

Minutes of an ordinary meeting of the Queenstown Lakes District Council held via Zoom on Thursday 4 June 2020 commencing at 1.00pm

Present:

Mayor Boulton; Councillors Clark, Copland, Ferguson, Gladding, Lewers, MacDonald, MacLeod, Miller, Shaw and Smith

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (General Manager, Finance, Legal and Regulatory), Mr Peter Hansby (General Manager, Property and Infrastructure), Dr Thunes Cloete (General Manager, Community Services), Ms Meghan Pagey (Director, People and Capability), Mr Aaron Burt (Senior Planner, Parks and Reserves), Mr Daniel Cruickshank (Property Advisor, APL Property Ltd), Mr Paul Speedy (Strategic Project Manager), Ms Laura Gledhill (Contracts Manager, Property and Infrastructure), Ms Vivien Chen (Project Manager, Property and Infrastructure) and Ms Jane Robertson (Senior Governance Advisor)

Apologies/Leave of Absence Applications

No apologies or requests for leave of absence were made.

Councillor Smith advised that he and Councillor MacLeod would be involved in District Plan hearings during much of late June and throughout July and would therefore be unavailable for other Council commitments. The Mayor considered that this did not represent a period for which a Leave of Absence was necessary.

Declarations of Conflicts of Interest

There were no conflicts of interest notified.

Public Forum

1. Darryll Rogers

The Governance Advisor read aloud Mr Rogers' comments. He observed that the Climate Action Plan lacked reference to the concept of 'freedom'. He encouraged broadening the practice of home schooling, detailing the benefits he perceived of widespread home schooling. He asked the Council to reduce layers of control and reliance on government structures, as they often caused the problems that the community sought to solve.

Confirmation of Agenda

The Mayor advised that the Chief Executive wished to add another item to the agenda, being a public excluded section of the Chief Executive's Report seeking Council's approval of additional budget for the Lakeview Project.

On the motion of the Mayor and Councillor MacDonald the Queenstown Lakes District Council resolved that the agenda be confirmed with an additional item in the public excluded part of the meeting entitled 'Additional budget for Lakeview Project' to be taken as part of the Chief Executive's report;

- a. The reason the item was not included on the original agenda is due to an administrative error;
- b. The reason the item cannot be delayed until the next meeting is because additional funding is needed to be able to award the contract, and any delay in this award impacts the overall programme and puts at risk the development agreement.

Confirmation of Minutes

Councillor Gladding asked that her vote against the substantive motion for item 1 be correctly recorded as being against the motion (refer page 12 of the draft minutes).

On the motion of the Mayor and Councillor Miller the Queenstown Lakes District Council resolved that the public part of the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 23 April 2020 as amended be confirmed as a true and correct record.

The Mayor advised that because the meeting was being undertaken via video-conferencing he would continue with the practice of taking each substantive motion as if it were a division.

1. Proposed waste fees and charges 2020/21

A report from Laura Gledhill (Contracts Manager) presented new waste fees and charges for the 2020/21 financial year for the Council to approve.

Ms Gledhill and Mr Hansby presented the report. In response to a question, Ms Gledhill detailed plans to encourage e-waste disposal with a minimal charge, noting that there had already been a good uptake of the service since its introduction on 1 July 2019. She confirmed that e-waste was recyclable.

It was moved (Councillor MacDonald/Councillor Clark)

That the Queenstown Lakes District Council:

1. Note the contents of this report; and
2. Adopt the waste fees and charges for the 2020/21 year.

The motion was put and carried unanimously:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Gladding, Councillor Lewers, Councillor MacDonald, Councillor MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith

Against: Nil

Abstain: Nil

2. Underground Service Easements – Queenstown Commercial Limited (QCL) Stage 7 Subdivision, Lake Hayes Estate

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application for underground services easements over the recreation reserve known as Widgeon Place Recreation Reserve, located southeast of Lake Hayes Estate. The report concluded that approving the easement would not affect the public's ability to use and enjoy the reserve nor would it have any long-term permanent effect on the reserve, meaning that the proposal did not require public notification. Accordingly, the report recommended that the Council approve the easement, subject to several recommended conditions.

Mr Burt and Mr Cruickshank presented the report.

Councillor Gladding expressed concern that the services had been installed before Council had approved the easement. She asked if this was a common practice and whether any penalty was payable. Mr Burt agreed that QCL should have applied for the easement first but had not done so due to a misunderstanding. No penalty was payable but in this case it was reasonable because the subdivision would contain a number of dwellings for the Queenstown Lakes Community Housing Trust. Regardless of the process followed, Mr Burt confirmed that the staff recommendation to grant the easement would be the same.

