

**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 29 September 2016 commencing at 1.00pm**

**Present:**

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

**In attendance:**

Mr Stewart Burns (Acting Chief Executive/General Manager, Finance and Regulatory), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Tony Avery (General Manager, Planning and Development), Mr Stephen Quin (Parks and Reserves Planning Manager), Mr Lee Webster (Manager, Regulatory), Ms Heidi Thomson (Regulatory Support Coordinator), Mr Paul Speedy (Manager Strategic Projects and Support), Mr Richard Pope (Property Manager), Mr Simon Battrick (Sport and Recreation Manager), Mr Craig Barr (Acting Planning Policy Manager), Mr Nick Whittington (Solicitor, Meredith Connell Ltd), Mr Blake Hoger (Property Manager, APL Property Ltd), Mr Aaron Burt (Planner, Parks and Reserves), Mrs Meghan Pagey (Human Resources Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 16 members of the public

**Apologies**

There were no apologies or requests for leave of absence.

**Declarations of Conflicts of Interest**

- Councillor Aoake declared a conflict in respect of Jigsaw (item in Mayor's Report), as he was an employee of this organisation.
- Councillors Aoake, Forbes, Gazzard and Gilmour declared a conflict of interest in Item 2 ('Proposed New Right of Way Easement application by Skyline Enterprises Ltd') because they were all shareholders in Skyline Enterprises.
- Councillors MacLeod and Stevens declared a conflict of interest in item 6 ('Alcohol Licensing Fee Reduction Policy') as they both had an interest greater than 10% in a business with a liquor licence.

The Mayor asked that for all except Councillor Aoake's Jigsaw conflict the affected members leave the meeting for the item.

**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. Ben Calder

Mr Calder spoke as a previous owner of Licenced Premises Tour operator, 'Big Night Out'. He expressed opposition to the proposed Activities in Public Places Bylaw under which he believed Licenced Premises Tours were deemed a nuisance. He questioned how this could be concluded as there had been no public complaint about their activities or any need for attendance by emergency services. He believed the recommendation to introduce provisions to control these activities was contrary to the 540 submissions which had opposed their introduction. He considered that the outcome of the consultation process had been pre-determined. He encouraged the Council to vote in opposition to the bylaw's adoption and instead to work in cooperation with affected businesses.

In reply to questions Mr Calder stated that the bylaw would impact upon the ability of businesses to operate, citing in particular the proposed staffing ratio. He was also fearful that once in place the regulations would get tighter and would make it impossible for businesses to operate. He believed that these businesses were different from daytime walking tours as the tours worked closely with bar security, participants walked only a short distance and staff were well trained.

2. Basil Walker

Mr Walker presented a proposal for an area of affordable housing to be developed on a site of 30 acres in West Lake, adjoining Sunshine Bay. This proposal had a board of directors and was accessed from two partly formed roads off Arawata Terrace. It complied with the Council's lead policy in terms of location and it was planned to provide options for long term rental properties and affordable houses and apartments. Preliminary reports indicated the presence of services nearby, there were extensive plantings on site and the development would not be visible from the roadway because of its distance from the road.

3. Gavin Larsen

Mr Larsen stated that he was a Director of 'Kiwi Crawl', a Licence Premises Tour operator. He disagreed with the heavy handed approach by the Council to develop and introduce the proposed Activities in Public Places bylaw. He considered that the proposed permit system would give too much control to the Council and would make it unviable to operate Licenced Premises Tours. Mr Larsen expressed concern about the proposed staff ratio, adding that the current ratio of 1:20 had never presented any problems or need to be higher whilst staff were trained to deal with large groups. He did not consider Licenced Premises Tours were comparable with daily walking tours in terms of a staff ratio as the latter was an activity that required little staff training.

Mr Larsen stated that the proposed restriction on hours of operation for Licence Premises Tours would come into force too soon and operators did not have time to put in place the changes needed in this timeframe.

4. Matthew Sutherland

Mr Sutherland stated that he was Director of 'Big Night Out'. He had concerns about how the bylaw had come about. He believed that its introduction had been inevitable regardless of public opinion. He believed that the recent meeting with Council staff to discuss permit conditions had been a waste of time because operators' opinions and ideas had not been accepted and they had been told to 'take it or leave it'. He was particularly concerned about how the bylaw would restrict the hours and days of operation and would limit group size. He stated that clauses restricting music were not needed as this was not a feature of the tours. He expressed concern about the date of the bylaw's implementation which he considered showed the Council failed to understand how long the conditions would take to implement. He believed that it would take 90 days to get staff in place and train appropriately.

5. Dexter Devlin

Mr Devlin spoke in opposition to the provisions of the Activities in Public Places Bylaw in relation to Licenced Premises Tours. He highlighted the following:

- The current operation had a 1:20 staff ratio and 1:12 was too low. Staff spent about 2-3 minutes/hour moving the group and new staff would have to hired and paid for 4-5 hours of work for only 12 minutes of moving a tour.
- It was unreasonable to restrict hours.
- He requested more time before the bylaw came into force to provide time for staff training and recruitment.

6. Inspector Olaf Jensen

Inspector Jensen stated that he was the Otago Lakes-Central Area Police Commander. He noted that the police purpose was to keep people safe and to prevent them becoming either a victim or an offender. He observed that at night intoxicated people in queues outside premises often created situations where there was the potential for conflict. Queenstown was over-represented by alcohol-related harm and whilst police did not oppose Licenced Premises Tours per se, they sought the introduction of a permit to keep people safe. Police did not want to ban the tours but would like to see some structure around the activity.

