

**Wanaka Community Board  
19 August 2015****Report for Agenda Item: 1****Department: Infrastructure****Upper Clutha A&P Society – New Lease****Purpose**

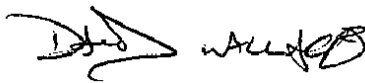
The purpose of this report is to consider a recommendation relating to a new lease to the Upper Clutha A&P Society for a building on Wanaka Recreation Reserve.

**Recommendation**

That the Wanaka Community Board:

- a. **Note** the contents of this report;
- b. **Defer** considering a new lease for the Upper Clutha A&P Society until a Reserve Management Plan for the Wanaka Recreation Reserve is completed.

Prepared by:



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Reserves

12/08/2015

Reviewed and Authorised by:



Peter Hansby  
General Manager –  
Infrastructure

13/08/2015

**Background**

- 1 An application was received from the Upper Clutha A&P Society in late 2014 for a new lease for an additional building on the Wanaka Showgrounds (Wanaka Recreation Reserve) which would include their existing building on the site.
- 2 The intention to grant the lease was notified and eight objections were received. A hearing was held in February this year to hear the objections and then a report was presented to this Board in April 2015. The following resolution was passed at that meeting:

**On the motion of Mr O'Connor and Councillor Cocks it  
was resolved that the Wanaka Community Board:**

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

2. **Resolve that granting a new lease to the Upper Clutha A&P Society over the Wanaka Showgrounds, being part section 12 Block XV, Town of Wanaka be deferred and that a report on this matter be brought back to the Board by August 2015;**
  3. **Recommend to Council that a Reserve Management Plan for the Wanaka Recreational Reserve be undertaken in the 2015/16 year.**
- 3 Following the Board meeting, representatives from the Board and APL Property Ltd met with the A&P Society, the Rugby Club and the Wanaka Lakeview Holiday Park lessees to discuss the feasibility of sharing space. It was determined at that meeting that while the Rugby Club and Holiday Park could share space, the rugby clubrooms were already used for the A&P Show and didn't create sufficient space for them. The Rugby Club have developed their plans and sought funding for their building extension and did not want to change to a bigger building to accommodate the A&P Society needs. They also felt it would be difficult to fit a bigger building in the current Rugby Club building location while still allowing for additional fields in future.
  - 4 The A&P Society then provided a new plan showing how their goals could be achieved by building a new building parallel to and to the east of the existing building thus reducing the effect on neighbours to the west. The new plan also increased the length of the two buildings (existing and proposed) and advised that was to increase office space, increase the home industry area, replace the old wool room and create a space for demonstrations (eg cooking, craft, farm innovation). That plan is shown in attachment A.
  - 5 That plan was distributed to the submitters from the previous notification seeking their informal feedback. Two of the submitters were happy with the plan, two had since sold their property (one of those happy with the new design), two did not respond and three continued to object. Two of those who continued to object met with APL and the A&P Society and discussed their concerns. At the end of that meeting they agreed to the new footprint on the condition that they be further consulted about the design and appearance of the building. The third submitter is currently overseas so was not able to meet, but is still concerned with the proposal (see attachment B).
  - 6 Work on the Wanaka Recreation Reserve Management Plan is about to commence with completion estimated at mid-2016.

### **Comment**

- 7 The majority of the submitters are now satisfied with the new footprint, subject to some input on design. The one submitter who still has reservations is overseas and was not able to participate at the meeting with the A&P Society. The submitter may continue to object and contend that consultation with her has not been adequate.

