

Attachment 1 - Draft public mins full Council - 17 November 2022

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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 17 November 2022 commencing at 1.00pm

Present:

Mayor Glyn Lewers; Councillors Bartlett, Bruce, Cocks, Gladding, Guy, Ferguson, Smith, Tucker, Whitehead and Wong

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (GM Finance, Legal and Regulatory), Mr Peter Hansby (GM Property and Infrastructure), Ms Meaghan Miller (GM Corporate Services), Mr Tony Avery (GM Planning and Development), Mr Naell Crosby-Roe (Stakeholder Services and Governance Manager), Ms Jennifer Fraser (Policy Manager), Ms Carrie Williams (Senior Policy Advisor), Ms Alyson Hutton (Planning Policy Manager), Ms Rachel Beer (Planning Support Manager), Mr Rob Darby (Senior Civil Engineer), Mr Alex Hooren (Project Manager) and Ms Jane Robertson (Senior Governance Advisor); four members of the media and four members of the public

Korero from Dean Whaanga on behalf of Mana Whenua

Mr Whaanga joined the table and presented a mihi to the new Council. He congratulated them on their election and expressed good wishes for their mahi over the next three years.

Apologies/Leave of Absence Applications

An apology was received from Councillor Shetty

The following requests for Leave of Absence were made:

- Councillor Bruce: 22-28 November 2022
- Councillor Whitehead: 29 and 30 November 2022
- Councillor Gladding: 7-12 December 2022
- Councillor Ferguson: 16 December 2022 – 2 January 2023
- Councillor Smith: 16 December 2022 – 21 January 2023

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

Declarations of Conflict of Interest

No declarations were made.

Special Announcements

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No announcements were made.

Declaration by Gavin Bartlett

Mr Bartlett read the declaration as a Councillor of the Queenstown Lakes District Council which he signed and was witnessed by the Mayor. Councillor Bartlett joined the table.

Public Forum

1. Pierre Marasti (Extinction Rebellion)

Mr Marasti explained that his Council presentations were meant as a reminder of the climate and ecological emergency and to keep Council up to date with the actions that needed to be undertaken. The 2015 COP had agreed to work towards warming of less than 1.5° by the end of the century, but only seven years later these temperatures would be reached in 2030. He detailed the fires, floods and droughts which had occurred throughout the world since his last presentation, adding that it was safe to assume that these would keep worsening. These events were also threatening food production and unless there was a drastic reduction in emissions the major tipping point of the polar ice caps melting would occur. He asked the Council to make emission reductions its priority, as halving them was the only way of staying within 1.5° of warming by 2030.

2. Don Wallace

Mr Wallace read a verse he had prepared acknowledging the election of the Mayor.

3. Cath Gilmour (We Love Wakatipu)

Ms Gilmour advised that an Airport Governance Survey showed that the new Council wanted to be more hands on with airport governance. She detailed the sections of the Local Government Act [‘LGA’] relevant to governance of the airport (hereafter ‘QAC’) and she urged the Council to use these powers to govern QAC. Previously, the Statement of Intent [‘SOI’] had been the work of the QAC executive team and not Council, but LGA expressly empowered the Council to instruct QAC to modify its SOI. A legal opinion stated that as a shareholder with a super majority, the Council had ultimate control over QAC. Tourism was losing its social licence with increasing calls for a tourism refresh and she encouraged Council to discuss with the community how it wanted Queenstown Lakes to develop and how to manage growth.

4. John Hilhorst

Mr Hilhorst stated that a recent survey of all council candidates showed that all members of the new Council were united on climate change and the need to act decisively. It was now the biggest topic facing the Council and it had a strong mandate to act. A previous Council had declared a climate emergency and the district was at high risk because of its economic reliance on high-emission long-haul flights. He urged the Council to have courage and act boldly.

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Confirmation of Agenda

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

Confirmation of minutes

20 October 2022 (First meeting following the election)

A correction was made to the minute recording the Appointment of the Deputy Mayor:

"On the motion of the Mayor and Councillor Whitehead it was resolved...."