**On the motion of Councillors Forbes and Gilmour it was resolved to suspend Standing Orders to extend the Public Forum.**

7. Alastair Porter

Mr Porter expressed concern about the timing for construction of the Eastern Access Road ('EAR'). He hoped that the Council had sufficient funds for the works to proceed. He considered that the Remarkables Park to Glenda Drive extension was a priority and a partial opening of the EAR by May 2017 would have a significant effect on traffic congestion and delays at the BP corner.

He stated that there had never been an agreement that Remarkables Park would fund the road.

8. Evan Jenkins

Mr Jenkins encouraged the Council to get rid of the wall along Marine Parade. He believed that the current works in the street provided the opportunity to open up the promenade properly. He also commented about street signage, the unkempt appearance of tear-drop signs and recent tree trimming for the Night Noodle Markets. He agreed with some of the views expressed by Licenced Premises Tour operators as they should not have to notify Council of a staff change and there needed to be further negotiation with Council about operating hour provisions, but he also encouraged them to stop being cry-babies and just get on with it. In relation to the bylaw provisions, he suggested that homeless and begging clauses should be introduced and that a better definition for 'busking' than what was currently provided was 'to perform in public for a voluntary donation'. He again correct 'aerobatics' to 'acrobatics' and suggested that a description of what buskers do was unnecessary. He did not believe that an on-line busker permit system would work, instead believing that buskers should have to come into the office to get a permit and should also be required to show it when performing, as by nature buskers were free-spirited people and needed these rules. He also tabled pictures showing overflowing rubbish bins in the CBD near the Rees statue and on Earnslaw Park.

**On the motion of Councillors Gilmour and Lawton it was resolved that Standing Orders be reinstated.**

1. **Activities in Public Places Bylaw 2016**

A covering report from Heidi Thomson (Regulatory Support Co-ordinator) presented the final version of the proposed Queenstown Lakes District Council Activities in Public Places 2016 following completion of the Special Consultative Procedure.

The report was presented by Mr Webster and Ms Thomson.

Ms Thomson responded to the comments in the Public Forum which had been especially critical that the Council had accepted a late submission from police. She stated that there had been no 'badgering' of police, adding that police had made it clear from the start of the consultation process of their intention to lodge a submission. Some opposing Licence Premises Tour submitters had sought leave to make a late submission one month after the closing date and had been refused.

Mr Webster explained the background reasons for developing the Licenced Premises Tours provisions of the proposed bylaw. He believed that the proposed bylaw was an opportunity to put in place some moderate controls. He could appreciate the concerns expressed but did not consider that the bylaw provisions or the proposed permit conditions were overly cumbersome.

Mr Webster noted that because the permit was being adopted separately from the bylaw, the conditions could be altered without amending the bylaw, as changes to the latter would require the special consultative procedure. Accordingly, he considered that if the recommended staff ratio of 1:12

proved unworkable, this could be reviewed. It was also noted that the report recommended that the Licensed Premises Tour Permit Conditions be reported back to Council after 12 months of operation to test if the proposed provisions were successful and whether changes were needed.

Councillor Stammers-Smith questioned whether the effects of the bylaw on other operators who operated group tours such as wine-tasting tours and trips to bungy-jumping sites had been considered. Mr Webster confirmed that regard had been had to these.

The Mayor questioned whether there was any barrier to pushing out the implementation date of the bylaw to address some of the concerns expressed during the Public Forum. It was agreed it would be reasonable to amend the date from 31 October 2016 to 30 November 2016.

A correction of 'aerobatics' to 'acrobatics' was made [Interpretation: definition of 'Busk']. To avoid constraining the definition of busking it was suggested that the idea raised in the Public Forum that the definition be simplified to 'performing for a voluntary donation' but concern was expressed that this could also encompass begging. The inclusion of the words 'including but not limited to....' was agreed instead.

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

- 1. Note the contents of this report;**
- 2. Accept the recommendation from the Activities in Public Places Bylaw hearing panel to adopt the Bylaw as amended and formalise the permit conditions for Licenced Premises Tours;**
- 3. Adopt the proposed Queenstown Lakes District Council Activities in Public Places Bylaw 2016 as amended, to be implemented on Wednesday 30 November 2016 and direct officers to publicly notify the Council's decision; and**
- 4. Agree that the Licensed Premises Tour Permit Conditions be reported back to Council after 12 months of operation.**

*Councillor Stammers-Smith recorded his vote against the motion.*

*Councillors Aoake, Forbes, Gazzard and Gilmour left the meeting at 2.25pm (conflict of interest).*

*Councillor MacLeod also left the meeting at this point.*

**2. Proposed New Right of Way Easement application by Skyline Enterprises Limited**

A report from Aaron Burt (Planner, Parks and Reserves) presented the recommendation from the hearings panel which had heard submissions in relation to an application from Skyline Enterprises Ltd ('SEL') for a new right of way easement pursuant to Section 48 of the Reserves Act 1977 over the adjoining land, legally described as Lot 2 Deposited Plan 345184. The panel had recommended that the right of way easement be approved, subject to conditions.

The report was presented by Mr Burt and Mr Quin. Mr Burt confirmed that all other effects would be considered as part of the resource consent. Much of what had been presented at the hearing had been deemed out of scope with this application dealing with the easement only.

