

**NEW GROUND LEASE AND NEW BUILDING
UPPER CLUTHA A & P SOCIETY
HEARING 25 FEBRUARY 2015**

Minutes of a hearing to consider a new ground lease to the Upper Clutha A & P Society held in the Armstrong Room, Lake Wanaka Centre, Ardmore Street, Wanaka on Wednesday 25 February 2015 commencing at 9.30am

Present:

Councillor Lawton (Chairperson) and Councillor MacLeod

In attendance:

Joanne Conroy (Property Manager, APL Property Ltd) and Jane Robertson (Governance Advisor); two members of the media; representatives of applicant and submitters

Commencement of the hearing

The Governance Advisor called the meeting to order and ask the Councillors to elect a Chairperson for the hearing. It was agreed that Councillor Lawton would chair the hearing.

Applicant's presentation

Mr Grant Ruddenklau appeared on behalf of the Upper Clutha A & P Society.

He highlighted the society's long history in the district, the contribution of the annual show to the local economy and the other benefits the society brought to the community.

He described the reasons for the proposed new building and for the design the society had chosen. He stressed the society's desire to address the concerns of neighbours, noting that much thought had gone into planning a facility that would have the least effect. His key points were as follows:

- Consideration had been given to placing the proposed extension on other parts of the reserve but it was common sense to locate it with the existing buildings and tidy up the area. The site had also been chosen as one which would have the least effect on the open nature of the reserve.
- The existing building stored the show's assets as well as equipment for the Wanaka Rowing Club and the Coastguard. Storage area for other groups would be made available if the Coastguard or Rowing Club were to move.
- 2-3 staff operated from the building all year round. This passive presence throughout the year helped to protect the reserve.
- The society planned to remove the old wool room and generally tidy up the area.
- The proposed extension would house the society's bigger equipment which could not currently be stored on site.
- What was proposed would be of similar size to the building which had been blown down.
- The society would be both a good neighbour and a careful tenant.

Councillor Lawton asked whether the proposed extensions would be adequate for the society's needs over the coming years and whether further additions may be necessary in the future. Mr Ruddenklau advised that the extension would hold the society's current assets and future growth could be accommodated in a tent. He was unable to state that they would not need more area in 20 years' time, but the proposed extension would contain their needs for the foreseeable future.

Mr Ruddenklau confirmed that at present the whole wool room area was used by the rowing club and some of their equipment also spilt out onto the reserve.

In reply to a question about how much of present building would be deconstructed to allow for the extension, Mr Ruddenklau advised that the new building would be a continuation in the form and colour of the present structure at each end and little would have to be demolished to allow for the extension to take place.

The hearings panel asked why the society could not move its equipment off site. IN reply, Mr Ruddenklau advised that such was the volume and size of the equipment it would have to be transported by truck and the society currently had no alternative storage options.

Notwithstanding the outcome of the hearing, Councillor MacLeod acknowledged the good work of the society and the positive impact of the show.

Presentations of Submitters

Ms Jayne Macdonald

Ms Macdonald (Solicitor) appeared on behalf of the following submitters who opposed the proposal:

- J and P Baynes
- J and M Duncan
- G and J Anderson
- B and P Hunter
- C and H Donald
- S and J Connor
- G Pasco and L Walsh-Pasco
- J Loughan (it was subsequently noted that Mr Loughan had not made a submission)

She noted that some of the submitters would also speak on their own behalf following her presentation.

She spoke from a prepared written submission. The main points of her submission are summarised below.

- The society wished to add to a temporary building which was already contrary to the Reserves Act.
- The proposal was more than double the size of the existing building and more than 9 times the size permitted under the rules which applied to the designation for the reserve.

- Legally, the Council was only able to grant a lease where it was necessary to enable the public to obtain the benefit and enjoyment of the reserve. For this reason, converting a temporary structure to a permanent feature and then using it mainly as a storage facility was not an authorised use of the reserve.
- The Reserves Act stressed the retention of open spaces.
- Challenge Wanaka was also a not-for-profit group which provided economic benefits for the community and made use of areas of recreation reserve during its event. It did not however, have permanent space on reserve land despite the massive amount of infrastructure necessary for the event. She questioned the precedent of allowing the A & P Society to construct a big storage shed on a reserve.
- There was no overriding Reserve Management Plan for the reserve which was a mandatory requirement of the Reserves Act and it was well overdue for this statutory requirement to be fulfilled. Notwithstanding this, the Wanaka Lakefront Reserves Management Plan provided some guidance to an appropriate use of the reserves and such a proposal was not anticipated by this plan. Ad hoc development on a reserve without an integrated plan for the reserve is not consistent with the proper administration of the Reserves Act.
- Other than being an existing building which was convenient to enlarge, there was no other justification for permitting a further encroachment on the reserve.
- The society needed to consider all the other reasonable alternatives.
- Much time had passed since the buildings were originally constructed and the reserve was now surrounded by an urban residential area; by contrast the buildings were now scruffy and unattractive.
- Although the A & P show could be deemed a recreational activity it only took place on two days per annum and was therefore not a recreational activity which happened continuously on the reserve.