The Mayor agreed that such a practice was not acceptable and asked staff to inform the developer of the Council's displeasure.

It was moved (Councillor MacDonald/Councillor Ferguson)

That the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Approve granting underground service easements over recreation reserve Lot 321 DP 379403, RT574161, for benefit of Queenstown Commercial Limited development, with location of that development [identified in Attachments A & B to these minutes];**
 - a. Right to drain sewerage in favour of Queenstown Lakes District Council;**
 - b. Right to convey water in favour of Queenstown Lakes District Council;**

- c. Right to convey telecommunications in favour of Chorus New Zealand Limited;
 - d. Right to convey electricity (excluding 'Area I') in favour of Electricity Southland Limited;
 - e. Right to convey gas in favour of Rockgas Limited;
3. Agree that notification to grant the easements 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;
 4. Require that easement fees are charged;
 5. Delegate approve of final terms and conditions, and execution authority to the General Manager Community Services; and
 6. Agree that the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easements to the applicant over Lot 321 DP 379403, RT574161 – Recreation Reserve.

The motion was put and carried unanimously:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Gladding, Councillor Lewers, Councillor MacDonald, Councillor MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith

Against: Nil

Abstain: Nil

3. **Underground Services Easement sought by Queenstown Lakes District Council over Lismore Park**

A report from Aaron Burt (Senior Planner: Parks & Reserves) assessed an underground services easement for wastewater sought by the Queenstown Lakes District Council over Lismore Park. The report concluded that approving the easement would not affect the public's ability to use and enjoy the reserve nor would it have any long-term permanent effect on the reserve, meaning that the proposal did not require public notification. Accordingly, the report recommended that the Council approve the easement, subject to several recommended conditions.

Mr Burt, Dr Cloete and Ms Chen presented the report.

Councillor MacLeod advised that he did not oppose granting the easement. However, he noted there had been public concerns expressed about the lack of formed vehicle parking for users of Lismore Park and there was an opportunity to formalise a parking area as part of this project. He had raised this option with staff and understood that such a request was out of scope for this report and would require separate approval. Nonetheless, he believed that such a project would make

the site safer and he signalled his wish for further dialogue with staff. Councillor Smith expressed support for this proposal and agreed that there needed to be better levels of integrated decision-making between departments.

Ms Chen provided details of the project delivery, noting that there would be a minor disruption for users for about a week whilst contractors installed pipework, although reinstatement of the grass would take longer.

It was moved (Councillor Lewers/Councillor MacLeod)

That the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Approve an underground services easement over Council Reserve Land legally described as Part Section 90 Block IX TN of Wanaka, as detailed in the plans included as Attachment C to these minutes.**
- 3. Agree that public notification of the intention to grant the underground services (wastewater) easement is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report;**
- 4. Direct that the approval of any easements over Council Reserve Land is subject to the following terms and conditions:**
 - a. Commencement: Upon vesting of the services.**
 - b. Extent of Easement: To be confirmed prior to commencement, and subject to advice from the QLDC arborist that no trees will be adversely affected by the infrastructure alignment;**
 - c. Comprehensive safety plans must be prepared and implemented, to ensure a safe environment is maintained around the subject easement sites for any physical works associated with the easement areas;**
 - d. Certificate of adequate public liability cover to be assured;**
 - e. Reinstatement and landscaping of any disturbed areas to be completed within two months following any associated excavation/construction, or to the satisfaction and timeframes communicated by the QLDC's Community Services Department.**

- f. **Within 3 months of completion of the work in any easement areas for which easements are sought, a surveyed easement and signed Deed of Easement is to be provided, unless otherwise authorised in writing by the General Manager Community Services.**
5. **Delegate authority to approve final terms and conditions, including commencement, location, extent, and execution authority to the General Manager Community Services, provided all relevant requirements of the Easement Policy 2008 are addressed; and**
6. **Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of the identified easements over Council Reserve Land.**

The motion was put and carried unanimously:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Gladding, Councillor Lewers, Councillor MacDonald, Councillor MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith

Against: Nil

Abstain: Nil

4. **Amendment to Foundation Documents for Local Government Funding Agency**

A report from Stewart Burns (GM Finance, Legal and Regulatory) presented proposed amendments to the Local Government Funding Agency's foundation documents and sought Council's ongoing involvement with the Local Government Funding Agency by agreeing to and executing the documents.

