

Minutes of an ordinary meeting of the Queenstown Lakes District Council held via Zoom on Thursday 28 April 2022 commencing at 1.00pm

Present:

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

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 Meaghan Miller (General Manager, Corporate Services), Ms Adrienne Young-Cooper (Chair, Board of Directors, QAC), Mr Glen Sowry (Chief Executive, QAC), Mr Brendan Peet (General Counsel), Mr Quintin Howard (Property Director), Mr Tony Pickard (Transport Strategy Manager), Ms Zoe Burton (Senior Legal Counsel), Mr Simon Battrick (Sport and Recreation Manager), Mrs Alison Howie (Project Manager) and Ms Jane Robertson (Senior Governance Advisor)

Apologies/Leave of Absence Applications

Councillor Shaw was an apology for the meeting being on approved leave of absence.

Declarations of Conflict of Interest

No declarations were made.

Special Announcements

The Mayor paid tribute to Graham Budd and Lesley Burdon, two notable members of the community who had recently passed away. He commented on their particular areas of community service, noting that Graham Budd was a former Chief Executive of Destination Queenstown and that Lesley Burdon had been a former Councillor and also very active in the health service.

Councillor Smith also referred to the recent death of a well-known Wānaka ambulance officer, Sean Dickey, who had been killed in a Christchurch motor accident.

The Mayor thanked members of the community for the high levels of participation in the 2022 Anzac Day ceremonies.

Public Forum

The public forum speakers appeared via Zoom.

1. Pierre Marasti (Extinction Rebellion)

Mr Marasti stressed the need to reduce consumption, protect biodiversity and to stop burning, adding that this needed to happen immediately in order to limit warming to 2°C. He stated that the acceleration of natural disasters and extreme weather in New Zealand and around the world was very frightening. He described further some of these events and their significant effects on people and their homes. He acknowledged the work involved in drafting the Climate and Biodiversity Action Plan but said it did not go far enough because it did not have enough funding and international aviation emissions were not taken into consideration. Further, it needed to promote change and the Council should use its powers under the RMA to refuse consent based on the effects of a project on climate.

2. Ruth Stokes, CE Queenstown Chamber of Commerce

Mrs Stokes stated that the Chamber wished to express its support of Queenstown Airport Corporation (QAC) and encourage the Council to accept the Statement of Intent (SOI). The airport was a key economic driver and part of Queenstown's infrastructure. Further, the company was capably led by the Board of Directors and Chief Executive. The Chamber was heartened that the master development would be led by this group and was confident that it would be a thorough process that included all stakeholders.

3. Richard Thomas, DQ Board

Mr Thomas spoke in support of QAC's Statement of Intent. He observed that the tourism and hospitality sectors had been the hardest hit during the pandemic, and it had taken a lot of resilience for businesses to survive this period. The opening of New Zealand's borders was welcomed and QAC had a critical role to play in the district's recovery. DQ also supported QAC leading the masterplan process because they were a highly competent board and a capable CE and executive team. They were engaging and communicating well with the community and they should be allowed to get on with the job.

4. Mark Kunath

Mr Kunath was critical of the direction shown in QAC's Statement of Intent. He believed the Council needed to take a firm hand with QAC and he supported Council leading the masterplan consultation because as the majority shareholder, the 'buck' stopped with Council. With good capability on both sides Council could lead the consultation and QAC could also meet its statutory requirements. He was surprised that the SOI forecast tourist numbers returning to pre-COVID levels by 2024 as this was not far away and he questioned whether this was in line with community wishes. He understood businesses had ground to make up, but a return to previous levels of tourism would be a strain on local infrastructure and the ability of community to support.

Confirmation of Agenda

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

Confirmation of minutes

17 March 2022 (Ordinary meeting)

On the motion of the Mayor and Councillor Gladding 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 17 March 2022 be confirmed as a true and correct record.

1 QAC draft Statement of Intent

A covering report from Meaghan Miller (General Manager Corporate Services) presented the Queenstown Airport Corporation (QAC) Statement of Intent (SOI) for the year ending 30 June 2023 for Council to consider and agree any feedback.

On the motion of the Mayor and Councillor Lewers the Queenstown Lakes District Council resolved to suspend Standing Orders to allow Ms Young-Cooper and Mr Sowry to address the Council.

Ms Young-Cooper addressed the Council. She considered that the Council's guidance was reflected in the draft SOI and there was strong alignment on priorities and strategic direction. However, QAC wanted to lead consultation on the draft masterplan, albeit in partnership with QLDC, which was contrary to the Council's expressed wish. The masterplan was complex and highly technical and there were other stakeholders as well as residents with whom consultation needed to be undertaken. Further, regulatory compliance was also important. The Board would be unable to fulfil its statutory duty and fiduciary responsibilities if it did not lead the consultation.

