

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 17 December 2015 commencing at 1.00pm

Present:

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

In attendance:

Mr Adam Feeley (Chief Executive Officer), Mr Peter Hansby (General Manager, Infrastructure), Mr Stewart Burns (Chief Financial Officer), Mr Tony Avery (Acting General Manager, Planning and Development), Mr Stephen Quin (Parks Planning Manager), Mr Denis Mander (Principal Planner, Infrastructure), Mr Matthew Paetz (District Plan Manager), Mr Blair Devlin (Manager, Planning Practice), Ms Jeannie Galavazi (Senior Parks and Reserves Planner), Mr Lee Webster (Manager, Regulatory), Ms Anara Hocking (Enforcement Officer), Ms Averil Kingsbury (Property Manager, APL Property Ltd), Mr Dan Cruickshank (Senior Property Manager, APL Property Ltd), Mr Marty Black (Harbour Master) and Ms Jane Robertson (Governance Advisor); 2 members of the media and approximately 20 members of the public

Apologies

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An apology was received from Councillor MacLeod (on approved leave of absence).

Leave of Absence Requests

The following requests for leave of absence were made:

- Councillor Aoake: 13 – 29 January 2016
- Councillor Forbes: 4-15 January 2016; 15-19 February 2016

On the motion of Councillors Ferguson and Stevens it was resolved that the Council approve the requests for leave of absence.

Declarations of Conflicts of Interest

Councillor Aoake, Gazzard and Gilmour declared an interest in item 6 ('Skyline Enterprises Request for Lessor's Approval') as they all held shares in the company. The Mayor asked them to leave the room for discussion of the agenda item.

Councillor Stevens stated that he had a competing business to one of the new businesses proposed by Skyline Enterprises. The Mayor did not consider that this represented a major conflict of interest and did not ask him to withdraw for the item's discussion.

Matters Lying on the Table

There were no matters lying on the table.

Confirmation of agenda

It was agreed to confirm the agenda as published but with the order of items changing and item 7 ('Queenstown Trail Commercial Cycle Guiding Review and Relicensing') becoming item 11 (that is, to follow all other public items on the agenda).

Public Forum

1. Kerry Dunlop, Rotary Club of Queenstown

Mr Dunlop spoke to the club's proposal to construct a new walking/cycle trail near Tuckers Beach Road. He stated that this was a service to the community and the project would deliver a nice walking track with iconic views and areas for a playground and picnicking. The track would lead from the existing carpark and toilet facilities at end of the bridge and follow a track around Tucker Beach, linking up with Hansen Road and coming out at the City Impact Church, thereby providing a full circuit around Ferry Hill. He noted that in the future it would remove the need for students cycling to the Shotover Country School and the new Wakatipu High School having to use a public road.

Mr Dunlop queried the recommendation that the club have responsibility for repairing cracking, slippages, subsidence or flooding for a period of 15 years. He considered that three or five years was an acceptable liability but felt that 15 was rather unrealistic. Notwithstanding this, it was not expected to be a difficult trail to maintain.

Mr Dunlop paid tribute to Kaye Parker of the Queenstown Trails Trust and Jeff Bryant (Geoconsulting Ltd) for their support in developing the proposal.

Members asked if a one metre track width was sufficient. Mr Dunlop stated that the track would be just less than 2 metres wide for most of the trail (ie, category two).

2. Mike Byars, Bidvest

Mr Byars advised that adopting the recommendations for the Beach Street pedestrianisation trial would require Bidvest to make changes to its business delivery model. It had 11 customers in upper Beach Street and in order to complete deliveries by 10am, earlier deliveries would be necessary meaning that staff would need to start work earlier. Bidvest had a legal obligation to consult with its staff over any change to their employment conditions and it was concerned that it had not been advised when the trial was due to start. Making deliveries several hours before businesses opened could also impact upon food safety as goods could be left out for many hours before the customer collected them. Mr Byars also anticipated that there would be increased demand for loading zones because drivers would have to go further to make deliveries, which would take longer.

Mr Byars asserted that the implications of the proposed trial had not been thoroughly thought through. However, if the Council was of a mind to proceed with it, he asked that its commencement be delayed until 1 March to give Bidvest time to fulfil its legal obligations as an employer to consult with staff about changes to delivery times.

In reply to a question, Mr Byars agreed that Cow Lane could be used for deliveries to customers in O'Connell's, however he remained of the view that drivers would still have to go further to make deliveries.

Councillor Forbes noted that full pedestrianisation of the entire town centre was something that could happen in the future, suggesting that businesses could start considering the implications of this.

3. Bryce Whiting

Mr Whiting stated that he had appeared at the hearing held to consider the pedestrianisation trial in upper Beach Street and his submissions were referred to in paragraph 10 of the officer report. He had questioned the lawfulness of the consultation, asserting that the trial period had not been properly notified to affected parties and was not in accordance with the requirements of the Local Government Act 1974. He stated therefore that there should be re-consultation on the start period with affected parties and previous submitters.

