Development

- c. 28 Natural Hazards
 - d. 30 Energy and Utilities
 - e. 32 Protected Trees
 - f. 33 Indigenous Vegetation and Biodiversity
 - g. 34 Wilding Exotic Trees
 - h. 35 Temporary Activities and Relocated Buildings
 - i. 36 Noise.
3. **Approve** the withdrawal from areas of land covered by the following plan changes to the Operative District Plan:
- a. Operative District Plan, Plan Change 19: Frankton Flats B Zone.
 - b. Operative District Plan, Plan Change 34: Remarkables Park Zone.
 - c. Operative District Plan, Plan Change 41: Shotover Country Estate
 - d. Plan Change 45: Northlake Special Zone.
 - e. Plan Change 46: Ballantyne Road Industrial and Residential extension.
 - f. Plan Change 50: Queenstown Town Centre Extension.
 - g. Plan Change 51: Peninsula Bay North.
 - h. Operative District Plan, Plan Change 52: Mount Cardrona Station.

Prepared by:



Ian Bayliss
Planning Policy Manager

17/05/2017

Reviewed and Authorised by:



Tony Avery
General Manager Planning
and Development

18/05/2017

Background

- 8 At its 29 September 2016 meeting the Council resolved to separate the District Plan into two volumes by way of geographic area, and to exclude the following geographic areas from the planning maps of Volume A of the District Plan (Proposed District Plan Stage 1):
 - a. Plan Change 19: Frankton Flats B Zone.
 - b. Plan Change 34: Remarkables Park Zone.
 - c. Plan Change 45: Northlake Special Zone.
 - d. Plan Change 46: Ballantyne Road Industrial and Residential extension.
 - e. Plan Change 50: Queenstown Town Centre Extension.
 - f. Plan Change 51: Peninsula Bay North.
- 9 Plan Change 19 Frankton Flats B is a relatively recently settled plan change and Remarkables Park was excluded because there is an agreement with the landowner of Remarkables Park that the zone text would not be reviewed for 10 years from 2014. Plan Change 34 Remarkables Park Zone was made operative in 2012 and was excluded because there is an agreement with the landowner of Remarkables Park that the zone would not be reviewed for 5 years from 2012. Plan Change 41 Shotover Country Estate has been made operative and is substantially developed.
- 10 Plan Changes 45, 46 and 50 were excluded because they had recently been approved as plan changes to the Operative District Plan (ODP). With the exception of Plan Change 46, all of these plan changes were appealed to the Environment Court.
- 11 Plan Change 50 was formally withdrawn following a resolution of Council at the 29 October 2015 Council meeting.
- 12 In December 2016, the Council accepted the commissioner's recommendation to decline private plan change 51: Peninsula Bay North. The decision has been appealed by the applicants, Peninsula Bay Joint Venture Limited.

Issues with Developing Two Plans

- 13 Making changes to the ODP after notification of the PDP creates complexities in terms of the relationship between these two documents and the rules and policies (including district-wide rules) that affect land that has been subject to a plan change. The normal process of developing a district plan is that a proposed plan will wholly eclipse the operative plan when it is made operative. Ideally, there would be no changes made to the ODP once the PDP is notified because the aim of the PDP is to replace the ODP and this is frustrated when changes are made to the ODP during this process, which their proponents will naturally want to 'keep in play'.

- 14 To integrate new components of the ODP into the PDP, it is possible to notify these components as part of the notification of a future stage of the PDP review, however this is not recommended in most instances because it would 'reopen' the substance of these plan changes for submissions and appeals.
- 15 An important point to note is that the strategic provisions of the PDP (chapters 1-6 including the strategic direction, urban development, Queenstown Airport and landscape provisions) will continue to apply. All other district wide chapters that could apply to these areas are subject to the recommended withdrawal.

Submissions On Areas Excluded from the PDP

- 16 The land affected by Plan Changes 19 (Frankton Flats), 34 (Remarkables Park) and 52 (Mt Cardrona Station) are located within the Queenstown Wakatipu Ward - refer to Appendix A, which includes a copy of the applicable planning maps. To provide certainty leading into the Proposed District Plan hearings on rezoning and Mapping Annotations in the Queenstown Mapping Stream, commencing in July 2017, a formal resolution is sought to withdraw this land and zones from Volume A: Proposed District Plan, withdraw specific district wide chapters from applying to these areas, and to thereby remove any doubt as to whether this land is part of the hearings on rezoning and mapping.
- 17 Withdrawing the land from the PDP will also be consistent with legal advice the Council has received that recommends this should be undertaken. A key reason for this is that submissions have been made to rezone these areas even though the Proposed District Plan Planning Maps for these areas show these areas as operative or subject to a plan change and not part of Stage 1 of the Proposed District Plan. It is considered best practice to withdraw this land so there is no opportunity for the Hearings Panel to consider these zones, or for submitters to make a case that the zoning could be something different to that recently established through the respective plan changes.
- 18 Legal advice obtained by the Council recommends that previous decisions to "exclude" these areas from the Proposed District Plan review may not suffice. To avoid any doubt, they recommend Council make a decision to formally "withdraw" the respective district-wide chapters, as they apply to the land in accordance with Clause 8 (D) of Schedule 1 of the RMA, these chapters being:
- 26 Historic Heritage
 - 27 Subdivision and Development
 - 28 Natural Hazards
 - 30 Energy and Utilities
 - 32 Protected Trees
 - 33 Indigenous Vegetation and Biodiversity
 - 34 Wilding Exotic Trees
 - 35 Temporary Activities and Relocated Buildings
 - 36 Noise.
- 19 It should be noted that there are some area specific rules located within the above chapters that apply to excluded 'Volume B' land which have not been withdrawn from these chapters. They will continue to exist, but following this

withdrawal they will have no effect on these excluded plan change areas. This withdrawal does not remove the Designations or the Outstanding Natural Landscapes and Features (ONL's and ONF's) Urban Growth Boundaries (UGB's) or the Air Noise and Outer Noise Boundaries (ANB's and ONB's). Chapters 1, 3, 4, 5 and 6 of the PDP are not being withdrawn from the geographic areas covered by Plan Changes 19, 34, 45, 46, 50, 51 and 52 to the Operative District Plan. Those chapters of the PDP continue to apply district wide and to both volumes of the district plan.

Significance and Engagement

- 20 This matter is of high significance as determined by reference to the Council's Significance and Engagement Policy because the matter relates to the confirmation of a substantial area of land affected by zoning and planning rules. Both the ODP and PDP are significant statutory documents in terms of the social, economic and environmental wellbeing of the District.

Risk

- 21 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because it is considered to be of significant importance in terms of the managed growth and regulation of development for the district.
- 22 The recommended options considered above mitigate the risk by: 'treating the risk - putting measures in place which directly impact the risk.'
- 23 Council resolving to withdraw specified district-wide chapters as they apply to specific geographic land areas from the Stage 1 Proposed District Plan and removing the ability for the land to be reconsidered and re-litigated at this time addresses the risk by providing certainty of the relationship of the PDP with land that is subject to a recently completed, or in-train plan change.

Financial Implications

- 24 The recommended option provides certainty and will assist with increasing the efficiency of the PDP process, which has already been budgeted for. More certainty moving forward will reduce the potential for matters of scope arising. There are no direct financial implications.

Council Policies, Strategies and Bylaws

- 25 There are no Council policies, strategies or bylaws relating to this matter because it is primarily associated with process.
- 26 This matter is included in the 10-Year Plan/Annual Plan as part of the District Plan commitment.

Local Government Act 2002 Purpose Provisions

- 27 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

28 The persons who are affected by or interested in this matter are parties who have submitted on the Proposed District Plan or a Plan Change.

Legal Considerations and Statutory Responsibilities

29 Section 79 of the Resource Management Act states that it is not necessary to review district plan provisions that have been the subject of a plan change process within the last 10 years. Development of the PDP has occurred in accordance with the requirements of the RMA. Particular clauses of relevance include Sections 5-11, 31 -32 and Schedule 1. The recommendations accord with the provisions of the RMA. In particular Clause 8 (d) of Schedule 1 of the RMA that allows a district plan to be prepared in territorial sections.

Attachments

Appendix A: Planning maps of the Frankton Flats, Remarkables Park, Shotover Country Estate and Mt Cardrona Area illustrating the Plan Change 19: Frankton Falts, Plan Change 34: Remarkables Park Zone, Plan Change 41: Shotover Country Estate and Plan Change 52: Mt Cardrona Station land areas.

Appendix A Figure 1:

Plan Change 19 Frankton Flats and Plan Change 34: Remarkables Park area.

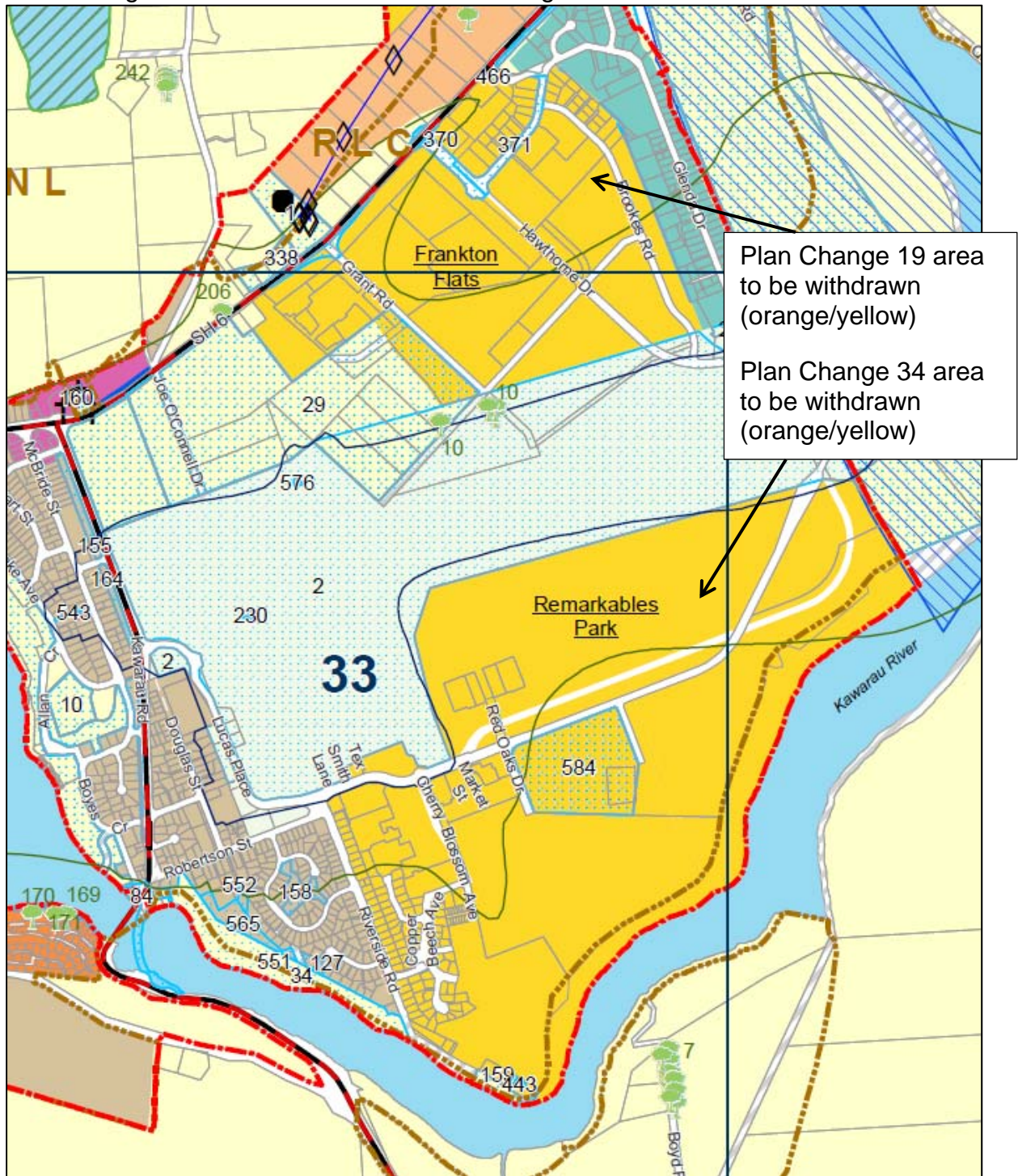


Figure 1. The yellow/orange areas above are the Plan Change 19 and 34 Area ,the light blue dotted areas denote designations. The red dotted Urban Growth Boundary and the brown dotted Outstanding Natural Landscape lines will continue to apply. It is the yellow/orange area that is recommended to be withdrawn.

Appendix A Figure 2:

Plan Change 41: Shotover Country Estate

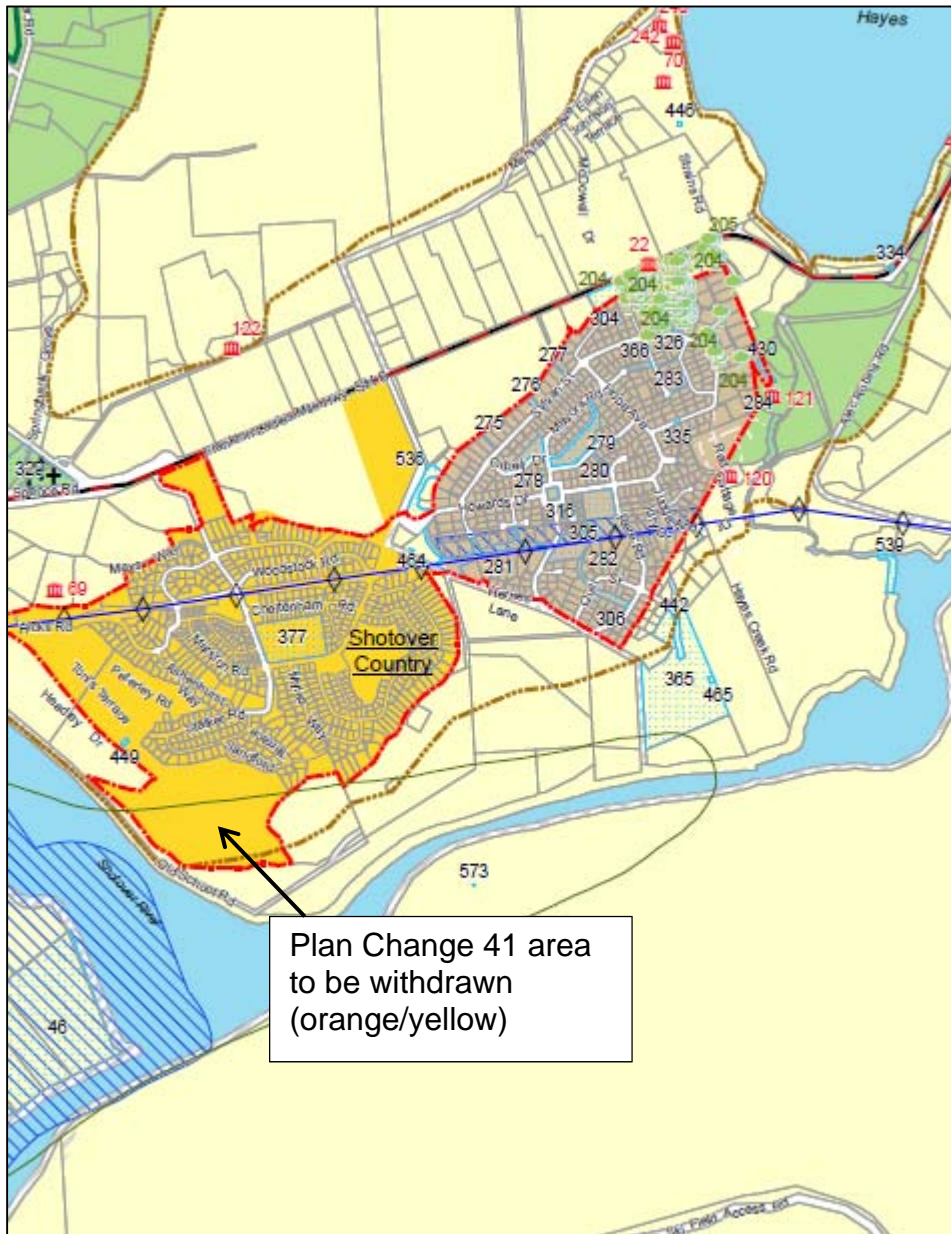


Figure 2. The yellow/orange areas within the red dotted UGB line above are the Plan Change 41 Area, the blue diagonal hatched denotes a Building Restriction Area, the light blue dotted areas denote designations. The red dotted UGB and the brown dotted Outstanding Natural Landscapes lines are to be retained. It is the yellow/orange area within the UGB that is recommended to be withdrawn.

