

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 15 February 2024 commencing at 1.00pm

Present:

Mayor Glyn Lewers; Councillors Bartlett, Bruce, Cocks, Gladding, Guy, Smith, White, Whitehead and Wong

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (GM Assurance, Finance and Risk), Mr Tony Avery (GM Property and Infrastructure), Ms Meaghan Miller (GM Corporate Services), Mr Ed Husband (Alliance Programme Manager), Mr Geoff Mayman (Owner Interface Manager – on line), Mr Simon Mason (Infrastructure Operations Manager), Ms Laura Gledhill (Solid Waste Contracts Manager), Ms Sophie Mander (Senior Waste Minimisation Planner), Mr Dan Crosby (Organisation Performance Manager), Mr Naell Crosby-Roe (Stakeholder Services and Governance Manager) and Ms Jane Robertson (Senior Governance Advisor); no members of the media and two members of the public

Apologies/Leave of Absence Applications

Apologies were received from Councillor Ferguson and Councillor Tucker.

The following requests for Leave of Absence were made:

- Councillor Bruce: 18-22 March 2024
- Councillor Whitehead: 1-2 May 2024

On the motion of the Mayor and Councillor Bartlett the Queenstown Lakes District Council resolved that the apologies be accepted and the request for leave of absence be approved.

Declarations of Conflict of Interest

Councillor Wong declared an interest an item contained in the Chief Executive's report regarding membership of the Project Manawa Hearing Panel, as he was a Director of the Queenstown Chamber of Commerce which had submitted on Project Manawa.

Special Announcements

No announcements were made.

Public Forum

1. Pierre Marasti (Extinction Rebellion)

Mr Marasti noted that 2023 was the warmest year on record and January 2024 was the warmest month on record. The world had already reached the 1.5° temperature increase that was the global climate threshold and this had occurred because of the world population's refusal to reduce emissions. Civilisation would continue to suffer because of climate change and the world could and would become warmer unless meaningful actions were taken.

2. Cath Gilmour

Ms Gilmour spoke about agenda item (1) in which additional funding to complete Stage 1 of the Arterial Project was sought. She asked that before starting stage 2 the Council resolve to undertake to community consultation and that this be added to the proposed resolution. She noted that there had been a tripling of costs in Stage 1 which did not augur well for Stage 2 and she questioned why the Queenstown Memorial Centre had not been identified as a Council strategic asset, in which case its proposed demolition would trigger the Special Consultative Procedure.

Confirmation of Agenda

On the motion of the Mayor and Councillor Guy the Queenstown Lakes District Council resolved that the agenda be confirmed without addition or alteration.

Confirmation of minutes

15 December 2023 (Ordinary meeting)

On the motion of Councillor Whitehead and Councillor White the Queenstown Lakes District Council resolved that the minutes of the public part of the ordinary meeting of the Queenstown Lakes District Council held on 15 December 2023 be confirmed as a true and correct record.

1 **Arterial Stage 1 Project – Additional Budget Required to Complete the Project**

A report from Geoff Mayman (Owner Interface Manager):

- Briefed the Council on an increase in the forecast cost to complete the Arterial Stage One project; and
- Sought Council approval of an increase to the budget of \$17.65 million to allow for completion of the balance of the Arterial Stage One Project and agree to a revised total budget of \$128.02 million.

Mr Avery and Mr Husband presented the report. Mr Mayman joined the meeting on line.

Mr Avery spoke to a PowerPoint presentation that explained why the need for additional funding had become necessary and the impact on the project if additional funding was not made available. He noted that 54% of construction was now complete and the target was to open the route in December 2024. He acknowledged that if the Council increased its funding, there was no guarantee that there would not be further increases, but there were also risks of not proceeding. The rating impact would be borne by Wakatipu ratepayers with no impact on the Upper Clutha. Mr Burns joined the table and detailed how the rating impact would be apportioned.

There was further discussion about membership of the Alliance and the need for Council to improve this relationship and meet regularly with the Board. Reference was made to the project to review the Alliance and whether the Council should delay the current decision until the review was complete. The Chief Executive advised that the review was expected to conclude by the end of February 2024 or early March but he did not consider there was value in delaying a decision as this may cause the whole project to fall over. Specific advice had not been taken on abandoning the project and all underground works would soon be complete which would reduce uncertainty and risk.