4. Dale Wright

Ms Wright stated that she was the 'concerned resident' mentioned in the staff report on the proposed Rotary Club trail because the proposed track had a huge impact on her and her residence. She believed it would be dangerous with a sheer drop to the river and she questioned if there would be proper levels of maintenance to control the gorse, blackberry and broom. Overall however, she was concerned that no one had told her exactly what was planned and she had received conflicting information about the track's actual location, especially how close to her house it was located. The proposal had huge implications for her property and she was concerned that giving consent to Rotary would result in them doing what they liked. She observed that a heap of gravel had recently been dumped on Tuckers Beach Road and roading staff had been unable to explain anything about it. She noted that the recommendation tried to address some of her concerns but she had legal advice on ways in which it could more effectively resolve her concerns.

She did not consider herself to be a 'NIMBY' but did not see how the project could be of benefit to anyone and she would rather the Rotary Club put its money towards a necessary project.

Ms Wright stressed that her main problem was her lack of knowledge about what was happening.

5. Steve Wilde, Downtown Queenstown

Mr Wilde stated that Downtown Queenstown supported the recommendation that the Beach Street pedestrianisation trial proceed and it also supported the planned closure times but was concerned about the impacts upon parking spaces especially where it was planned to introduce loading zones for carparks.

He noted that Downtown Queenstown did not support the removal of any carparks in the CBD until the Council had plans to replace it with carparking on the fringe.

In reply to comments made earlier in the meeting about the impacts of pedestrianisation, Mr Wilde observed that pedestrianisation in the CBD would eventually become the norm and whilst this may require drivers to push deliveries 50m further than as present, he did not see it as being more time-consuming. He also considered that there were plenty of loading zones available in Cow Lane or lower Beach Street.

Mr Wilde observed that full pedestrianisation could only be implemented with more parking provided on the fringe.

Mr Wilde believed that it would be possible to start the trial later than originally proposed, provided that it still covered a summer and winter season and an off-season.

On the motion of Councillors Gilmour and Forbes it was resolved that the Council suspend Standing Orders to allow the Public Forum to extend for longer than 30 minutes.

6. Shirley Popenhagen

Ms Popenhagen stated that she operated a business in lower Beach Street but had also previously been located in upper Beach Street and she was concerned that under the proposal to undertake a pedestrianisation trial, seven carparks would be lost but the overall number of loading zones would increase. She had observed recently at 12.30pm on a business day that there were no legal vehicles parked on the four loading zones on lower Beach Street. She believed that there would be value in some of the loading zones becoming carparking, adding that for her, most deliveries were between 10am and 12pm and for much of the rest of the time, the loading zones were empty.

7. Kim Wilkinson

Mr Wilkinson expressed concern about the loss of carparks for the pedestrianisation trial. He noted that the trial was not about pedestrianisation but how it would affect traffic flow around the town and he believed that enclosing a street could only make the problem worse. He considered that this issue was minimised in the officer report and although he had raised it at the hearing, his comments were not included in the officer report. He was concerned that the trial would result in traffic backing-up along Camp Street and increasing in Cow Lane, but decreasing into lower Beach Street and Rees Street, with a resultant adverse impact on the businesses there. He hoped that there would be traffic counts undertaken but questioned if it was the right time for a trial, as when it had been first proposed there was not a new roundabout or traffic lights in the CBD.

He agreed that there were too many loading zones in lower Beach Street.

8. Evan Jenkins

Mr Jenkins raised concerns about the following matters:

- The barbecue in zone one of Queenstown Bay needed a roof.
- The bins in this area were the wrong design for the sort of rubbish they contained and the rubbish was not cleared at appropriate times, despite the fact that he had been saying this for two years.
- Queenstown Mall was designed to attract foot traffic but the pedestrian passage was obstructed by signage, tables and chairs and buskers. This clutter did not serve to encourage the shopper spend.
- There was much non-complying signage in Beach Street.

He considered that \$20,000 would be better spent on addressing these problems than the Beach Street pedestrianisation trial.

9. Penny Clark

Ms Clark observed that employers in Queenstown seeking hospitality workers could not get staff because there was nowhere for them to live and there was a view circulating around that there was no point coming to Queenstown because there was nowhere to live or it was too expensive. She noted that the proposed Convention Centre on the Lakeview site did not now appear to be going anywhere so she suggested that, like the mining villages in Australia, the Council place containers on the land where people could live. She realised that as reserve land such a use would have to be approved, but she believed that this would help to alleviate the accommodation problem.

Councillor Cocks questioned if it was the Council's role to provide worker accommodation. The Mayor asked what employers were doing to address the problem, suggesting that hotels coming to town should also build staff accommodation, noting that this had been a practice in the past.

10. Cath Gilmour

Ms Gilmour asked the Council to set Skyline's rent at 7.5% of gross revenue as applied to other commercial operations under the Council's community funding policy.

On the motion of Councillors Stevens and Forbes it was resolved that Standing Orders be reinstated.

1. **Beach Street Pedestrianisation**

A report from Denis Mander (Principal Planner, Infrastructure) presented a summary of the feedback received on the proposal to pedestrianise Beach Street between Camp Street and Cow Lane and the hearings panel's recommendation that a partial pedestrianisation, whereby the street will be open to goods service vehicles daily between 5am and 10am, be undertaken on a trial basis between mid-January 2016 and September 2016 in order to test the concept through two peak visitor seasons.

Mr Hansby and Mr Mander joined the table for items 1 and 2.

