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Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 3 September 2020 commencing at 1.02pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (General Manager, Finance, Legal and Regulatory), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Tony Avery (General Manager, Planning and Development), Ms Meaghan Miller (General Manager, Corporate Services), Mr Jeremy Payze (Senior Management Accountant), Mr Naell Crosby-Roe (Governance, Engagement and Communications Manager), Mr Daniel Cruickshank (Property Advisor, APL Property Ltd), Mr Ulrich Glasner (Chief Engineer), Mr Geoff Maymam (Commercial and Procurement Manager), Mrs Jan Maxwell (Relationship Manager Arts and Events), Ms Alice Balme (Legal Counsel), Mrs Meghan Pagey (Director People and Capacity), Mr Mike Stenhouse (Consultant) and Ms Jane Robertson (Senior Governance Advisor)

Apologies/Leave of Absence Applications

An apology was received from Councillor MacDonald.

The following requests for Leave of Absence were made:

- Mayor Boult: 14 September
- Councillor Miller: 8-21 September but can attend Zoom meetings during this period if necessary.
- Councillor Shaw: 22-25 September
- Councillor Copland: 7-15 October
- Councillor Clark: 22-28 October
- Councillor Lewers: 17-21 December
- Councillor MacLeod: Has commitments over the week of 14-18 September for Proposed District Plan deliberations so will be an apology for all meetings during that week.

On the motion of the Mayor and Councillor Gladding the Queenstown Lakes District Council resolved that the apology be accepted and the requests for leave of absence be granted.

Declarations of Conflicts of Interest

The Mayor, Councillor Clark and Councillor Gladding declared an interest in item one as they were respectively the two complainants and the subject of the complaint. They undertook



to withdraw from the table for this item. The Mayor advised that the Deputy Mayor would take the Chair for this period.

Councillor Lewers advised that he had a potential conflict in respect of item 2 ('Setting Rates 2020/21') because he was a member of the DQ Board. He noted that a conflict would only arise if there was further discussion about the Tourism Promotion Rate (Queenstown/Wakatipu Ward).

Special Announcements

The Mayor confirmed the procedure for taking votes during an on-line meeting, noting that for every substantive resolution the Governance Advisor would read out a list of elected members in a random order to record their votes, as in a division.

Public Forum

1. Darryll Rogers

Mr Rogers addressed the 'erosion of democracy' which in his view was occurring because the Council chose to base its climate change policies on United Nations goals. The core values of the United Nation did not equate to QLDC's but in basing the climate action plan on these principles meant that a full environmental assessment of each policy would not occur. An example was the stance on solar panels and the fact that much of the South Island's electricity already came from renewable energy. He asked the Council to reject any policy that would confine democratic freedom.

2. John Hilhorst

Mr Hilhorst spoke about the potential relocation of Queenstown Airport in the future. He observed that COVID-19 had collapsed the local economy and a new regional airport as proposed by Christchurch Airport at Tarras was the best option. This meant that the Council could now relocate Queenstown Airport with little legal or financial risk and it was an enormous opportunity that continues to be unexplored. This stance would result in the Council missing the massive funds that would be freed as a result of closing Queenstown Airport. The Council had the choice to remain ignorant or informed and it could use the next Statement of Intent to require QAC to communicate with Christchurch Airport and explore the potential opportunities for local ratepayers. The Council should also acknowledge this potential in both the Spatial Plan and the next Long Term Plan.

The Council noted receipt of a submission via email from Extinction Rebellion Queenstown Lakes in lieu of speaking personally in the Public Forum.

Confirmation of Agenda

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



Confirmation of Minutes

23 July 2020

Councillor Shaw sought an addition for clarity to the resolution for item 6 'Budget Adjustment for the Ladies Mile Master Plan and Plan Variation' so that the resolution would read as follows:

 "Approve a budget adjustment for the 2020/21 year which increases the budget for the Ladies Mile Masterplan and Plan Variation project by \$450,000 and reduces the 2021/22 budget by an equivalent amount, to be loan funded..."

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

4 August 2020

On the motion of the Mayor and Councillor Clark the Queenstown Lakes District Council resolved that the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 4 August 2020 be confirmed as a true and correct record.