*Councillor MacLeod returned to the meeting at 2.26pm.*

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

**1 Note the content of this report;**

**2 Approve a Right of Way Easement over Council Reserve Land (Lot 2 Deposited Plan 345184) in favour of Skyline Enterprises Limited (Section 1 SO 22971 & Lease 'Area A' (carpark); subject to the following terms and conditions:**

**Commencement** To be determined and only subsequent to any potential grant/and conditions of, resource consent RM160647.

**Extent of Easement** To be confirmed prior to commencement, having regard to any potential grant/and conditions of, resource consent RM160647, and the advice of SEL and ZJV(NZ) Ltd (trading as Ziptrek Ecotours) communicated at the hearing on 1 September 2016.

**Fees** As per QLDC's Easement Policy 2008, and subject to the extent of the easement being confirmed. This shall also include any outstanding application fees.

**3 Delegate authority to approve final terms and conditions, including commencement, location, extent, fees and execution authority to the General**

**Manager – Property & Infrastructure, provided all relevant requirements of the Easement Policy 2008 are addressed; and**

- 4 Agree to the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of a Right of Way Easement over Council Reserve Land (Lot 2 Deposited Plan 345184) in favour of SEL.**

*Councillors Forbes and Gilmour returned to the meeting at 2.27pm.*

### **3. Stanley Street Opportunity**

A report from Meaghan Miller (General Manager, Corporate Services) presented information about the Council’s land in Stanley Street and initial thoughts about its possible use in the future. The report sought authority to seek community feedback on potential future uses.

The report was presented by Mr Speedy.

*Councillor Aoake returned to the meeting at 2.28 pm.*

The Mayor identified various other organisations which used the QPACT and Queenstown Art Society rooms and asked what measures were in place to ensure that all the different groups had been identified. She asked staff to make every effort to make contact with all small ad hoc users of the site in a structured way.

*Councillor Gazzard returned to the meeting at 2.29pm.*

Councillor Gilmour was critical of the proposed method of seeking feedback as detailed in paragraph 23 of the report. She stated that it was not adequate to publish something on a website and expect the community to respond. She also did not consider that a month of consultation via email was a satisfactory time period and she questioned the adequacy of the map. She suggested that a communications plan was needed to ensure the entire community of stakeholders who used the site was reached.

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

- 1. Note the content of this report;**
- 2. Confirm that the Council supports development of a masterplan to strategically develop the reserve blocks known as the Stanley Street holding;**
- 3. Agree to enable an opportunity for community feedback on the intended and potential future use**

**of the reserve blocks known as the Stanley Street holding; and**

- 4. Direct the Chief Executive to brief the newly appointed Council in relation to the feedback, after 8 October 2016.**

#### **4. Stage Two, District Plan Review**

A report from Craig Barr (Acting Planning Policy Manager) presented:

- a. An update on the District Plan Review;
- b. Confirmation of the components to be reviewed in Stage 2 of the District Plan Review that could be notified to form part of the Proposed District Plan;
- c. Confirmation of specific components (i.e. areas of land) of the Operative District Plan that were excluded from the District Plan Review;
- d. Confirmation that the method for managing the excluded components from the Proposed District Plan has been to locate them in a separate volume of the District Plan;
- e. A signal that changes will be required to the Stage 1 Proposed District Plan to integrate Stage 2 and make consequential changes associated with separating the district plan into two volumes; and
- f. Information about the indicative timing of Stage 1 and Stage 2 processes.

The report was presented by Mr Barr and Mr Avery.

The Mayor expressed concern that the work on alluvial fans in Gorge Road that the Council had asked for immediately in 2015 had not been started. She asked about its current timing as it was an issue that was wider than simply Stage 2 of the District Plan Review. Mr Avery stated that it was part of natural hazards chapter that was due to be heard in March. This timing was good because by that time, a decision on the Regional Policy Statement would be available which would provide a guide. He confirmed that the technical work could now be prepared.

Councillor Gilmour stated that research and technical work on Visitor Accommodation, affordable housing and design guidelines also needed to be complete before staff could start the Stage Two chapters. Mr Avery observed that present resources meant this would be difficult.

Councillor Gilmour considered it was important to expedite the notification of the district-wide chapters because they would inform the others. She specifically requested for the transport and other district wide chapters to be notified earlier to inform the mapping hearings and asked for the recommendation to be altered accordingly. This addition was supported.

Mr Avery acknowledged the work of Council officers on the District Plan Review thus far.



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

- 1. Note the contents of this report;**
- 2. Approve pursuant to section 79(1) of the Resource Management Act 1991 (RMA) to commence Stage 2 of its review of the Operative District Plan, including the review of following components of the Operative District Plan and identified other matters:**
  - a. Township Zones**
  - b. Industrial A and B Zones**
  - c. Transportation Chapter**
  - d. Hazardous Substances Chapter**
  - e. Designations. Limited to five designations that were not identified by the New Zealand Transport Agency for notification as part of Stage 1**
  - f. Open space and recreation**
  - g. Open Space – Landscape Protection Zone**
  - h. Affordable and Community Housing**
  - i. Rural Visitor Zone**
  - j. Penrith Park Zone**
  - k. Bendemeer Zone**
  - l. Hydro Generation Zone including Financial Contributions**
  - m. Quail Rise Zone**
  - n. Meadow Park Zone**
  - o. Frankton Flats Zone**
  - p. Mt Cardrona Station Zone**
  - q. Ballantyne Road Mixed Use Zone**
  - r. Three Parks Zone**
  - s. Kingston Village Zone**
  - t. Shotover Country Zone**
  - u. Arrowtown South Zone**
  - v. Visitor Accommodation including the Registered Holiday Homes Appendix**
  - w. Residential development guidelines**
  - x. Gorge Road High Density Residential and Business zones**