Appendix A Figure 3:
Plan Change 52 Mt Cardrona Station area.

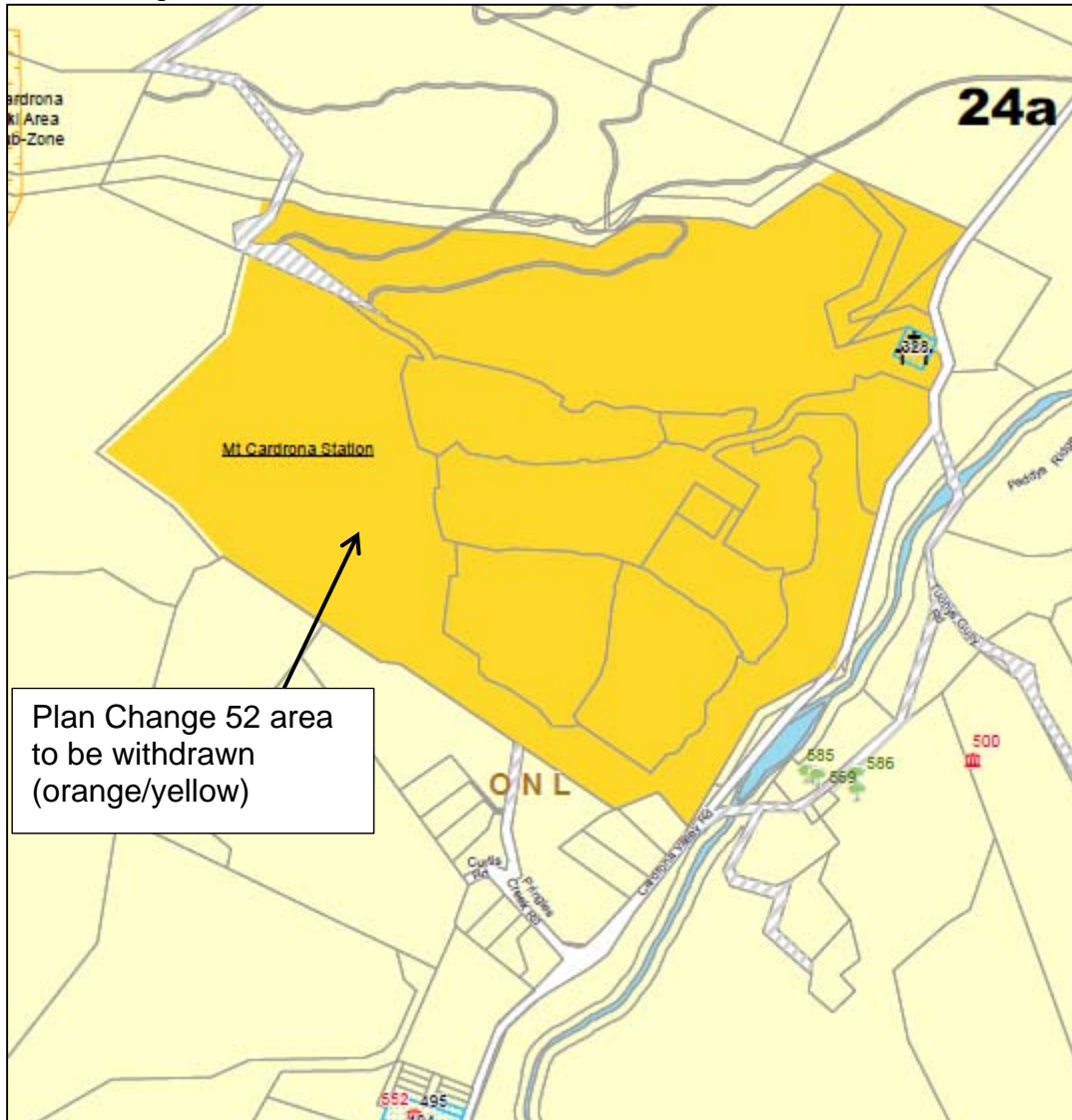


Figure 3. The yellow/orange areas above are the Plan Change 52 Area

Appendix A Figure 4:

Plan Change 45: Northlake Special Zone and 46 Ballantine Road Industrial and Residential Extension

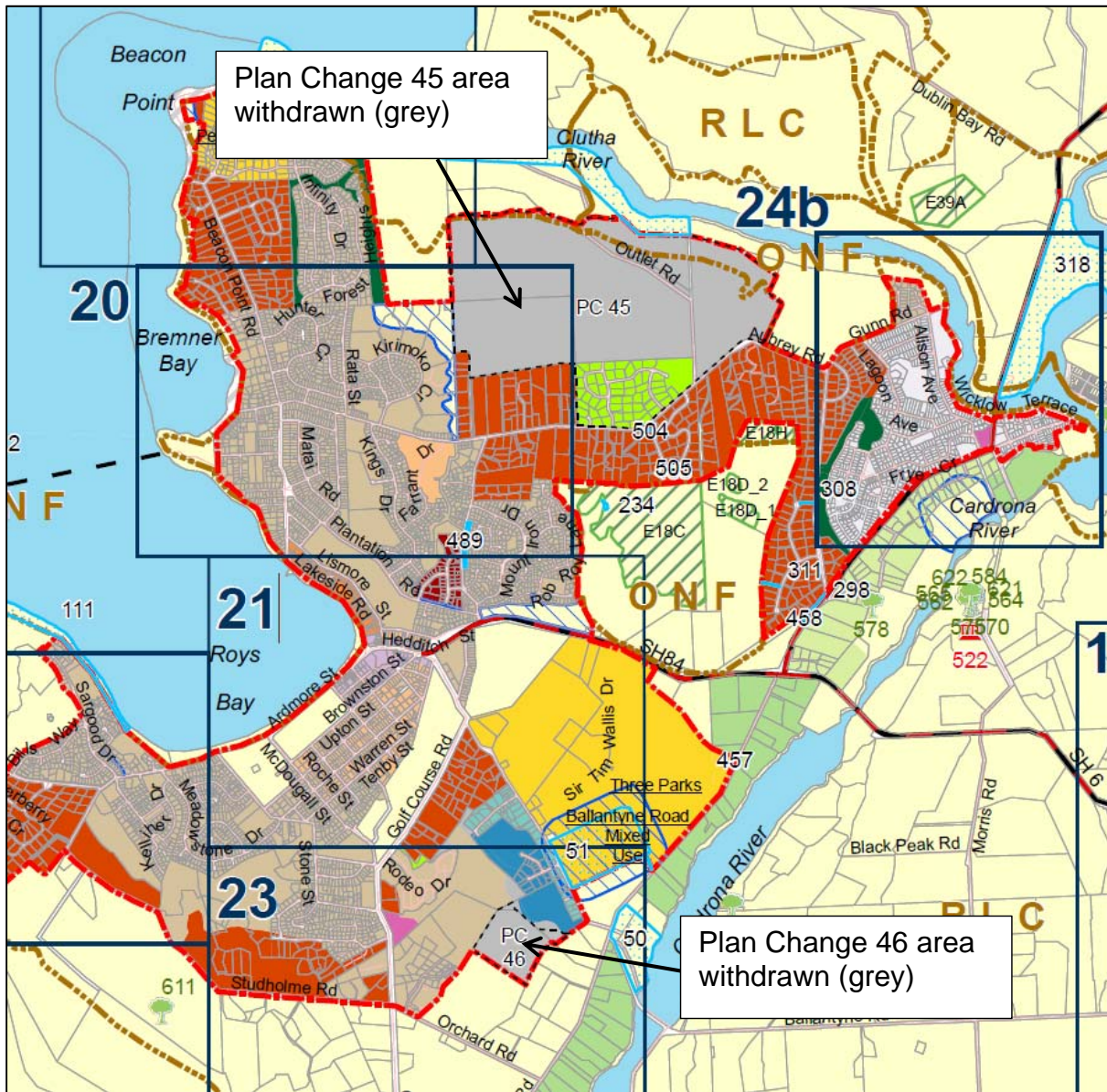


Figure 4. The grey areas above are the Plan Change 45 and 46 Areas

Appendix A Figure 5:
Plan Change 50 Queenstown Town Centre Extension.

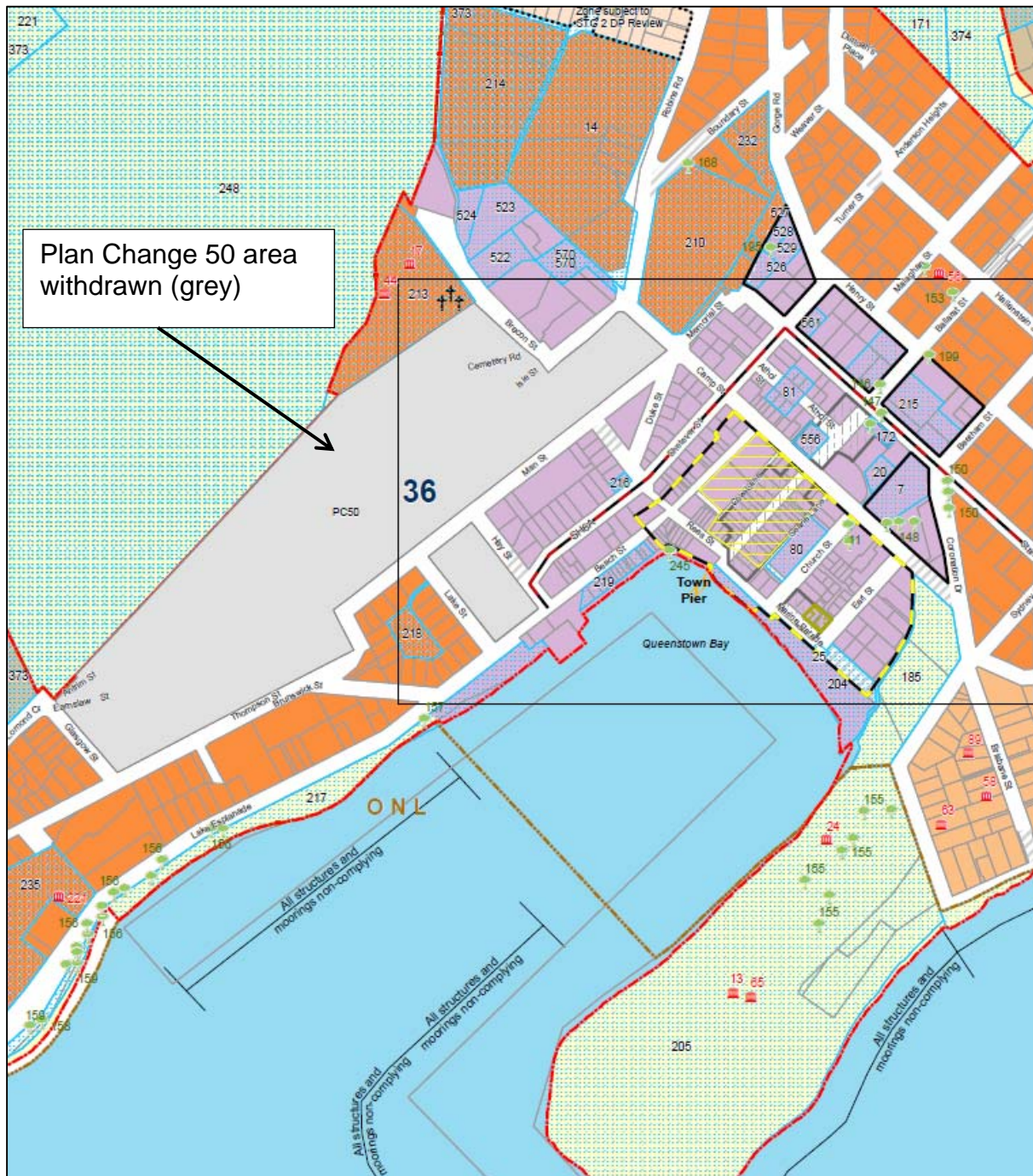


Figure 5. The grey areas above are the Plan Change 50 Area. The light blue dotted areas denote designations. The red dotted Urban Growth Boundary and the brown dotted Outstanding Natural Landscape lines will continue to apply.

Appendix A Figure 6:
Plan Change 51 Peninsula Bay North.

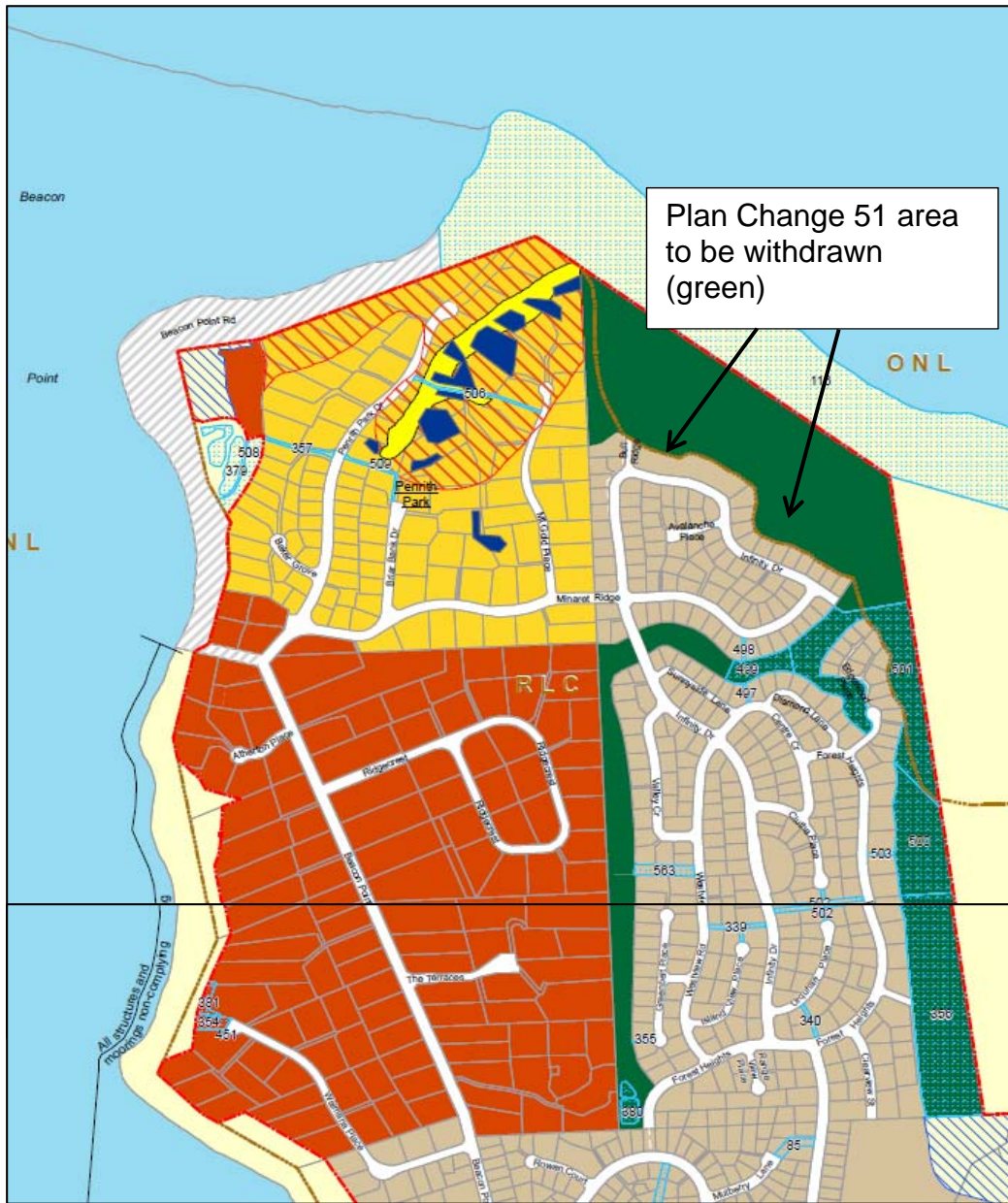


Figure 6. The green areas above contain the Plan Change 51 Area. The Green area is the Open Space Zone: Landscape Protection. The yellow/grey area is the Low Density Residential Zone of Peninsula Bay.