In reply to the comments made by Mr Byars of Bidvest during the Public Forum, Mr Mander advised that neither concerns about the adverse impact of the proposal on Bidvest's work schedules nor comments about poor consultation had been raised during the official consultation period. He noted however, that in order to accommodate Bidvest consulting with its staff and adjusting work schedules, the Council may wish to consider delaying the start date, but still setting the trial within a timeframe that would allow it to cover two peak visitor periods.

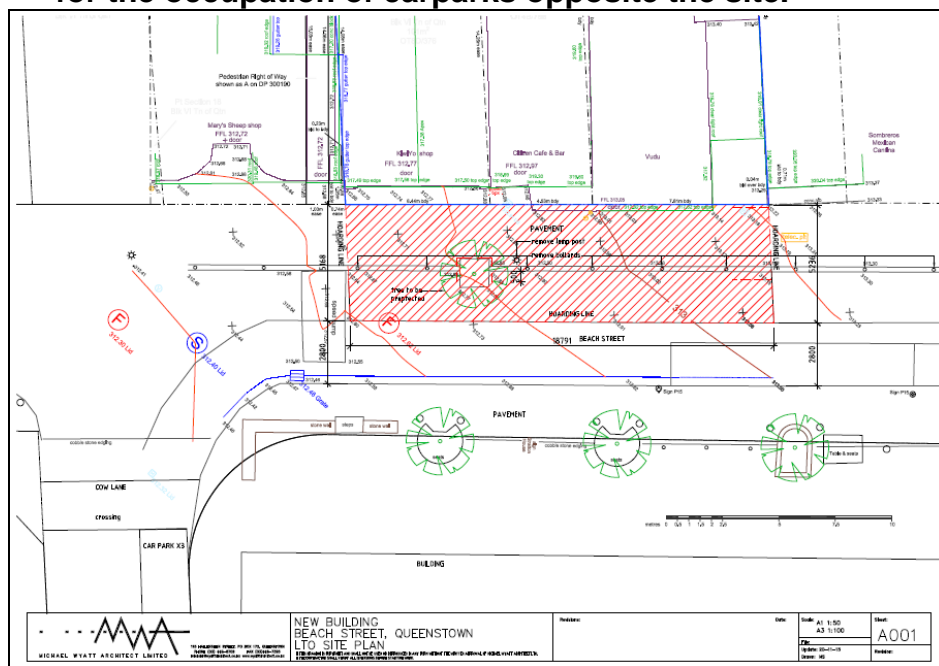
Further comment was made about the statutory requirements for consultation and the provision of carparking and loading zones in Upper and Lower Beach Street and in Cow Lane. Councillor Stevens questioned the assertion in the Public Forum that there were too many loading zones in the Queenstown CBD. Mr Mander stated that there was possibly room to cut back but he noted that use of carparking and loading zones would be monitored during the trial. The Mayor agreed that there was insufficient evidence at present to justify making additional recommendations about carparking and loading zones.

Consideration was given to starting the trial on 1 February 2016 instead of the recommended date of 10 January. Members agreed that this would still allow an assessment of the effects to take place over the peak of summer whilst also allowing affected delivery firms to consult with staff and adjust delivery schedules.

On the motion of Councillors Stevens and Forbes it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Approve the temporary pedestrianisation of Beach Street in accordance with section 342 and schedule 10, clause 11(d) of the Local Government Act 1974, between Camp Street and Cow Lane with the following conditions:**
 - a) The trial will start on 1 February 2016 and conclude on 25 September 2016;**
 - b) From 10:00am to 5:00am on each following day the street will be closed to all vehicles apart from emergency vehicles and other vehicles specifically authorised by Council's Road Corridor Engineer.**
 - c) Between 5:00am and 10:00am daily only vehicles that are goods service vehicles, as defined by the Queenstown Lakes District Council Traffic and Parking Bylaw 2012, emergency vehicles and other vehicles specifically authorised by Council's Road Corridor Engineer may travel along and stop on the street.**

3. Approve pursuant to clause 7 of the Queenstown Lakes District Council Traffic and Parking Bylaw 2012,
 - a) The revocation of existing parking controls
 - i. in Beach Street between Camp Street and Cow Lane;
 - ii. on the north-eastern side of Cow Lane, within 40 metres of the Cow Lane/Beach Street intersection
 - b) the creation of a “Loading Zone” for “Goods Service Vehicles Only” on the north-eastern side of Cow Lane from a point 6 metres south-east of the Cow Lane/Beach Street intersection to a point 34 metres south-east of the Cow Lane/Beach Street intersection.
4. Approve a variation of Beach Street Holdings Limited’s Licence to Occupy, as approved by Council’s Property Subcommittee on 27 August 2015, to show the area approved for occupation adjacent to the site as that shown in the following diagram, and to remove authorisation for the occupation of carparks opposite the site.



5. Note that following completion of the trial, officers will report back to the Council with the results to enable the Council to decide whether or not to embark on a process under the Local Government Act 1974 to permanently pedestrianise Beach Street.

2. Queenstown Town Centre Transport Strategy

A report from Denis Mander (Principal Planner, Infrastructure) reported the outcomes of public consultation on the draft Queenstown Town Centre Transport Strategy, recommending an amended strategy for the Council's adoption.

Mr Mander advised that a summary which would highlight the key messages of the full strategy would be available shortly and it was hoped that this would increase the document's general accessibility.

The Mayor signalled an amendment to part 3 of the recommendation regarding future reporting responsibilities, noting that instead of requiring regular updates to be provided to the infrastructure portfolio Councillors she required a report to be prepared for the next Council meeting on the strategy's work and monitoring programmes.