- y. Gorge Road natural hazards investigation
  - z. Ferry Hill and Glenorchy building restriction areas
  - aa. Mapping sites of significance to iwi
  - bb. Include the stage 2 zones and structure plan guidance within PDP Chapter 27 Subdivision and Development
  - cc. Arrowtown Design Guidelines 2016 as they relate to the Stage 2 zones.
  - dd. Updating references and format of the Signs and Earthworks chapters.
3. Ask that the transport and other district wide chapters be notified earlier to inform the mapping hearings.
  4. Note that following the review of the matters in (a) to (dd) in 2 above, Council officers will report back to Council on the components recommended to be notified.
  5. Note that the components that will be excluded from the District Plan Review have changed since the 17 April 2014 Council meeting, including the review of Community and affordable housing, which will now be included.
  6. Approve the establishment of the preparation of the District Plan by way of territorial sections pursuant to section 73(3) of the RMA to create of two volumes to better manage the land excluded from the district plan review.
  7. Confirm the exclusion of the land covered by the following from the District Plan Review:
    - a. Plan Change 19: Frankton Flats B Zone.
    - b. Plan Change 45: Northlake Special Zone.
    - c. Plan Change 46: Ballantyne Road Industrial and Residential extension.
    - d. Plan Change 50: Queenstown Town Centre extension.
    - e. Plan Change 51: Peninsula Bay North.
    - f. Remarkables Park Zone.
    - g. Any subsequent plan changes to the Operative District Plan.

- 8. Note while appreciating its duties to consider plan change requests under Clause 25 of Schedule 1 of the Resource Management Act 1991, council strongly discourages private plan change requests during the District Plan review.**

*The meeting adjourned at 3.00pm and reconvened at 3.15pm.*

**5. Special Consultative Procedure (SCP) to help determine the Wanaka Airport future governance and management model**

A report from Richard Pope (Property Manager) presented the Business Case and proposed Statement of Proposal for the Wanaka Airport's future governance and management model and sought approval to undertake the Special Consultative Procedure on these issues.

The report was presented by Mr Pope, Mr Hansby and Mr Whittington.

In reply to a question, Mr Whittington noted that whilst the Local Government Act 2002 required the preparation of a Statement of Proposal, a judgement could be made on the preparation of a Summary Statement of Proposal depending upon the complexity of the issue being considered. In this case, the recommendation was not to have a Summary and the Council needed to resolve as such.

Councillor Gilmour expressed concern about the lack of detail in the Statement of Proposal especially about governance. Staff confirmed that the plans would accompany it along with information about the different governance structures. Members considered that the governance options currently given were not particularly clear and asked under paragraph 2.4 for further explanation about present governance arrangements in comparison with governance options in the future.

Councillor Lawton stated that there was a general lack of identification of disadvantages. She questioned whose development aspirations were being described and suggested that there needed to be greater discussion about potential resistance to development.

Concern was expressed that in the discussion of advantages the benefits of a lease did not come across clearly. It was suggested that these needed to describe not only the financial impact but also the impact on the community and to stress the levels of control still possible under a lease arrangement.

A request was made to reword clause 9.4 to ensure it did not read that special circumstances needed to apply in order to make an oral submission.

It was suggested that paragraph 3.1 was too Queenstown-centric and that opportunities for increased demand should not only focus on demand from this direction.

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

1. Note the contents of this report;
2. Adopt the Statement of Proposal for consultation on the Wanaka Airport future governance and management model;
3. Determine that it is not necessary to prepare a summary of the proposal for the public;
4. Direct Council officers to report back to the Council following the completion of the Special Consultative Procedure on the Wanaka Airport future governance and management model; and
5. Note that the Councillors to hear public submissions on the proposal will be determined following the forthcoming local body elections.

*Councillors MacLeod and Stevens left the meeting at 3.28pm.*

#### 6. **Alcohol Licensing Fee Reduction Policy**

A report from Lee Webster (Manager, Regulatory) presented the proposed alcohol licensing fee reduction policy for adoption.

Mr Webster presented this report and the item following.

On the motion of Councillor Gilmour and Forbes it was resolved that the Council:

1. Note the contents of this report;
2. Adopt the proposed Queenstown Lakes District Council Alcohol Licensing Fee Reduction Policy; and
3. Delegate the role of administering the Queenstown Lakes District Council Alcohol Licensing Fee Reduction Policy to the Manager; Regulatory.

*Councillors MacLeod and Stevens returned to the meeting at 3.30pm.*

#### 7. **Wanaka Recreation Centre – Alcohol Policy**

A report from Lee Webster (Manager, Regulatory) presented a proposed Alcohol Policy for the Wanaka Recreation Centre for adoption in response to a request for such a policy from the Wanaka Community Board.

Councillor Lawton noted that the Wanaka Alcohol Group had been very proactive about identifying ways to work with Council to inform the community about responsible alcohol use. She supported the recommendation as she considered it was important for the Council to show some leadership in relation to the harm to the community caused by alcohol use. She considered it was a token gesture as the policy would not stop alcohol from being served at the venue, but would simply place some controls around it. To reflect this Councillor Gilmour suggested that the poster note that the centre was alcohol-free 'except by special licence'.