**QLDC Council
25 May 2017****Report for Agenda Item: 3****Department: Property & Infrastructure****Parking restrictions – Frankton and Glenda Drive****Purpose**

The purpose of this report is to inform the Council of current issues with parking on:

- State Highway 6 between the Shotover Bridge and the Kawarau Falls Bridge and its effect on parking in Frankton's residential streets
- Glenda Drive to enable the stage 1 opening of the Hawthorne Drive extension

and recommend changes to be implemented to resolve these issues.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** parking restrictions on Frankton streets west of Kawarau Road identified on the map in Attachment B to a 48-hour zone parking area at all times and a prohibition on parking on the road verges.
3. **Approve** parking restrictions on the full length of Hawthorne Drive and Glenda Drive to be 'No Parking' at all times.
4. **Approve** an annual cost of \$180,000, commencing 2017/18, and a one-off cost of \$7,000 in the 2016/17 financial year for an additional enforcement resource to enforce parking restrictions across Frankton.

Prepared by:



Gareth Noble
Programme Director

10/05/2017

Reviewed and Authorised by:



Peter Hansby
General Manager, Property &
Infrastructure

10/05/2017

Background

Kawarau Road (State Highway 6) removal of on-road parking

1. Due to complaints about the visual impact of vehicles parked along State Highway 6 between Shotover Bridge and the Kawarau Bridge and the dangerous manner in which some vehicles are parking, the New Zealand Transport Agency (NZTA) will be banning parking along this stretch of road from June 2017. (See Attachment D.)
2. As the majority of the on-road parking on Kawarau Road has been identified as overflow from the airport, the airport is building and operating a park and ride for customers with airline tickets.
3. Local streets in Frankton have also been used as overflow parking from the airport, prompting Council to implement a 48 hour parking restriction on McBride Street, Ross Street, Douglas Street and Robertson Street at its November 2015 meeting. Some local streets beyond McBride Street in Frankton (west of Kawarau Road) are now also being used for parking by airport users, especially around Remarkables Primary School which has reported more long term parked vehicles making it harder for parents to find parking around the school.

Glenda Drive removal of on-road parking

4. Glenda Drive is an industrial area and on any given working day the vast majority of the on-street parking is full. A parking survey has indicated that the majority of vehicles are parking for 8 hours or more.
5. With all the on-street parking constantly full or close to full this narrows the road significantly creating obstacles and slowing traffic flow. Removal of on street parking will enable Glenda Drive to be utilised as a through route for the pre-winter opening of Hawthorne Drive.

Comment

Kawarau Road removal of on-road parking

6. Although the 'No Parking' restriction on Kawarau Road will be made law through the NZTA Traffic Control Bylaw, it is anticipated that the enforcement of the law will be transferred by delegation to Council. This will need an increase in the enforcement resource within Council's regulatory team.
7. Given there is already some overflow parking from the airport on some Frankton streets, and the time cost associated with the airport's park and ride, it is reasonable to expect some of the displaced vehicles from Kawarau Road will also park on Frankton streets and walk to the airport rather than use the park and ride.
8. A business case has been developed to address the problem of overflow parking on Frankton streets and a summary is shown in Attachment A. It is proposed to extend the 48 hour parking on McBride Street to all Frankton streets west of Kawarau rd. This will be implemented through a 48 hour zone parking restriction

as shown in Attachment B and include a prohibition on parking on the roadside verges.

Glenda Drive removal of on-road parking

9. In order to achieve an efficient flow of traffic through Glenda Drive it is recommended that on-road parking (of approximately 150 vehicles) be removed.
10. To reduce the impact on users of the current parking, a park and ride service will be provided for 150 users in conjunction with a free shuttle service.

Parking restrictions for the Hawthorne Drive extension

11. Hawthorne Drive had been designed in such a way that no provision has been provided for on-road parking. To enable enforcement we recommend a 'No Parking' restriction.

Enforcement of all Frankton parking restrictions

12. Given the proposed extra parking restrictions, it is recommended that a dedicated parking enforcement officer be provided for the Frankton area to ensure both the new restrictions and existing restrictions are actively enforced. A breakdown of the costs is in Attachment C.

Options

This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

Overflow parking on Frankton streets

13. Option 1 - Do nothing

Advantages:

14. No extra enforcement is needed.

Disadvantages:

15. The parking is likely to be concentrated closest to the airport so residents in some streets may experience parking over capacity to service their needs.

16. Displacement parking may spread to verges if on road capacity is filled.

17. Option 2 - 48 hour (2 day) restricted parking over Frankton roads west of Kawarau Rd.

Advantages:

18. 48 hour restrictions can be implemented quickly once approved.

19. Consistent with existing parking restrictions on McBride St, Ross St, Douglas St and Robertson St which are already limited to 48 hours.
20. The displacement of parking to verges will be avoided.

Disadvantages:

21. Drivers requiring parking for less than 48 hours may still park in the residential streets.
22. Daily parking enforcement will be needed to ensure vehicles are not parked for more than 48 hours.
23. May disadvantage residents with more vehicles than parking available on their property, especially over weekends and public holidays.
24. Option 3 48 hour (2 day) restricted parking and residential permits over all of Frankton.

Advantages:

25. 48 hour restrictions can be implemented quickly once approved.
26. Restrictions less likely to disadvantage any residents.
27. Monitoring requirements will be minimal as the majority of the potential parking issues from banning parking on Kawarau Road will be removed.

Disadvantages:

28. Drivers requiring parking for less than 48 hours may still park in the residential streets.
29. Daily parking enforcement across all of Frankton will be needed to ensure vehicles are not parked for more than 48 hours.
30. Enforcement will need to be intensive to check each vehicle for a residential permit.
31. Residents who forget to use or lose permits will still face enforcement.
32. Establishing and maintaining a residential permit can be problematic with decisions around the number of permits per household, costs of permits and tracking permits given the district's transient population.
33. This report recommends **Option 2** for addressing the matter because it will address the immediate issue of vehicles currently parking on Kawarau Road moving to residential streets in Frankton west of Kawarau Road.

Glenda Drive removal of on-road parking

34. Option 1 Do nothing – not approve the proposed removal of on-road parking on Glenda Drive.

Advantages:

- 35. No financial outlay
- 36. No disruption to existing parking arrangements

Disadvantages:

- 37. No improvement to the road user in terms of traffic flow and visibility
- 38. Impedes traffic flow through Glenda Drive during the period that Glenda Drive is utilised as the through route to Hawthorne Drive.
- 39. Option 2 - Removal of on-road parking from Glenda Drive coupled with the provision of a flush median, cycle lanes and pedestrian crossings.

Advantages:

- 40. Provides a through route for the pre-winter opening of Hawthorne Drive that offers a consistent line of sight to the road users including cyclists and pedestrians.
- 41. Improved flow of traffic through the Glenda Drive – Hawthorne Drive route.

Disadvantages:

- 42. Financial outlay required.
- 43. Disruption to status quo in terms of parking.
- 44. This report recommends **Option 2** for addressing the matter because it will allow Glenda Drive to be safely and efficiently used as a through route for the pre-winter opening of Hawthorne Drive.

Hawthorne Drive restrictions

- 45. Option 1 Do nothing – not approve the proposed “no parking” restrictions on Hawthorne Drive.

Advantages:

- 46. No financial outlay
- 47. No enforcement required.

Disadvantages

- 48. Parking may occur on Hawthorne Drive affecting traffic.
- 49. Option 2 approve the proposed no parking changes to Hawthorne Drive.

Advantages:

- 50. Enables enforcement.

Disadvantages:

51. Financial outlay required.

52. This report recommends **Option 2** for addressing the matter because it will enable enforcement on Hawthorne Drive.

Additional enforcement resource for Frankton

53. Option 1 Do nothing

Advantages:

54. No financial outlay.

Disadvantages:

55. New parking restrictions are abused because of no enforcement.

56. Community complaints will increase due to the abuse of parking restrictions.

57. Option 2 Reallocate enforcement resources to Frankton

Advantages:

58. No financial outlay.

59. Ensures the new parking restrictions are enforced.

Disadvantages:

60. Community complaints will increase where the enforcement is reduced.

61. Option 3 Dedicate a parking enforcement officer to Frankton

Advantages:

62. Ensures the new parking restrictions are enforced.

63. Ensures existing parking restrictions are fully enforced to ensure the greatest benefit from the restrictions.

64. Reduces community complaints about vehicles illegally parking.

65. Reduces the time wasted by enforcement officers travelling to and from Frankton to respond to parking issues.

Disadvantages:

66. Financial outlay required.

67. This report recommends **Option 3** for addressing the matter because it will ensure sufficient enforcement for all parking restrictions in Frankton without reducing enforcement elsewhere.

Significance and Engagement

68. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because each decision only effects a small element of the community: airport users looking for free parking, the Frankton neighbourhood west of Kawarau Road, and Glenda Drive users (both parking and driving through).
69. The Frankton community provided a list of concerns regarding roading generally around their network, and the effect of airport parking on local streets was raised as a concern.

Risk

70. There is no specific risk within Council's risk register that this matter addresses.

Financial Implications

71. Enforcement Kawarau Road (SH6), Glenda Drive and roads west of Kawarau Road, Frankton – refer to Attachment C.
72. All other costs will be covered by existing budgets (roading maintenance, EAR, Frankton Flats, Strategy implementation).

Council Policies, Strategies and Bylaws

73. Traffic and Parking Bylaw 2012
74. The recommended option is consistent with the principles set out in the named policy/policies.
75. This matter is not included in the 10-Year Plan/Annual Plan because the parking issue on Kawarau Road has developed rapidly, and the option to use Glenda Drive to enable a staged opening of Hawthorne Drive was only decided in the last 6 months.

Local Government Act 2002 Purpose Provisions

76. The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring the best use of local roads;
 - 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.
77. The recommended option to create a dedicated Frankton parking enforcement resource cannot be implemented through current funding under the 10-year plan and Annual Plan because the need to enforce the new parking restrictions was not envisioned during the creation of these plans.

Consultation: Community Views and Preferences

78. The persons who are affected by or interested in this matter are: Frankton Community Association, Frankton residents particularly in Frankton streets west of Kawarau Road, Remarkables Primary School, airport users, Glenda Drive owners and occupiers, the NZTA as the state highway manager, state highway users and users of the new Hawthorne Drive extension.
79. The Council has canvassed the Frankton Community Association to understand their concerns regarding traffic and parking in the area. Past discussions with Remarkables Primary School has highlighted the issue of more long term parking occurring around the school.
80. Glenda Drive owners and occupiers have been informed of the changes proposed. No other users have been informed, although a number of news articles have indicated that parking changes will occur on Kawarau Road.

Legal Considerations and Statutory Responsibilities

81. Council's Traffic and Parking Bylaw requires parking restrictions to be passed by resolution by Council. Parking restrictions must also have the relevant signage and line markings to be enforceable.
82. Delegation of authority from NZTA to QLDC (to manage and enforce parking on the State Highway) is pursuant to Section 62(1) of the Government Roadway Powers Act 1989.
83. Land Transport Act 1998

Attachments

- A Executive summary of Frankton parking Better Business Case
- B 48 hour Zone Parking Area Map
- C Enforcement Cost
- D Kawarau Road (State Highway 6) Line marking layout



Parking issues on Frankton's local roads

Strategic Case:
Investment Objectives and Case for Change

Objective	Maintain parking
Status Quo	Increasing difficulty for residents, businesses, school teachers and parents to find parking due to long term parking by airport users, especially when parking is not available along the state highway.
Relevant Investment Benefits	Maintaining the use of on-road parking by the owners and users of properties in the local area.
Relevant KPIs	15% of on-street parking is always available across the Old Frankton area.
Potential Scope	The Old Frankton local area to the west of State Highway 6 and south of State Highway 6A. Add : 3-5 day current survey shows majority of parks at this duration on SH
Constraints and dependencies	There is a need to balance the parking needs of locals with the restrictions needed to deter long term airport users. The provided information indicates that is currently no parking issues with only 40-60% of the parking available being used. The need to maintain parking levels on the local roads is based on the parking on the state highway being not allowed and those who use to park there being willing to walk further and still get free parking in the local streets. If parking remains allowed along the state highway then parking availability remains adequate on the local roads.
Risks	The current available data does not show the level of parking available on the local roads to know how many more vehicles could be absorbed before the 85% usage threshold is reached. It is also currently unclear how many vehicles will likely be looking for parking in the local roads if the state highway parking is not allowed, how many will be absorbed by any extension to the airport on-site parking, and how much will be absorbed by the proposed airport park and ride. Changes to the public bus service may also change the parking demand in the area.

Need to invest
The NZTA is proposing to ban parking beside Kawarau Rd (State Highway 6) from May 2017 (depending on agreements required with the QLDC regulatory team). It is expected that this will take months to be fully achieved as existing vehicles will need their drivers to return before they can be moved on, and any vehicles that were planning to park need to be well informed of the changes.
The airport is currently constructing a park and ride for airport users. This will be free for travellers to park but will require a shuttle to the airport with an associated wait time and travel time cost. As those who have been enjoying free parking along the state highway and walking to the airport may not see a benefit in changing to a bus with associated wait and travel times, the local streets of Old Frankton will look more appealing.
Additionally, the Remarkables Primary School is struggling with the number of parents trying to park around the school at the end of the school day. They have reported vehicles parking long term near the school already, and any further movement of people parking for the airport into the local streets will further affect the school.
Anecdotally, the increase in parking issues is in line with the use of the airport. Google Street View does not show parking along the state highway in Jan 2010 and only sporadic parking 3 years later in Dec 2012, but parking along the state highway as substantially increased. A proxy for the increase in locals using the airport is the increase in domestic travel. Between 2005-2010 domestic passengers increased by 175,000 to 745,398 annually. From 2010 to end 2012 domestic passengers increased a further 195,000. Numbers stayed relatively steady to 2014, but 2016 alone saw an increase of 200,000 domestic passengers.
A survey of parking in the streets of Old Frankton in February by OPUS showed a 40-60% of the available parking being used. This indicates there is between 40% to 60% available to accommodate vehicles displaced from parking on the state highway (no actual numbers were provided). However, a proportion of parking should always be available for residents since they are local roads. The spread of parking across the local roads will also not be evenly spread, drivers will park as close as they can to their destination, in this case the airport. So some residents will experience 100% long term parking in the vicinity of their house, while others may not see any airport related parking.
Given there is likely to be some displacement of parked vehicles from the state highway onto the adjoining local streets, regardless of the airport's park and ride facility, a solution is required to deter the potential long term parking.

