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Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Armstrong Room, Lake Wānaka Centre, Wānaka on Thursday 28 April 2021 commencing at 1.00pm

Present:

Mayor Boult; Councillors Clark, Copland, Gladding, Ferguson, MacLeod, Miller 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), Ms Meaghan Miller (General Manager, Corporate Services), Mr Tony Avery (General Manager, Planning and Development), Ms Liz Simpson (Senior Policy Planner, Urban Development), Mr Ulrich Glasner (Chief Engineer), Mr Richard Powell (Development Infrastructure Engineer), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Tom Grandiek (Monitoring and Enforcement Team Leader), Ms Isabelle Logez (Senior Monitoring and Enforcement Officer), Ms Michelle Morss (Strategy and Development Manager), Mr Brandon Ducharme (Senior Infrastructure Development Engineer), Mr Gareth Noble (Programme Director), Mrs Alison Howie (Project Manager) and Ms Jane Robertson (Senior Governance Advisor); four members of the media and approximately 30 members of the public

Acknowledgement of service: Mr John MacDonald

The Mayor recorded formal thanks to former Councillor, John MacDonald and paid tribute to his contribution to the work of the QLDC. He noted in particular his work related to housing affordability and mental health services. The Mayor presented Mr MacDonald with a framed certificate of service and framed Council photograph.

Mr Andrew Blair (Chair, Queenstown Lakes Community Housing Trust) and Ms Julie Scott (Executive Officer) acknowledged Mr MacDonald's valuable contribution to the Trust's work, noting that he had been instrumental in developing the new funding model and in building momentum to the Trust delivering one thousand houses. They also noted the grateful thanks of the households that had benefited from the Trust's programmes.

Mr MacDonald thanked those present for the tributes, adding that the decision to resign had been very difficult to make. He acknowledged the support of his fellow Councillors, the leadership and thoughtfulness of the Mayor and the work of the Executive Leadership Team, the Chief Executive in particular.

Apologies/Leave of Absence Applications

Apologies were received from Councillor Lewers and Councillor Shaw, both of whom were on approved leave of absence.

The following Councillors requested leave of absence:

Councillor Clark: 24-28 May 2021



• Councillor Copland: 17 June, 24-25 June

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

Declarations of Conflicts of Interest

No declarations requiring members to withdraw from the table or to leave the meeting room were made.

Special Announcements

The Mayor referred to the recent death of the former Mayor of Dunedin City, Dave Cull. He added that Mr Cull had also served as the Chair of Local Government New Zealand and more recently, as Chair of the Southern District Health Board. He asked the Council to observe a moment's silence in memory of Mr Cull.

Councillors MacLeod and Smith noted the recent successful conclusion in Wānaka of the 9th Festival of Colour and the final one to be produced under the leadership of Festival Director, Philip Tremewan, who was retiring. They noted that Mr Tremewan had been instrumental in the festival's development and growth in popular support and asked the Mayor to write to Mr Tremewan thanking him for his contribution.

Public Forum

1. Mark Sinclair, Wānaka Stakeholders Group

Mr Sinclair spoke about the recent High Court judgement released in relation to the Wānaka Airport lease. He was critical of public comments made about the Wānaka airport and the process to obtain the lease by the Mayor and Deputy Mayor and the cost of the overall process to ratepayers. He noted that the Council must now start again and consult openly and transparently, but the judgement and the current climate emergency pointed to the fact that jet aircraft in Wānaka was indefensible. The clear message of the judgement was that the Council could not trump the wishes of the community and must act openly and in accordance with the law.

2. Heather Thorne, Albert Town Community Assn: Wānaka Airport judicial review

Mrs Thorne noted that Council's Vision Beyond 2050 included protecting the district's 'vibrant, enduring landscape' and 'bold leadership' but she questioned how bold leadership had led to the Council losing a judicial review and wasting ratepayer money. She asked why Wānaka residents had had to fight to be listened to and stated that the Council needed now to work to regain the trust of Upper Clutha residents. She observed that one positive effect of COVID-19 was the opportunity it had presented to regroup and it would be an environmental crime to build a jet capable airport at Wānaka.