The Mayor, Councillor Clark and Councillor Gladding withdrew from the table. The Deputy Mayor took the Chair.

1. Code of Conduct Complaint

A report from Meaghan Miller (General Manager, Corporate Services) detailed a complaint received from Mayor Boult and Councillor Clark against the actions of Councillor Gladding earlier in the year. An independent investigator had considered the complaint and the conclusions of this investigation had been considered at a meeting of the Elected Member Conduct Committee held on 10 August 2020. The recommendations of the Committee formed the recommendation put forward for the Council consideration.

The Deputy Mayor advised that he had chaired the meeting of the Elected Member Conduct Committee at which the proposed course of action had been agreed. He did not consider it appropriate for there to be any further debate or discussion.

On the motion of Councillor MacLeod and Councillor Lewers it was resolved that the Queenstown Lakes District Council:

1. Note the contents of this report;

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- Note the investigation and report by independent investigator Bruce Robertson and the Code of Conduct Committee's finding that the report was fair and balanced.
- Note that the Code of Conduct Committee found the matter to be of a serious nature and a material breach of the QLDC Code of Conduct, as adopted by all Councillors on 12 December 2019.
- 4. Direct the Chief Executive to agree with Councillor Gladding on a suitable mentor to assist with development and learning in terms of adhering to good practice (including behaviours and governance) for democratically elected councillors.
- Agree that the Council removes its support for Councillor Gladding to undertake RMA training, noting that the Councillor will not be eligible to apply for consideration to attend the course for a minimum of 12 months.
- 6. Agree that all Councillors participate in a workshop to reaffirm the behaviours outlined in the Code of Conduct and to offer a refresh around good governance, within the next 12 months.
- 7. Agree that the Chief Executive be delegated to write a formal letter to Councillor Gladding outlining the decisions of Council in relation to this matter. The letter should acknowledge an early apology to the Mayor and Councillors for her actions.
- 8. Agree that no Councillor will enter into further public comment in relation to this matter.

The motion was put and <u>carried</u> (7:0):

For: Councillor Copland, Councillor Ferguson, Councillor Lewers, Councillor

MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith

Against: Nil Abstain: Nil

The Mayor, Councillor Clark and Councillor Gladding returned to the table and the Mayor resumed the Chair.

2. Setting of Rates for 2020/21

A covering report from Stewart Burns presented information to set the rates for the Queenstown Lakes District Council for the 2020/21 financial year section 23 of the Local Government (Rating) Act 2002.





The report was presented by Mr Burns. He advised of a change under the **Recreation** & Events Charge where 11. Country Dwelling plus Flat should incur a charge of \$152.60 instead of \$159.80 as printed in the agenda papers. He confirmed that the average rates increase now sat at 1.35%.

Councillor Smith observed that the issues raised about rating policies were not able to be resolved at this time, but he hoped that they could be addressed as part of the next Long-Term Plan.

Members thanked staff for their work throughout a difficult period.

On the motion of Councillor MacLeod and Councillor Ferguson it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;
- 2. Sets the rates for the Queenstown Lakes District Council for the 2020/21 financial year as per section 23 of the Local Government (Rating) Act (as per Attachment A).

The motion was put and <u>carried</u> (10:0):

For: Mayor Boult; Councillor Clark, Councillor Copland, Councillor Ferguson,

Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor

Miller, Councillor Shaw, Councillor Smith

Against: Nil Abstain: Nil

3. Budget Carry Forwards for 2020/21

A report from Jeremy Payze (Senior Management Accountant) presented proposed budget carry forwards from 2019/20 and sought approval to use them to adjust the budgets for the 2020/21 financial year.

Mr Burns and Mr Payze presented the report.

Councillor Clark expressed concern about the quantum of carry forwards sought which suggested that staff were having trouble completing projects. She had calculated a figure that she believed was the unspent portion but undertook to email staff directly to get clarification. Staff also explained the various reasons why project were not completed, noting that third-party relationships were sometimes the cause but stressing that projects did not always fit neatly into a financial year

Councillor MacLeod signalled that either via a budget adjustment or another means additional funding would be needed for the new Luggate Community Hall.