The Mayor read aloud comments supplied by Councillor Ferguson (who was absent from the meeting) from accommodation businesses located adjacent to one of the long-standing construction sites, highlighting the adverse impacts these ongoing roadworks had had on these businesses.

There was extensive discussion and a large number of questions. There was general agreement that stage one of the project could not remain unfinished.

The Mayor advised that since publication of the agenda a revised recommendation containing some additional points (representing a new part (6)) had been prepared and the updated recommendation was displayed for discussion and consideration.

On the motion of Councillor Bruce and Councillor Cocks it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Approve a budget increase of \$17.65 million for the Arterial Stage One project budget, establishing a revised total budget of \$128.02 million;**
- 3. Note the advice in the financial section of this report that if the increase is approved that it would be accommodated by:**
 - a. The adjusted QLDC budget for 2023/24 increasing by \$16.65M to become \$198.08M;**

7. **Note that the revised project budget of \$128.02 million may be subject to further adjustments for future construction and supply market uncertainty and cost escalation; and**
8. **Delegate authority to the Chief Executive to manage the Arterial Stage One project up to the budget values provided in the LTP, or as may be amended by the Annual Plan process.**

The motion was put and carried with Councillor Gladding voting against the motion.

2. **Long Term Plan 2024-2034: Deferred adoption**

A report from Caleb Dawson-Swale (Business Planning Manager) referred to the coalition government's repeal of the three waters legislation and proposed deferring the adoption of the Long Term Plan ('LTP') 2024-2034 by up to three months (recommending that it be adopted no later than 30 September 2024) and deferring adoption of the Annual Report 2023-2024 by up to two months (to be adopted no later than 31 December 2024).

Ms Miller, Mr Burns and Mr Crosby presented the report. It was noted that the new LTP consultation dates would be 28 June – 29 July 2024 but consultation on fees and charges and community grants would occur at the usual time, with the outcome of this process to feed into the LTP. Staff observed that there may be a slight delay to rates invoices but there were additional complexities to doing an LTP in 2025 and they therefore did not recommend the option of delaying the LTP by a year.

On the motion of Councillor Smith and Councillor Gladding it was resolved that the Queenstown Lakes District Council:

1. **Note the contents of this report and the letter sent by Minister of Local Government Hon Simeon Brown to Queenstown Lakes District Council on 14 December 2023 titled New direction for water services delivery (Attachment A);**
2. **Agree to defer the adoption of the Queenstown Lakes District Council Long Term Plan 2024-2034 by up to three months, (no later than 30 September 2024); and**
3. **Agree to defer the adoption of the Queenstown Lakes District Council Annual Report 2023-2024 by up to two months, (no later than 31 December 2024).**

The motion was put and carried unanimously.

The meeting adjourned at 2.28pm and reconvened at 2.33pm

3 Organics Investment - Food Scraps and Greenwaste Collection and Processing Services Business Case

A report from Sophie Mander (Senior Waste Minimisation Planner) presented the business case for the Council to implement a kerbside organics collection service and processing solution. The report advised that the preferred option in the business case was a weekly kerbside collection of combined food scraps and greenwaste (FOGO) in an 80 litre bin, with the collected material taken to an organic waste processing facility being developed by Central Otago District Council (CODC) under a gate fee agreement. The report proposed that the new service begin once the CODC regional facility was operational, currently forecast for 2026/27.

Mr Mason, Ms Gledhill and Ms Mander presented the report. It was noted that with a weekly combined FOGO collection, refuse would reduce to a fortnightly collection. Staff had examined a wide range of service options and the proposal was consistent in size and frequency with comparable services. Introduction was contingent on CODC developing its regional facility but a Council resolution was needed in order to start conversations with them. An agreement with CODC was the preferred solution but this did not discount other potential service providers.

Officers acknowledged that any final service procurement would need to comply with Council's procurement policy and it was agreed to add this point to the resolution (within part (4) of the resolution.) Further, it was a proposed new service that would need to be consulted on via the LTP and this point was added to part (3) of the resolution. A request was made for the Infrastructure Committee to maintain an overview of the service and its introduction and this was a new part (7) of the resolution.