Strategic Context
Two Council community outcomes could be addressed:
- Effective and efficient infrastructure that meets the needs for growth: By ensuring the use of the Old Frankton local roads are available for local parking needs.
- High quality urban environments, respectful of the character of individual communities: By ensuring local roads are for local residents and not being used for extended periods of time by others.
Although the need for this project is largely driven by the NZTA removing parking from the sides of the state highway, NZTA funding is not available to manage parking on local roads except where safety is the issue being addressed.

Economic Case:
Determine Potential Value for Money

Political	Community complaints, minor rectification	Some community complaints	No concerns
Economic	No concerns	No concerns	No concerns
Social	No concerns	No concerns	No concerns
Technical	Failure to achieve parking standards (15% available)	No concerns	No concerns
Legal	No legal challenge possible.	Technical legal challenge regarding infringements	Technical legal challenge regarding management of
Environment	No environmental effects.	No environmental effects.	No environmental effects.
Likelihood of greatest risk	Almost certain	Likely (community complaints)	Unlikely
Level of risk	Very high - measures required	Moderate, requires monitoring	Low, requires periodic monitoring
Net Present Value (NPV, \$m)	0.0	-0.2	-0.6
Preferred Option:		Meets objectives and CSFs.	

The Preferred Option: Extending the 48 hour parking restrictions on McBride St to cover all roads in Old Frankton. This can be simply implemented using the zone parking guidelines in the Traffic Control Devices (TCD) Manual: Part 13 Parking control.
Although it is likely there will be some community complaints each year, these need to be monitored to determine what is the best option to address the complaints. Mitigating this risk through resident parking permits is likely to be the wrong solution at the wrong time.

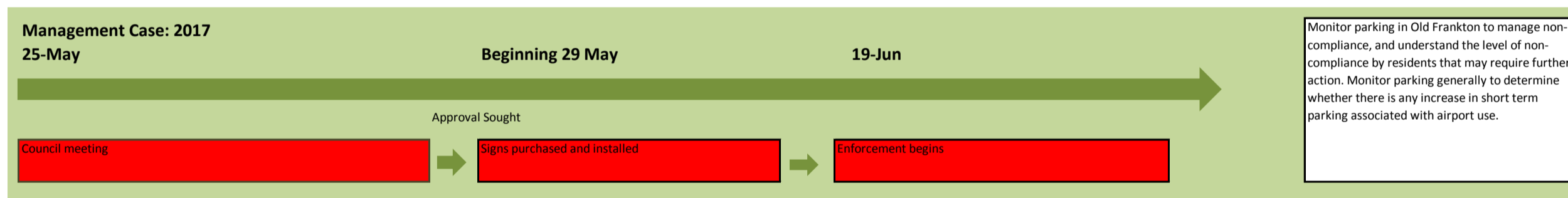
Commercial Case:

Prepare for the Potential Deal: Signs and markings will be purchased and installed via Council's maintenance contract with Downer.
Provision of enforcement will be handled internally.

Financial Case:
30 yr Financial Costing (\$k)

	Year One	Total
Capital Expenses	\$45,000	\$0
Operating Expenses	\$71,750	\$478,450
Total Revenue	\$35,625	\$231,475
Capital Funding Required	\$45,000	\$0
Operating Funding Required	\$71,750	\$478,450

Affordability and Funding:
Capital expenses will be sourced from existing budgets.
Enforcement budget will need to be increased, intensive in the first year but decreasing overtime.
There is likely to be an element of cost recovery through infringement notices, estimated to be 50% of the cost of enforcement at this stage.



48 hour zone parking area extension for Council approval incorporating the existing McBride St and Ross St zone



Parking Enforcement: Glenda Drive, Kwarau Road, Frankton

Scope:

- **Enforcement cost to educate and enforce the following areas:**
 - Kwarau Road - BP to Kwarau River Bridge (NZTA to approve delegation to QLDC)
 - Old Frankton – 48 Hour restriction area
 - Park and Ride Car Park (150 QLDC) if necessary
 - Glenda Drive (Hawthorn Drive extension)
 - Proactive enforcement of existing Frankton parking restrictions

Enforcement Costs (GST not included):

1. **Initial Education (Special signage)**

- 10 Parking warden cut-outs: \$1,346

One off cost: \$1,346

2. **Vehicle:**

- Current Corolla based at Gorge Road: \$433 per month
- Fuel: \$240 average per month
- Eroad: \$35 per month + \$150 one-off install
- Vehicle equipment: \$400 one-off

Yearly cost: \$7,896

One-off Costs of \$550

3. **Support (to deal with waivers, reminders etc) - 0.4 FTE**

- 100% of Pay band is: \$51,700
- Overhead costs of a Full FTE (Regulatory) \$33,990

Yearly cost for 0.4 FTE: \$34,276

4. **Parking Officer**

- Rates = \$26-\$30
- 8am - 6pm – (One Hour Lunch) 7 days a week.
- 9 hours x 7 days = 63 Hours a week = 3276 hours per year x \$30 = \$98,280
- Overhead costs of a Full FTE (Regulatory) \$33,990

Yearly cost: \$132,270

5. **Ticketing Machine:**

- Hand Held ticketing machine and printer. \$3401 total plus GST (one off purchase)
- Fees for 12 Months: \$2688

Yearly cost: \$2,688

One-off Costs of \$3,401

6. **Reveal Body Camera (One off Purchase)**

- \$1,495.00 (no fees)

One-off Costs of \$1,495**7. *Uniform / High Vis***

- Annual cost of \$1000

Yearly cost: \$1,000**Total Costs:**

- Per Year: \$178,130
- One off Costs: \$6,792



**QLDC Council
25 May 2017****Report for Agenda Item: 4****Department: Property & Infrastructure****Frankton Flats Land Exchange****Purpose**

The purpose of this report is to consider exchanging land on the Frankton Flats between Remarkables Park Ltd (RPL) and the Council. The exchange is intended to legalise land adjacent to part of the Queenstown Trail, as well as Hawthorne Drive (EAR).

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** a land exchange between Remarkables Park Ltd and the Council on the Frankton Flats, in accordance with Section 114, 116, 117 and 120 of the Public Works Act 1981 and as per the attached plans showing land transferring to Remarkables Park in blue and to Council in green, subject to the approval of the Queenstown Airport Corporation; and
3. **Approve** the road, when stopped, being disposed of via amalgamation with adjoining Remarkables Park Ltd land currently held in Computer Freehold Registers 654720 and 689640, subject to resource consent being granted; and
4. **Approve** the land being acquired from Remarkables Park Ltd measuring approximately 370 square metres and situated at the Eastern end of the exchange area, being amalgamated with Council freehold land currently held in Computer Freehold Register 507467, subject to resource consent being granted; and
5. **Approve** the exchange being for nil consideration, but costs to enact the exchange be shared equally between both parties, less any additional surveying required which would be paid for by Council; and
6. **Agree** that Council's approval to undertake this process and any sale and purchase agreements relating to it shall be limited to a period of 3 years from the date of this resolution; and
7. **Note** that entering into this agreement will not affect the existing Kawarau River Trails Works and Maintenance Agreement between Remarkables Park Ltd and the Queenstown Trails Trust; and

8. **Delegate** final terms and conditions along with approvals for removing or granting any easements, covenants, encumbrances in relation to the relevant land, minor alignment and area changes and signing authority to the Chief Executive of Council.

Prepared by:



Dan Cruickshank
Property Advisor

11/05/2017

Reviewed and Authorised by:



Peter Hansby
General Manager, Property &
Infrastructure

12/05/2017

Background

- 1 Remarkables Park Ltd (RPL) have been undertaking development of their Frankton Flats land for some years, and own what was originally farmland. The area is now developed into residential, retail and schooling use, with more likely to follow in the future.
- 2 Council is currently in the process of constructing the extension to Hawthorne Drive known as the Eastern Access Road (EAR) which runs through the RPL land bounded by the Queenstown Airport and Kawarau River. Whilst forming the road, Council asked and received approval from RPL to widen the formed road, to achieve an optimal placement of the roadway.
- 3 Council has a legal 'paper' road running adjacent to the Kawarau River, which accommodates the Queenstown Trail and a top terrace trail used mainly as a temporary connection whilst a section of the lower trail was being repaired following a landslide. It would not be practical to form a road in this area, as most of the paper road comprises the bank leading down to the river from the top terrace.
- 4 The lower trail has since reopened and fewer people are traversing it, due to its steep incline from the Shotover Delta. The exchange is relevant to the top trail only, and is expected to be used more frequently in the future once Hawthorne Drive and the new High School are opened.
- 5 RPL has publicised that it is designing a gondola which would run from the Frankton Flats to the Remarkable Ski field, via land either side of the Kawarau River. Whilst this gondola is still some way off construction, RPL have submitted to the current District Plan Review in order to help it succeed through resource consenting.

Comment

- 6 Following construction of Hawthorne Drive, a realignment of boundaries on the north side of the road is now required. RPL have proposed a mutually beneficial

exchange which would see this stretch of road legalised, as well as a number of smaller parcels adjacent to the Kawarau River legal road, in return for receiving stopped road which will be used predominantly for a gondola pylon at some point in the future.

- 7 A number of smaller parcels intended to transfer to Council adjacent to the river, have been identified by RPL to enable ease of access and mowing of the verge. There are also three gullies which cut into the RPL land and if the boundaries were not realigned, might require bridging once development has been completed. RPL and Council are conscious that there is a closing window of opportunity to correct boundaries along the river, before land is sold to other parties.
- 8 It should be noted that the Queenstown Airport Corporation (QAC) have issued a Notice of Requirement (NOR) to acquire RPL land north of Hawthorne Drive. Whilst we are confident that it does not include any of the land proposed by the exchange, we recommend that QAC confirm their approval to Council entering a binding exchange agreement.
- 9 A current market valuation has been commissioned to assess the exchange and whether any inequity of exchange exists. The valuation concluded that in aggregate, there is a marginal positive benefit to Council in carrying out the exchange of \$7,750 excl GST.
- 10 This inequity is primarily due to the land being legalised next to Hawthorne Drive, which is zoned Remarkables Park Zone Activity Area 6, this being for mixed use activity. Whereas the land/road adjacent to the Kawarau River is Activity Area 2A, intended for riverside public recreation.
- 11 On this basis, it is recommended that the exchange proceed for nil consideration, subject to both parties sharing the cost of enacting the transfer. RPL have confirmed that they agree with this arrangement, but as they have already paid for surveying of a number of the parcels being exchanged, they have asked that survey costs borne by Council be excluded from the cost share.
- 12 The process to stop exchange and vest legal road would be undertaken pursuant to sections Section 114, 116, 117 and 120 of the Public Works Act. Section 116 requires that when stopping road, either adequate road will remain or that all adjoining owners consent to the stopping. We consider that adequate road will remain following the exchange, and that in general, access is improved to the top terrace trail through it.
- 13 Council's Programme Director and Manager Parks and Reserves have been consulted on the proposal and approve of the exchange. Council is not aware of any in-ground infrastructure on the existing legal road, but this will be confirmed and be legalised through easement if found at transfer.
- 14 The Queenstown Trails Trust also entered into an agreement with RPL in 2015, whereby RPL agreed to maintain the portion of trail adjacent to their property. The agreement will be unaffected by the exchange.

Options

15 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

16 Option 1 Agree to initiate the road stopping and exchange of roads as proposed.

Advantages:

17 It will legalise land currently formed as road, as well as provide additional clearance space around sections of the Queenstown Trail network.

18 It will enable otherwise unusable land to be incorporated in the RPL development.

19 Council and ratepayers will benefit as the exchange has been proposed at nil consideration by the applicant.

Disadvantages:

20 The legal road which is set to transfer to RPL would no longer be available for transport requirements in the future.

21 Option 2 Agree to initiate the road stopping and exchange of roads subject to other terms and conditions.

Advantages:

22 Similar to above.

Disadvantages:

23 Similar to above.

24 Option 3 Decline the request.

Advantages:

25 The legal road which is set to transfer to RPL would continue to be available for transport requirements in the future.

Disadvantages:

26 It would not legalise land currently formed as road, as well as provide additional clearance space around sections of the Queenstown Trail network.

27 It would not enable otherwise unusable land to be incorporated in the RPL development.

28 Council and ratepayers would not benefit from an exchange proposed at nil consideration by the applicant.

29 This report recommends **Option 1** for addressing the matter, as it provides a means to legalise both existing formed road and trail, at minimal cost to the Council and Community.

Significance and Engagement

30 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the issue relates to roads, identified as a strategic asset. In this case the significance is medium because the portions of road to be stopped will either no longer be required for transport purposes or will be realigned to a better location, once the stopping and exchange project is completed.

Risk

31 This matter relates to the strategic risk SR3, working within legislation as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because stopping and exchanging roads must follow the process detailed in Public Works Act.

32 This report addresses the risk by seeking a Council resolution to stop the road, enabling the correct process to commence.

Financial Implications

33 The exchange has been proposed by the applicant at nil consideration, however the Council intends to cost share all legalisation costs with the applicant apart from further survey costs which Council will pay alone. Council's share of the legalisation costs are expected to be in the region of \$20,000.

Council Policies, Strategies and Bylaws

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

- Property Sale and Acquisition Policy 2014

35 The recommended option is consistent with the principles set out in the named policy/policies. Council will own land for a core purpose or function (principle 1), by carrying the exchange it will legalise trails and roads on the Frankton Flats.

36 This matter is not included in the 10-Year Plan/Annual Plan because the road stopping was not contemplated at the time the plan was written. It will result in positive income that was un-budgeted.

Local Government Act 2002 Purpose Provisions

37 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring Council has roading assets in locations most beneficial to the community and rate payers;

- 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

38 The persons who are affected by or interested in this matter are current and future users of the trails and roads on the Frankton Flats.

39 The Council has planned and notified the location of Hawthorne Drive and the EAR over a number of years, and this proposal will help legalise that road. A section of the Queenstown Trail will also be protected by the legalisation. The land being transferred to RPL does not reduce or impede public ability to traverse the top terrace trail in this area. Adjacent owners which would normally be asked to provide their consent to a road stopping (RPL) have proposed the exchange.

Attachments

- A Overview Plan
- B Plan with resulting land owner

Attachment A: Proposed Exchange Plan



Attachment B: Proposed Exchange Plan (resulting land owner)



**QLDC Council
25 May 2017**

Report for Agenda Item: 5

Department: Property & Infrastructure

**Underground Service Easement – Reserve Adjacent to 719 Frankton Rd,
Queenstown**

Purpose

The purpose of this report is to consider granting an Underground Service Easement over Recreation Reserve to allow the owners of 719 Frankton Rd, PJ Palmer Family Trust, to connect to an existing lateral sewer line and to discharge stormwater to an existing overland flowpath.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** an underground easement over Recreation Reserve, Section 50 Blk XXI Shotover SD subject to section 48 (1)(d) of the Reserves Act 1977, in favour of the property on title OT2D/451 subject to the following conditions:
 - a. PJ Palmer Family Trust to notify and liaise with QLDC Property & Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
 - b. A \$2,000 bond to be payable to QLDC prior to construction works commencing;
 - c. The work site to be evidenced by before and after photographs or video to be provided by the applicant;
 - d. 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.
 - e. Certificate of adequate public liability cover to be received;
 - f. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property & Infrastructure Department. Reinstatement to include any fencing or other structures.
 - g. 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 of the intention to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met for the reasons set out below;
4. **Delegate** authority to approve final terms and conditions, including location, and execution authority to the General Manager – Property & Infrastructure; and
5. **Agree** to the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of an easement to PJ Palmer Family Trust over Section 50 Blk XXI Shotover SD.