3. <u>David Hawkins (Luggate Community Assn): Wānaka Airport judicial review</u> Mr Hawkins advised that he had been relieved by High Court judgement but was pleased that the lease was now set aside and had to be renegotiated with full community input.



He was disappointed at the Deputy Mayor's comment that the matter was simply procedural and the implication that the Council wished to pursue plans with Wānaka Airport. The vast majority of Wānaka people did not don't want to see jets into Wānaka airport and he would support the development of an airport in Tarras if it served to stop any development in Wānaka. Such a development could not proceed without the full consent of the local community. It was also contrary to sustainability to encourage more tourists.

4. Tim Allan (Cardrona Resident & Ratepayers Assn)

Mr Allan stated that he was pleased about the decision on Wānaka Airport and he was grateful for the efforts of the Wānaka Stakeholders Group on behalf of the community. He considered that the Council had been myopic in its pursuit of tourism growth and now was the time to check itself and reconsider building an airport that wasn't wanted.

Mr Allan was critical of the proposed Council expenditure of \$8M to extend the Cardrona water scheme. He noted that Cardrona already had three water supplies and sufficient capacity for the next thirty years. Accordingly, the community did not need or want a parallel water supply. He was keen for the community and QLDC to work together for a common goal.

5. <u>Dave Evans: Roys Bay Estate</u>

Mr Evans noted that he lived in the Roys Bay Estate Retirement Village. It had been developed as a result of a difficult consent process with 125 submitters in opposition which had been declined in December 2009, but granted via appeal and mediation. The result had been approval of a 73 unit proposal. Subsequently, variations to consent had been heard in November 2020 about height increases. He was concerned that a complaint had been dealt with by way of consent variation and it was now a permitted activity. Mr Evans observed that Roys Bay Estate was currently promoting property purchase by people of any age for their own use or to rent out. Residents had trusted the Environment Court and the QLDC to follow the intent of the Environment Court but narrow commercial interests were now trumping the rights of those in the community.

6. Pierre Marasti (Extinction Rebellion)

Mr Marasti spoke about the recent accelerated loss of forest areas, destructive wildfires in Kathmandu, a cyclone flattening Kalbarri (Australia) and severe flooding in Sydney. He stated that because of climate change these sorts of events would become more common and the drought in Canterbury showed that food security was also threatened. There had been global political announcements about actions on emissions but effective action would not come about through wishful thinking. In line with this, it was the Council's duty to work towards reduced air traffic.

7. Zella Downing (Extinction Rebellion): Climate change et al

Ms Downing referred to the global movement demanding those in a position of power tell the truth. She questioned the existence of corruption, noting that dishonest proceedings at QLDC had been exposed in the recent High Court judgement, which itself had directed open consultation and indicated that the process had been corrupted. It was not appropriate to fight for a bigger airport in Wānaka because large amounts of air travel should to be discouraged: need not greed should drive actions.



Confirmation of Agenda

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

Confirmation of Minutes

The Senior Governance Advisor presented an amendment proposed by Councillor Gladding to the draft minutes of the meeting held on 18 March 2021:

Delete paragraph "There was further discussion..... proposed as a motion." (page 5) and <u>substitute</u>:

"It was moved (Councillor Shaw/Councillor Gladding):

"That the Council does not accept the proposed variations to Clause 43 of the Hāwea Special Housing Area Deed."

There was further discussion about the ramifications of such a motion. Members recognised that if the motion failed, under Standing Order 22.5 Council was prevented from moving a direct negative and the status quo would prevail. In light of this, the Mayor asked Councillor Shaw to withdraw her motion and this was agreed."

On the motion of Councillor Gladding and Councillor Smith the Queenstown Lakes District resolved that the minutes of the public part of the ordinary meeting held on 18 March 2021 as amended be confirmed as a true and correct record.

1 Ladies Mile – Te Pūtahi Draft Masterplan and Plan Variation

A report from Liz Simpson (Senior Policy Planner, Urban Development) presented the draft Ladies Mile – Te Pūtahi masterplan and draft plan variation for the Council to adopt in order for a 20 working day non-statutory public feedback period to be conducted.