Councillor Gilmour stated that she could not vote for the strategy's adoption (part 2 of the recommendation) because she did not consider that the strategy contained a vision to carry the community forward. She did support part 3 of the recommendation as put forward by the Mayor, noting that in the report proposed for the next Council meeting she wished to see how all the different strands would be coordinated. She also considered that a six-monthly update on transport issues for all Councillors was desirable.

Councillor Stammers-Smith questioned the value of the strategy, expressing the view that it proposed nothing except more paperwork.

On the motion of Councillors Forbes and Aoake it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Adopt the Queenstown Town Centre Transport Strategy as amended; and**
- 3. Direct that officers prepare a report for the next ordinary Council meeting on the strategy's work and monitoring programmes.**

Councillor Gilmour voted against the motion.

Councillor Stammers-Smith abstained from voting.

3. Request to form new trail – Rotary Club of Queenstown

A report from Averil Kingsbury (Property Manager, APL Property Ltd) assessed a proposal from the Rotary Club of Queenstown to form a new walking and cycling trail from the Lower Shotover Historic Bridge on unformed legal road parallel to Tuckers Beach Road and through Department of Conservation reserve. The report recommended that the Council approve the request, subject to conditions.

Mr Quin and Ms Kingsbury joined the table.

In response to comment made in the Public Forum, Mr Quin suggested a change to recommended condition 2(d) that the track be formed to Grade Two standard where feasible, or otherwise to Grade Three. He noted that a Grade Two track would have slightly higher maintenance costs than a Grade Three track.

Mr Quin advised that shortly before the meeting he had received an email from Ms Wright's solicitor, expressing concern about recommended condition (b) which addressed consultation by the Rotary Club with neighbouring properties. To address these concerns, a revised condition was sought:

"Rotary Club are to consult with all residents of the properties that border the legal road (Residents) prior to the commencement of construction of the track, and subsequently submit a management plan to Council for approval which addresses and mitigates adverse effects of the construction and operation of the track on neighbouring residents prior to construction."

Mr Quin added that Ms Wright's solicitor also sought an additional condition to address concerns about inconsistent communications from Rotary to date. This proposed condition required Rotary to communicate with neighbouring residents about how the construction of the track would occur and when they would be mostly likely to experience the worst effects. The following wording was suggested:

"Residents are to be notified and provided with a copy of the approved management plan prior to construction on the track beginning. Notification will include a timetable of how the construction of the track will progress".

Members agreed that these additional conditions were reasonable and would assist in addressing the concerns expressed in the Public Forum.

Councillor Cocks spoke in favour of the track, stating that despite the high drop-off, a well-built track would be an enjoyable facility providing good views and a safer connection for cyclists and pedestrians than using the road. Councillor Forbes sought further detail about safety of the drop-off, with staff confirming that its steepness would necessitate construction of a barrier fence. It was noted that the actual track alignment was not yet determined, but this was covered by a recommended condition.

Councillor Stammers-Smith stated that the Council should thank Rotary for developing the idea.

On the motion of Councillors Aoake and Gazzard it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Agree to grant permission to the Rotary Club of Queenstown to form a new walking and cycling**

trail on unformed legal road legally described as Block II Shotover Survey District, Fee Simple land legally described as Pt Sec 1 SO 23650 Secs 4-5 SO 302193 and Wildlife Management Reserve legally described as Section 92 Block II Shotover SD, subject to the below conditions:

- a) Materials to be onsite on site only once construction has begun;**
- b) Rotary Club to consult with all residents of the properties that border the legal road (Residents) prior to the commencement of construction of the track, and subsequently submit a management plan to Council for approval which addresses and mitigates adverse effects of the construction and operation of the track on neighbouring residents prior to construction;**
- c) Detailed engineers' designs of track formation to be received and approved by the General Manager of Property and Infrastructure.**
- d) Track to be formed to a Grade 2 Standard where feasible or otherwise to Grade 3, as per QLDC Trails and Tracks Standards and Specifications;**
- e) Rotary Club to adhere to all safety recommendations as specified in the Geoconsulting Ltd geotechnical report;**
- f) Rotary Club are required to obtain at their own costs all design, resource and building consents to form the trail, and will be responsible for all costs to form the trail;**
- g) Rotary Club to bear all maintenance costs for the first three years, after which all responsibility is transferred to Council, aside from condition (h) below;**
- h) Rotary Club shall be responsible for any repairs or reinstatement of the trail that are required as a consequence of any surface cracking, slippages, subsidence or flooding events for a period of 15 years following its completion;**
- i) That approval is granted from the Department of Conservation for building the part of the trail within its land.**
- j) Residents are to be notified and provided with a copy of the approved management plan prior to construction on the track beginning. Notification will include a timetable of how the construction of the track will progress.**

- 3. Agree to delegate approval of final terms and conditions to the General Manager of Property and Infrastructure.**

- 4. Application Special Housing Area Proposal – Business Mixed Use Zone (Gorge Road): Assessment and Recommendation**

A report from Matthew Paetz (District Plan Manager) assessed a Council initiated proposal for a Special Housing Area (SHA) over multiple privately owned properties within the proposed Business Mixed Use Zone (Gorge Road, Queenstown) for consideration for recommendation to the Minister for Building and Housing. The report recommended that the proposed SHA be recommended to the Minister subject to satisfying various criteria for qualifying developments.