On the motion of Councillor Bruce and Councillor Ferguson the Queenstown Lakes District Council resolved that the minutes of the first meeting of the Queenstown Lakes District Council following an election held on 20 October 2022 as amended be confirmed as a true and correct record.

1 Temporary Christmas 2022 Alcohol Ban Queenstown and Wānaka

A report from Sian Swinney (Team Leader, Alcohol Licensing) sought Council approval of a proposed temporary alcohol restriction area between 8.00am Saturday, 24 December 2022 and 6.00am Tuesday, 27 December 2022 in the CBDs and lakefronts of Queenstown and Wānaka. The ban had been in place for the previous two Christmas seasons and it was proposed to make this change permanent when the bylaw was reviewed in 2023

Mr Anto Hall (Regulatory Manager) and Ms Becky Scoones (Senior Liquor Licensing Inspector) presented the report.

Councillor Cocks stated that there was no evidence of there being a problem in Wānaka and if the ban were to be put in place for the reasons provided, it should also cover other areas such as Frankton Beach and Lake Hāwea. Mr Hall advised that feedback from police was that it was helpful to have a ban, although there had not been the same issues in Wānaka. Councillor Smith observed that there had been a long history of disorder due to alcohol in Wānaka. Councillor Cocks acknowledged this but he did not consider that the proposed ban complied with the Local Government Act so he was not in support of the proposal.

It was moved (Councillor Gladding/Councillor Cocks):

That the Queenstown Lakes District Council

1. Note the contents of this report; and

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2. **Accept by resolution, that temporary alcohol restriction areas be implemented between 8.00am Saturday 24 December to 6.00am Tuesday 27 December 2022 within the highlighted areas in Queenstown;**
3. **Authorise public notification of the alcohol restriction areas by publication in the Otago Daily Times, Southland Times, Mountain Scene and The Wānaka Sun, along with placing information on online forums such as QLDC's Facebook page and website at least 14 days before the restrictions take effect; and**
4. **Authorise officers to display appropriate signage in conspicuous locations in or adjacent to the geographical areas subject to the temporary ban.**

The motion was put and lost on a show of hands (2:9).

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

1. **Note the contents of this report; and**
2. **Accept by resolution, that temporary alcohol restriction areas be implemented between 8.00am Saturday 24 December to 6.00am Tuesday 27 December 2022 within the highlighted areas in Queenstown and in Wānaka;**
3. **Authorise public notification of the alcohol restriction areas by publication in the Otago Daily Times, Southland Times, Mountain Scene and The Wānaka Sun, along with placing information on online forums such as QLDC's Facebook page and website at least 14 days before the restrictions take effect; and**
4. **Authorise officers to display appropriate signage in conspicuous locations in or adjacent to the geographical areas subject to the temporary ban.**

The motion was put and carried on a show of hands with Councillors Cocks and Gladding voting against.

2. **New Council Standing Orders**

A report from Naell Crosby-Roe (Governance and Stakeholder Manager) presented proposed Standing Orders based on the latest guidance from Local Government New Zealand for the Council to consider and adopt.

Mr Crosby-Roe presented the report.

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Councillor Gladding pointed out some minor typographical errors in the draft Standing Orders.

It was moved (Councillor Ferguson/Councillor Guy):

That the Queenstown Lakes District Council:

- 1. Note the contents of the report;**
- 2. Adopt the proposed new Standing Orders.**

Councillor Gladding considered that there would be value in distinguishing between closed workshops and those open to the public and discussion about how Standing Orders should be executed by the Chair.

It was moved as an amendment (Councillor Gladding/
Councillor Whitehead):

That the Queenstown Lakes District Council

Resolves to review the Standing Orders in six months' time.

The amendment was put and carried on a show of hands (7:4) with the Mayor, Councillor Ferguson, Councillor Guy and Councillor Smith voting against the amendment.

The amendment became part of the substantive motion. The Mayor asked the mover and seconder of the motion if they still wished to do so, in light of the amendment now included. Councillor Ferguson and Councillor Guy both indicated their wish to withdraw from moving and seconding.