On the motion of Councillor Shaw and Councillor Clark it was resolved that the Queenstown Lakes District Council:





- 1. Note the contents of the report;
- 2. Authorise adjustments to the budgets for the 2020/21 financial year in order to provide for capital expenditure carry forwards of \$67,750,405 as included in Attachment A; and
- 3. Authorise adjustments to the budgets for the 2020/21 financial year in order to provide for operational carry forwards of \$1,408,287 as included in Attachment B.

The motion was put and <u>carried</u> (10:0):

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

Against: Nil Abstain: Nil

4. Local Electoral Act 2001: Choice of Electoral System and Potential for a Māori Ward in the Queenstown Lakes District

A report from Jane Robertson (Electoral Officer) set out the requirements of the Local Electoral Act 2001 in relation to the choice of the electoral system employed for local elections and polls, namely, either First Past the Post or Single Transferable Vote and considered the option for a Māori Ward in the Queenstown Lakes District. The report also summarised the process and critical dates for completion of the Representation Review in 2021. The report recommended that the Council retain the First Past the Post electoral system and not establish a Māori Ward in the Queenstown Lakes District.

Mr Crosby-Roe presented the report, noting that the Electoral Officer had largely prepared the report but could not speak to it at the meeting.

Further clarification was sought whether a Māori Ward could only be established as the result of a poll or through a population calculation. Mr Crosby-Roe noted that the Council could be invited to consider the option but local iwi had recently decided to withdraw any request. He noted that it always remained an option for the future with population change.

Councillor Shaw observed that STV generally produced a result with more diverse community representation, so questioned why First Past the Post continued to be the recommended option. It was noted that STV would not work in a single Councillor ward such as Arrowtown and it was generally viewed as being a less straight-forward system of voting. There was concern that the complexity discouraged voter participation.

Councillor Shaw advised that she supported revisiting the STV decision sooner than within the next three years.

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There was further discussion about the issues that should be explored as part of the representation review.

On the motion of Councillor Lewers and Councillor MacLeod it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;
- 2. Note the key milestones for completion of the Representation Review in 2021;
- Agree to retain the First Past the Post electoral system for election of the Council and the Wānaka Community Board for the next two elections, scheduled to take place in 2022 and 2025;
- 4. Agree not to establish a Māori Ward in the Queenstown Lakes District at present; and
- Agree to establish an Advisory Group to assist in the development of options for the 2021 Representation Review and delegate the appointment of members to the Chief Executive and Mayor.

The motion was put and carried (10:0):

For: Mayor Boult; Councillor Clark, Councillor Copland, Councillor Ferguson,

Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor

Miller, Councillor Shaw, Councillor Smith

Against: Nil Abstain: Nil

5. Lease at Bobs Peak for Queenstown Commercial Parapenters Ltd ('GForce')

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application to grant a lease over part of Bobs Park for the purpose of running a commercial parapenting operation. The report concluded that a lease was appropriate and recommended that a lease be approved, subject to various recommended conditions.

Mr Cruickshank presented the report.

The Chief Executive invited Councillor Smith to comment on aspects of the lease.

Councillor Smith questioned exclusive use of the reserve, although he acknowledged that historically it had been exclusively commercial. However, he believed that despite the complexities there would be value in exploring whether recreational pilots could also use the site. He asked if the Council could direct GForce to have discussions with the local club to see if other pilots could also land there. To this end





he suggested that Council ask APL to raise this point with Gforce. Councillor Gladding supported this proposal because it was a unique site with access to the summit.

The Chief Executive noted that such a proposal had inherent complications, especially in relation to health and safety, but he agreed that there was value in encouraging these conversations to happen. He added that due to the complexities it may not be possible to bring about significant change but he was aware of the situation where commercial and recreational pilots used the same area, such as the Queenstown Recreation Ground and Warren Park.

On the motion of Councillor Smith and Councillor Gladding t was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;
- 2. Approve a new lease over part of Bobs Peak 1.5003 hectares being part of Section 2 Survey Office Plan 519538:

Commencement TBC

Term Five (5) Years

Renewals Two (2) further rights of renewal of

five (5) years.