Mr Paetz and Mr Avery joined the table. Mr Paetz signalled his awareness that Councillor Gilmour wished to suggest an alternative to the report recommendation. It was noted that this had been circulated to Councillors in draft form prior to the meeting.

Speaking to her proposed resolution, Councillor Gilmour stressed the importance of the Council imposing controls on itself that it would put on any proponent. In addition, she did not agree that it was appropriate to accept the consultation undertaken on the Proposed District Plan as consultation which would also cover the Business Mixed Use Zone proposal. She stressed the importance of obtaining the same feedback as sought for the other SHAs that the Council had supported.

There was further discussion about when the report back on the feedback should be presented, as the deadline for proposing new SHAs to the Minister was March 2016. The Mayor suggested instead of arranging an extraordinary meeting as Councillor Gilmour was proposing, that a report be presented to the ordinary Council meeting on 18 February and that the report not assess the feedback.

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

- 1. Note the assessment of the proposed SHA for the BMU zone against Council's lead policy on SHAs and the relevant provisions of the Housing Accord and Special Housing Areas Act (HASHAA) and local planning context under the Resource Management Act**
- 2. Resolve to seek feedback on the proposed SHA in the BMU zone, with the following proposed criteria for qualifying developments should it be recommended to the Minister:**
 - building height limit of 20 m**
 - at least 30% of dwellings shall comprise gross floor areas no greater than 40 m²**

- 3. Note that Council's intent in proposing that the BMU zone become an SHA is expressly to encourage the building of affordable residential accommodation;**
- 4. Note Council's intent that its SHA lead policy would be applied to any SHA development within this zone;**
- 5. Note Council's intent that developments over 12 m in height would be forwarded to the Urban Design Panel for review, to ensure positive streetscape and living environment; and**
- 6. Request a report back to the Council meeting on 18 February 2016 on any measures necessary for Councillors to, with confidence, recommend the proposal as an SHA to the Minister of Building and Housing.**

5. Appointment of Councillors to the Hearings Panels for Stage 1 of the Proposed District Plan; delegation of powers to determine the composition of each Hearings Panel; and delegation of powers to the Hearings Panel

A report from Blair Devlin (Acting District Plan Manager) sought decisions of the Council to:

- Appoint Councillors to hear submissions on the Proposed District Plan;
- Delegate the power to determine the composition of the Hearings Panel for each stream of the hearings process; and
- Delegate the power to the Hearings Panel to hear, determine and make recommendations on all submissions and further submissions received on Stage 1 of the Proposed District Plan.

Mr Devlin joined Mr Avery at the table.

The Mayor stated that she was opposed to the responsibility for determining the composition of hearings panels lying solely with the Hearings Panel Chair and the General Manager Planning and Development, albeit in consultation with the Mayor and/or the Planning and Development Portfolio Leader. She considered that as a Council decision-making process it should involve the direct input of elected members. Accordingly, she asked the recommendation to be altered so that responsibility for determining the composition of hearings panel also lie with the Mayor and the Planning and Development Portfolio Leader, or, in their absence, their respective deputies.

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

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

2. **Appoint, in accordance with section 34A(1) and (2) of the Resource Management Act, all Councillors to sit on a Hearings Panel as Commissioners with authority to hear, deliberate and make recommendations on all submissions and further submissions received on Stage 1 of the Proposed District Plan; and**
3. **Note that the Hearings Panel will generally comprise Mr Denis Nugent as the Chair and one Councillor and one of the Commissioners selected from the approved pool with a maximum of five panel members for any Hearings Panel; and**
4. **Delegate in accordance with section 34A(1) and (2) of the Resource Management Act, to the Chair of the Hearings Panel Mr Denis Nugent, the authority to sit alone for the purposes of hearing and determining procedural matters relating to Proposed District Plan; and**
5. **Delegate, in accordance with section 34A(1) and (2) of the Resource Management Act, to the Chair of the Hearings Panel Mr Denis Nugent, the General Manager Planning and Development, the Mayor and the Planning and Development Portfolio Leader (or, in their absence, their deputies) the power to determine the composition of the Hearings Panel for specific chapters and/or individual hearings of submissions on Stage 1 of the Proposed District Plan.**
6. **Delegate, in accordance with section 34A(1) and (2) of the Resource Management Act, to the Hearings Panel the authority to hear, deliberate and make recommendations on all submissions and further submissions received on Stage 1 of the Proposed District Plan.**

Councillors Aoake, Gazzard and Gilmour left the meeting at 2.49pm.

6. Skyline Enterprises request for Lessor's Approval

A report from Averil Kingsbury (Property Manager, APL Property Ltd) assessed an application from Skyline Enterprises Ltd for Council approval as lessor to vary the lease to allow new tourism activities and to undertake the earthworks necessary to facilitate the new activities. The report recommended that lessor approval be given.

Councillor Forbes expressed concern about the amount of earthworks proposed. The importance of the rental charged to Skyline being consistent with that charged to other lease holders was also highlighted as an issue.

Although acknowledging these concerns, the Mayor asked if there was any opposition in principle with Skyline's proposal to introduce gold mining and mini digger activities, adding that notwithstanding the Council's approval as lessor, resource and building consent still needed to be obtained for these activities. She added that approval of the recommendation simply empowered the General Manager Property and Infrastructure to approve final terms and conditions of the lease variation and if these negotiations were unsuccessful, he would be required to return to Council for further direction.