Mr Sowry spoke about QAC's ten-year strategic plan. It centred on five workstreams: terminal/precinct/airfield, revenue diversification, noise management and mitigation, sustainability, customer, and community experience. There were work plans within each of these workstreams and these were at the core of the strategic plan. Financial modelling within each assessed the affordability of implementing the plan whilst being able to provide a dividend. This was preparatory work for the masterplan which was a complex and multi-faceted piece of work that would shape QAC's future for many years to come.

On the motion of the Mayor and Councillor Gladding the Queenstown Lakes District Council resolved that Standing Orders be reinstated.

Members made various comments in support of the Statement of Intent. Councillor Gladding asked why the report failed to address legal and fiduciary responsibilities. The Chief Executive advised that the purpose of the report was only to receive the

Statement of Intent and for the Council to provide feedback. Councillor Gladding asked for staff to set out the legal responsibilities for the Council in the next QAC report. She also asked for climate change and emissions to be covered.

There was discussion about the need for a QAC CCTO Governance Manual. Ms Miller confirmed that officers were able to develop a manual with the aim of helping the Council understand the legalities of its responsibilities.

There was extensive discussion about which entity should lead consultation on the masterplan, the status of the strategic plan, the role of Council as shareholder and the role of the Board of Directors. Members also considered that the Statement of Intent avoided dealing with climate change and the fact that one of the biggest causes was aircraft.

It was noted that the masterplan process would not occur until the following year at which time the Council would be considering another Statement of Intent.

There was further discussion about use of the phrase 'agreed feedback' in the recommendation. The Council determined that 'agreed' should be deleted from the resolution as, at this point, feedback had not been agreed. This proposed change was supported by the mover and seconder of the motion.

It was moved (The Mayor/Councillor Clark):

That the Queenstown Lakes District Council:

- 1. Note the QAC is a Council Controlled Trading Organisation (CCTO) as per Section 6 of the Local Government Act 2002 (the Act) and must therefore comply with Section 64 of the Act that requires all CCTOs to have a Statement of Intent that meets with the requirements of Schedule 8. This is a statutory requirement.**
- 2. Note under s 65(2) of the Act, the Statement of Intent delivered to it by QAC on 28 March 2022 and direct officers to issue any feedback.**

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

2 Membership of Communities 4 Local Democracy

A report from Michelle Morss (Strategy and Development Manager) recommended in response to a request from the Mayor to reconsider the Council's membership of Communities 4 Local Democracy (C4LD). The report pointed to the risks and opportunities of membership and questioned if they were aligned with QLDC's position on Three Waters Reform and its partnership with Kāi Tahu. Accordingly, the report recommended that the resolution to join Communities 4 Local Democracy be revoked and that QLDC not pursue its membership of the group.

Ms Morss presented the report.

Councillor Gladding proposed an addition to the resolution:

Direct officers to extend an offer to Kai Tahu rūnaka to discuss co-governance of three waters infrastructure and services.

Councillor Gladding asked for the parts of the motion to be taken separately, namely: 1-3; 4; 5.

It was moved (Mayor/Councillor Lewers):

That the Queenstown Lakes District Council resolve that:

- 1. Notes the contents of this report;**
- 2. Revoke the resolution to join the Communities 4 Local Democracy Group;**
- 3. Agree that QLDC will not pursue its membership with Communities 4 Local Democracy;**

The motion was put and carried 7:2:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Lewers, Councillor MacLeod, Councillor Miller, Councillor Whitehead

Against: Councillor Gladding, Councillor Smith

Abstain: Nil

- 4. Agree that QLDC will continue to work collaboratively across the sector to improve the outcomes of the Three Waters Reforms in a manner consistent with its stated position, whilst ensuring that every opportunity is taken to extend and support the improvement of the Treaty partnership and participation of Māori in decision-making.**

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

5. Direct officers to extend an offer to Kāi Tahu Rūnaka to discuss co-governance of three waters infrastructure and services.

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

3 April 2022 Capital Works Reforecast

A report from Jeremy Payze (Senior Management Accountant) sought approval of proposed amendments to Queenstown Lakes District Council's capital works programme as set out in the 2021/22 Annual Plan. This was a procedural item to adjust budgets and was the second such report for the 2021/22 financial year.

Mr Burns presented the report and responded to a number of questions.

It was moved (Councillor MacLeod /Councillor Clark):

That the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Approve all proposed budget changes in accordance with Attachment A of the 'April 2022 Capital Works Reforecast' report; and**
- 3. Note that approval of recommendation (2) will deliver a net reduction of \$17.1M to 2021/22 budgets offset with net budget adjustment increases of \$6.1M to 2022/23, \$10.0M to 2023/24, \$0.5M to 2024/25, \$0.4M to 2025/26 and (\$0.1M) reduction to 2027/28 as per Attachment A.**

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

4 121 Plantation Road, Wānaka: Proposed reserve revocation and disposal to the Ministry of Education

A report from Brendan Peet (General Counsel) discussed the recreation reserve located at 121 Plantation Road Wānaka, known as the 'old pool site'. It advised that the notice of intention to revoke the recreation reserve status had been publicly notified in February 2022 with three submissions received, all of which were supportive of the proposal. The site was adjacent to Mount Aspiring College and discussions had taken place regarding disposal of the site to the Ministry of Education. The report sought approval from Council to proceed with the reserve revocation process and to dispose of the property to the Ministry of Education.