It was moved (Councillor Gladding/Councillor Whitehead)

That the Queenstown Lakes District Council:

- 1. Note the contents of the report;**
- 2. Adopt the proposed new Standing Orders; and**
- 3. Agree to review the Standing Orders in six months' time.**

The motion was put and carried on a show of hands with Councillors Ferguson and Guy voting against the motion.

3 **New Code of Conduct**

A report from Meaghan Miller (GM Corporate Services) presented a proposed Code of Conduct based on the latest guidance from Local Government New Zealand for the Council to consider and adopt.

Ms Miller presented the report.

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Councillor Whitehead signalled her intention to move an alternative motion.

Councillor Gladding critical that the proposed new Code of Conduct had not been the subject of a Councillor workshop.

It was moved (Councillor Whitehead/Councillor Gladding)
**That the Queenstown Lakes District Council resolve:
That the item lie on the table until 9 February 2023 Council
meeting.**

The Chief Executive suggested that it was more likely that that item would have to lie on the table until the Council meeting on 23 March 2023.

The motion was put and lost on a show of hands 4:7.

Ms Miller suggested that any changes could be worked through at this meeting.

Following considerable discussion, the following changes to the draft were agreed (additional text underlined):

Page 5: Accountability and Transparency

Page 13: The context of the breach.

Page 15: The Chief Executive will endeavour to provide full disclosure of the nature and basis of the complaint while having regard to any privacy matter on the part of the complainant.

Page 15: In preparing the report the independent investigator ~~may~~ will...

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

- 1. Note the content of the report;**
- 2. Adopt a new Queenstown Lakes District Council Elected Members Code of Conduct subject to the following changes (underlined):**
Page 5: Accountability and Transparency
Page 13: The context of the breach
Page 15: The Chief Executive will endeavour to provide full disclosure of the nature and basis of the complaint while having regard to any privacy matter on the part of the complainant.

Page 15: In preparing the report the independent investigator ~~may~~ will...

The motion was put and carried unanimously.

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4 **Building Consent Submission for retrospective approval**

A report from Jennifer Fraser presented a submission made to the Ministry of Business, Innovation and Employment on 31 August 2022 for retrospective Council approval.

Ms Fraser and Ms Williams presented the report.

The Mayor asked whether the working group established alongside the review of the building consent system issues of which the previous Mayor was a member still continued. The Chief Executive advised that he had been appointed to the group which now had a more technical focus, including issues of building liability.

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

1. **Note the contents of this report;**
2. **Approve retrospectively the contents of the Review of Building Consent System submission.**

The motion was put and carried unanimously.

5 **Chief Executive's Report**

A report from the Chief Executive:

- Proposed the appointment of Councillors Ferguson, Smith and Whitehead as a panel to hear submissions on the Waka Kotahi Howards Drive Roundabout; and
- Sought Council approval for the meeting schedule of ordinary Council meetings for 2023 and meetings of the Wānaka-Upper Clutha Community Board.

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

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

Hearing Panel Waka Kotahi Howards Drive Roundabout

2. **Appoint Councillors Ferguson, Smith and Whitehead as a panel to hear submissions on the Waka Kotahi Howards Drive Roundabout and make a recommendation to full Council; and**

Draft Meeting schedule for 2023 Ordinary Council Meeting and meetings of the Wānaka-Upper Clutha Community Board

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3. Adopt the 2023 schedule of ordinary meetings of the full Council and the Wānaka-Upper Clutha Community Board.

The motion was put and carried unanimously.

RESOLUTION TO EXCLUDE THE PUBLIC

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

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

Agenda items

- Item 6: Appointment of Elected Members as Commissioners
Item 7: Luggate Water Supply Scheme and Reservoir Capacity Land Acquisitions

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
6. Appointment of Elected Members as Commissioners	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)
7. Luggate Water Supply Scheme and Reservoir Capacity Land Acquisitions	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) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied of who is the subject of the information;	Section 7(2)(b)(ii)

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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 2.25pm.

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The meeting came out of public excluded and concluded at 2.40pm.

MAYOR

DATE