The Mayor advised that it had already been determined that there would be further discussions about pricing at Skyline's next lease renewal. It was noted however, that the proposed new activities actually represented a very small part of the overall operation and their value in terms of the lease payment would be negligible. In relation to the terms and conditions, Mr Hansby advised that he would have regard to the concerns expressed in the negotiations to be undertaken and would return to Council if agreement could not be reached.

On the motion of Councillors Stammers-Smith and Ferguson it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Agree to vary the lease, specifically clause 7 to include the words "gold mining sluice and mini digger activity" immediately after the words "and operating a luge and ski lift for transporting customers," subject to the following conditions:**
 - a) Rent to be agreed with the General Manager of Property and Infrastructure.**
- 3. Agree to grant Lessor's approval to Skyline Enterprises for gold mining and mini diggers on recreation reserve legally described as Section 1 SO 24832 computer interest register 3417;**
- 4. Agree to grant Lessor's approval to Skyline Enterprises for construction and related earthworks to install a gold mining sluice and mini diggers, on the lease area specified above, subject to the following conditions:**
 - a) Resource and building consent to be obtained by the applicant and provided to the Council (as lessor) at completion of building work;**
 - b) Building materials to be on site only once construction has commenced;**

- c) **In accordance with the terms of the Lease, ownership of improvements will transfer to Council on expiry of the Lease;**
 - d) **Applicant to adhere to all other terms as deemed required by Council.**
- 5. Agree to grant Lessor's Approval for the earthworks required to form paths and a larger paved area on the lease area specified above, subject to the following terms:**
 - a) **Resource and building consent to be obtained by the applicant and provided to the Council (as lessor) at completion of building work;**
 - b) **Building materials to be on site only once construction has commenced;**
 - c) **In accordance with the terms of the Lease, ownership of improvements will transfer to Council on expiry of the Lease;**
 - d) **Applicant to adhere to all other terms as deemed required by Council.**
- 6. Delegate approval of Affected Party Approval under the Resource Management Act 1991 on behalf of QLDC to General Manager, Property and Infrastructure for the proposed works contemplated above to Skyline Enterprises over the lease area specified above;**
- 7. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) for the new activities specifically mini diggers and a mining sluice to Skyline Enterprises over the reserve;**
- 8. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) for the construction of the new activities, which include mini diggers and a mini sluice to Skyline over the reserve;**
- 9. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) for the construction of the new pathways and paved area to Skyline over the reserve;**
- 10. Delegate authority to approve final terms and conditions and execution authority to the General Manager, Property and Infrastructure.**

The meeting adjourned at 3.04pm.

During the adjournment, the Mayor presented Bob and Fae Robertson and Marty Black with Mayoral Citations to mark their individual long-standing contributions to the Lakes District community.

The meeting reconvened at 3.34pm.

7. Shotover River Bylaw Review

A report from Anara Hocking (Enforcement Officer) presented a new Shotover River Bylaw 2015 for the Council's adoption. The report advised that there was no need to follow the special consultative procedure in order to adopt the new bylaw as the significance of the amendments proposed was low and there was little material impact on the public.

Ms Hocking, Mr Webster and Mr Black joined the table.

Mr Webster stated that the bylaw contained some minor editing errors which required correction, along with some incorrect GPS referencing. He also noted an amendment to Schedule 2 as it was intended not to specify Shotover Jet Limited as the delegated authority to issue permits to access the concession area, but rather for the delegation to remain with the Council 'or its delegated representative'. Should Shotover Jet cease to exist or change its name, the Council would retain the ability to delegate authority for another party to issue permits.

The word 'immediately' was removed from part four of the recommendation as it was proposed to defer implementation of the new bylaw until maritime regulations were in place. This needed to occur by 28 April 2016 on which date the Shotover River Bylaw 2009 would expire.

On the motion of Councillors Cocks and Gazzard it was resolved that the Council:

- 1 Note the contents of this report;**
- 2 Agree that a bylaw is still the most appropriate way of restricting public access to the Shotover River Concession Area for the purposes of maritime safety for river users;**
- 3 Agree that the proposed Shotover River Bylaw:**
 - a. Does not concern any matter of significant interest to the public as identified in the Council's significance and engagement policy; and**
 - b. Is not likely to have a significant impact on the public; and**
 - c. That no further consultation with the public is necessary;**

4. Adopt the proposed Shotover River Bylaw 2015 for implementation and public notification.

8. Wanaka Lakefront Development Plan – approval for public consultation

A covering report from Jeannie Galavazi (Senior Parks and Reserves Planner) presented Wanaka Lakefront Development Plan concepts for approval to allow public consultation to take place.

Ms Galavazi and Mr Quin joined the table. It was noted that the Wanaka Community Board had considered the concepts at a Board meeting held the previous day and despite some misgivings about the number of options offered, had agreed to recommend to Council that the Wanaka Lakefront Development concept plans be approved for public consultation.

Mr Quin advised that staff were developing a consultation plan with the intention to commence public engagement in late January. Some concern was expressed that this was too late and would miss those only in Wanaka over the Christmas/New Year holiday period. It was noted however that the plans would be displayed on the windows of the Ardmore Street office and in the Wanaka Library so would be available for review by holiday-makers via this medium.