Prepared by:



Blake Hoger
Property Manager
APL Property Limited

10/04/2017

Reviewed and Authorised by:



Aaron Burt
Senior Planner: Parks &
Reserves

26/04/2017

Background

- 1 Council administers the reserve that contains the Frankton walking track, being legally described as Section 50 Block XXI Shotover SD, Certificate of title 583561.
- 2 The reserve is classified as Recreation Reserve, NZGZ 1967 p 1787.
- 3 PJ Palmer Family Trust, the owners of 719 Frankton Road (the ‘applicants’), are constructing a dwelling and must discharge both their wastewater and stormwater.
- 4 The 100mm wastewater/sewer drain for 719 Frankton Road will be trenched through 7.8m of reserve land and connect with an existing sewer lateral in place for the neighbouring house at 715 Frankton Road. The lateral then runs 4.4m to connect with the main sewer.
- 5 The applicant’s 100mm stormwater drain will also connect with the neighbouring properties’ existing stormwater drain, via underground trench, which is 1m from the boundary of the applicant’s property. The existing stormwater drain then runs 26.2m from the connection to an existing overland flowpath which has been designed to prevent inundation of the Frankton Track during peak flows.
- 6 The total length of drainage the applicant is seeking within the Recreation Reserve is therefore 39.4m with the easement width being 3m.

- 7 All access to the site will be from 719 Frankton Road. During construction, the work site will be fenced for public safety and hazard signs posted. The work will be clear of the public walkway which will remain open to the public at all times.
- 8 On completion of the works, the reserve will be reinstated to its original condition.

Comment

- 9 The Recreation Reserve in the vicinity contains the Frankton Track and surrounding vegetated areas.
- 10 Connection with the existing sewer lateral and stormwater drain as proposed, rather than connecting directly to the sewer across the reserve, will minimise disruption for the Frankton Track and all vegetation will be maintained.
- 11 The extent of Recreation Reserve the applicant is seeking for an easement is 39.4m long and 3m wide with a total area of 118.2m².
- 12 As per the Easement Policy 2008, both an application fee along with a one-off underground services easement fee are applicable. In accordance with the policy, the easement fee is calculated at \$284.86 plus GST.

Land value of property	= \$390,000
Size of property	= 48,562 m ²
Easement area	= 118.20 m ²

Calculation:

\$390,000 / 48,562 m ²	= \$8.03 / m ²
30% of \$8.03	= \$2.41 / m ²
\$2.41 x 118.20 m ²	= \$284.86 plus GST

- 13 Existing infrastructure may exist in the recreation reserve which may be crossed by the easement. The applicant will need to liaise with QLDC's Infrastructure Team to ensure existing infrastructure is not damaged during the installation.
- 14 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.
- 15 Granting an easement is permitted by the Reserves 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 that there is no long-term effect on the land. These matters are considered below.

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

- 16 While there would be some temporary minor disruption during the installation of the sewer and stormwater lines, long-term there would be no detrimental effect on the ability of the public to use and enjoy the reserve. Once the installation is

complete, users of the reserve would be unaware that any changes that have been made to the reserve.

Does the easement create any long-term permanent effect on the reserve?:

- 17 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 that the creation of the easement will not have any long-term effect on the reserve.
- 18 Taking into account the above factors, 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.
- 19 This report recommends that any approval granted for an easement be subject to the following conditions;
- a. PJ Palmer Family Trust to notify and liaise with QLDC Infrastructure Department in advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
 - b. A \$2,000 bond to be payable to QLDC prior to construction works commencing;
 - c. The work site to be evidenced by before and after photographs or video to be provided by the applicant;
 - d. 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.
 - e. Certificate of adequate public liability cover to be received;
 - f. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.
 - g. Within 3 months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement.

Options

- 20 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 21 Option 1 Council grant the easement over Recreation Reserve, Section 50 Blk XXI Shotover SD, subject to the conditions outlined above.

Advantages:

- 22 Construction of the dwelling at 719 Frankton Road can proceed as planned.
- 23 Council will receive an easement fee of approximately \$284.86 plus GST plus GST.

Disadvantages:

- 24 The easement area will not be available for other utility infrastructure.
- 25 Access to a small area of the reserve will be temporarily limited (NB: The track itself will remain open to the public).
- 26 Option 2 Council grant the easement over Recreation Reserve, Section 50 Blk XXI Shotover SD, subject to alternative conditions.

Advantages:

- 27 Similar to Option 1 however the Council may deem it appropriate to add, amend or delete some or all of the proposed conditions.

Disadvantages:

- 28 Similar to Option 1.
- 29 Option 3 Council decline the easement over Recreation Reserve, Section 50 Blk XXI Shotover SD.

Advantages:

- 30 The reserve will not be encumbered by a new easement.

Disadvantages:

- 31 The applicant may need to consider alternative routes for their service which may result in greater impact to existing infrastructure, the public and users of the reserve.
- 32 This report recommends **Option 1** for addressing the matter as it will enable the construction of the dwelling on 719 Frankton Road to proceed as planned.

Significance and Engagement

- 33 This matter is of low significance, as determined by reference to the Council's Significance and Engagement policy because it does not involve a Council strategic asset, is of low importance to the Queenstown Lakes District, is not of interest to the general community, is not inconsistent with policy and strategy and does not impact on Council's capability and capacity.

Risk

- 34 This matter relates to operation risk OR011A, 'Decision Making'. The risk is classed as moderate. A perpetual property right contained in the recreational reserve does carry risk to Council for any future development, and this risk needs to be highlighted when considering approving the easement.

Financial Implications

35 Council will receive an easement fee of approximately \$284.86 plus GST in accordance with the easement policy.

36 All costs associated with the survey and registration of the easement on Council's title will be paid for by the applicant.

Council Policies, Strategies and Bylaws

37 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 as it does not impact Council's strategic assets, affect a large number of residents, ratepayers and the environment and is not expected to create a community interest in the matter.
- Easement Policy 2008 – the application is consistent with the policy.
- 10-Year Plan/Annual Plan – the matter is not included in the 10-Year Plan / Annual Plan as the applicant will pay all costs.

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 allowing a member of the public to connect their services with existing infrastructure at no cost to Council.;
- 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

39 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 and is not included in the 10-Year Plan/Annual Plan.

Attachments

- A Site Plan
- B Plan of drainage layout

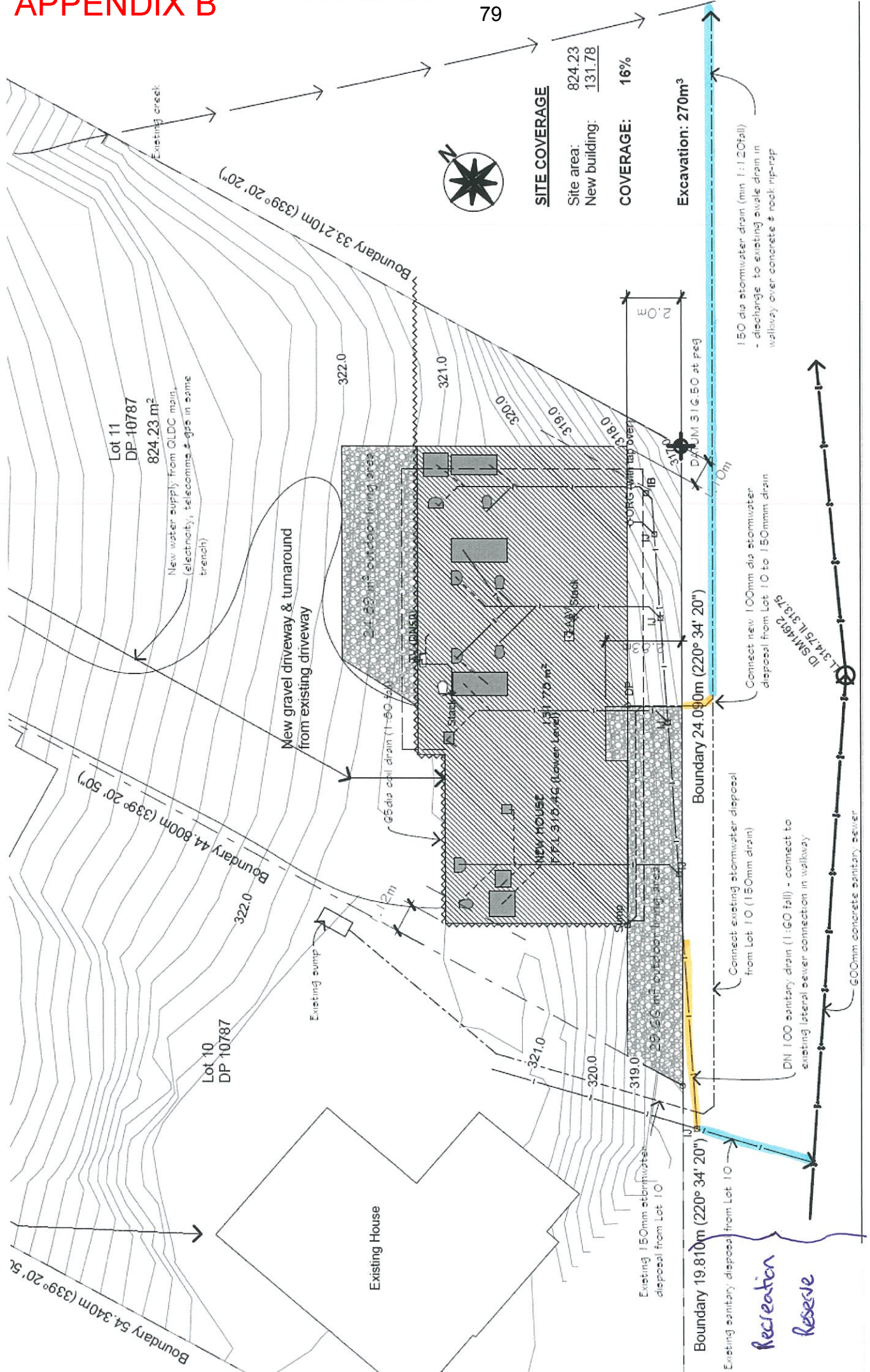


The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages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



APPENDIX B

79



SITE COVERAGE

Site area:	824.23
New building:	131.78
COVERAGE:	16%

Excavation: 270m³

150 dia stormwater drain (min 1:1.20fall)
- discharge to existing swale drain in
walkway over concrete & rock rip-rap

Connect new 100mm dia stormwater
disposal from Lot 10 to 150mm drain
ID SM4912
L3475L31375

Connect existing stormwater disposal
from Lot 10 (150mm drain)

DN 100 sanitary drain (1:60 fall) - connect to
existing lateral sewer connection in walkway

600mm concrete sanitary sewer

Existing drainage to be utilised by applicant

New connections

Recreation Reserve

**QLDC Council
25 May 2017****Report for Agenda Item: 6****Department: Finance & Regulatory****Fees and Charges Review – Environmental Health****Purpose**

The purpose of this report is to consider a review of the fees and charges for Environmental Health Services for public consultation using the special consultative procedure.

Recommendation

That Council:

- 1 **Note** the contents of this report and in particular the Statement of Proposal and the proposed changes to the fees and charges for Environmental Health Services;
- 2 **Accept** the recommendation from the Community and Services Committee to consult on the proposed Environmental Health fees and charges for public consultation;
- 3 **Approve** the proposed Environmental Health fees and charges for public consultation using the special consultative procedure;
- 4 **Appoint** three Councillors from the Community and Services Committee [to be named] to hear submissions regarding the proposed Environmental Health fees and charges.

Prepared by:



Helen Evans
Team Leader, Environmental
Health
11/05/2017

Reviewed and Authorised by:



Name: Lee Webster
Manager, Regulatory

11/05/2017

Background

- 1 On the 12 April 2017, the Community and Services Committee resolved to recommend to Council the proposed Environmental Health fees and charges for public consultation.
- 2 The Food Act 2014 came into force in March 2016 which changed the way that food businesses and councils implement the requirements regarding safe and suitable food.
- 3 An initial Environmental Health fee structure was implemented by Council in 2016, which enabled the initial transition of food businesses to the new system; however there are areas of work that need to be reviewed, to ensure fair and reasonable charges are implemented.
- 4 In particular, the fee structure did not include a registration fee for food businesses, as this was initially intended to promote businesses to work with Council in the initial transition period. However, due to the requirements of the Food Act 2014, businesses that are registered with the Council are not always verified (inspected) by the Environmental Health Team. So effectively these businesses are utilising Council resources for registration with no cost recovery.
- 5 The Environmental Health Team also has a wider regulatory role than those relating to the safety of food. This role also requires a process of registration and inspection. As with the Food Act 2014 at times we also need to undertake further work with a business that is not incorporated into the existing fee structure.

Comment

- 6 **Registration Fees** – It is proposed that a registration fee for businesses registering under the Food Act 2014 is now incorporated into the fee structure. See Attachment A.
- 7 **Verification Fees** – Verification will still be charged on a sliding scale dependent on the size of the business and grade achieved. The fees for better performing business will be reduced. The fees for multi-site businesses will be set to ensure that all work undertaken which is related to the size of the business is incorporated into the fee structure.
- 8 The proposal is to increase the fees for multi-site businesses. The new fee structure will be based on an average minimum number of hours for good premises. A multi-site will have a set amount of hours assigned to each grade and any additional time spent working with a business would be charged at an hourly rate. The multi-site restriction on the number of hours has been introduced to ensure that there is a system of fair cost recovery; a multi-site can have any number of businesses on one registration.
- 9 The revenue recovered from the changes to fees will not be increased from this review, but fees will be proportional to the work undertaken i.e. a redistribution on a user pays basis.

- 10 **New Businesses** – Previously, new businesses were charged a new premises fee. The charge was based on a review of their plans and processes, and included an opening visit. Under the Food Act 2014 opening visits are not undertaken. Consequently, the increased fee for new businesses is now not warranted.
- 11 **Enforcement** – The Food Act has introduced additional requirements not previously required e.g. corrective actions close-out visits, unscheduled verifications, the serving of improvement notices, application to review improvement notice and amendments to a registration, etc. The current fees structure does not incorporate these new requirements and needs to be considered in conjunction with the Revenue and Finance policy. It is recommended that these requirements are charged at an hourly rate.
- 12 **Health Act 1956** – Separate from the Food Act 2014, it is recommended that an hourly rate is also charged for any additional work undertaken as part of our regulatory requirements under other legislation such as the Health Act 1956. This is in relation to areas such as Camping Grounds, Funeral Directors, Hairdressers, and Offensive Trades.
- 13 **Environmental roles relating the benefit of the community** – Fees are not charged for a wide variety of roles that benefit the community. This includes general advice, education, investigating public health issues and promoting the role of Environment Health to the individuals in our District. The provision of this service will remain as this reflects the public good aspect of the service provided.

Options

- 14 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

15 Option 1 Do nothing – Fee structure to remain the same

Advantages:

- 16 Businesses have no change in the fee structure that they have been advised and consulted on.

Disadvantages:

- 17 The current fees do not cover additional Food Act 2014 requirements for the user, which are not public good, but have a private benefit. Complex food safety matters and additional work in premises that have poor food standards will be charged at the same low rate that more straightforward matters and businesses demonstrating good levels of compliance.
- 18 Work undertaken under other legislation is not covered under the fee structure and fees are not obtained from businesses for this additional work. New businesses are charged a higher fee which does not reflect the work undertaken. Under the current regime we would be outside of our Revenue

and Financial Policy with user fees contributing 90% versus 70% as per our policy.

19 Option 2 Consult on and adopt the proposed new fee structure.

Advantages:

- 20 The use of an hourly rate for fees for additional roles and functions will provide a system for fees to be charged relative to the work undertaken.
- 21 The new structure will allow for the charging of services currently provided but which cannot be charged for under the present fees schedule.
- 22 Setting a lower fee for an improved grade will incentivise compliance.
- 23 By setting hours for the multi-site based on the average minimal hours ensures fees are charged which reflect the work undertaken.
- 24 By removing the new business fee, charges will be fairer and be related to work undertaken.