Mr Avery and Ms Simpson presented the report. Ms Simpson detailed the next steps to be taken if the Council supported the recommendation, adding that it was proposed to present the final masterplan and planning options at the July Council meeting.

There was general support for the principle of preparing a Council-led plan and members commended staff on delivering an excellent piece of work.

The Mayor noted the position of Waka Kotahi as detailed in paragraphs 38 and 39 of the report, adding that he would not support commencement of development of Ladies Mile for urban purposes until there was a comprehensive and robust plan in place to ensure that further congestion would not be created on Ladies Mile or the



Shotover Bridge. Whilst supportive of continuing to plan, he was adamant there should be a solution for transport planning before any development commenced.

There was further discussion about mode shift, integrated transport plans as well as the density and style of development that would help to support mode change. It was also noted that transport congestion was likely to increase because of other developments in areas such as Gibbston Valley and Cromwell.

Councillor Gladding asked the Mayor to take the parts of the recommendation separately.

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

1. Note the contents of the report;

The motion was <u>carried</u> unanimously.

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

2. Agree in principle, subject to final minor editing, that the Te Pūtahi – Ladies Mile draft Masterplan and Proposed District Plan variation documentation represents QLDC's vision for Ladies Mile at this point in time;

Councillor Gladding voted against the motion.

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

3. Agree that the Te Pūtahi – Ladies Mile draft Masterplan and Proposed District Plan variation documentation be notified for a non-statutory public feedback process for a period of 20 working days.

The motion was <u>carried</u> unanimously.

2 Delegated Authority for Appeals to Stage 3 & 3b of the Proposed District Plan

A report from Alan Matheson (Acting Planning Policy Manager) sought Council approval to delegate to the General Manager Planning and Development, Manager Planning Policy and Principal Planner Planning Policy under section 34(1) of the Resource Management Act 1991, the power to resolve appeals on Stage 3 & 3b of the Queenstown Lakes District Council Proposed District Plan.

Mr Avery presented the report.

A request was made for clarification on the number of appeals that were anticipated. Mr Avery undertook to provide this figure.



Councillor Gladding asked whether the Appeals Subcommittee always had the opportunity to set guidelines and parameters for mediation. Mr Avery acknowledged that sometimes timeframes did not provide the opportunity for this to occur. Councillor Smith noted that he had previously raised concerns that some outcomes of mediation were not in line with the Appeals Subcommittee's wishes. The Chief Executive noted that mediation was not an easy process with parties expected to adjust their views on the day.

Councillor Gladding requested changes to the report recommendations which would require the Appeals Subcommittee to consider <u>all</u> the parameters and conditions provided to staff. She proposed adding text to parts 3 and 4 of the officer recommendation requiring the Appeals Subcommittee to set all guidelines and parameters.

Members asked the ramifications of this proposed addition, if an Appeals Subcommittee was not scheduled at a time to enable this to occur. Mr Avery advised that meetings may have to be scheduled more frequently to meet this request.

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

- 1. Note the contents of this report;
- 2. Note that the Appeals Subcommittee has the delegated power to approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991.
- 3. Delegate to the General Manager Planning and Development, Manager Planning Policy, and Principal Planner Resource Management Policy (acting severally) the authority to represent and participate on behalf of Queenstown Lakes District Council in mediation and/or alternative dispute resolution for appeals to the Council's decisions on Stage 3 & 3b of the Proposed District Plan and reach an agreement within the guidelines and parameters set by the Appeals Subcommittee, noting that the Appeals Subcommittee will set such guidelines for all appeals.
- 4. Amend the Queenstown Lakes District Council Register of Delegations from Council to Officers under the Resource management Act 1991 in relation to appeals to Council's decisions on Stage 3 & 3b of the Proposed District Plan, noting the limitation on the delegation detailed under (3).

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 Note that once a decision on the district plan is appealed to the Environment Court, the ultimate decision on the outcome of that appeal will be directed by the Court and is not for the Council to decide.

3 Water Supply Scheme Boundary Adjustment Policy Amendment

A covering report from Richard Powell (Development Infrastructure Engineer) presented an amended the Water Supply Scheme Boundary Adjustment Policy which had been updated to include wastewater.