On the motion of Councillors Ferguson and Aoake it was resolved that the Council:

- 1. Note the contents of this report; and**
- 2. Approve the attached development plan report and concept plans for public consultation.**

9. Mayor's Report

A report from the Mayor:

- a) Set out the functions and meetings attended during the period 27 November – 16 December 2015;
- b) Presented background information to recommendations from the Wanaka Community Board's meeting held on 16 December 2015 about designation of the Wanaka Sports Facility site as smoke-free, new Licence to Occupy for Wanaka Night Markets and Nohoanga Management Plans;
- c) Presented updates from the three Portfolio Leaders;
- d) Summarised the items from and appended the minutes of the Property Subcommittee meeting held on 26 November 2015; and
- e) Detailed the actions taken from previous Council meetings.

The Governance Advisor confirmed that the Wanaka Community Board had made the following alterations to the recommended conditions to be attached to the Wanaka Night Markets licence:

2i: 'Market to sell domestically sourced handcrafted goods and foods, with exclusion placed on the sale of manufactured or imported goods';

2k: 'Generators to be used only with the approval of Council';

2l: *'Amplified music permitted only with the approval of Council'*.

On the motion of The Mayor and Councillor Stevens it was resolved that the Council:

1. Note the report; and

Wanaka Sports Facility

2. Agree to designate the entire site of the Wanaka Sport Facility as a smoke-free area.

New Licence to Occupy for Wanaka Night Markets

3. Grant a new licence to the Wanaka Farmers and Gardeners Market Inc over freehold land legally described as Lot 2 DP 25900 BLKS VIII XI-XII Wanaka Town, certificate of title OT17D/1199 known as Bullock Creek and legal road known as Ardmore Street subject to the following terms;
 - a. Term to be for a period of 3 years, with two further renewal terms of 3 years each by mutual agreement of both parties;
 - b. Rent pursuant to the Community Pricing Policy;
 - c. Rent reviewed every 3 years in accordance with the Community Pricing Policy;
 - d. Termination to be possible with 3 months' notice by Council;
 - e. Public Liability Insurance of \$2 million to be provided;
 - f. Operating health and safety plan to be received;
 - g. Applicant to ensure appropriate food and liquor licenses are held if required;
 - h. Public access to be maintained at all times. Adequate safety measures to be put in place to ensure public safety is maintained;
 - i. Market to sell domestically sourced handcrafted goods and food, with exclusion placed on the sale of manufactured or imported goods;
 - j. Reinstatement of the area to be completed within 2 hours of closing;
 - k. Generators to be used only with the approval of Council;
 - l. Amplified music permitted only with the approval of Council;
4. Grant Affected Party Approval under the Resource Management Act 1991 on behalf of QLDC for the proposed markets to Wanaka Farmers and

**Gardeners Market Inc over Lot 2 DP 25900 BLKS
VIII XI-XII Wanaka Town;**

- 5. Delegate authority to approve final terms and conditions and execution authority to the General Manager, Property and Infrastructure.**

Adoption of Nohoanga Management Plans

- 6. Agree to adopt the Nohoanga Management Plans for Lake Hawea (adjacent to camping ground) and Timaru Creek.**

10 Chief Executive's Report

A report from the Chief Executive detailed progress to date with the 2015/16 work plan. Approval to transfer funds for the Wanaka Lakefront Reclamation Project was also sought.

The Chief Executive advised that from the next ordinary Council meeting a financial report from the previous month would also be presented.

It was reported that the Central Otago District Council had agreed on its contribution for a detailed harvest plan for the Coronet Forest. This along with the spray option would be included in the next report on this subject to be presented to Council.

The Chief Executive confirmed that subsequent to publication of the agenda the Council had received notification from the Central Lakes Trust of its decision to decline the application for funding for the proposed Queenstown Convention Centre.

On the motion of Councillors Stevens and Aoake it was resolved that the Council:

- 1. Note the report;**
- 2. Approve use of the balance of funds available in the 2015/16 Annual Plan for the Roys Bay Jetty for the design of the Wanaka Lakefront Reclamation Project; and**
- 3. Approve bringing forward the balance of funds allocated to the Wanaka Lakefront Reclamation Project in the 2015-25 10-Year Plan from 2018/19 to the 2016/17 financial year.**

11. Queenstown Trail Commercial Cycle Guiding Review and Relicensing

A report from Dan Cruickshank (Senior Property Manager, APL Property Ltd) evaluated the success of the four licences issued for commercial cycle tour operators on the Queenstown Trail network and assessed renewal for a

further term, concluding that it was appropriate to grant new licences for a further term of up to seven years, subject to annual renewals.

Mr Cruickshank and Mr Hansby joined the table.

Mr Cruickshank stated that just prior to the meeting he had received a text message from Beau Rapley of Cycle Tours New Zealand Ltd questioning the report recommendation and pointing out the complexities of the processes to which he had been subject in order to operate his cycle-guiding business. Mr Cruickshank noted however that Mr Rapley had sought resource consent to operate in Wanaka, adding that Mr Rapley would also be able to use the Queenstown licence. He observed that in the future the Council may give consideration to developing a generic licence for Wanaka but the cost was prohibitive at present.