Disadvantages:

- 25 There may be an increased cost to businesses that did not previously pay to register.
- 26 Businesses that require extra Environmental Health input will be required to pay further fees i.e. user pays.
- 27 Multi-site businesses will pay an increase in fees if they go above the hours allocated for this category.
- 28 This report recommends **Option 2** for addressing the matter because it allows Council to charge for the services it provides to businesses, in accordance with Councils finance and revenue policy.

Significance and Engagement

- 29 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because businesses will be interested in the Council's decisions, however the majority of businesses that comply with the requirements will only have minimal effects.

Risk

- 30 This matter relates to the strategic risk OR004 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 the agenda item relates to funding of the key regulatory services provided by the Council.

Financial Implications

31 The financial implications associated with the recommended course of action will be minimal. It is anticipated that there will be some minor costs associated with the Special Consultative Procedure, which will be met through existing resources and budgets.

Council Policies, Strategies and Bylaws

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

- The Food Grading Bylaw 2016
- Finance and Revenue Policy

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

Community Outcomes – A safe and healthy community, that is strong, diverse and inclusive for people of all age groups and incomes.

Regulatory Functions and Services – Our Environmental Health Teams regulatory role is to promote, protect and improve the health of our community through the application of various legislative requirements.

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 ensuring that the performance of regulatory functions is undertaken in a way that is most cost effective for businesses and by helping to meet the true cost of providing core services which are consistent with the Regulatory Requirements;
- 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

35 The persons who are affected by or interested in this matter are food businesses, in addition to hairdressers, Camping Grounds, Funeral Directors and Offensive Trades in the Queenstown Lakes District Community.

36 Consultation is required under the Local Government Act 2002 in setting fees and it is recommended that this process Special Consultative Process be initiated.

Attachments

- A Proposed Fee and Charges 2017/18
- B Statement of Proposal

Attachment A - Proposed Fee Changes for 2017/18

Environmental Health

CURRENT FEES

Registration Fees Incl GST				
Business Size / Risk Category	Category A	Category B	Category C	Category D
Level 1	\$ -	\$ -	\$ -	\$ -
Level 2	\$ -	\$ -	\$ -	\$ -
Level 3	\$ -	\$ -	\$ -	\$ -
Level 4	\$ -	\$ -	\$ -	\$ -

Verification Fees Incl GST				
Business Size / Risk Category	Category A	Category B	Category C	Category D
Level 1	\$ 360.00	\$ 540.00	\$ 720.00	\$ 900.00
Level 2	\$ 540.00	\$ 720.00	\$ 900.00	\$ 1,080.00
Level 3	\$ 720.00	\$ 900.00	\$ 1,080.00	\$ 1,260.00
Level 4	\$ 900.00	\$ 1,080.00	\$ 1,260.00	\$ 1,440.00

Processing Fees Incl GST		
	Approx time *	Fee
Regrading Inspection	2 Hours	\$ -
Corrective Actions Close out visit	2 Hours	\$ -
Complaint Investigation	3 Hours	\$ -
Revisits	2 Hours	\$ -
Improvement Notice	4 Hours	\$ -
Monitoring	1 Hour	\$ -
Amendment to Registration	.5 Hour	\$ -
Cancelled verification less than 24 hours' notice	.5 Hour	\$ -
Failure to attend verification	.5 Hour	\$ -
Unscheduled verification	4 Hours	\$ -
Direction Order	6 Hours	\$ -
Restriction of Use or Closure	6 Hours	\$ -

PROPOSED FEES

Registration Fees Incl GST				
Business Size / Risk Category	Category A	Category B	Category C	Category D
Level 1	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
Level 2	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
Level 3	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
Level 4	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00

Verification Fees Incl GST				
Business Size / Risk Category	Category A	Category B	Category C	Category D
Level 1	\$ 288.00	\$ 432.00	\$ 720.00	\$ 900.00
Level 2	\$ 432.00	\$ 576.00	\$ 900.00	\$ 1,080.00
Level 3	\$ 576.00	\$ 720.00	\$ 1,080.00	\$ 1,260.00
Level 4 *	\$ 1,200.00	\$ 1,500.00	\$ 1,700.00	\$ 2,000.00
* Maximum Hours	10	12	14	16

* Any work above maximum hours will be oncharged at hourly rate

Processing Fees Incl GST	
	Fee
Regrading Inspection	hourly rate
Corrective Actions Close out visit	hourly rate
Complaint Investigation	hourly rate
Revisits	hourly rate
Improvement Notice	hourly rate
Monitoring	hourly rate
Amendment to Registration	hourly rate
Cancelled verification less than 24 hours' notice	hourly rate
Failure to attend verification	hourly rate
Unscheduled verification	hourly rate
Direction Order	hourly rate
Restriction of Use or Closure	hourly rate

PROPOSED FEES % CHANGE

New Fee

Verification Fees % Change				
Business Size / Risk Category	Category A	Category B	Category C	Category D
Level 1	-20.0%	-20.0%	0.0%	0.0%
Level 2	-20.0%	-20.0%	0.0%	0.0%
Level 3	-20.0%	-20.0%	0.0%	0.0%
Level 4 *	33.3%	38.9%	34.9%	38.9%

New Fee

Environmental Health

CURRENT FEE SCHEDULE (FORECAST)

User Charges Forecast full year*	341,950
Expenses as per proposed AP 17/18	413,393
Expenses Funded by User Charges	83%
Target	70%

PROPOSED FEE SCHEDULE (FORECAST)

Proposed AP 17/18	
User Charges Forecast full year	289,375
Expenses as per proposed AP 17/18	413,393
Expenses Funded by User Charges	70%
Target	70%

* Full year forecast has taken current volumes under the fee schedule for AP 16/17 and extrapolated out to calculate a full year volume by charge type. These forecast volumes have then been used to set the proposed fees



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

**PROPOSED FEES AND CHARGES REVIEW
FOR ENVIRONMENTAL HEALTH SERVICES**

**STATEMENT OF PROPOSAL
May 2017**

INTRODUCTION

1. The Food Act 2014 enables Council to establish fees to recover the direct and indirect costs of registration, verification, compliance and monitoring activities for Environmental Health services.
2. Council has undertaken a review of the present fees and charges and is considering whether the present fees and charges should be amended and replaced with the proposed fees and charges.
3. The aim of the review is to have a fee structure that reflects the work needed for businesses. This would provide a system where charges are directly related to the size of the business and the grade obtained.
4. Businesses that are larger e.g. multisite and contain more complicated processes will have fees which reflect the work required. Fees will continue to be associated with the grading system with lower grades being assigned higher fees.
5. This Statement of Proposal has been prepared in accordance with the requirements of sections 83 of the LGA.

PROPOSAL

6. It is proposed to make a number of amendments to the fee schedules for the services provided, which are set out in Schedule A.
7. The changes reflect redistributing the fees and charges, to better reflect the charges to a business for the work undertaken. The review is not to increase revenue but to ensure that fees are fairly allocated to businesses needing more input.

FOOD ACT 2014

8. Currently, Council does not charge a registration fee for food businesses that are required to register with Queenstown Lakes District Council. This was to encourage food businesses to transfer to the new food regime established by the Food Act.
9. However, as a result of the work required to register a food business, it is recommended that a fee should be introduced which reflects the work undertaken.
10. It is proposed that a fee should be set at \$125 including GST, with the ability to charge per hour for any extra work undertaken for any changes that need to be made to the registration details.
11. Verification fees are at present charged on a sliding scale, which is based on two criteria. The first criterion is the grade that the business has obtained (A to D), the principle being that the better the grade the less the business pays. This is not only to encourage a business to take on board the important issues of food safety, but that they should pay less than businesses that have poor procedures and history that will take more Environmental Health Officers time.

12. The second criterion is based on the level (size) of the business, e.g. a coffee cart would be a level 2 while a ski field with multiple outlets would be a level 4 i.e. a higher cost.
13. This system of charging a business according to their size and how well they are performing in relation to food safety is a fairer system to reflect the work undertaken and to reward good food operators.
14. It is proposed that this approach continues, however, the criteria will identify a minimum charge, based on an average minimum number of hours for good premises. This is to enable us to manage the work undertaken for each business; areas of non-compliance will be charged at an hourly rate to the user, rather than across all food businesses.
15. It is proposed that the current fees are reduced for businesses that have achieved a higher grade. Therefore businesses that achieve an A or B grade will have reduced verification fees.
16. Fees for multi-site businesses i.e. more than one business, it is proposed to increase the charges and to set maximum hours where any work above will be charged at an hourly rate; this will more accurately reflect the fact that a multi-site needs more officer time in comparison to a single site.
17. Previously, new businesses were charged a new premises fee. The charge was based on a review of their plans and processes, and included an opening visit. Under the Food Act 2014, opening visits are not now undertaken. Consequently, the increased fee for new businesses is now not warranted as we do not review building plans, provide advice on the development or undertake the opening inspections. There are also difficulties and confusion under the new Act on what is classified as a new business and what is an existing business.
18. It is proposed that the new business fee is removed from the fee structure.
19. The Food Act has introduced additional requirements not previously required e.g. corrective actions close-out visits, unscheduled verifications, the serving of improvement notices, application to review improvement notice and amendments to a registration, etc.
20. The current fees structure does not incorporate these new requirements and needs to be considered in conjunction with the Revenue and Finance policy. It is recommended that these requirements are charged at an hourly rate.

Health Act 1956

21. It is recommended that an hourly rate is also charged for any extra work undertaken as part of our regulatory requirements under other legislation such as the Health Act 1956.
22. This is in relation to areas such as Camping Grounds, Funeral Directors, Hairdressers, and Offensive Trades. The fee for registration will not change but an hourly rate will be used for additional works that maybe necessary e.g. reporting on resource consent applications for these activities.

REASON FOR PROPOSAL

23. The primary reason for the redistribution of fees is to include areas of work that were not being charged for previously, and are not public good.

24. It is important that the fee schedules are monitored and reviewed to ensure that the fees are fair and reasonable.

IS THE PROPOSED POLICY THE MOST APPROPRIATE POLICY?

25. The Council has considered the most appropriate way of ensuring fees are fair and reasonable to the community. In considering whether the fee changes are the most appropriate, Council has considered the following options:

Option 1 – Retain the Current Fee Schedule

Option 2 – Introduce the amended Fee Schedule

26. Option 1 – Do nothing

Advantages

Business will continue not to be charged for registration or any increased work undertaken.

Disadvantages

If the Council does nothing there will be areas of work that are not charged for and areas of work that are over charged. Fees will not be accurately reflecting the work undertaken.

27. Option 2 – Adopt the Council Fees as shown in Appendix A

Advantages

The fees reflect the true cost of providing the services

Provides for the charging for services currently provided but which are not able to be charged for under the present fee schedule.

Disadvantages

Businesses that require more Environmental Health input and time will pay an increased fee.

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

28. The proposed change of fees is consistent with the New Zealand Bill of Rights Act 1990 (**NZBORA**).

. TIMETABLE FOR CONSULTATION

29. The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the proposed bylaw – 25th May 2017
 - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 27th May and 2nd June 2017.
 - c. Submissions close on 30th June 2017.
 - d. Submissions heard by a subcommittee of Councillors **Monday 10th July and Friday 14th July 2017**.
 - e. Council considers outcome of consultation process. Adoption of Queenstown Lakes District Fees and Charges review for Environmental Health– 28th July 2017
 - f. Public notice of final decision (if Council resolves to adopt the policy) – 30th July 2017

The policy comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

30. Copies of this Statement of Proposal and the proposed Fees 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 Ardmere 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

31. 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.
32. The Council would prefer that all parties intending to make a submission: go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
33. Submissions must be received by **Friday 30 June 2017**. The Council will then convene a hearing, which it intends to hold between **Monday 10th July and Friday 14th July 2017** 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.

34. 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.
35. 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.
36. 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

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

Mike Theelen

CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Fee Structure for Environmental Health

**QLDC Council
25 May 2017**

Report for Agenda Item: 7

Department: Finance & Regulatory

Class 4 and TAB Gambling Venue Policy Review 2017

Purpose

To consider the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy for public consultation using the special consultative procedure.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy for public consultation using the special consultative procedure; and
3. **Appoint** three Councillors from the Community and Services Committee [to be named] to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy.


Prepared by:



Carrie Edgerton
Regulatory Support

10/05/2017

Reviewed and Authorised by:



Lee Webster
Manager; Regulatory

10/05/2017

Background

- 1 On 12 April 2017, the Community and Services Committee considered the proposed Queenstown Lakes District Class 4 and TAB gambling venue policy and resolved to recommend that Council approves the proposed policy for public consultation.

- 2 The Gambling Act 2003 requires Council to adopt a policy to regulate the number growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within the district.
- 3 Queenstown Lakes District Council adopted its Class 4 and TAB gambling venue policy on 19 March 2004, which has been reviewed every three years since and is now due for review again.

Comment

- 4 The current policies objectives state that Council must control and manage the growth of gambling within the district. This objective has been met over the last 12 years as the number of venues that have machines has reduced, with a reduction of 50 machines throughout the district.
- 5 A review of policies from other councils (Auckland, Dunedin and Christchurch) has shown that we all have similar policies regarding the locations permitted for venues, what the primary activity of venues must be i.e. a licensed premises and that the machines must not be visible inside or outside the premises i.e. in a separate section of the premises.
- 6 Dunedin City Council's policy also contains a clause that would potentially benefit our community, which would prevent new gambling venues being established in residential zones.
- 7 This clause states "Proposed new venues must not be established in any residential zone and proposed and existing venues are not located within 50 metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact in such institutions" .
- 8 The Community and Services Committee considered the inclusion of this additional clause and recommended it be included in the proposed policy as it would be beneficial. The inclusion of this clause meets the strategic alignment section of the policy which states the policy must "protect the interests of the district and community" and this additional condition would meet this criteria by protecting our expanding residential communities.
- 9 In July 2013 Auckland Council adopted a sinking lid policy to reduce the number of class 4 venues to zero, with the intention of having a gaming free community, with the exception of casinos.
- 10 This condition was also considered by the Community and Services Committee however they wanted more information around sinking lids that is not currently available from the Department of Internal Affairs ("DIA"). The Committee determined not to include the clause at this stage, but this could be reviewed in the future.
- 11 A number of questions were asked of the DIA to determine the level of problem with gambling in our community and the grants received. The DIA advised that our district was in the lower percentile (0.24%) of problem gambling, and that 42.7% of revenue is granted back to the community it is received from i.e. our

community received \$612,533.71 in grants, the top 5 beneficiaries being Wanaka Primary School (\$45,000.00), Wanaka New Life Church Board (\$40,000.00), Aspiring Gymsports Inc (\$25,000.00), Queenstown Associated Football Club Inc. (\$23,761.77) and Arrowtown School Parent Teacher Association (22,962.05).

Options

14 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

15 Option 1 Adopt the proposed policy as recommended by the Community and Services Committee.

Advantages:

16 The policy will be renewed with the addition of the extra condition, this option is consistent with the policy to protect the interest of the District and community, in particular residential zones within our district.

Disadvantages:

17 The addition of the new condition will prevent new applications being approved in residential areas.

18 Option 2 Status Quo

Advantages:

19 The policy will continue to minimise adverse effects of gambling on the community.

Disadvantages:

20 The policy does not protect residential areas from containing gaming premises. The number of machines will not reduce in our district.

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

Significance and Engagement

21 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the changes to the policy are minor and do not affect a large proportion of the community.

Risk

22 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 of the harm that could be caused to the public and environment if this policy was not in place, it can also affect our environment of our residential areas.

23 The recommended option 1 considered above mitigates the risk by ‘treating the risk – putting measures in place which directly impact the risk.’