Mr Burns presented this report.

The Mayor advised that two elected members were needed to execute the documents. Mr Burns advised that he wished to do so the following day and asked Council to select members who would be readily available. It was agreed to appoint the Mayor and Councillor MacDonald, who was particularly apt as Chair of the Audit, Finance and Risk Committee.

It was moved (Councillor Clark/the Mayor)

That the Queenstown Lakes District Council:

1. **Note the contents of this report;**
2. **Endorse the amendments to the New Zealand Local Government Funding Agency foundation documents; and**

3. **Authorise the Chief Executive, Mayor Boulton and Councillor MacDonald to execute the documents which will allow Council to continue to participate with the New Zealand Local Government Funding Agency:**
 - a. **Amendment and Restatement Deed (notes subscription Agreement);**
 - b. **Amendment and Restatement Deed (Multi-issuer Deed);**
 - c. **Amendment and Restatement Deed (Guarantee and Indemnity).**

The motion was put and carried unanimously:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Gladding, Councillor Lewers, Councillor MacDonald, Councillor MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith

Against: Nil

Abstain: Nil

5. **Chief Executive's Report**

A report from the Chief Executive presented:

- An update to the delegated authority under the Resource Management Act 1991 held by officers within the Subdivisions team;
- The Council's submission to the Otago Regional Council's 2020/21 Annual Plan for retrospective approval;
- Recommendations from the Wānaka Community Board in relation to a new licence for Lakeland Adventures Wānaka Ltd and a proposal to vest land in Wānaka associated with the Northlake Development, both of which had been considered and recommended for approval at a Board meeting held on 14 May 2020.

The Chief Executive noted that since preparation of the report, he had become aware that the Otago Regional Council had approved the QLDC's Annual Plan submission for more funding for emergency management functions.

Councillor Smith asked why the Wānaka Community Board's recommendation for the Table and Chairs Policy to be amended to require all future licences to have a three-metre pavement width had not been included as a recommendation to Council. The Chief Executive noted that a review of the Table and Chairs Policy was underway and it was more appropriate to consider the recommendation as part of this.

It was moved (The Mayor/Councillor Copland)

That the Queenstown Lakes District Council:

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

2. Approve the addition of new staff officers with delegated authority under the Resource Management Act 1991;
3. Approve retrospectively the Council's submission to the Otago Regional Council's Annual Plan;

Wānaka Community Board

New Licence for Lakeland Adventures Wanaka Ltd

4. Grant a new licence to Lakeland Adventures Wānaka Ltd, over recreation reserve at Roys Bay, with legal description Section 13 Block XV TN of Wānaka and Part Section 7 Block XV TN of Wānaka, subject to the following terms and conditions:

Commencement	TBC
Term	5 years.
Hours of Operation	To be established, but all equipment is to be removed from the Licence Area daily.
Annual Rent	The greater of \$500.00 plus GST or 7.5% of gross revenue.
Reviews	At renewal.
Renewals	Five of a further one year by agreement of both parties.
Assignment/Sublease	With Council's approval.
Use	Non-motorised equipment hire, and the sale of guided commercial water based activities upon Lake Wānaka by Lakeland Adventures Wānaka Ltd.
Insurance	Requirement to have public liability insurance of \$2 million.
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided to Council and be approved by the Harbourmasters office prior to commencing the activity.
Other	Licensee must ensure they hold a valid resource consent for the activity, including all commercial

activities upon the lake and foreshore.

If the requested to do so by Council, the licensee must temporarily relocate their activity to a location identified by Council, if works are required to be undertaken by Council in the licence area. The licensee may also be required to permanently relocate their licence area if necessary to enable development of the lakefront area by Council.

The licensee to obtain a Commercial Activity Permit in accordance with the Waterways and Ramp Fees Bylaws (if required) or successors to this policy.

Licensee to ensure that all associated rubbish is removed from the reserve.

Trailers and equipment to be removed from the reserve daily. Although limited scope can be provided for overnight occupation of the Licence Area with Councils confirmation e.g. congestion from greater Council authorised events making removal problematic.

Retail activities shall be limited to equipment hire and the sale of Lakeland Adventures Wānaka Ltd tickets.

The main trailer will be a maximum of 9 metres long. The final design of the trailer must first be confirmed as appropriate by the General Manager Community Services, in discussion with the Chair of the Wānaka Community Board.

Aside from the main trailer and its associated vehicle no vehicle

parking on the reserve is allowed by the Licence. Drop offs and pick up of equipment from other vehicles is permitted.