Councillor Stammers-Smith spoke against the recommendation stating that it was an ad hoc decision that was a mistake because it was inconsistent with the Memorial Centre and Queenstown Events Centre. Councillor Gazzard noted that such a policy for all Council facilities would be a major impediment for them hosting events.

Councillor Stevens indicated that whilst he supported the community making its own decisions, he did not support the proposed policy. He advised of his intention to abstain from voting.

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

- 1. Note the content of this report; and**
- 2. Adopt the Queenstown Lakes District Council Alcohol Policy for the Wanaka Recreation Centre for immediate implementation.**

*Councillors Gazzard and Stammers-Smith voted against the motion; Councillor Stevens abstained.*

#### **8. Development of sports fields at the Wanaka Recreation Centre**

A report from Stephen Quin proposed the Council funding irrigation and turf works from the Wanaka reserve improvement development contributions to establish sports fields at the Wanaka Recreation Centre in the 2016/17 financial year.

The report was presented by Mr Quin and Mr Burns.

The Mayor acknowledged that there was funding available for this project from within the development contributions fund, but she questioned whether it was still permissible to do the project if it was not identified in the 10 Year Plan. Mr Burns stated that the effect of part (2) of the recommendation was to add the project to the Development Contributions schedule for the following year meaning that no borrowing would be required, with the Council collecting for the project from next year onward. He considered that something of this materiality could be determined by the Council at this time.

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

- 1. Note the contents of this report;**
- 2. Agree to include a new capital project to develop two sports fields at the Wanaka Recreation Centre with a budget of \$260,000 for the 2016/17 financial year;**
- 3. Agree to fund this through the Wanaka Improvement Development Contributions; and**
- 4. Note the requirement to include additional operational funding per annum to maintain the new sports fields for 2017/18 and beyond.**

**9. Proposed new grazing licence for Jacks Point Recreation Reserve**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) presented and assessed an application for a new grazing licence for an area of recreation reserve at Jacks Point. The report recommended that the Council grant the licence subject to conditions.

This report and the two following were presented by Mr Hoger and Mr Burt.

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

- 1. Note the content of this report;**
- 2. Approve a new grazing licence to Jack Point Farm Limited over Lot 13 DP 364700 subject to the following conditions:**

<b>Commencement</b>	<b>1 September 2016</b>
<b>Term</b>	<b>Five years</b>
<b>Renewals</b>	<b>One of a further five years at Council's discretion</b>
<b>Rent</b>	<b>\$1.00 (if demanded)</b>
<b>Rent Reviews</b>	<b>Upon renewal</b>
<b>Insurance</b>	<b>Licensee to provide \$2 million public liability insurance</b>
<b>Use</b>	<b>Grazing sheep only, ability to spray, fertilise and seed</b>
<b>Other</b>	<b>Council able to give 12 months' notice of early termination Licensee to control noxious weeds on the land at his cost.</b>

**3. Delegate signing authority to the General Manager, Property and Infrastructure.**

**10. New licence for Wanaka Farmers' and Gardeners' Market**

A report from Joanne Conroy (Property Advisor, APL Property Ltd) presented a recommendation from the Wanaka Community Board to grant a new licence to the Wanaka Farmers' and Gardeners' Market to operate on part of Pembroke Park, a recreation reserve. The report recommended that the licence be granted subject to conditions.

Mr Hoger stated that the recommended termination notice was now one year rather than the three month notice originally recommended by the Wanaka Community Board. This was because the policy on community lease and licence terms had changed in the interim. In addition, the Board had asked that condition (i) requiring public access to be maintained at all times also cover the path and had added 'including the path' to the condition.

Councillor Lawton noted that the Wanaka Craft Market occupied the area indicated by the red line in Appendix A which showed the licence area, adding that the Board had asked for the area to be extended down to the end of the skatepark to accommodate the Farmers' and Gardeners' Market. She stated that this was important because the groups were two separate entities and should not be mixed up. The Mayor asked staff to ensure the correct area was identified on the plan.

**On the motion of Councillors Aoake and MacLeod it was resolved that Council**

- 1. Note the report;**
- 2. Approve a new licence to the Wanaka Farmers and Gardeners Market Inc over part of the Recreation Reserve legally described as Section I Block L Town of Wanaka, certificate of title 130939 and known as Pembroke subject to the following terms:**
  - a. Term to be for a period of 3 years, with two further renewals of 3 years each by mutual agreement of both parties;**
  - b. Rent pursuant to the Community Pricing Policy;**
  - c. Rent reviewed upon renewal in accordance with the Community Pricing Policy;**
  - d. Early termination with 1 year notice by Council if the land is required for core infrastructure purposes (but not in the first 3 year term);**
  - 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. Operating day and hours to be limited to Sundays between 10am and 2pm;**
- i. Public access to be maintained at all times including the pathway. Adequate safety measures to be put in place to ensure public safety is maintained;**
- j. Market to sell domestically sourced handcrafted goods, with exclusion placed on the sale of manufactured or imported goods;**
- k. Reinstatement of the area to be completed within 2 hours of closing;**
- l. Craft market permitted to operate from the same area, subject to the craft market holding a current licence or hire agreement.**

**3. Agree to exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of a licence to the Wanaka Farmer's and Gardener's Market Inc.**

**4. Delegate signing authority to the General Manager, Property and Infrastructure.**

**11. Easement – Reserve Adjacent to Sugar Lane, Frankton**

A report from Blake Hoger (Property Manager, APL Property Ltd) presented and assessed an application from Aurora Energy Ltd for an in-ground easement over Local Purpose (Marina and Accessway) Reserve at the Frankton Marina to lay electrical cables for street lighting and CCTV as part of the Frankton Marina Development.