Councillor MacLeod observed that it was not unusual for reserves to exist without management plans. In reply, Ms Macdonald agreed but she did not consider it appropriate for the Council to grant a 33 year lease for a building before undertaking this task, particularly as the area had changed significantly since their original construction.

Mr John Edmonds

Mr Edmonds spoke on behalf of the same submitters as Ms MacDonald. He also spoke from a prepared written submission. The key points of his presentation are summarised as follows.

- The proposal involved extending the existing temporary building by a further 40.5m along the Stone Street boundary. This was additional to the 36m length of the existing building.
- The current building was a temporary structure and the result of a quick reconstruction after the earlier heritage building was lost during a storm. Any existing use rights were lost and there was therefore no baseline of the earlier structure to base these building extensions against.

- Mr Edmonds questioned the adequacy of the consultation undertaken, suggesting that the society should have made direct contact with the adjacent parties.
- Mr Edmonds questioned why the agenda contained no officer report. He asserted that there was no meaningful or robust assessment of the proposal upon which the panel could base its decision.
- It was mandatory for every reserve to have a management plan and there were no management plans in place for any of the reserves in the vicinity.
- Considering this application in isolation represented ad hoc decision-making as there was no management plan and the surrounding character of the area around the reserve had changed so much since original construction of the buildings on this site.
- The proposal would also require resource consent and the panel should also therefore consider the District Plan rules which informed the location and scale of structures appropriate for reserves.
- Times had changed and whilst the showgrounds and camping ground had once been on the edge of the town, they were now close to residential development, with houses all along the western boundary. A Reserve Management Plan would have recognised these changing circumstances.
- Consideration needed to be given to need for these building alterations and what alternatives were available. Mr Edmonds asserted that the A & P assets could be stored anywhere and there was no need for them to be on the reserve. It was a significant imposition on the local community to construct a permanent building along the edge of the reserve simply for a couple of days of use per annum.

The panel asked whether such issues would be better raised as part of the resource consent process. Mr Edmonds did not agree that deferring the decision to the next decision step appropriate in light of the scale and extent of the proposed buildings. He added that an existing management plan would provide clear guidance on what was appropriate for activities in the reserve.

Mr John Baynes

Mr Baynes spoke in opposition to the proposal:

- Many people enjoyed the reserves in Wanaka for their recreational values.
- The proposal was not an equivalence of the existing building on-site. The original building had not been out of character with the surroundings but a long building of the height and size proposed located along with trees effectively created a long corridor which was contrary to the overall shape of contemporary developments.
- There had been inadequate consultation with affected parties.
- There were other storage alternatives available to the society and it was not necessary for the its office space to be in the reserve.
- He could not accept that what amounted to a 'big shed' could have only a minor impact on adjacent parties.

- Whilst he was concerned that his house was particularly affected, he also had regard to the values of the reserve and the pleasure that it brought to many people.
- Wanaka had changed much in 15 years and its reserves were a vital part of the future ambience of Wanaka.

Mr Gary Pasco

Mr Pasco acknowledged that the view from his residence was particularly affected by the proposal as his home was directly behind the proposed building. Whilst he was sympathetic with the society's desire and need to store its equipment, the proposed building extension was significant, doubling the overall size of the building. It would create a 'long wall of green' and he considered it was inappropriate for a building of this size, which was just a storage shed, to be erected on a site of this significance.

Mr Pasco stated that the A&P Society had been good neighbours but could have undertaken more consultation about the proposal. He suggested that the society reconsider the implications of the proposed extensions and instead look at alternative ways of meeting its storage needs. He remained open to discussing other ways forward with the society.

Ms Meridee Beange

Ms Beange opposed the proposal for the following reasons:

- She used the reserve frequently and the building would spoil her enjoyment.
- There were only two entry points to the reserve and the accessway from the bottom of Stone Street should not be removed.
- The building extension would effectively create a corridor for people to walk through to get to the lake.
- The building would block views into the reserve, adversely affecting security and safety.
- The society's office did not need to be on the reserve.
- It was illogical to approve a permanent storage facility on the site for a 2 day event per annum.

In reply to a question, Ms Beange advised that the proposed building would not affect the view from her home but would adversely affect her appreciation of the reserve's openness.

Right of reply

Mr Ruddenklau advised that he had nothing to add to his previous presentation but replied to questions from the panel and commented as follows:

- The present woolshed was not hazardous but was definitely reaching the end of its economic life.
- The current lease covered the current buildings on the site but would expire in 2017. The present structure had been erected as a temporary building until Council built a sports facility on the site but the Council's plans had since changed.

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- The society had considered using lockable containers but would need at least 10-15 to store its equipment and regardless of where they were sited, would have visual effect on someone.
- He did not believe that the comparisons with Challenge Wanaka were valid as this was a completely different sort of event.
- He failed to see how the extension would impact on the usable area of the reserve.
- The overall intention of the proposal was to tidy up the area as much as possible

The hearing concluded at 11.22am.