Mr Hansby, Mr Glasner and Mr Powell presented the report.

Further clarification was sought on what the policy meant in relation to: 'The level of service of the scheme should not be <u>significantly</u> compromised by the extension'. Mr Powell advised that staff were required to test the network constantly and only approved extensions if there was capacity. Applications that did not fit within this framework were referred to Council for determination.

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

- Note the contents of the report, in particular the changes to the Water Supply Scheme Boundary Adjustment Policy and;
- 2. Adopt the amended Water Supply Scheme Boundary Adjustment Policy.
- 4 New lease over 65 Buckingham Street, Arrowtown (Provisions Arrowtown)

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) sought Council approval of a new lease over 65 Buckingham Street, Arrowtown, known as Romans Cottage, to Provisions Arrowtown.

Mr Hansby and Mr Cruickshank presented the report.

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

- 1. Note the contents of this report;
- 2. Approve a new lease to Provisions Arrowtown, over 65 Buckingham Street, Arrowtown, subject to the following terms:

Commencement: TBC

Term: 5 years

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Renewals: One further term of five years by

agreement of both parties

Rent: TBC

Reviews: 2 yearly

Use: Café, including summer dining

(subject to resource and liquor

consents)

Insurance: Lessee to hold Public Liability

Insurance of at least \$2,000,000

OPEX: Payable by the lessee

3. Delegate signing authority and agreement of final lease terms to the General Manager Property & Infrastructure.

5. Enforcement Strategy and Prosecution Policy

A covering report from Isabelle Logez (Senior Monitoring and Enforcement Officer presented the updated Enforcement Strategy and Prosecution Policy for Council adoption.

Mr Grandiek and Ms Logez presented the report.

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

- 1. Note the contents of this report;
- 2. Adopt the updated Enforcement Strategy and Prosecution Policy.
- 6 2020/21 Capital Works Programme Second Re-forecast

A covering report from Jeremy Payze (Senior Management Accountant) presented amendments to the capital works programme for Council approval. The amendments sought were presented in an attached spreadsheet (Attachment A).

Mr Burns and Mr Hansby presented the report.

Mr Burns detailed two changes to the spreadsheet that had been circulated with the agenda papers. He noted that \$520k had been added to the 20/21 forecast for the Lakeview Development Road and Public Realm project 000794, due to an opportunity to pre-order stone for the Lakeview Streetscapes as part of an order for the town centre streetscapes project. The forecast now showed a current year budget of \$576,555 for 'Road and Public Realm' (row 15). There was a corresponding change in the 'AP v Forecast variance' column (Q) from a variance of \$640,121 to \$120,121.



Councillor Gladding acknowledged the work undertaken to identify funding for the Ladies Mile Community Centre and the Mitre 10 Wānaka Community Facility.

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

- 1. Note the contents of this report;
- 2. Approve the budget changes proposed in Attachment A.

7. Submission on the Climate Change Commission's First Package of Advice

A covering report from Michelle Morss (Strategy and Development Manager, Corporate Services) presented the Council's submission to the Climate Change Commission in respect of its first package of advice to government. The report sought the Council's retrospective approval of the submission because it had been lodged on 26 March 2021 in order to meet the closing date for submissions.

Ms Morss presented the report.

Councillor Smith acknowledged the significant input of a number of parties into the work of the Climate Reference Group and the preparation of this submission. He paid particular tribute to Dr Carly Green who had since stood down from the group but who had provided outstanding advice on this submission. He also noted the valuable contribution of Alex Tang who was leaving the group as a consequence of shifting roles. Councillor Smith asked the Mayor to write to Dr Green thanking her for her contribution.

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

- 1. Note the contents of this report;
- 2. Approve retrospectively the contents of the QLDC's submission to the Climate Change Commission.

8. Chief Executive's report

A report from the Chief Executive report presented information seeking Council approval for:

- a) Councillor MacLeod and the Chief Executive to attend the LGNZ annual conference being held in Blenheim, 15-17 July;
- b) Councillor MacLeod or the Chief Executive to act as proxy to exercise QLDC's vote at the LGNZ AGM to be held on 17 July 2021;
- c) A recommendation from the Community & Services Committee meeting held on 8 April 2021 regarding the vesting of a Local Purpose Connection Reserve (Suburb Trust, Queenstown RM180926).