On the motion of Councillor Smith and Councillor Whitehead it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Approve the preferred option in the business case i.e. to implement a weekly combined food scraps and greenwaste (FOGO) 80 litre kerbside collection service for urban and rural service entitled properties;**
- 3. Approve that the new service commence in 2026/27, subject to consultation and funding becoming available in the 2024-34 Long Term Plan.**
- 4. Agree to enter into formal discussion with Central Otago District Council ('CODC) for acceptance of organic material at CODC's planned organics facility under a gate fee**

agreement, noting that any final service procurement will need to comply with the Council's Procurement Policy;

5. Note that provision for the estimated costs is included in the draft Ten Year Plan;
6. Note that a comprehensive communications campaign and detailed service information will be shared with the community prior to implementation; and
7. Agree that officers report to the Infrastructure Committee with regular progress updates covering key risks identified in the Business Case.

The motion was put and carried unanimously.

4 Proposed Amendments to Standing Orders

A report from Naell Crosby-Roe (Governance and Stakeholder Services Manager) proposed a number of changes of the Council's Standing Orders, either to reflect legislation or accepted best practice. The proposed changes were as follows (new text in red and strike-through to signify deleted text):

- a. Meetings held on or after the 21st day of the month public notification ~~must~~ **may instead** be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.
- b. Members who attend meetings by electronic link **will not be** counted as present for the purposes of a quorum.
- c. **If the Chairperson believes there are grounds for refusing to accept a notice of motion, the chief executive may discuss with the mover an alternative approach to achieving the outcome sought by the mover... etc**
- d. Minutes must be ~~kept in hard copy,~~ signed and ~~included in the council's minute book~~ **may be kept in hard copy (Minute Books) and/or in electronic form**
- e. **A written record of the workshop should be kept (etc).**
- f. **Public attendance at workshops**
Workshops are open to the public to attend should they wish.

Mr Crosby-Roe presented the report. He suggested that a further amendment also required consideration as part of the changes assessed in the report to address a potential inconsistency:

Public notice of a workshop *will be as per standing order 8.1 Public notice – ordinary meetings | Te pānui tūmatanui – ngā hui noa* is not required, and workshops can be either open to the public or public excluded.”

There was further discussion about the timeframe for pre-circulating papers prior to a workshop. Mr Crosby-Roe advised that the intention was to endeavour to circulate papers for a workshop four clear days before the meeting.

There was further discussion about introducing the practice of making an audio-visual recording of the public excluded part of meetings. The Chief Executive did not support this approach and noted that it would not result in more detail being recorded in public excluded minutes.

Councillor Gladding proposed an amendment to the motion:

‘Add clauses to the QLDC Standing Orders to the effect that:

- a. Workshop papers are required to be with Councillors four clear working days before a workshop, except where an exemption has been clearly communicated; and
- b. Discussion on public excluded items must either be recorded or minutes taken that reliably contain a clear audit trail of the full decision-making process including any relevant debate and consideration of options and how individual members voted.’

Following further discussion, Councillor Gladding agreed to change part ‘b’ of the proposed amendment to:

- b. Discussion of public excluded items must be audio-visually recorded.

The proposed amendment was not seconded and therefore lapsed.

On the motion of Councillor Cocks and Councillor Wong it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Amend Standing Orders as detailed in paragraph 6 of the report.**

The motion was put and carried.

5 Chief Executive’s Report

A report from the Chief Executive:

- Summarised items from a recent meeting of the Wānaka-Upper Clutha Community Board;

- Detailed two occasions where the Chief Executive had acted under delegated authority (purchase of 189 Ballantyne Road and temporary closure of Mt Iron)
- Sought a Council resolution to replace a member on the Project Manawa hearing panel (Councillor Ferguson to replace Councillor Wong who had declared a conflict of interest).

There was further discussion about the appointment of elected members for panels to hear submissions. Councillor Gladding expressed support for developing a policy so there was a consistent approach to establishing hearing panels. The Chief Executive noted that panels were mostly established at the time a report was presented to Council and there was a requirement for a hearings panel.