A question was raised about businesses from Clyde and Cromwell using the trails, as they were not covered by the licences nor contributing to their costs. Mr Cruickshank stated that he was aware of their practices noting that they were often only providing transfers and not a guiding service.

Councillor Gilmour advised that some cyclists within the groups were not highly skilled and special care was needed when travelling near them. Many tracks were used for commuting so she considered it was important to stress the need to keep left and to avoid blocking the trail. Accordingly, she asked for licences to include conditions requiring:

- Briefings of groups to take place off the track
- Groups to be instructed to stay left at all times
- Groups to be required not to block the track

Mr Cruickshank advised that there was a clause in all Council licences requiring holders to avoid 'general nuisance' which he considered would cover these matters. Councillor Gilmour did not agree that this would address her specific concerns and asked for the conditions she had outlined to be included in all of the cycle guiding licences.

On the motion of Councillors Forbes and Aoake it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Approve granting up to 15 generic licences for commercial cycle guiding on the Queenstown Trail (identified in Schedules 1, 2 and 3, attached to these minutes):**
- 3. Approve the following terms and conditions for each of the 15 licences as follows:**

Term:	One year
Renewal:	Six x one year renewals, with the prior agreement of both parties

- Use:** Commercially guided biking tours
- Assignments:** With the prior written approval of Council only
- Fee:** \$500 per annum plus GST or 7.5% of gross revenue, whichever is the greater
- Advertising:** Advertising, hoarding and other billboards not permitted
- Merchandise:** Sale of merchandise on or about the tracks or trails not permitted
- Insurance:** Public liability insurance of \$2 million
- Operating hours:** Subject to resource consenting approvals, but not before daylight or after twilight hours
- Commencement:** Upon execution of the licence (the applicant to pay all reasonable costs associated with the drafting of the licence).
- Health and Safety:**
- i. Licensees to provide a Health and Safety plan audited and accredited by the Ministry of Business Innovation and Employment.
 - ii. Licensees to confirm with Worksafe NZ whether their business needs certification under Health and Safety in Employment (Adventure Activities) Regulations 2011
- Special conditions:**
- a) Max group size of 12 persons including 2 guides. Groups up to 6 require 1 guide. Group sizes 7 to 12 require 2 guides.
 - b) Council to retain the ability to manage the maximum trips per day per operator. In the first year of the new approval period, this is to be set at 3 trips per day per operator.
 - c) Council to review the licence at each renewal taking into account any relevant track strategies and other policies endorsed or approved by Council.
 - d) Council to retain the absolute right to restrict tracks as conditions and track use dictate. Should tracks be removed from the licence, the Council will provide no less than one weeks' notice to the licensee unless a health and safety issue has been identified in which case

the Council to have immediate ability to restrict trail use by licensees.

- e) Hours of operation on the Frankton Track between Park Street and the Frankton Marina, to be further restricted to between 10am and 4pm daily.
 - f) Licensees to be restricted to formed trail/track use only. Licensees to ensure that where there is lawn or man-made grass bordering a cycle trail that cyclists must stay on the trail or avoid damage to the lawn/grass.
 - f) All licenses to contain the following conditions:
 - Briefings of groups must take place off the track;
 - Groups are to be instructed to stay left at all times;
 - Groups are required not to block the track.
4. Agree to exercise Ministerial prior consent (under delegation from the Minister of Conservation) to the granting of up to 15 commercial bike guiding licences over the reserves listed in the schedules above;
5. Agree to delegate approval of final terms and conditions and signing authority to the General Manager Infrastructure and Property.

Confirmation of Minutes

26 November 2015

On the motion of Councillors Forbes and Stevens it was resolved that the minutes of the public part of the ordinary meeting of the Queenstown Lakes District Council held on 26 November 2015 be confirmed as a true and correct record.

Resolution to Exclude the Public

On the motion of Councillors Lawton and Stevens the Council resolved that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

Confirmation of minutes – 24 September 2015

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Chief Executive's Performance Review	<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>a) Protect the privacy of natural persons including that of deceased natural persons;</p>	Section 7(2)(a)

Confirmation of minutes – 26 November 2015

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1. Special Housing Areas Expression of Interest: Arthurs Point and Onslow Road (attachments H, I, J)	<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>

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17 DECEMBER 2015

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
2. Special Housing Areas Expression of Interest: Shotover Country (attachments H, I)	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 holding the information to carry on, without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(h) Section 7(2)(i)
19. Appointment of Commissioners for the Hearings Panel on Stage 1 of the District Plan review under the Resource Management Act 1991	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 that of deceased natural persons	Section 7(2)(a)

Agenda items

Item 12: Scurr Heights Subdivision Land

Item 13: Commonage Subdivision Land

Item 14: Appointment of Urban Design Commissioner – Proposed District Plan Hearings Panel

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
<p>12. Scurr Heights Subdivision Land</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>j) prevent the disclosure or use of official information for improper gain or improper advantage.</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>Section 7(2)(j)</p>
<p>13. Commonage Subdivision Land</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>j) prevent the disclosure or use of official information for improper gain or improper advantage.</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>Section 7(2)(j)</p>

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Appointment of Urban Design Commissioner – Proposed District Plan Hearings Panel	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 that of deceased natural persons	Section 7(2)(a)

This resolution 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 4.07pm.

The meeting moved out of public excluded and concluded at 5.15pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

24 February 2016

D A T E