The report also considered whether the easement should be publicly notified and concluded that this was not necessary because the easement would not affect the ability of people to use and enjoy the reserve nor would it create any long term permanent effect on the reserve. Overall, the report recommended that the easement be approved, subject to conditions.

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

- 1. Note the contents of this report;**
- 2. Approve an underground easement over Local Purpose Reserve, Sections 52 & 53 Blk XXI Shotover SD subject to section 48 (1)(d) of the Reserves Act 1977, in favour of Aurora Energy Limited subject to the following conditions:**
  - a. Aurora Energy Limited to notify and liaise with QLDC Infrastructure Department in**



- advance of any onsite works so that they can oversee and provide input relating to existing in ground infrastructure;
- b. Operating health and safety plan to be received;
  - c. Certificate of adequate public liability cover to be received;
  - d. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Infrastructure Department. Reinstatement to include any fencing or other structures.
3. Agree that notification of the intention to grant the easement is not required as the statutory test in section 48(3) of Reserves Act 1977 is met;
  4. Delegate authority to approve final terms and conditions, including location, and execution authority to the General Manager – Property & Infrastructure; and
  5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of an easement to Aurora Energy Limited over Sections 52 & 53 Blk XXI Shotover SD.
12. **Delegations to the Chief Executive during the interim election period October 2016**

A report from Michele Poole (Communications Manager) asked the Council to delegate to the Chief Executive all of its responsibilities, duties and powers under all legislation without limitation, except for those set down in legislation that could not be delegated, from election day until the inauguration of the new Council, in order for the normal business of the Council to be carried out without interruption.

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

1. Note the contents of this report; and
2. Delegate to the Chief Executive all of the functions, duties and powers of the Council under all legislation without limitation, except for those powers set down in legislation that cannot be delegated, from 8 October 2016 until the inauguration of the new Council.

**13. QLDC Organisational Health Safety and Wellbeing Performance**

A report from Meghan Pagey (Manager, Human Resources) presented information detailing how the Council was fulfilling its statutory health and safety responsibilities.

**On the motion of Councillors Gazzard and MacLeod  
it was resolved that Council note the report.**

**14. Mayor's Report**

A report from the Mayor:

- a) Set out the functions and meetings attended during the period 25 August to 29 September 2016;
- b) Presented a recommendation about the grant in the 2016/17 Annual Plan to the Queenstown Lakes Family Centre Trust;
- c) Presented Portfolio Leader reports; and
- d) Summarised the items from and appended the minutes of the following meetings:
  - Property Subcommittee meeting (23 August 2016)
  - Resource Consent Commissioner Appointments Subcommittee meeting (23 August 2016) (Public Excluded)
  - Property Subcommittee meeting (7 September 2016)
  - Resource Consent Commissioner Appointments Subcommittee meeting (13 September 2016) (Public Excluded)
- e) Detailed the actions taken from previous Council meetings

Councillor Aoake sat back from the table for discussion on the request for the grant approved in the 2016/17 Annual Plan to the Queenstown Lakes Family Centre for rent to instead be paid to Jigsaw.

Councillor Gilmour spoke to the recent announcement by the Housing Minister to extend the special housing areas ('SHA') legislation for a further three years. She considered that the Council had learned much since signing the original housing accord and in the future needed a much stronger lead policy and accord. She expressed the desire for the new Council not to accept new SHA applications until it had updated the lead policy and had a new accord.

It was confirmed that a request had been made for staff to bring a report on this subject to the following week's Council meeting.

Councillor Gilmour questioned the update provided in the Actions Report on affordable housing actions. She noted that the Council had required six monthly reports and whilst one had been presented in a workshop, she stated that instead it should be included on a public agenda every six months. She also questioned the current timing of June 2017 for affordable housing opportunities under the strategic property review, noting that no response had been received to date on the request to bring this project forward under the Chief Executive's work plan.

Requests were also made for updates on the following actions:

- Timing for the preparation of a Reserve Management Plan for the area around the Young Family Zoological Gardens in Frankton;
- LINZ progress on processing statutory procedures for land acquisition and road stopping at Stalker Road.

**On the motion of the Mayor and Councillor Forbes it was resolved that Council:**

- 1. Note the report;**
- 2. Note that the Queenstown Lakes Family Centre has recently merged with Jigsaw and agree that the \$26,400 approved in the 2016/17 Annual Plan for their rent shall instead be paid to Jigsaw.**

*Councillor Aoake did not vote on part 2 of the motion.*

#### **15. Chief Executive's Monthly Report**

A report from the Chief Executive provided an update for the Council on recent activities and progress with achieving Council priorities.

The Council directed the Chief Executive that no long term leases for the Malaghan Building should be entered into to ensure flexibility going forward.

Members asked for all items in the work programme to be included in the report and not just those under action.