Mr Howard and Mr Peet presented the report.

Councillor Smith and Councillor MacLeod both expressed support for the recommendation. There was further discussion about the development of the 'Schools to Pool' active travel route and whether there was some way of making this a condition of the sale. Mr Peet confirmed that the Ministry of Education should lead discussion on the active travel route, and it would not be appropriate to attach this to the land sale.

It was moved (Councillor Smith /Councillor MacLeod):

**That the Queenstown Lakes District Council:
Note the contents of this report;**

- 1. Consider the submissions made by submitters to the proposal, and note that no objections to the proposal were received;**
- 2. Approve pursuant to section 24(1) of the Reserves Act 1977 and subject to the Department of Conservation ratifying the revocation, that the recreation reserve classification over the land at 121 Plantation Road Wānaka, vested in the Queenstown Lakes District Council, Record of Title OT14B/354 (the site) is revoked on the basis the site is no longer needed for reserve purposes because:**
 - a. the swimming pool on the site has since been decommissioned and replaced with a superior facility at the Wānaka Recreation Centre; and**
 - b. there is already high quality recreational space to meet the needs of the community in the area.**
- 3. Direct officers (a) to provide to the Ministry of Education the submission received in relation to the Schools to Pool proposal and (b) to request the Ministry of Education to consider and respond to the submission;**

4. Approve the land being declared as surplus land to be sold in accordance with the Property Sale and Acquisition Policy 2014, and publicly notifying this intention; and
5. Approve the land being sold to the Ministry of Education on the following basis:
 - a. The sale must be subject to the reserve revocation process being completed;
 - b. The purchase price must not be materially less than an average of the valuations obtained by Council and the Ministry of Education, or otherwise as determined by an independent umpire appointed to resolve any difference in such valuations; and
6. Delegate to the Chief Executive the authority to take such action and sign such documents as may be reasonably necessary to implement Council's resolutions above and matters ancillary to them.

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

5 Change of purpose of 63 Ballarat Street

A report from Tony Pickard (Transport Strategy Manager) sought Council approval to change the purpose of 63 Ballarat Street (a local purpose reserve), currently with the purpose of 'a site for a community centre', to a 'site for a community centre and roading and related purposes'. This was necessary because a strip ('sliver') of the reserve was needed for construction of stage 1 of the Arterials.

Mr Pickard and Ms Burton presented the report.

It was moved (Councillor Lewers/Councillor Whitehead):

That the Queenstown Lakes District Council:

1. Note the contents of this report;
2. Agree to change the purpose of 63 Ballarat Street (Local Purpose reserve), by notice in the Gazette, to a "site for a community centre and roading and related purposes"; and

3. Authorise the Council's General Manager Property & Infrastructure to submit the Gazette notice.

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

6 Chief Executive's Report

A report from the Chief Executive:

a) asked the Council to approve the use of random order for the voting papers for the 2022 Council election; and

(b) sought approval of a recommendation from Wānaka Community Board to convert the \$500,000 loan to the Wānaka Community House Charitable Trust Inc to a grant, to be funded from the Wānaka Asset Sale Reserve.

It was moved (The Mayor/Councillor whitehead):

That the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Resolve pursuant to section 31 of the Local Electoral Regulations 2001 that the voting papers for the 2022 Council triennial election be printed in random order;**
- 3. Wānaka Community Board recommendation:**
 - a. Approve the conversion of the \$500,000 loan to the Wānaka Community House Charitable Trust Inc. as a grant, effective immediately; and**
 - b. Agree that the Wānaka Asset Sale Reserve is used to fund the \$500,000 capital grant to the Wānaka Community House Charitable Trust Inc.**

The motion was put and carried unanimously:

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

Against: Nil

Abstain: Nil

RESOLUTION TO EXCLUDE THE PUBLIC

On the motion of the Mayor and Councillor Lewers it was resolved that the public be excluded from the following parts of the meeting:

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 Council meeting held on 17 March 2022)

- Item 7 Road stopping and disposal request by Queenstown Commercial Ltd at Kawarau Heights
- Item 8 Appointment of a Commissioner to make recommendations on the submissions received on the Amendments to Accessible Parking Provisions

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Road stopping and disposal request by Queenstown Commercial Ltd at Kawarau Heights	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: h) enable any local authority to carry out, without prejudice or disadvantage, commercial activities; i) enable any local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(h) Section 7(2)(i)
8. Appointment of a Commissioner to make recommendations on the submissions received on the Amendments to Accessible Parking Provisions	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)

Agenda items

Item 7 Agreement to Lease – 35 Plantation Road, Wānaka

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Agreement to Lease – 35 Plantation Road, Wānaka	<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 to carry out, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority 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>

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 2.49pm.

The meeting came out of public excluded and concluded at 3.04pm.

MAYOR

DATE