Rent A sum equal to 7.5% of the gross

revenue plus GST per annum for flights and other sales associated with the lease area. Base rent of \$20,000 will be payable in the first 2 years of the lease, increasing to \$30,000 from year 3 onwards, adjusted for increases in the

consumer price index.

OPEX All rates and charges associated with

the land to be paid for by the lessee.

Use A take off point for commercial

parapenter flights and as a booking office for commercial parapenting flights and for the sale of souvenirs

relating to paragliding.

Consents That the Lessee is not to erect any

building on the land without prior

consent of the Lessor.

Insurance Lessee will hold liability insurance to

a minimum amount of \$2,000,000. Insurance must be kept on any building or improvement on the

land.





Maintenance Lessee will at all times be

responsible for the maintenance of the land and keep it free of any

noxious weeds.

Safety/Suspension Council to retain ability to suspend

or vary the lease for safety

purposes.

Tree Management The lessee will be responsible for

implementing a tree and fire management plan for the lease area and coordinate with other adjacent

operators.

Relevant legislation Lessee to comply with CAA and all

other relevant legislation that relates to the operation of a commercial parapenting business

3. Delegate final lease details and signing authority to the General Manager of Community Services;

4. Agree that the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the lease to the applicant over Section 2 Survey Office Plan 519538, classified Recreation Reserve

The motion was put and <u>carried</u> (10:0):

For: Mayor Boult; Councillor Clark, Councillor Copland, Councillor Ferguson,

Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor

Miller, Councillor Shaw, Councillor Smith

Against: Nil Abstain: Nil

6. Supply Boundary Adjustment – 397 Arrowtown-Lake Hayes Road

A report from Richard Powell (Infrastructure Engineer) assesses an application to extend the wastewater scheme to include 397 Arrowtown-Lake Hayes Road, legally described as Lots 2 DP 337565. The report noted that further development within the site had been consented with an estimated wastewater discharge rate equivalent to four dwellings and the application had been assessed on this basis. Accordingly, if approved, up to four new connections would be permitted.

Mr Hansby and Mr Glasner presented the report.

On the motion of the Mayor and Councillor Gladding it was resolved that the Queenstown Lakes District Council:



- 1. Note the contents of this report; and
- 2. Agree to extend the wastewater supply boundary to include the properties legally described as Lots 2 DP 337565.

The motion was put and carried (10:0):

For: Mayor Boult; Councillor Clark, Councillor Copland, Councillor Ferguson,

Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor

Miller, Councillor Shaw, Councillor Smith

Against: Nil Abstain: Nil

7. Hanley's Farm Woolshed Road Realignment: Variation

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed an application to extend the term in which to complete the Woolshed Road realignment that had been approved in 2017. A further application was to realign road at Hanley's Farm. The report recommended that the Council approve the applications subject to various recommended conditions.

Mr Cruickshank and Mr Hansby presented the report.

Councillor Lewers asked if the new road would be compatible with public transport. Mr Hansby confirmed that any works or adjustments would be designed to cater for various modes of transport. The Chief Executive noted that the long-term intention was not to use Woolshed Road as the connection onto the State Highway.

On the motion of Councillor Lewers and Councillor Ferguson it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of the report;
- Agree to extend the previous Council approval from 26
 January 2017 to be increased to a maximum period of 5
 years from the original approval, being 25 January 2022,
 and
- 3. Approve initiation of the procedures of section 114, 116 117 & 120 of the Public Works Act 1981 to undertake the additional road stoppings and vestings as shown on the attached Paterson Pitts plan Job Ref. Q6205-02 dated 09/06/20 Revision C with RCL Group; and
- Approve the new road stopping, sale & vesting being subject to the applicant paying all costs associated with process; and

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- Approve that the new road stopping and sale be subject to the applicant paying market value for the stopped road, with this fee being set by a Council appointed registered valuer at its sole discretion; and
- Agree that Council's approval to undertake this additional road stopping, sale and vesting process, along with any sale and purchase agreements relating to it shall be limited to a period of 2 years from the date of this resolution; and
- 7. Delegate final terms and conditions, along with any associated agreements and consent notices to facilitate the legalisation and to provide any approvals for the placing or removal of easements, minor alignment, area changes and signing authority, to the Chief Executive of Council.

