

**QLDC Council
25 October 2018**

Report for Agenda Item: 7

Department: Community Services

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

Purpose

To consider granting a reserve licence to the Otago Regional Council, for water quality monitoring equipment on the banks of Hayes Creek and Mill Stream, upon reserve land legally described as Lot 3 DP 15096 and Lot 307 DP 505513.

Recommendation

That Council:

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

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

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513.
4. **Delegate** final licence terms and conditions and signing authority to the General Manager Community Services.

Prepared by:

Reviewed and Authorised by:



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20/08/2018



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1/10/2018



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Background

- 1 The Otago Regional Council (ORC) seek to install water monitoring equipment into and out of Lake Hayes, and therefore require a licence for reserves at Mill Stream (the inlet) and Hayes Creek (the outlet). The equipment stations will relay water information electronically for assessment by the ORC. The reserve at Mill Stream is a Recreation Reserve known as Lot 3 DP 15096. At Hayes Creek the site is a Local Purpose Reserve (no purpose given) identified as Lot 307 DP 505513. Both reserves are administered by the Council, and shown on the **Attachments A, C & D**.
- 2 Council has previously granted a licence to the ORC for air monitoring purposes on legal road adjacent to the Arrow River in Arrowtown.

Comment

- 3 The Lake Hayes water quality, particularly during peak summer, has been identified by the ORC as a concern. To better understand the quality of the water flowing through the lake, the ORC proposes to install monitoring equipment at Mill Stream and Hayes Creek.
- 4 An example of the equipment to be installed is shown in **Attachment B**. The equipment will be temporary and will not affect the ability of the public to enjoy the reserves.
- 5 At Mill Stream the ORC will be monitoring water quality. It would include a conduit running underground from the station to the creek. Sensors will be mounted on pipework on the bank.
- 6 The flow recorder at Hayes Creek will comprise a water level sensor and cable terminating at a small box on the river bank and would have very low visual impact.
- 7 The project is intended to run for a year initially, but may be extended, therefore a term of up to three years is proposed with this approval.

- 8 It is proposed to grant the licence pursuant to clause 48A of the Reserves Act 1977. That clause allows the administering body to grant a licence to any person to:

“erect, maintain, and use buildings, dwellings, masts, and other structure, and plant and machinery; and to construct, maintain, and use tracks and engage in other works comprising or in connection with and for the purposes of any station for the transmission, emission, or reception of any form of radio, electric, or electronic communication on any reserve or part of a reserve that is not set apart as a wilderness area..”

- 9 The clause goes on to say that public notification is not required if the reserve is not likely to be materially altered or permanently damaged; or the rights of the public in respect of the reserve are unlikely to be permanently affected; or that they cannot readily be provided outside the reserve. This report considers that the equipment proposed by ORC meets these criteria.

Options

- 10 Option 1 Approve a new licence to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513 subject to the above conditions.

Advantages:

- 11 Effective monitoring of the waterways running through and adjacent to the reserves is intended to assist in the management and improvement of the surrounding environment.

Disadvantages:

- 12 Places structures within the reserves, albeit temporarily.

- 13 Will not enable members of the public to be consulted on the proposal.

- 14 Option 2 Notify the intention to grant a licence to ORC seeking public submissions.

Advantages:

- 15 Will enable members of the public to be consulted on the proposal.

Disadvantages:

- 16 Would take an additional two to three months to consider the licence through this process.

- 17 Option 3 Decline the new licence to Otago Regional Council over Lot 3 DP 15096 and Lot 307 DP 505513.

Advantages:

- 18 Would not place structures within the reserves, albeit temporarily.

Disadvantages:

- 19 Would not provide effective monitoring of the waterways running through and adjacent to the reserves is intended to assist in the management and improvement of the surrounding environment.
- 20 This report recommends **Option 1** for addressing the matter because it will enable equipment to be installed in a timely manner which will assist in monitoring and management of the water past the reserves and into and out of Lake Hayes for the benefit of the community.

Significance and Engagement

- 21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to reserves which are a strategic asset, but the proposed equipment has minimal impact on those reserves and are temporary in duration.

Risk

- 22 This matter relates to the operational risk OR11 (decision making), as documented in the Council's risk register. The risk is classed as low. This report helps to address this risk by enabling Council to make a well-informed and timely decision.

Financial Implications

- 23 The applicant will meet any costs incurred in granting this licence. Rent is proposed to be set at \$1+GST (if charged) to reflect the community benefit in ORC's proposal.

Council Policies, Strategies and Bylaws

- 24 The following Council policies, strategies and bylaws were considered:
 - Arrowtown-Lake Hayes Reserve Management Plan
- 25 The recommended option is consistent with the principles set out in the named policy although it only relates to the Mill Creek location. The Management Plan permits utility services where they are "necessary for servicing the reserve, its buildings and other facilities within it" which is relevant in this case.
- 26 This matter is included in the 10-Year Plan/Annual Plan through existing property operating budgets.

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 assisting the Regional Council to monitor the quality water into and out of Lake Hayes;

- 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 the residents and visitors of the Queenstown Lakes District. Consultation is not required under section 48(A) of the Reserves Act and is not advised in this case because the proposal does not have a long-term impact on the reserves or people's ability to enjoy them.

Attachments

- A Site Plan
- B Photo of water monitoring station
- C Mill Stream – Location plan
- D Hayes Creek – Location plan



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Example of water monitoring equipment installation



Location of the Proposed Water Monitoring Equipment – ORC – Mill Stream (shown as a yellow dot)



Lake Hayes Water Monitoring Equipment – ORC – Hayes Creek Site (shown as blue square)