On the motion of the Mayor and Councillor Bruce it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Note the purchase of 189 Ballantyne Road in recognition of the operational and strategic opportunities presented by the site;**
- 3. Appoint Councillor Ferguson to the hearing panel convened as part of the Project Manawa consultation process to hear submissions and make a recommendation on the:**
 - a. proposed land strategy for the Stanley Street site; and**
 - b. proposal of joint ownership (with Ngāi Tahu Property Limited) and governance arrangements;**

Wānaka-Upper Clutha Community Board

- 4. Approve the vesting of the following reserves:**
 - a. Orchard Road Holdings RM230716 as a variation to RM200259 – Recreation Reserve. Lot 132, being 2.21 hectares.**

Subject to the following works being undertaken at the applicant's expense.

- i) Compliance with the conditions of Resource Consent RM200259 as varied by RM230716 (and any subsequent variations) which include:**
 - **The formation of a sealed pathway on the Lot 132 reserve to meet the Grade 2 standard of**

- the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
- Provision of a potable water supply point to be provided at the boundary of the reserve lot;
 - The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between any public reserve vested in or administered by the Council and any adjoining land;
 - The registration of a Consent Notice (or alternative encumbrance) on any land within the development adjoining the reserve, to ensure any fences on land adjoining, or boundaries along any reserve, shall be greater than 1.2m in height, and be 50% visually permeable;
 - A two-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserve will be maintained during the maintenance period.
- ii) Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy; and
- iii) Presentation of the reserve in accordance with Council's policies.
- b. Mount Iron Junction RM230506 – Local Purpose (Connection) Reserve. Lot 5 being 60m².

Subject to the following works being undertaken at the applicant's expense.

- i) Compliance with the conditions of Resource Consent RM200259 as varied by RM230716 (and any subsequent variations) which include:
- The formation of a sealed pathway within Lot 5 to meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2018);

- Provision of a potable water supply point to be provided at the boundary of the reserve lot;
 - The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between any public reserve vested in or administered by the Council and any adjoining land;
 - The registration of a Consent Notice (or alternative encumbrance) on any land within the development adjoining the reserve, to ensure any fences on land adjoining, or boundaries along any reserve, shall no greater than 1.2m in height, and be 50% visually permeable;
 - A three-year maintenance period by the consent holder commencing from vesting of the reserve; and
 - A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserve will be maintained during the maintenance period.
- ii) Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy; and
- iii) Presentation of the reserve in accordance with Council's policies.
5. Approve the following easement, subject to section 48(1) of the Reserves Act 1977:
- a. The trenching and placement of the following services under two Local Purpose reserves Lot 2 DP 325889 and Lot 117 DP 27003 between Beacon Point and Penrith Park Roads, in Wānaka in favour of John Wyatt, Kristen Metzger and Philip O'Brien:
 - The installation of a 40mm diameter pressure Wastewater main.
 - The installation of a 32mm water pipe.

- The installation of a 3 phase electrical cables to convey electricity and telecommunications services.
 - b. The time frame of the easement should be approximately 6 months – 1 year.
6. Agree that approval for the easement is subject to the following conditions:
- a. The applicant shall notify and liaise with QLDC Property and Infrastructure Department in advance of any onsite works, so that, if necessary, they can oversee and provide input relating to any works.
 - b. For any disruptions noted, necessary detours to be provided throughout the duration of the installation process.
 - c. Any necessary resource consent, including all earthworks, and any relevant variations, are first obtained for the proposal.
 - d. Easement fees to be determined and paid in accordance with Council's Easement Policy 2008.
 - e. All activities are to be undertaken in accordance with WorkSafe New Zealand's standards for the work environment.
 - f. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment.
 - g. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant to the QLDC Property Team.
 - h. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property Team.
7. Agree that notification to grant the easement is not required as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report; and
8. Agree that authority to approve final terms and conditions, and execution authority, is delegated to the QLDC Property Team in consultation with the General Manager Community Services who should also have

regard to whether remediation of the area should be to
an improved state.

The meeting concluded at 3.27pm.

MAYOR

DATE