

Traffic & Parking Subcommittee
10 June 2019

Report for Agenda Item | Rīpoata mot e Rāraki take 2

Department: Property & Infrastructure

Title | Taitara Motor vehicle restriction, unformed legal roads on Ben Lomond Station

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to consider restricting motor vehicles from using the unformed legal roads on Ben Lomond Station directly north of Moke Lake Road.

RECOMMENDATION | NGĀ TŪTOHUNGA

- 2 That the Traffic & Parking Subcommittee:
 1. **Note** the contents of this report
 2. **Approve** the restriction of motor vehicles on the unformed legal roads on Ben Lomond Station as set out in Attachment A - Motor vehicle restriction, unformed legal roads on Ben Lomond Station applying to Queenstown Lakes District from 1 March 2019 as of 10 June 2019.

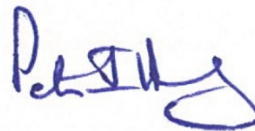
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24/05/2019

Reviewed and Authorised by:



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General Manager, Property &
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28/05/2019

CONTEXT | HORPOAKI

- 3 The Queenstown Lakes District Council Traffic and Parking Bylaw 2018 (the bylaw) regulates parking and the use of roads and public spaces under Council's control.
- 4 Changes to existing restrictions or the implementation of new restrictions require a Traffic and Parking Sub-Committee resolution prior to implementation.
- 5 Regular changes to traffic restrictions are required throughout the district, often in response to requests from the public or businesses regarding safety or accessibility concerns.
- 6 Of note, consistent with the governance agreement with, and the delegations of, the Wānaka Community Board, any future changes or new restrictions applying to Wānaka will be reported to the Wānaka Community Board for endorsement prior to consideration of the Traffic and Parking Subcommittee.
- 7 A disagreement has arisen between the lessees of Ben Lomond Station and the owner of DredgeNZ regarding access over Ben Lomond Station to a mining claim on Moke Creek.
- 8 The Ben Lomond Station lessees previously allowed the owner of DredgeNZ to drive over the farm roads for a nominal fee. Due to concerns with the number of people accessing the mining claim, sometimes without the owner of the claim with them, the lessees increased the fee to use the farm tracks.
- 9 Due to the presence of the unformed legal road across Ben Lomond Station, the owner of DredgeNZ claimed that access should be allowed. However, the farm tracks do not follow the unformed legal road for the first 1.2 kilometres except to cross it, like any farm track crosses legal roads, so there is no right to use farm tracks in lieu of the unformed legal road.
- 10 The owner of DredgeNZ has therefore requested to drive along the unformed legal road that crosses Ben Lomond Station.
- 11 The unformed legal road crosses paddocks, bush and scrub land, creeks and sloped terrain. There is also a small section of a farm building that is the subject of a License to Occupy. A motor vehicle could not travel along the unformed legal road corridor without severely damaging the current environment.
- 12 The unformed legal road is also currently fenced where it intersects with the formed Moke Lake Road.
- 13 The Ben Lomond Station lessees are planning to apply to close these unformed legal roads.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 14 This report seeks to restrict motor vehicles from using the unformed legal roads on Ben Lomond Station directly north of Moke Lake Road.

15 The sections of unformed legal road to be restricted do not have any formed farm tracks over them, and any attempt to drive a motor vehicle will damage the existing environment. The specific sections are detailed in Attachment A.

16 The fence currently restricts vehicle access to the unformed legal road so no signage is required. However, pedestrian access over the fence to access the unformed legal road will still be required if requested. ???

17 Option 1 Approve the restriction of motor vehicles from unformed legal roads on Ben Lomond Station

Advantages:

18 Makes it clear to the public that the unformed legal road corridor is not suitable for motor vehicles.

19 Ensures the existing environment is protected from motor vehicle damage.

Disadvantages:

20 Only foot access will be available to the public wanting to access Moke Creek.

21 Option 2 Not approve the restriction of motor vehicles from unformed legal roads on Ben Lomond Station

Advantages:

22 None – motor vehicle access is effectively not possible over significant sections of the unformed legal road without forming a road.

Disadvantages:

23 Although not possible to drive along the full length, unrestricted access to the unformed legal road will have to be allowed, making it possible for motor vehicle drivers to try and use the corridor. ???

24 As there is currently no motor vehicle access along the road corridor, allowing drivers to try and drive the corridor will damage the existing environment.

25 Unrestricted access to the unformed legal road will reduce the integrity of the Ben Lomond Farm as the fence blocking the unformed legal road will have to be removed, and a number of separate paddocks established, with additional fencing along the edges of the road corridor to restrict livestock movement.

26 This report recommends Option 1 for addressing the matter because it ensure the status quo remains with no motor vehicles using the unformed legal road corridors.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 27 This matter is of [low] significance, as determined by reference to the Council's Significance and Engagement Policy because it affects only one land lessee and only one public company is affected.
- 28 The Council has completed a full bylaw review during 2018. Significant formal and informal engagement was completed with the community and key stakeholders. This included the ability for Council to restrict motor vehicles from Unformed Legal Roads.

> MĀORI CONSULTATION | IWI RŪNANGA

- 29 The Council has not sought the specific views of iwi during this consultation process.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 30 This matter relates to the Strategic/Political/Reputation it is associated with RISK00031 Ineffective management and governance over legislative compliance within the QLDC Risk Register. This risk has been assessed as having a Low inherent risk rating.
- 31 The approval of the recommended option will support the Council by allowing us to avoid the risk. This shall be achieved by ensuring operational processes are consistent with legal and regulatory requirements to support education and enforcement activities.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 32 There are no financial implications from this decision.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

- 33 The following Council policies, strategies and bylaws were considered:
- 10-Year Plan 2018-2028 strategic framework contributing to efficient and effective infrastructure and a responsive organisation
 - Traffic and Parking Bylaw 2018 as existing regulation
- 34 The recommended option is consistent with the principles set out in the named policy/policies.
- 35 This matter is not included in the Ten Year Plan/Annual Plan as a specific activity and can be delivered within general infrastructure management activities.

LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE

- 36 This report satisfies the decision-making requirements of Council under the new bylaw pursuant to the Land Transport Act 1998 and the Local Government Act 2002. The report

provides a robust platform for the decisions to restrict parking and control vehicle use that are implemented on land under council's control. The approach has been confirmed by council's legal advisors as appropriate.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

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 efficient and effective administration and enforcement activities.
- 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.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	Attachment A - Motor vehicle restriction, unformed legal roads on Ben Lomond Station applying to Queenstown Lakes District from 1 March 2019 as of 10 June 2019
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