- 8 The outstanding submitter who remains concerned has stated that they do not understand how any building extension can be approved when the current building does not meet regulations and prior to the Council completing an overall plan for the reserve. The point raised is valid as no resource consent has been found that permits the building to breach District Plan rules relating to setback from roads.
- 9 Resource consent would be required to legalise the building. Granting a lease to the existing building with an extension at this time without valid resource consent for the existing building could be considered inappropriate and may expose Council to undue risk of legal challenge. Conditions of any lease could require all resource consents to be obtained prior to a lease being entered into.
- 10 A Reserve Management Plan process is due to commence shortly to plan for the long term holistic management of the Wanaka Recreation Reserve. To commence the process the Management Plan requires a Council resolution to notify formulation of the Plan and a report seeking this outcome is being presented to the full Council meeting on 27 August 2015. The Plan should be completed within one year.
- 11 A valid consideration is that granting a lease now for the A&P building will predetermine the outcome of part of the reserve management plan process that will take into account all of the future uses of the reserve and potential solutions for maximising recreational benefit and balancing that against other non-recreational uses (such as the storage proposed by the A&P Society). Parks and Reserves believe that deciding to grant this lease and building prior to public consultation relating to the overall Reserve Management Plan and investigation of all options for the site may not result in the best outcome for the amenity of the reserve or the Wanaka community.
- 12 Concern has also been expressed by Council's legal counsel that the current proposed building footprint is different from the building footprint that was notified. It should be noted that the only parties who sought further information, and therefore viewed the original plan, were those who submitted and with whom further consultation has been taken. However, any other party may claim that the new design affects them and they were not given an opportunity to comment on it. There are two new land owners in close proximity who were not involved in the original notification process.
- 13 If granting the lease is deferred, and the final management plan allows the current and proposed new building on the site, a new lease would require a recommendation from the Board to Council to grant such a lease. That process could be undertaken soon after the management plan is adopted, so the A&P Society would have a response in mid-late 2016.
- 14 An opportunity that has yet to be considered is that any new building within any approved lease area could offer functions to support the use of the reserve for recreation to offset the disadvantages of having a non-recreational storage activity on the Wanaka Recreation Reserve. The positioning of the proposed new building is such that it may be easy to facilitate a seating area on the verandah for rugby spectators to shelter from wind and rain. If this was considered appropriate after due consideration and consultation with the A&P Society, a lease condition could then ensure any future design takes this into consideration.

These types of offsets to balance recreational and non-recreational activities in a recreation reserve are the types of matters considered through the reserve management plan process which will start shortly. Granting a lease prior to the Reserve Management Plan process may not allow these opportunities to be fully considered.

## **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:** That the Wanaka Community Board recommend to Council to defer a decision regarding a new lease for the Upper Clutha A&P Society until the reserve management plan for the Wanaka Recreation Reserve is completed.

### **Advantages**

17 The Reserve Management Plan will enable the public and Council to consider the use of the entire reserve rather than trying to look at just one use in isolation. Offsets to remedy effects of non-recreational use of reserve land can also be investigated through this process.

18 If a lease to the A&P Society is envisaged by the management plan, the process of granting a lease will be quick and simple.

19 The management plan process provides good opportunity for further consultation.

20 There is less risk of legal challenge of Councils decision should they agree with any recommendation to grant a lease now.

### **Disadvantages**

21 The A&P Society will be delayed a year with no certainty about the future of their current building or proposed new building.

22 **Option 2:** That the Wanaka Community Board recommend that Queenstown Lakes District Council grant a new lease to the Upper Clutha A&P Society over approximately 930 square metres of part section 12 block XV Town of Wanaka for their existing building and to construct a building extension with a footprint no greater than that shown on appendix A subject to various conditions to be agreed by Council.

### **Advantages**

23 The A&P Society will have certainty about their proposed new building and will be able to proceed with design and fund raising for the project;

### **Disadvantages**

24 The advantages outlined for Option 1 will not arise.

- 25 The submitter who is still objecting (or those who haven't responded or have recently purchased potentially affected property) may challenge Council's process.
- 26 A new party may claim they are affected by the new plan and have not been given an opportunity to consult.
- 27 **Option 3:** That the Wanaka Community Board asks that the intention to grant a lease to the Upper Clutha A&P Society be re-notified using the latest footprint.

### **Advantages**

- 28 Will ensure that all parties have the ability to consult on the current plans and reduce any chance of legal challenge.