**On the motion of Councillors Forbes and Gilmour it was resolved that Council note the report.**

#### **Confirmation of minutes**

##### Extraordinary meeting, 11 August 2016

Councillor Gilmour sought the following addition to the presentation by Jeff Staniland of Skyline Enterprises in the Public Forum:

*'Councillor Gilmour asked if Skyline Enterprises was looking at providing affordable accommodation for staff and Mr Staniland replied 'yes'.'*

**On the motion of Councillors Gilmour and Stevens the Council resolved that the public part of the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 11 August 2016 as amended be confirmed as a true and correct record.**

*Councillors Lawton and MacLeod abstained because they were not at the meeting.*

Ordinary meeting, 24 August 2016

**On the motion of Councillors Stevens and Stammers-Smith the Council resolved that the public part of the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 24 August 2016 as amended be confirmed as a true and correct record.**

*Councillor Aoake abstained because he was not at the meeting.*

**Resolution to Exclude the Public**

**On the motion of Councillors Stevens and Forbes 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 – 11 August 2016**

**Item 2: Special Housing Area Expression of Interest Waterfall Park (Attachment B)**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
2. Special Housing Area Expression of Interest: Waterfall Park (Attachment B: Draft Deed of agreement)	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 out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7 (2)(h)  Section 7 (2)(i)

**Confirmation of minutes – 24 August 2016**

**Item 14: Shotover Jet Concession Agreement – Fee Increase**

**Item 15: Direction on Three Resource Consent Appeals**

**Item 16: Emergency Management Share Services Delegation**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
14. Shotover Jet Concession Agreement – Fee Increase	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: b)ii) to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(ii)
15. Direction sought on Three Resource Consent Appeals	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: g) Maintain legal professional privilege; i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(g) Section 7(2)(i)

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
16. Emergency Management Share Services Delegation	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: i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

**Agenda items – 29 September 2016**

- Item 5 Special Consultative Procedure (SCP) to help determine the Wanaka Airport future governance and management model (Attachment E – Legal advice)**
- Item 14 Resource Consent Commissioner Appointments Subcommittee minutes (23 August 2016 and 13 September 2016)**
- Item 16: Wanaka Recreation Centre and Wanaka Pool Status Update**
- Item 17: Appointment of Hearing Commissioner(s) to hear and determine applications for resource consent under the Housing Accords and Special Housing Areas Act 2013**
- Item 18: Direction on Resource Consent Appeal – Wanaka Watersports Facility**
- Item 19: Delegation to award the construction of the Eastern Access Road (Hawthorne Drive)**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
5. Special Consultative Procedure (SCP) to help determine the Wanaka Airport future governance and management model (Attachment E – Legal advice)	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: g) Maintain legal professional privilege;	Section 7(2)(g)

**QUEENSTOWN LAKES DISTRICT COUNCIL**

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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. Resource Consent Commissioner Appointments Subcommittee minutes (23 August 2016 and 13 September 2016)	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)
16. Wanaka Recreation Centre and Wanaka Pool Status Update	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: g) Maintain legal professional privilege; h) Enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities;	Section 7(2)(g) Section 7(2)(h)
17: Appointment of Hearing Commissioner(s) to hear and determine applications for resource consent under the Housing Accords and Special Housing Areas Act 2013	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)

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
18. Direction on Resource Consent Appeal – Wanaka Watersports Facility	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: g) Maintain legal professional privilege; i) Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(g) Section 7(2)(i)
19. Delegation to award the construction of the Eastern Access Road (Hawthorne Drive)	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;	Section 7(2)(h)

**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 4.15pm.*



**PUBLIC EXCLUDED**

**Confirmation of public excluded minutes**

Extraordinary meeting, 11 August 2016

**On the motion of Councillors Stevens and Ferguson the Council resolved that the public excluded part of the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 11 August 2016 be confirmed as a true and correct record.**

Ordinary meeting, 24 August 2016

**On the motion of Councillors Gazzard and Stevens the Council resolved that the public excluded part of the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 24 August 2016 be confirmed as a true and correct record.**

Councillor Forbes stated that she had omitted to declare a conflict of interest during the public part of the meeting in respect of the Wanaka Waterports Facility as she was a 20% owner of Scope Media which has done a lot of publicity for the parties involved. She stated that she would leave the meeting for the item.

**16. Wanaka Recreation Centre and Wanaka Pool Status Update**

A report from Simon Battrick (Sport and Recreation Manager) provided a status update on the construction of the Wanaka Recreation Centre and Wanaka Pool project.

The report was presented by Mr Battrick.

Councillor Lawton referred to the changes proposed through the value management process and asked whether it would be possible to retrofit energy efficient materials without too much additional cost. Mr Battrick noted that this should not be necessary as the amount of glazing required had been reduced which had improved the energy efficiency of the building as it had reduced the amount of window space. In addition, the change of materials proposed was in keeping with the same efficiency standards.

The Mayor questioned the continued use of consultants for the project, especially if they replicated in-house staff. She stated that once information had been gained from RCP, staff needed to take the lead in the project.

In reply to a question Mr Battrick noted that whilst the whole project would come in under budget it would not be necessary to refund grants. He stated

that the project goal was to deliver a fit for service facility with nothing extraneous.

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

- 1. Note the contents of this report;**
  - 2. Note that the Chief Executive is entering into a negotiated construction contract with Cook Brothers for \$9,800,000 + GST for the construction of the Wanaka Pool.**
  - 3. Note that Council officers have conducted a value management exercise to ensure that the approved budget of \$12,280,000 as agreed by Council on 30 July 2015 is achievable for the project.**
  - 4. Note that the recently completed Wanaka Recreation Centre project is projected to be under budget by approximately \$350,000 - \$500,000.**
  - 5. Authorise the Mayor and/or Chief Executive to make a public statement on this report and resolution after the meeting.**
- 17. Appointment of Hearing Commissioner(s) to hear and determine applications for resource consent under the Housing Accords and Special Housing Areas Act 2013**

A report from Blair Devlin (Manager, Planning Practice) sought Council approval to appoint Hearings Commissioners to hear and determine applications for resource consents for qualifying developments within Special Housing Areas, established by the Minister of Housing under the Housing Accords and Special Housing Areas Act 2013 ('HASHA').

