

Minutes of an extraordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 20 August 2015 commencing at 11.30am

Present:

Mayor Vanessa van Uden; Councillors Cocks, Ferguson, Forbes, Gazzard, Gilmour, MacLeod, Stevens and Stammers-Smith

In attendance:

Mr Adam Feeley (Chief Executive Officer), Mr Marc Bretherton (General Manager, Planning and Development), Mr Matthew Paetz (District Plan Manager), Mr Tony Pickard (Senior Planner – Policy), Mr Michael Skerrett (Kaumatua), Mrs Winsome Skerrett and Ms Jane Robertson (Governance Advisor)

Karakia

The meeting commenced with a karakia presented by Mr Skerrett.

Apologies

Apologies were received from Councillor Aoake and Councillor Lawton.

On the motion of Councillors MacLeod and Gilmour it was resolved that the apologies be accepted.

Conflict of interest

No conflicts

Matters Lying on the Table

There were no matters lying on the table.

Confirmation of agenda

The agenda was confirmed without addition or alteration.

Public Forum

1. Warwick Goldsmith

Mr Goldsmith expressed concern about aspects of the proposed chapter and the implications of its provisions. By way of example, he drew attention to policy 5.4.1.3:

‘When making resource management decisions, ensure that functions and powers are exercised in a manner that gives effect to iwi management plans.’

He observed that ‘gives effect’ and ‘ensure’ both meant what they said and as a consequence legally required the Council to do what was contained in an iwi management plan. He considered that this was of concern because an iwi management plan was not created through a public process and this policy

therefore elevated it to a higher status than other documents such as regional plans, into which there was public input.

Mr Goldsmith also expressed concern about policy 5.4.5.1 which would require the Council to ensure all wāhi tūpuna are protected from the adverse effects of subdivision, use and development. He noted that wāhi tūpuna was a very broad term and the policy could therefore have implications that might not be fully appreciated. He was also concerned that such a policy may invite major public comment and could lead to a public debate with local Māori which he believed would be unfortunate, as the community had always enjoyed a good relationship with tangata whenua.

Mr Goldsmith suggested that rather than adopting the new chapter the Council instead retain the existing chapter of the District Plan which he considered had worked well for 20 years. He believed that this was the preferred course of action given the significance of the proposed policies and suggested that the review of the Tangata Whenua chapter be held over for the next stage of the District Plan review.

1. District Plan Review: Tangata Whenua Chapter

A covering report from Matthew Paetz (District Plan Manager) introduced the proposed District Plan Tangata Whenua chapter and accompanying Section 32 evaluation report (both attached) for acceptance prior to proceeding with statutory public notification.

Mr Pickard circulated a document containing notes following recent work with the RMA units of KTKO and TAMI. He also circulated Map 40: 'Areas of Cultural Significance' which had been produced to support this work.

Mr Pickard highlighted comments in the document circulated about appropriate spelling of Māori words and noted that it was his recommendation that 'ng' prevail over 'k' to be consistent with the Resource Management Act 1991 and Ngai Tahu Claims Settlement Act 1998 and to ensure consistency throughout all parts of the Proposed District Plan. Mr Skerrett commented further on this issue, noting the regional differences but highlighting the importance of avoiding ambiguity and ensuring that the Plan could be read and understood by all Māori. It was agreed that the recommendation should reflect this amendment made.

The Council considered the concerns raised in the Public Forum about policy 5.4.1.3, acknowledging the importance of retaining the overall intention of placing significant weight upon iwi management plans, but also avoiding any legal implications of 'gives effect to'. The Mayor suggested that alternative wording was 'have regard to' and this change was supported by staff. Mr Skerrett advised that his preference was to use the expression 'take into account' which he considered was stronger than 'have regard to'.

There was also discussion about Mr Goldsmith's comments on policy 5.4.5.1. Staff drew attention to paragraph five of the document circulated at the start of the meeting in which it was noted that representatives of the iwi groups had undertaken to provide further mapping and supporting information to populate the

currently empty provision of 'Sites of Significance to Māori' in the Historic Heritage chapter as part of Stage 2 of the District Plan Review. Some concern was expressed that a lack of preciseness in the chapter presented in Stage 1 could create conflict and weaken the chapter. Mr Skerrett observed that the landscapes identified in Stage 2 were unlikely to be very different from sites already identified for protection, many of which were also protected by other statutory instruments. Mr Skerrett also cautioned against reading more into the term 'wāhi tūpuna' than was intended, noting that it had a very specific legal meaning.

The word 'through' replaced 'though' in paragraph 5.1 of the proposed chapter.

Councillor Gilmour expressed concern that section 5.3 mixed issues and outcomes and she suggested layout changes for various sections to address this confusion. She also asked that the paragraphs under the heading 'Ngai Tahu Claims Settlement Act 1998' be moved to section 5.2.

Councillor Cocks suggested that the statutory occupation period applicable to the right to erect camping shelters or similar temporary dwellings on nohoaka should comply with the statutory period specified in the Ngai Tahu Claims Settlement Act 1998.

A question was raised about the nohoaka listed under section 5.8 and whether they identified two features or implied that the first was part of the latter. To avoid any confusion, staff were asked to amend this section so that it referred only to the actual feature.

Councillor Gilmour highlighted an error in the covering report as it was incorrect to state that the Council had previously accepted the chapter.

On the motion of Councillors Gilmour and MacLeod it was resolved that the Council:

- 1. Note the contents of this report and in particular:**
 - i. The proposed provisions.**
 - ii. The RMA Section 32 Evaluation Report.**

- 2. Approve the Tangata Whenua chapter of the Queenstown Lakes District Council Proposed District Plan 2015 (Stage 1) for notification, in addition to the balance of chapters approved at the Council meeting on 30 July 2015, pursuant to section 73 and clause 5 of the First Schedule of the Resource Management Act 1991, subject to the following amendments:**
 - Altering the spelling throughout so that 'ng' prevails over the use of 'k'; and**
 - Adopting all other amendments and corrections agreed to.**

- 3. Authorise the District Plan Manager to notify the Tangata Whenua chapter of the Queenstown Lakes District Council Proposed District Plan**

2015, in addition to the balance of the chapters approved at the Council meeting on 30 July 2015, in accordance with clause 5 of the First Schedule of the Resource Management Act 1991.

The meeting concluded at 12.27pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

24 September 2015

D A T E