### **Disadvantages**

- 29 Will result in the lease to the A&P Society being considered in isolation to the other uses of the reserve being considered through the Reserve Management Plan process, which may not result in the best outcome.
- 30 This report recommends **Option 1** as the most appropriate option.

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

- 31 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because although it doesn't relate to a strategic asset, the matter is of significance to the general public.
- 32 While there has been consultation on the matter, at least one neighbour is not happy with the proposal. Her objection is attached as Appendix B.
- 32 Deferring the lease until the management plan is considered would mean the public are fully consulted prior to it being considered again by the Board.

### ***Risk***

- 33 This matter relates to the strategic risk SR3 'Management practice – working within legislation'. The risk is classed as moderate. The matter relates to this risk because some of the options highlighted (but not recommended) require the Council to follow a regulatory process to consider a lease on a recreation reserve. It could be argued that proper process has not been followed as the amended lease area has not been re-notified for public comment. This increases the risk of one or more parties seeking a judicial review of the decision making process. This risk is considered moderate, because one neighbour is still not satisfied with the proposed building footprint, the footprint has altered since the original notification and no resource consent exists for the existing building on site.
- 34 Granting a lease at this stage may undermine the Reserve Management Plan process.
- 35 A variety of operational risks (such as meeting levels of service, regulatory compliance and the health and safety risks associated with parties using roads)

are triggered when the Council considers whether or not to grant the lease. This report therefore recommends that risk SR3 is treated by considering whether to include the proposal in the management plan process and that the operational risks associated with granting the lease are considered when the terms and conditions of the lease are considered (if approved).

36 There is no risk from the recommended option.

### **Financial Implications**

37 There are no cost implications resulting from this decision.

### **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 ensuring that the use of the Wanaka Recreation Reserve reflects the desires of the community as expressed through the Management plan process.
- 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.

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

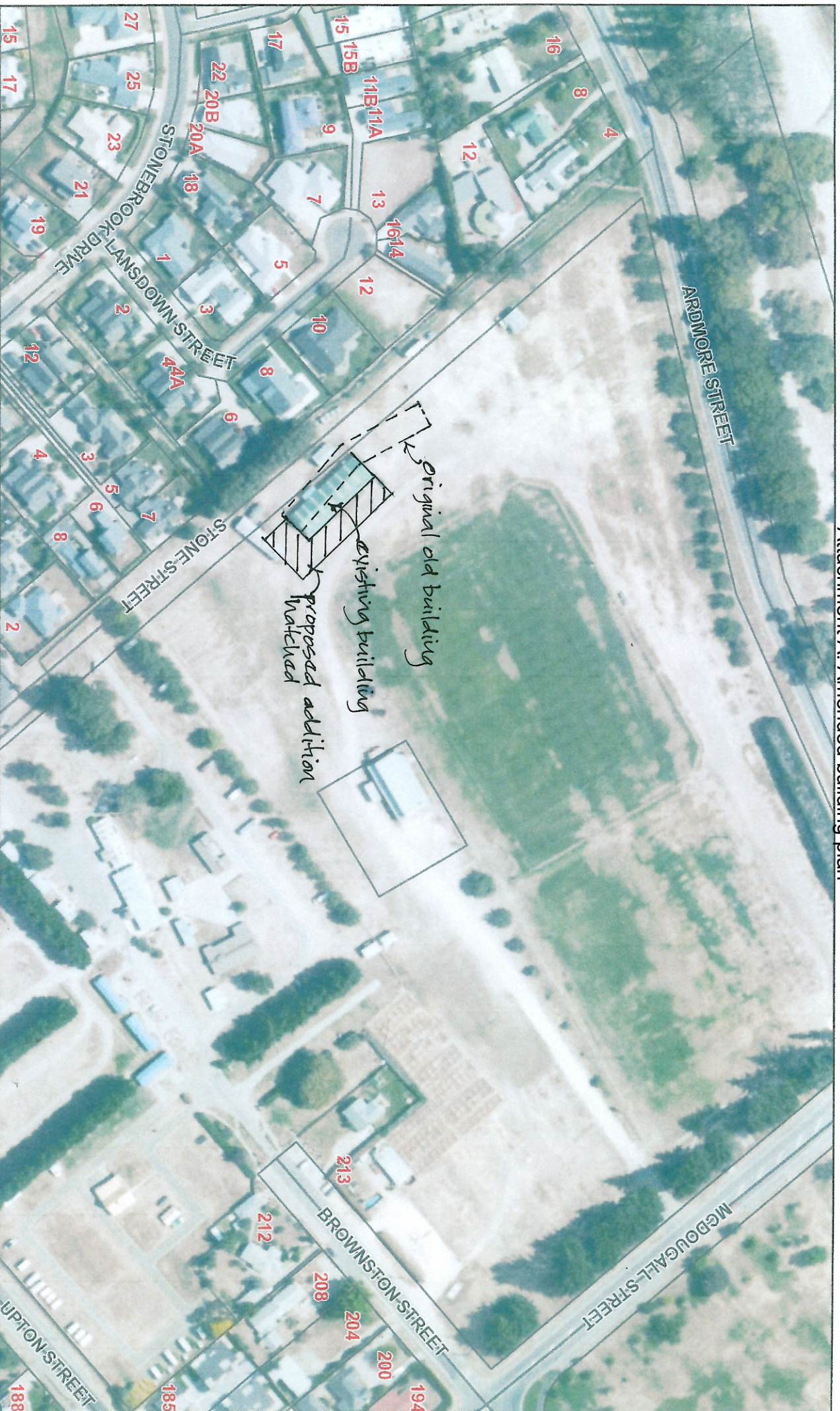
39 The following Council policies, strategies and bylaws were considered:

- Significance & Engagement Policy 2014 –the proposal is a matter with medium significance in terms of this policy because even though the reserve is not a strategic asset, considering a new building is considered significant as it affects a large number of residents, ratepayers and the environment and is expected to create a community interest in the matter.
- This matter is not included in the 10-Year Plan/Annual Plan but does not have any known significant effect on income or expenditure.

### **Attachments**

- A Plan of the proposed Upper Clutha A&P Society Building lease area.
- B Most recent submission from the one neighbour (Meridee Beange) who is not satisfied with the proposal.





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. Catastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED



## **Attachment B – Objection from Meridee Beange**

Thanks Jo

We are currently travelling in Spain so unable to attend.

My concern - as expressed earlier - is that i don't understand how any building extension can be approved when the current building does not meet regulations and prior to the council completing an overall plan for the reserve.

Appreciate being kept informed.

Regards  
Meridee

Meridee Beange  
[beange@xtra.co.nz](mailto:beange@xtra.co.nz)

On 4/08/2015, at 7:57 am, Joanne Conroy <[joanne.conroy@aplproperty.co.nz](mailto:joanne.conroy@aplproperty.co.nz)> wrote:

Hi all,

We are organising a get together between as many of you as possible and the A & P Society on Monday 10<sup>th</sup> at 9am (venue to be confirmed).

It is intended as an informal get together to see if there is any compromise that can be agreed for the proposed building. There will be reps from the A & P, Rachel Brown from the WCB, myself and you as neighbours/submitters. We would really rather not have your professional representatives there but if you want to discuss that, please give me a call.

Rachel really wants to have the meeting prior to the WCB meeting on 19<sup>th</sup>, thus the short notice (sorry!). If you can't attend but would like to have a say, again please give me a call and we can discuss options.

Please come back to me and let me know if you will be there. I will confirm the venue as soon as I can (hopefully Lake Wanaka Centre).

John – can you please ensure J Duncan and the Andersons get this as I don't have their email addresses.

Bill – are you able to forward this to the purchaser of your property?

Many thanks  
Jo

**Joanne Conroy**  
Director/Property Manager