The report was presented by Mr Avery.

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

- 1. Note the contents of this report;**
- 2. Note that some of the HASHA resource consent applications listed below may be able to be processed by officers non-notified under delegated authority, in which case the appointed Commissioners will not be required.**

3. Either appoint the following persons to hear and determine applications for resource consent(s) relating to a qualifying development in the following Special Housing Areas, noting that in the event of a disagreement between the two person panels, the Chairperson shall have the deciding vote:

**Arthurs Point Road – Two Commissioner Panel**

- a. Andrew Henderson – Chair (planning)
- b. Councillor Simon Stammers-Smith

Or, if either of the above two Commissioners are not available:

- c. David Clarke – Alternate Chair (planning) and Councillor Mel Gazzard

**Queenstown Country Club AND Onslow Road – Three Commissioner Panel**

- a. David Mead – Chair (planning and urban design)
- b. Jan Caunter – (legal)
- c. Councillor Cath Gilmour

Or, if any of the above three Commissioners are not available:

- d. David Clarke – Alternate Chair (planning) and Councillor Scott Stevens

**Arrowtown Retirement Village – Three Commissioner Panel**

- a. Andrew Henderson – Chair (planning)
- b. David Whitney (planning)
- c. Councillor Mel Gazzard

Or, if any of the above three Commissioners are not available:

- d. David Mead (planning and urban design), Jan Caunter (legal) and Councillor Cath Gilmour

**Shotover Country – Three Commissioner Panel**

- a. David Whitney – Chair (planning)
- b. David Clarke – Alternate Chair (planning)
- c. Councillor Scott Stevens

Or, if any of the above three Commissioners are not available:

- d. Councillor Mel Gazzard and Leigh Overton

**Gorge Road Business Mixed Use Zone – Two Commissioner Panel**

- a. David Mead – Chair (planning and urban design)
- b. Councillor Calum MacLeod

Or, if either of the above two commissioners are not available:

- c. Councillor Mel Gazzard and David Clarke – Alternate Chair (planning)

Or appoint other Commissioners from the list appended as Attachment A.

*Councillor Forbes left the meeting at 4.31pm.*

#### 18. **Direction on Resource Consent Appeal – Wanaka Watersports Facility**

A report from Blair Devlin (Manager, Planning Practice) sought authority from the Council to mediate and, if necessary, defend the decision of its Commissioners in the Environment Court against the appeals received relating the RM150679 – Wanaka Watersports Facility.

The report was presented by Mr Avery.

The Mayor sought feedback from the Council on its level of comfort with the proposed delegation to the Manager, Planning Practice.

Councillor Gilmour suggested that part (3) of the recommendation be amended to place a rider over the 'concerns of the appellants' that they be 'without derogation of the intent of the resource consent' as she was concerned that the recommendation as currently drafted would permit anything that would meet the concerns of the appellants. She considered that proposed amendment would still allow the objectives of the resource consent to be met whilst still giving the staff a significant amount of discretion. The proposed amendment was supported.

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

1. **Note the contents of this report;**
2. **Note that at the time of writing, the period for parties to join the appeal as a section 274 party had yet to close.**
3. **Delegate to the Manager, Planning Practice, the power to resolve the appeal against the decision on RM150679 by way of mediation with one parameter, that consent be granted subject to the amendment or addition of consent conditions to address the concerns of the appellants, without derogation of the intent of the resource consent, or should mediation fail, defend the decision of its Commissioners in the Environment Court.**

*Councillor Forbes returned to the meeting at 4.39 pm.*

**19. Delegation to award the construction of the Eastern Access Road (Hawthorne Drive)**

A report from Myles Lind (Manager, Asset Planning) sought a delegation from the Council to award the contract to construct the Eastern Access Road (Hawthorne Drive) up to a specified figure in order to be able to progress the contract through a change of elected members. The recommendation of the report was to delegate authority up to a value of \$24.2 million.

The report was presented by Mr Hansby.

As signalled in the report, Mr Hansby circulated updated forecast and budget figures. He highlighted a construction contingency in the contract of \$1.17M. This represented about 5% of the total and was risk over the contingency risk that would not be covered in contingency amount. Whilst he would normally be comfortable with the original recommended figure, during the inter-Council period he believed there was value in adding a further \$1.1 M to cover risk. This would take the delegation from \$24.2M to \$25.3M.

Information was circulated about residual risk.

Mr Hansby confirmed that he was confident of the designation for the road being forthcoming in the next few days.

It was agreed that at present there would be no comment about the report or resolution.

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

- 1. Note the contents of this report;**
- 2. Authorise the Chief Executive to negotiate final terms with the preferred tender party; and**
- 3. Delegate to the Chief Executive the awarding and execution of the construction of the Eastern Access Road Project, up to a value of \$25.253 million.**
- 4. Delegate the Chief Executive authority to make a public statement about this report/resolution at an appropriate time.**

**On the motion of Councillors Stevens and MacLeod the Council resolved that the public be readmitted to the meeting.**

*The meeting came out of public excluded and concluded at 5.07pm.*

**CONFIRMED AS A TRUE AND CORRECT RECORD**

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**M A Y O R**

**6 October 2016**

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**D A T E**