Financial Implications

24 There are minimal financial implications from this policy, which will be met through existing budgets.

Council Policies, Strategies and Bylaws

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

- Class 4 and TAB gambling venue policy

26 This matter is not included in the 10-Year Plan/Annual Plan.

Local Government Act 2002 Purpose Provisions

27 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring gaming premises are not located in a residential areas. This is to minimise harm to the residential community by eliminating exposure to the general public in these locations;
- 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

28 The persons who are affected by or interested in this matter are residents/ratepayers and visitors of the Queenstown Lakes District.

29 Consultation is required under the Local Government Act 2002 and it is mandatory that the Special Consultative Procedure be used for the review of the policy.

The process for entering consultation on this matter requires the Committee to recommend to Council to do so.

Attachments

- A Proposed Queenstown Lakes District Council Class 4 and TAB Gambling venue policy
- B Current Queenstown Lakes District Council Class 4 and TAB Gambling venue policy
- C DIA response
- D Statement of Proposal

QUEENSTOWN LAKES DISTRICT COUNCIL

CLASS 4 AND TAB GAMBLING VENUE POLICY

Introduction

Under section 101 of the Gambling Act 2003 Council is required to adopt a policy to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within their district.

The areas where Council has authority to control are:

- To determine whether new class 4 and or TAB venues may be established within the district and if so to determine any restrictions to be placed on those locations; and
- If Class 4 venues are permitted in the district, to determine the maximum number of machines that may be in each venue, subject to statutory maxima.

Objectives of the Policy

- ensure the Council and the community has influence over the provision of new gambling venues in the district;
- To control and manage the growth of gambling in the district;
- To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so within the district;
- To prevent and minimise the harm caused by gambling;
- To create an information flow so that the ongoing effects of gambling in the district may be assessed.

Strategic Alignment

- This policy assists in the delivery of the following Council outcomes and goals:
- Protects the interests of the District and its community;
- Is cost effective and achieves the regulatory objectives; and
- Enables our community to comply with national and local legislation because they are well understood and easy to comply with.

Location of Class 4 Gambling or TAB Venues

Class 4 gambling and TAB venues may be established in the district subject to meeting the following criteria:

a) A full application is submitted and fees paid;

OPTION ONE:

b) Proposed new venues must not be established in any residential zone and

a)c) Proposed and existing venues are not located within 50metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact on such institutions;

b)d) Not being located so as to provide for a concentration of gambling venues;

e)e) Not being a venue at which the primary activity is associated with family or children's activities;

- d)f) The electronic gaming machines being located within the venue must not be visible from the street, or visible to underage patrons at the venue; and
- e)g) No signage regarding either the provision of gaming machines or any prizes or jackpots available from gaming machines may be visible from any street or public place.

Maximum numbers of Electronic Gaming Machines permitted

- New venues may be allowed a maximum of 9 (nine) electronic gaming machines.
- Venues with licenses issued after 17 October 2001 and operating fewer than 9 (nine) electronic gaming machines may be allowed to increase the number of machines operated at the venue to 9.

Primary activity of class 4 gambling premises

New Class 4 gambling venues may only be established where the primary activity of the venue is:

- The sale and supply of alcohol for consumption on the premises as licensed under the Sale and Supply of Alcohol Act 2012.

Information Disclosure

To provide information to enable Council to monitor activities at Class 4 gambling venues, each society operating electronic gaming machines in the Queenstown Lakes District shall provide the following information to the Council for each venue operated in the district:

Net expenditure (being the difference between money paid into and paid out as winnings from electronic gaming machines);

- Site fees paid to the site operator; and
- A copy of the responsible gambling policy in place at the venue.

In addition, each society shall provide information to the Council on the grants made by it directly to organisations within the Queenstown Lakes District including:

- The name and address of the organisation;
- The purposes for which the donation was made; and
- The amount of each donation made.

Information is to be provided to Council for each six-month period ending 30 June and 31 December each year. The information is to be provided to the Council within 2 months of the end of each reporting period, 31 August and 28 February.

Applications

Applications for consent by the Queenstown Lakes District Council must be made on the approved form and must provide:

- Name and address details for the application;
- Physical address of premises proposed for the Class 4 venue;
- The names of management staff;
- Evidence that public notice of the intention to apply for a new venue (for either Class 4 or TAB venues) or an increase in electronic gaming machine numbers (for Class 4 venues) at an existing venue has been given;
- Evidence of police approval for owners and managers of the venue;
- Evidence that the primary purpose of the proposed venue complies with this policy;

- Evidence of the means by which the policy in respect of separation of gambling from non-gambling areas will be achieved; and
- A copy of the current alcohol on-licence for the premises.

Application Fees

These will be set by the Queenstown Lakes District Council from time to time and shall include consideration of:

- The cost of processing the application, including any consultation and hearings involved;
- The cost of triennially reviewing the Class 4 gambling and TAB venue policy;
- A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the Queenstown Lakes District.

Public Notice Provisions

Public notice of the intention to make application under this policy shall be made by placing notices in either the Southland Times or the Otago Daily Times on two consecutive Saturday editions. A similar notice shall be placed in at least two local newspapers that are delivered in the area surrounding the applicant venue over two consecutive weeks. If there are not two local newspapers circulated in the surrounding area then the notice shall be placed in both the Southland Times and Otago Daily Times and the one local newspaper.

The notice shall specify:

- The name of the society making the application;
- The physical location of the venue or proposed venue;
- The trading name of the venue or proposed venue;
- The number of electronic gaming machines that are proposed;
- Where the application is for an increase in the number of electronic gaming machines at the venue the notice shall specify the existing number and proposed number of machines;
- That objections to the granting of the application should be made in writing to Council's regulatory contractor and specify the name and address for service;
- The period during which objections may be made, which is twenty one (21) days from the date of first public notice in the Southland Times or Otago Daily Times.

Administration

- Where any public objection is made to the application for a new venue or an increase in the number of machines at a venue under to this policy, then the application will be referred to the XXXX Committee. This Committee will conduct a public hearing into the application that provides for community consultation.

ADOPTED 19 MARCH 2004

QUEENSTOWN LAKES DISTRICT COUNCIL
CLASS 4 AND TAB GAMBLING VENUE POLICY

Introduction

Under section 101 of the Gambling Act 2003 Council is required to adopt a policy to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within their district.

The areas where Council has authority to control are:

- To determine whether new class 4 and or TAB venues may be established within the district and if so to determine any restrictions to be placed on those locations; and
- If Class 4 venues are permitted in the district, to determine the maximum number of machines that may be in each venue, subject to statutory maxima.

Objectives of the Policy

- ensure the Council and the community has influence over the provision of new gambling venues in the district;
- To control and manage the growth of gambling in the district;
- To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so within the district;
- To prevent and minimise the harm caused by gambling;
- To create an information flow so that the ongoing effects of gambling in the district may be assessed.

Strategic Alignment

- This policy assists in the delivery of the following Council outcomes and goals:
- Protects the interests of the District and its community;
- Is cost effective and achieves the regulatory objectives; and
- Enables our community to comply with national and local legislation because they are well understood and easy to comply with.

Location of Class 4 Gambling or TAB Venues

Class 4 gambling and TAB venues may be established in the district subject to meeting the following criteria:

- a) A full application is submitted and fees paid;
- b) Proposed and existing venues are not located within 50metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact on such institutions;
- c) Not being located so as to provide for a concentration of gambling venues;
- d) Not being a venue at which the primary activity is associated with family or children's activities;
- e) The electronic gaming machines being located within the venue must not be visible from the street, or visible to underage patrons at the venue; and

f) No signage regarding either the provision of gaming machines or any prizes or jackpots available from gaming machines may be visible from any street or public place.

Maximum numbers of Electronic Gaming Machines permitted

- New venues may be allowed a maximum of 9 (nine) electronic gaming machines.
- Venues with licenses issued after 17 October 2001 and operating fewer than 9 (nine) electronic gaming machines may be allowed to increase the number of machines operated at the venue to 9.

Primary activity of class 4 gambling premises

New Class 4 gambling venues may only be established where the primary activity of the venue is:

- The sale and supply of alcohol for consumption on the premises as licensed under the Sale and Supply of Alcohol Act 2012.

Information Disclosure

To provide information to enable Council to monitor activities at Class 4 gambling venues, each society operating electronic gaming machines in the Queenstown Lakes District shall provide the following information to the Council for each venue operated in the district:

Net expenditure (being the difference between money paid into and paid out as winnings from electronic gaming machines);

- Site fees paid to the site operator; and
- A copy of the responsible gambling policy in place at the venue.

In addition, each society shall provide information to the Council on the grants made by it directly to organisations within the Queenstown Lakes District including:

- The name and address of the organisation;
- The purposes for which the donation was made; and
- The amount of each donation made.

Information is to be provided to Council for each six-month period ending 30 June and 31 December each year. The information is to be provided to the Council within 2 months of the end of each reporting period, 31 August and 28 February.

Applications

Applications for consent by the Queenstown Lakes District Council must be made on the approved form and must provide:

- Name and address details for the application;
- Physical address of premises proposed for the Class 4 venue;
- The names of management staff;
- Evidence that public notice of the intention to apply for a new venue (for either Class 4 or TAB venues) or an increase in electronic gaming machine numbers (for Class 4 venues) at an existing venue has been given;
- Evidence of police approval for owners and managers of the venue;
- Evidence that the primary purpose of the proposed venue complies with this policy;
- Evidence of the means by which the policy in respect of separation of gambling from non-gambling areas will be achieved; and
- A copy of the current alcohol on-licence for the premises.

Application Fees

These will be set by the Queenstown Lakes District Council from time to time and shall include consideration of:

- The cost of processing the application, including any consultation and hearings involved;
- The cost of triennially reviewing the Class 4 gambling and TAB venue policy;
- A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the Queenstown Lakes District.

Public Notice Provisions

Public notice of the intention to make application under this policy shall be made by placing notices in either the Southland Times or the Otago Daily Times on two consecutive Saturday editions. A similar notice shall be placed in at least two local newspapers that are delivered in the area surrounding the applicant venue over two consecutive weeks. If there are not two local newspapers circulated in the surrounding area then the notice shall be placed in both the Southland Times and Otago Daily Times and the one local newspaper.

The notice shall specify:

- The name of the society making the application;
- The physical location of the venue or proposed venue;
- The trading name of the venue or proposed venue;
- The number of electronic gaming machines that are proposed;
- Where the application is for an increase in the number of electronic gaming machines at the venue the notice shall specify the existing number and proposed number of machines;
- That objections to the granting of the application should be made in writing to Council's regulatory contractor and specify the name and address for service;
- The period during which objections may be made, which is twenty one (21) days from the date of first public notice in the Southland Times or Otago Daily Times.

Administration

- Where any public objection is made to the application for a new venue or an increase in the number of machines at a venue under to this policy, then the application will be referred to the XXXX Committee. This Committee will conduct a public hearing into the application that provides for community consultation.

ADOPTED 19 MARCH 2004



12 April 2017

Carrie Edgerton
Support, Regulatory + Finance
Queenstown Lakes District Council

147 Lambton Quay
PO Box 805
Wellington 6140
New Zealand
Phone +64 4 495 7200
Fax +64 4 495 7222
Website www.dia.govt.nz

Via email: carrie.edgerton@qldc.govt.nz

Dear Ms Edgerton

Official Information Act 1982 (OIA) request dated 5 April 2017 (ref 2016170295)

Thank you for your OIA request of 5 April 2017 to the Department of Internal Affairs. You asked for the following information:

- *Information relating to grants for the Queenstown-Lakes District area.*

I am providing you with a list of grants received by organisations in the Queenstown-Lakes District area for 2016 (Appendix 1).

In my response letter of 24 March 2017 to your colleague Heidi Thomson, I explained some caveats associated with the grants data. These caveats also apply to the information in Appendix 1.

I trust this information is of assistance.

Yours sincerely

Alison Barrett
Director Operations Support

Appendix 1: Grants provided to organisations in the Queenstown-Lakes District area for 2016.¹²³

Trusts	Grant recipient type	Organisation	Amount (\$)
Lion Foundation (2008)	Education	Wanaka Primary School	45,000.00
Lion Foundation (2008)	Faith Based	Wanaka New Life Church Board	40,000.00
Lion Foundation (2008)	Gym Sports (Includes weightlifting/Boxing/Wrestling)	Aspiring Gymsports Inc	25,000.00
First Sovereign Trust	Soccer	Queenstown Associated Football Club Inc	23,761.77
First Sovereign Trust	Community Group	Arrowtown School Parent Teacher Association	22,962.05
Lion Foundation (2008)	Education	Mt Aspiring College	20,000.00
First Sovereign Trust	Cricket	Queenstown Cricket Club Inc	20,000.00
First Sovereign Trust	Community Group	Destination Queenstown Inc.	20,000.00
First Sovereign Trust	Kindergartens/Childcare/Plunkett	Aspiring Beginnings Early Learning Incorporated	18,500.00
First Sovereign Trust	Education	St Joseph's School Queenstown	18,093.17
First Sovereign Trust	Gym Sports (Includes weightlifting/Boxing/Wrestling)	Queenstown Gymnastics Club Incorporated	16,230.00
First Sovereign Trust	Council	Queenstown Lakes District Council	15,500.00
NZ Racing Board (TAB)	Other Sports	Challenge Wanaka Sports Trust	15,000.00
Lion Foundation (2008)	Athletics/Marathons	Aspiring Athletics Club	15,000.00
First Sovereign Trust	Council	Queenstown Lakes District Council	15,000.00
First Sovereign Trust	Education	Holy Family Catholic School, Wanaka	13,519.78
First Sovereign Trust	Athletics/Marathons	Aspiring Athletes Club Incorporated	11,700.05
First Sovereign Trust	Education	Mount Aspiring College Board of Trustees	11,466.68
First Sovereign Trust	Kindergartens/Childcare/Plunkett	Queenstown Preschool and Nursery (Queenstown Child Care Centre Inc)	11,000.00
First Sovereign Trust	Arts	Arrowtown Creative Arts Society Incorporated	10,866.00
Southern Trust	Education	Shotover Primary School	10,000.00
Pub Charity Limited	Community Group	Fiordland Employment & Enterprise Trust	10,000.00
Lion Foundation (2008)	Soccer	Wanaka Associated Football Club Inc	10,000.00
Lion Foundation (2008)	Water Sports (Sailing, Swimming, Fishing, Water Polo)	Wanaka Yacht Club	10,000.00
Lion Foundation (2008)	Other Sports	Wanaka Golf Club Inc	10,000.00
Lion Foundation (2008)	Kindergartens/Childcare/Plunkett	Aspiring Beginnings Early Learning Centre Inc	10,000.00
Lion Foundation (2008)	Education	Holy Family Catholic School Wanaka	10,000.00
First Sovereign Trust	Water Sports (Sailing, Swimming, Fishing, Water Polo)	Wakatipu Rowing Club INC.	10,000.00
First Sovereign Trust	Education	Shotover Primary School	10,000.00
First Sovereign Trust	Council	Queenstown Lakes District Council	10,000.00
First Sovereign Trust	Other Sports	Challenge Wanaka Sports Trust	10,000.00
First Sovereign Trust	Other Sports	The Challenge Wanaka Sports Trust	8,500.00

¹ The grants information in the tables is provided to the Department from the Problem Gambling Foundation (PGF). Every effort has been made by PGF to ensure this information is accurate. However, the data that we are releasing to you is only as accurate as its original source and PGF holds no responsibility for errors in published information. Additionally, while every effort has been made to ensure this is an all-inclusive list of grants, PGF cannot guarantee that all grants are included in the list. Finally, the database has not been independently audited and its accuracy cannot be guaranteed.

² The grants information provided does not include instances where grants have been applied funding by Societies to pre-determined recipients.

³ The data above includes grants to Queenstown-Lakes District only, and does not include grants that benefit multiple areas.