The motion was put and <u>carried</u> (9:0), with one abstention:

For: Mayor Boult; Councillor Clark, Councillor Copland, Councillor Ferguson,

Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor

Shaw, Councillor Smith

Against: Nil

Abstain: Councillor Miller

8. Chief Executive's Report

A report from the Chief Executive presented the 2021 meeting schedule for adoption and sought approval for budget adjustments for two projects – the Ballantyne Road reseal and North Wānaka Wastewater Conveyance Scheme. The report also presented details of recent meetings.

There was further discussion about the proposed budget adjustment for Ballantyne Road. Councillor Smith supported making the budget adjustment but was concerned that \$547,000 was to be sourced from the Wānaka Minor Improvements Programme budget. He noted that Wānaka Community Board had delegated authority over use of the fund and had not considered transferring funding to this sort of project. Notwithstanding that, the fund was already fully subscribed. He did not support deferring the project but sought another solution. As a way forward, it was suggested that funding be transferred back to the Wānaka Minor Improvements budget in the next capex reforecast. Councillor Smith accepted this as an appropriate resolution.

Councillor MacLeod asked about what was proposed for the active transport network. Mr Hansby undertook to circulate the plan for the future bike trail to Councillors.

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On the motion of Councillor MacLeod and Councillor Smith it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;
- 2. Adopt the meeting schedule for 2021;
- 3. Approve the allocation of an additional \$907,000 to the Ballantyne Road Reseal budget, to be funded \$360,000 from Aurora and the balance of \$547,000 to be reallocated from the Wānaka Minor Improvements Programme budget; and
- Approve the allocation of an additional \$2,397,191 to the North Wānaka Wastewater Conveyance Scheme budget, to be funded from the 3 Waters Programme Contingency.
- Delegate authority to the Chief Executive to approve the procurement plan and subject to the total value not exceeding approved budget, award and sign the construction contract for the Ballantyne Road Reseal project.
- Delegate authority to the Chief Executive to approve the procurement plan and subject to the total value not exceeding approved budget, award and sign the construction contract for the North Wānaka Wastewater project.

The motion was put and carried (10:0):

For: Mayor Boult; Councillor Clark, Councillor Copland, Councillor Ferguson,

Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor

Miller, Councillor Shaw, Councillor Smith

Against: Nil Abstain: Nil

Recommendation to Exclude the Public

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

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

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





10. Chief Executive End of Term Review

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

Confirmation of minutes (Extraordinary meeting of Council, 4 August 2020)

1. CIP Funding Agreement

	neral subjec nsidered.	t to be	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1.	CIP Agreement	Funding	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, commercial negotiations	Section 7(2)(i)

Agenda items

Item 8a:	Chief Executive's Report: Provincial Growth Fund

Item 9: Procurement Process for Delivery of Joint Waka Kotahi NZTA/QLDC Projects

- Approval

Item 10: 2020/21 Events Funding Round

Item 11: Queenstown Country Club Special Housing Agreement – Deed Variation

Item 12: Chief Executive End of Term Review



Grounds under Section General subject to be Reason for passing this resolution. considered. 7 for the passing of this resolution. That the public conduct of the 8a. Chief Executive's Report: Provincial whole or the relevant part of the **Growth Fund** proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: Section 7(2)(c)(i) c) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the informationi) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; **Procurement Process** That the public conduct of the for Delivery of Joint whole or the relevant part of the Waka Kotahi NZTA / proceedings of the meeting would QLDC Projects be likely to result in the disclosure Approval of information where the withholding of information is necessary to: Section 7(2)(i) i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);



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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.	
10. Events Funding Round 2020/21	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) 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)	
11. Queenstown Country Club Ltd Special Housing Agreement – Variation to Deed	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)	
12. Chief Executive Recruitment Process	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) protect the privacy of natural persons (including deceased natural persons);	Section 7(2)(a)	

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



The meeting went into public excluded at 2.22pm at which point it adjourned briefly and reconvened at 2.25pm with the public excluded.



The meeting came out of public excluded and concluded at 3.35pm.

CONFIRMED AS A TRUE AND CORRECT RECORD				
MAYOR				
DATE				