Onsite signage shall be limited to one sandwich board and the design wrap of the trailer and its tow vehicle. As a baseline, the trailer shall be coloured a recessive colour in the range of browns, greys and greens. However, any signage, imagery, corporate branding, or design wraps to encompass all or part of the trailer may be allowed, but only if first be confirmed as appropriate by the General Manager Community Services, in discussion with the Chair of the Wānaka Community Board. Only signage and imagery so approved may be allowed within the Licence Area.

5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to Lakeland Adventures Wānaka Limited over Section 13 Block XV TN of Wānaka and Part Section 7 Block XV TN of Wānaka.
6. Agree to delegate the final licence terms and conditions and signing authority to the Community Services General Manager.

Proposal to Vest Land in Wānaka associated with the Northlake Development

7. Approve the vesting of the three Local Purpose Reserves,:
Northlake Investments Ltd, Wānaka – RM190951
 - a. Reserve 1: Local Purpose (Stormwater) Reserve. Area 4,470m².
 - b. Reserve 2: Local Purpose (Services & Access) Reserve. Area 180m².
 - c. Reserve 3: Local Purpose (Services & Access) Reserve. Area 140m².

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

- i. Consent being granted (as necessary and subject to any subsequent variations) for any subdivision required to formally create the reserves, and to also level out topography for reserves 2 & 3 (if advised necessary by the Parks & Open Spaces Planning Manager);**
- ii. Presentation of the reserves in accordance with Council's standards for reserves;**
- iii. The submission of Landscape Plans to Council by the developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserves. The certification of such a plan shall be by the Parks and Open Spaces Planning Manager.**
- iv. The formation of sealed pathways on reserves 2 & 3 to a minimum two-metre wide width, and to also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);**
- v. A potable water supply point to be provided at the boundary of the reserve lots;**
- vi. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves 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;**
- vii. The registration of a Consent Notice (or alternative encumbrance) on any land within the development adjoining the reserves, 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;**
- viii. A three-year maintenance period by the current landowner commencing from vesting of the reserves 2 & 3;**
- ix. A maintenance agreement for reserves 2 & 3 being prepared and signed by the Parks and Open Spaces Planning Manager specifying how the reserves will be maintained during the maintenance period; and**
- x. A maintenance period for Reserve 1, as identified in any associated resource consent to create the Local**

Purpose (Stormwater) Reserve, with any agreement being with Council's Property & Infrastructure department;

- xi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.**
- 8. Agree to offset any reserve improvement contributions against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:**
- 9. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the the Parks & Open Spaces Planning Manager.**
- 10. Final approval of any reserve improvement costs to be delegated to the the Parks & Open Spaces Planning Manager, and is subject to the applicant demonstrating the actual costs of the improvements.**
- 11. Agree that if the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.**

The motion was put and carried unanimously:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Gladding, Councillor Lewers, Councillor MacDonald, Councillor MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith

Against: Nil

Abstain: Nil

Resolution to Exclude the Public

On the motion of the Mayor and Councillor Clark the Queenstown Lakes District Council resolved that the public be excluded from the following parts of the meeting:

And

That the following persons remain because of their knowledge and expertise of matters in the following agenda items:

Item 6: Mr Daniel Cruickshank (Property Advisor, APL Property Ltd)

The general subject of each matter to be considered whilst the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Confirmation of minutes (Ordinary meeting of Council, 23 April 2020)

Item 7: *Acquisition of land from Cardrona Ltd*

Item 8: *Cardrona Valley Waste Water Scheme Update and Funding Confirmation*

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Acquisition of land from Cardrona Ltd	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p>
8. Cardrona Valley Waste Water Scheme Update and Funding Confirmation	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(i)</p>

Agenda Items

Item 5a: *Chief Executive’s Report: Additional Budget for Lakeview Project*

Item 6: *Acquisition of land on Trench Hill Road, Quail Rise*

Item 7: *Cardrona Valley Waste Water Scheme Update and Funding Confirmation*

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
<p>5a. Chief Executive’s Report: Additional budget for Lakeview Project</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(i)</p>
<p>6. Acquisition of land on Trench Hill Road, Quail Rise</p>	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>h) enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p>

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Chief Executive End of Term Review	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) protect the privacy of natural persons (including deceased natural persons);	Section 7(2)(a)

This recommendation is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

The meeting went into public excluded at 1.44pm at which point it adjourned to stop the live streaming. It recommenced with the public excluded at 2.14pm.

The meeting came out of public excluded and concluded at 2.40pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR

DATE