Trusts	Grant recipient type	Organisation	Amount (\$)
Lion Foundation (2008)	Water Sports (Sailing, Swimming, Fishing, Water Polo)	Wanaka Rowing Club Inc	8,000.00
First Sovereign Trust	Fire Services	Queenstown Volunteer Fire Brigade	7,454.53
First Sovereign Trust	Community Group	Happiness House Trust	7,392.00
Lion Foundation (2008)	Water Sports (Sailing, Swimming, Fishing, Water Polo)	Wanaka Swim Club Inc	7,000.00
First Sovereign Trust	Arts	Queenstown JazzFest Trust	6,768.00
First Sovereign Trust	Fire Services	Queenstown Volunteer Fire Brigade	5,261.94
First Sovereign Trust	League	Queenstown Lakes Rugby League Charitable Trust	5,226.50
Southern Trust	Other Sports	Queenstown Alpine Ski Team Inc	5,000.00
Lion Foundation (2008)	Arts	Lake Wanaka SouNZ Inc	5,000.00
Lion Foundation (2008)	Kindergartens/Childcare/Plunkett	Wanaka Community Toy Library	5,000.00
First Sovereign Trust	Fire Services	Queenstown Volunteer Fire Brigade	4,765.61
NZ Racing Board (TAB)	Soccer	Queenstown Associated Football Club Inc	4,043.00
Lion Foundation (2008)	Council	Queenstown Lakes District Council	4,000.00
First Sovereign Trust	Search and Rescue (excludes Surf Clubs)	LandSAR Wanaka (Wanaka Search and Rescue Inc)	3,404.63
First Sovereign Trust	Other Sports	Queenstown Alpine Ski Team Inc	3,125.00
Lion Foundation (2008)	Racquets	Wanaka Squash Rackets Club Inc	3,000.00
First Sovereign Trust	Kindergartens/Childcare/Plunkett	Aspiring Beginnings Early Learning Incorporated	3,000.00
Lion Foundation (2008)	Search and Rescue (excludes Surf Clubs)	Wanaka Search & Rescue Inc	2,782.00
NZ Community Trust	Netball	Wakatipu Netball Centre Inc	2,500.00
Lion Foundation (2008)	Community Group	Happiness House Trust	2,500.00
First Sovereign Trust	Hockey/Ice Hockey (Excludes Inline Hockey)	Queenstown Hockey Club Inc	2,000.00
First Sovereign Trust	Community Group	Arrowtown Autumn Festival Society Incorporated	1,835.00
Lion Foundation (2008)	Community Group	Arrowtown Autumn Festival	1,650.00
Southern Trust	Other Sports	Wakatipu croquet club inc	1,596.00
Pub Charity Limited	Water Sports (Sailing, Swimming, Fishing, Water Polo)	Waiiau Swimming Club	1,250.00
NZ Community Trust	Maori	Kahu Youth Trust	1,000.00
Lion Foundation (2008)	Netball	Pioneer Netball Club Inc	880.00
Total:			612,533.71



**PROPOSED QUEENSTOWN LAKES DISTRICT
CLASS 4 AND TAB GAMBLING VENUE POLICY**

STATEMENT OF PROPOSAL

INTRODUCTION

- 1 Section 101 of the Gambling Act 2003 requires Territorial Authorities to adopt a Class 4 and TAB Gambling venue policy.

The policy

- a. Must specify whether or not Class 4 venues may be established in the district and, if so, where they may be located; and
- b. May specify and restrictions on the maximum number of gaming machines that may be operated at a class 4 venue; and
- c. May include a relocation policy.

In determining its policy the Council may have regard to any relevant matters, including:

- a. The characteristics of the district and parts of the district;
- b. The location of kindergartens early childhood centres, schools, places of worship, and other community facilities;
- c. The number of gaming machines that should be permitted to operate at any venue or class of venue;
- d. The cumulative effects of additional opportunities for gambling in the district;
- e. How close any venue should be permitted to be to any other venue;
- f. What the primary activity at any venue should be;
- g. An existing class 4 venue may relocate within the same district

- 2 The objectives of the policy are in place to:

- a) Ensure the Council and the community has influence over the provision of new gambling venues in the district;
- b) To control and manage the growth of gambling in the district;
- c) To allow those who wish to participate in electronic gaming machine and totalisator(TAB) gambling to do so within the district;
- d) To prevent and minimise the harm caused by gambling;
- e) To create an information flow so that the ongoing effects of gambling in the district may be assessed.

PROPOSAL

- 3 The Council has undertaken a statutory review of the current policy, and has determined that the current policy should be revoked, and replaced with the proposed Queenstown Lakes District Council Class 4 and TAB gambling venue policy.
- 4 The proposed policy is intended to provide an element of protection to our expanding residential areas.
- 5 The proposed policy will continue the requirement under the current policy that Class 4 & TAB gambling venues may be established in the district subject to meeting the following criteria:
 - a. A full application is submitted and fees paid;
 - b. Proposed and existing venues are not located within 50metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact on such institutions;
 - c. Not being located so as to provide for a concentration of gambling venues;
 - d. Not being a venue at which the primary activity is associated with family or children's activities;
 - e. The electronic gaming machines being located within the venue must not be visible from the street, or visible to underage patrons at the venue; and
 - f. No signage regarding either the provision of gaming machines or any prizes or jackpots available from gaming machines may be visible from any street or public place.
- 6 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:

The reason for the proposal;

- a. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
- b. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
- c. Consideration of whether the proposed policy is the most appropriate form of bylaw;
- d. A statement that the current policy is to be revoked; and
- e. A draft of the proposed policy.

REASON FOR PROPOSAL

- 7 Council has reviewed the current policy, including a review of other territorial authority's policies and consider the proposed policy is the most appropriate means of protecting the public by:
 - a. Controlling the growth of gambling;
 - b. Preventing and minimising harm from gambling, including problem gambling;
 - c. Authorising some gambling and prohibit the rest;
 - d. Facilitating responsible gambling;
 - e. Limiting opportunities for crime or dishonesty associated with gambling and the conduct of gambling;
 - f. Ensuring that money from gambling benefits the community; and
 - g. Facilitating community involvement in decisions about the provision of gambling.

CONSIDERATION BY COUNCIL UNDER SECTION 101 of the Gambling Act 2003

A residential condition will allow the council to restrict machines to the CBD areas which will

- a. Ensure the Council and the community has influence over the provision of new gambling venues in the district;
- b. To control and manage the growth of gambling in the district;
- c. To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so within the district;
- d. To prevent and minimise the harm caused by gambling;
- e. To create an information flow so that the ongoing effects of gambling in the district may be assessed.

IS THE PROPOSED POLICY THE MOST APPROPRIATE POLICY?

- 8 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 policy is the most appropriate means for addressing the issues.
- 9 In considering whether the policy is the most appropriate, Council has considered the following options:
 - a. Option 1 – Proposed new venues must not be established in any **residential zone**
 - b. Option 2 – Status Quo

Option 1 – Adopt the proposed policy as recommended by the community and services committee

10 The advantage of this option is any proposed new venue must not be established in any residential zone

11 The residential condition will not affect any existing premises.

12 Option 2 – Status Quo

13 This option will continue to minimise adverse effects of gambling on the community

14 The policy does not protect residential areas from containing gaming premises. The number of machines will not reduce in our district.

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

- 15 The proposed policy is consistent with the New Zealand Bill of Rights Act 1990 (NZBORA).

TIMETABLE FOR CONSULTATION

- 16 The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the proposed bylaw – 25th May 2017
 - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 27th May and 2nd June 2017.
 - c. Submissions close on 30th June 2017.
 - d. Submissions heard by a subcommittee of Councillors between **Monday 10th July and Friday 14th July 2017**.
 - e. Council considers outcome of consultation process. Adoption of Queenstown Lakes District class 4 and TAB gambling venue policy – 28th July 2017
 - f. Public notice of final decision (if Council resolves to adopt the policy) – 30th July 2017

- 17 The policy comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 18 Copies of this Statement of Proposal and the proposed policy 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

- 19 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.
- 20 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.
- 21 Submissions must be received by **Friday 30th June 2017**. The Council will then convene a hearing, which it intends to hold between **Monday 10th July and Friday 14th July 2017** 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.

- 22 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.
- 23 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.
- 24 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

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

Mike Theelen
CHIEF EXECUTIVE

APPENDIX 1 – Proposed Class 4 and TAB gambling venue policy

QLDC Council**25 May 2017****Report for Agenda Item: 8****Department: CEO Office****Chief Executive's Monthly Report****Purpose**

To update the Council and seek direction on some minor governance matters and to provide a summary of items and recommendations from other meetings which have occurred during the previous meeting round.

Recommendation

That the Council:

1. **Approve** Councillor MacLeod attending the 2017 Local Government New Zealand annual conference in Auckland and acting as the Council's delegate at the AGM;
2. **Approve** retrospectively the appointment of Councillor Forbes as the Council's representative on the panel to hear submissions to the Otago Regional Council's Regional Public Transport Plan: Wakatipu Basin Public Transport Network;
3. **Resolve** pursuant to section 31 of the Local Electoral Regulations 2001 that the voting papers for the 2017 Wanaka By-election be printed in random order;

Community and Services Committee, 12 April 2017

4. **Adopt** the Parks and Open Space Strategy 2017.
5. 1. **Approve** the vesting of six proposed reserves:
 - a. Lots 110 and 111, Bullendale, Arthurs Point
 - b. Lot 1003, Shotover Country
 - c. Lot 22, Queenstown Country Club
 - d. Lots 803 and 804, Shotover CountrySubject 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. A potable water supply point to be provided at the boundary of the reserve lot;
 - iv. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public

- reserve vested in or administered by the Council and any adjoining land;
- v. A three year maintenance period by the current landowner commencing from vesting of the reserve;
 - vi. The application is subject to the reserve being in accordance at the time of vesting to the QLDC Road Reserve and Reserve Vesting Policy.
2. **Agree** that reserve land contributions are offset in accordance with the Development Contributions Policy current at the time of contributions payment, subject to (i) above.
 3. **Agree** that reserve improvement contributions are 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.

Wanaka Community Board, 11 May 2017

6. **Agree** that a new lease be granted to Wanaka Art Centre Trust for the building they occupy on Lot 1 DP 25900, Block XII Town of Wanaka subject to the following terms and conditions:

Commencement	1 July 2017
Term	3 Years
Renewals	A further 3 years at Council's absolute discretion
Rent	Pursuant to Community Facility Funding Policy
Reviews	At renewal or if the Funding Policy is reviewed
Termination	With 12 months' notice
Use	Visual and performing arts, craft, education, community groups and associated activities
Subleases	Lessor's Approval required for subletting/occupation for purposes not consistent with the purpose of the Trust
Assignment	Not permitted

Community and Services Committee, 18 May 2017

7. **Adopt** and sign the Te Rōpū Taiao Otago Governance Charter and commit to becoming a fully participatory member of the Otago Te Rōpū.
8. a) **Approve** the development of a Sub-Region Sport & Recreation Facilities Strategy in conjunction with Central Otago District Council, Sport Otago, Sport New Zealand, Sport Southland, Central Lakes Trust, Otago Community Trust and Community Trust of Southland;

b) **Delegate** to the Chief Executive Officer the authority to sign the Memorandum of Understanding on behalf of the Queenstown Lakes District Council; and

c) **Note** the inclusion of a budget of a \$34,000 placeholder in the Annual Plan 2017/18.

1. Local Government New Zealand ('LGNZ') Annual Conference

The 2017 Local Government New Zealand annual conference theme is 'Creating pathways to 2050: liveable spaces and loveable places' with a future focus on infrastructure, place making and community engagement. It is taking place in Auckland from 23-25 July 2017. Traditionally the Mayor or Chief Executive and one Councillor attend the annual LGNZ Conference. I recommend that Councillor MacLeod attend the conference this year and I will also be attending. The registration fee for the conference is \$1,410.00 if paid before 1 June and \$1,510.00 if paid after this date.

Councillor MacLeod and I will also attend the LGNZ Annual General Meeting with Councillor MacLeod being the Council's presiding delegate.

2. Hearings panel for Regional Public Transport Plan: Wakatipu Basin Public Transport Network

In late April the Council was invited by the Otago Regional Council to provide a Councillor to sit on the hearings panel for the matters related to the Wakatipu network. Councillor Forbes was approached to fill this role and the hearing took place in Queenstown on 8 May. Accordingly, the Council's retrospective approval is sought for Councillor Forbes' appointment to the hearings panel.

3. Wanaka By-election

Under section 31 of the Local Electoral Regulations 2001, the Council can decide by resolution the order in which the name of candidates will appear on the voting paper, whether it is in alphabetical order of surname, pseudo random order or random order.

If there is no Council resolution, the default option of alphabetical order is used.

For the 2016 triennial election, the Council decided for the first time on fully random order for the voting papers. This was to remove the possible advantage that candidates whose names are listed first on the voting paper receive under alphabetical order. This is known as the 'ballot effect.' Although under random order the number of unique options is finite, the different permutations possible are large. Modern software means that generating voting papers with names in fully random order no longer incurs additional expense with the result that there is no cost saving by using alphabetical or pseudo random order.

There will probably not be a large number of candidates for the Wanaka By-election meaning that the effect of fully random order may be negligible, but it is the Electoral Officer's view that it is still good practice to remove any possible

ballot effect. Accordingly, it is recommended that the Council resolve that the voting papers for the 2017 Wanaka By-election be printed in random order.

4. Committee meetings of previous meeting round

Community and Services Committee – Councillor Stevens (12 April 2017)

Ratification:

- 1 Parks and Open Space Strategy 2017
- 2 Proposal to Vest Various Lands as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy
- 3 Class 4 and TAB Gambling Venue Policy Review 2017 (separate agenda item)
- 4 Environmental Health Services Fees and Charges Review (separate agenda item)
- 5 Brothel Control Bylaw 2011 Review (separate agenda item)

Information:

6. Request for Approval to Remove Two Poplar Trees Growing Within QLDC Road Reserve – Panorama Terrace, Queenstown
7. Renaming an Existing Reserve within the Queenstown Lakes District
8. Heritage Incentive Grant Application – William’s Cottage, Marine Parade, Queenstown

Planning and Strategy Committee – Councillor Hill (27 April 2017)

Information:

- 1 Proposed District Plan Review Stage 2

Wanaka Community Board – Ms R Brown (11 May 2017)

Ratification:

- 1 New lease for Wanaka Arts Centre Trust

Information:

- 2 Wanaka Electric Vehicle Fast Charging Stations
- 3 Licence to place tables and chairs in a public space – Boaboa Food Company
- 4 Chair’s report

Community and Services Committee – Councillor Stevens (18 May 2017)

Ratification:

- 1 Progressing towards QLDC joining the Local Authorities of the Otago Region in a Te Rōpū with the Papatipu Rūnanga of the Kai Tahu ki Otago Takiwa
- 2 Sub-Regional Sport & Recreation Facilities Strategy
- 3 ICC U19 Cricket World Cup 2018 (Public Excluded)

Information:

- 4 Request for Approval to Remove Two Poplar Trees Growing Within QLDC Road Reserve – Panorama Terrace, Queenstown
- 5 Heritage Incentive Grant Application – Brunswick Flour Mill Warehouse, 22 Bridge Street, Frankton, Queenstown
- 6 Community-led Development Programme

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 20 April 2017

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1. Wanaka Airport future governance and management model (Attachment E)	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: g) maintain legal professional privilege	Section 7(2)(g)
3. Special Housing Area: Business Mixed Use Zone (Gorge Road): Attachment A: Recession Plane Analysis	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 information where the making available of the information (ii) would be unlikely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;	Section 7(2)(b)(ii)

Agenda Items

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

3. Special Housing Area: Business Mixed Use Zone (Gorge Road): Attachment B: Draft Deed	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)
8a. Chief Executive's Report: ICC U19 Cricket World Cup 2018	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;	Section 7(2)(b)(ii)
9. Kawarau Falls Bridge Water and Wastewater Infrastructure Funding	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;	Section 7(2)(h)

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