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



- Note the contents of this report;
- 2. Agree to Councillor MacLeod and the Chief Executive attending the Local Government New Zealand Annual Conference 2021 to be held in Blenheim 15-17 July 2021:
- 3. Appoint Councillor MacLeod as the Queenstown Lakes District Council's proxy to exercise its vote at the Annual General Meeting of Local Government New Zealand to be held on 17 July 2021, with the Chief Executive appointed as alternate should Councillor MacLeod be unable to act.
- 4. Approve the vesting of the Local Purpose Connection Reserve:

Suburb Trust, Queenstown – RM180926

Lot 100: Local Purpose (Connection) Reserve; Area: 129m²

Subject to the following works being undertaken at the applicant's expense:

- a. Consent being granted (as necessary and subject to any subsequent variations) for any subdivision required to formally create the reserve, and to also level out topography (if advised necessary by the Parks & Open Spaces Planning Manager);
- b. Presentation of the reserve in accordance with Council's standards for reserves;
- c. The submission of a Landscape Plan to Council by the developer for certification as appropriate, including subsequent implementation of any landscape and planting for the reserve. The certification of such a plan shall be by the Parks and Open Spaces Planning Manager.
- d. The formation of sealed pathways on the reserve to meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2018);
- e. A potable water supply point to be provided at the boundary of the reserve lot;
- f. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between any public



reserve vested in or administered by the Council and any adjoining land;

- g. The registration of a Consent Notice (or alterative encumbrance) on any land within the development adjoining the reserve, to ensure any fences on land adjoining, or boundaries along any reserve, shall no greater than 1.2m in height, and be 50% visually permeable;
- h. A three (3) year maintenance period by the current landowner commencing from vesting of the reserve;
- i. A maintenance agreement being prepared and signed by the Parks and Open Spaces Planning Manager specifying how the reserve will be maintained during the maintenance period; and
- j. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor Clark 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

Item 10a:	Chief Executive's Report – Budget adjustments for Beacon Point New		
	Reservoir and Queenstown Recreation Ground Pump Station		
Item 11:	Options for the Delivery of the Lakeview Infrastructure Programme		
Item 12:	Procurement Plan Waterways Regulatory Services Contract		
Item 13:	Procurement Plan Regulatory Services Contract		

General	subject	to	be Reason for passing this resolution.	Grounds under Section
considere	d.			7 for the passing of this
				resolution.





General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
10a. CE Report: Budget adjustments for Beacon Point New Reservoir and Queenstown Recreation Ground Pump Station	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)
11. Options for the Delivery of the Lakeview Infrastructure Programme	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: h) enable any local authority holding the information to carry on without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or	Section 7(2)(h) Section 7(2)(i)
	disadvantage, negotiations (including commercial and industrial negotiations);	





General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.	
12. Procurement Plan Waterways Regulatory Services Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: h) enable any local authority holding the information to carry on without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(h) Section 7(2)(i)	
13. Procurement Plan Regulatory Services Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: h) enable any local authority holding the information to carry on without prejudice or disadvantage, commercial activities; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(h) Section 7(2)(i)	

Agenda items

Item 9: Millbrook 3 Waters Infrastructure

Item 10: Acquisition of land at 394 Aubrey Road, Wānaka for a new water treatment

plant on Beacon Point, Wānaka

Item 11: Appointment of Commissioners



General subject to be considered.		Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
9.	Millbrook 3 Waters Infrastructure	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) enable any local authority holding the information to maintain legal professional privilege;	Section 7(2)(g)
10.	Acquisition of land at 394 Aubrey Road, Wānaka for a new water treatment plant on Beacon Point, Wānaka	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)
11.	Appointment of Commissioners for hearing of the Large Lot Residential Variation to the Proposed District Plan	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 private 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 2.34pm at which point it adjourned; the meeting reconvened with the public excluded at 2.36pm.



The meeting came out of public excluded and concluded at 2.47pm.

CONFIRMED AS A TRUE AND CO	DRRECT RECORD	