

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 30 January 2020 commencing at 1.00pm

Present:

Mayor Boulton; Councillors Clark, Copland, Ferguson, Gladding, Lewers, MacDonald, 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), Mr Anthony Hall (Regulatory Manager), Ms Carrie Edgerton (Regulatory Support, Animal Control and Parking Team Leader), Mr Ian Bayliss (Manager, Planning Policy), Mrs Katharine Hockly (Associate Counsel, RMA/Regulatory) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 10 members of the public

Apologies/Leave of Absence Applications

The following requests for leave of absence was made:

- Councillor MacLeod: 4-11 February 2020
- Councillor Ferguson: 12 March 2020
- Councillor Smith: 6-22 June 2020

On the motion of the Mayor and Councillor MacDonald it was resolved that the Council approve the requests for leave of absence.

Declarations of Conflicts of Interest

Councillor Gladding advised that she had a conflict of interest in relation to the item concerning water bottling contained in the Chief Executive's Report and in relation item 5 ('Network Discharge Resource Consent Application – Otago Regional Council Decision') because she had been a submitter to the application.

Councillor Lewers advised that he had a conflict in respect of item 2 ('Resetting Rates 2019/20') because he was a member of the DQ Board. In addition, he was formerly a Chair of the Frankton Community Association and the Association had made a submission on the Network Discharge Application.

Councillor Shaw advised that she had also made a submission on the Network Discharge Application.

The Mayor asked the Councillors with conflicts in respect of the Network Discharge Application (item 5) to leave the meeting room for that agenda item. For the other conflicts identified, he believed it was necessary for members to withdraw from the table only.

Special Announcements

The Mayor acknowledged the participation of Conor Horn as the Queenstown Lakes District rangatahi for the Tuia Programme in 2019. He stated that Conor had been an exceptional representative of the programme and district and had participated fully also whilst completing an internship in the tourism industry. Conor addressed the Council briefly on his experiences during the programme and expressed gratitude for the opportunity.

Public Forum

1. Robyn Zink, Enviroschools Coordinator (Otago)

Ms Zink introduced the Enviroschools programme. Activities included teaching children about waste reduction and growing food. Learning sustainability principles at a young age helped the ideas to become ingrained. She acknowledged the ongoing support of Council in the delivery of this programme. She tabled the latest Enviroschools newsletter.

2. Georgia Todd

Mrs Todd detailed the various activities that had been arranged to mark an international day of protest about 5G. Those opposed to 5G were concerned that there was no independent investigation into the health effects of 5G and not just the thermal effects. She was disappointed that the Council had failed to include lawyer Sue Gray in its discussions about 5G and that the discussion itself had only been during a workshop that had dealt with other matters. She considered there was much the Council could do to address 5G policies. Mrs Todd tabled a petition containing the signatures of people who were opposed to 5G being established in the area without a public consultation process.

3. Pierre Marasti (Speaking on behalf of Extinction Rebellion)

Mr Marasti described the disconnect he had felt between the new year celebrations in Wānaka and the Australian fires occurring at the same time. He spoke of the scale of the fires and the devastating impact on people, animals, property and the Australian economy. He referred to famines, infestations and rising sea levels in different areas of the world. People had caused these events and were responsible for effecting change. In his view, every plane that landed in Queenstown effectively fuelled the fires in Australia.

4. Monique Kelly

Ms Kelly used the analogy of a filling bathtub soon to overflow to describe the challenge of what to do to tackle climate change. The Council's climate change action plan needed teeth and to set ambitious targets. It should also be multidisciplinary and embrace the principles of partnership and collaboration. The Council needed to get on and do this, because work on it had started in December 2018 and it was about time there was a result.

5. Carly Green

Ms Green noted that a 2018 report had revealed that greenhouse gas emissions per capita in this district was 18 tons/person/year. This was more than the US and even if adjusted for visitors, resulted in Queenstown being fourth in the world as a polluter. The Council's climate change action plan needed real targets that would reduce emissions to something more respectable and needed to do this now.

6. Daryl Rogers

Mr Rogers stated that the dangers and realities of bush fires were ever-present in Australia and he had Australian relations who had lost homes to fire. In 1851, fire had destroyed a quarter of Victoria and Australia burned so frequently its flora and fauna had adapted. Australia had always been on fire and this would have no impact upon climate.

Confirmation of Agenda

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

Confirmation of Minutes

On the motion of Councillor MacDonald and Councillor Lewers the Queenstown Lakes District Council resolved that the public part of the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 12 December 2019 be confirmed as a true and correct record subject to the following amendments:

- **Councillor Gladding also voted against the motion for item 1;**
- **Item 3: Lime Scooters – Amendment to part (2) of the resolution:
“Authorise officers to enter into a Memorandum of Understanding with Lime for the operation of e-scooters in Queenstown subject to a later start date in April 2020”**

Councillor Smith asked about the minutes of the discussion on Standing Orders adoption, in particular, the matter he had raised to accept pre-registration for Public Forum up to the time of the meeting. The Chief Executive did not agree that the meeting minutes were incorrect. Councillor MacLeod suggested that it might be possible in the future to revisit the form of the QLDC Standing Orders.

1. Review of QLDC Dog Control Policy and Bylaw

A report from Carrie Edgerton (Regulatory Support, Animal Control and Parking Team Leader) reviewed the Dog Control Bylaw 2014 and Dog Control Policy 2014 and presented proposed changes to them in the form of the draft Dog Control Bylaw 2020 and the draft Dog Control Policy 2020 for adoption for the purposes of public consultation.

Ms Edgerton and Mr Hall presented the report.

Councillor MacLeod commended staff for undertaking the pre-consultation as he considered it was a very good way of informing the review.

Members asked how consultation would be undertaken on the proposal to ban dogs from Queenstown Hill. Ms Edgerton advised that signage would be placed in the location and would be publicised during the Queenstown Dog Walk event.

Councillor Clark asked for consideration to be given to a new open space where dogs would be able to be let off lead. She suggested that an ideal place was the Council property at 516 Ladies Mile whilst options for its future development were considered. Staff agreed that this was a useful suggestion but was a matter to be progressed separately from the Dog Control Bylaw and Policy.

The Mayor asked Councillors to consider membership of the hearing panel. Councillors Copland, Ferguson and Miller volunteered for the hearing panel.

Councillor Shaw stated that it was important for the hearing panel to include a Wānaka Councillor because the majority of the pre-consultation comments had come from the Wānaka area. Councillor MacLeod advised that he was able also to join the panel. The Mayor stated that a membership of four would be named, of which any three would be needed to form the hearing panel.

Staff were asked to consider further messaging and enforcement to control dogs in playgrounds. The proper disposal of dog faeces also needed to be highlighted in the consultation messaging.

On the motion of Councillor MacDonald and Copland it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Adopt the statement of proposal, draft Dog Control Bylaw 2020 and draft Dog Control Policy 2020 for the purposes of that public consultation;**
- 3. Approve the commencement of public consultation using the special consultative procedure in accordance with section 83(1) of the Local Government Act 2002 in relation to the proposal to review the Dog Control Bylaw under section 160 of the Local Government Act 2002 and the Dog Control Policy under section 10 of the Dog Control Act 1996.**
- 4. Appoint Councillors Copland, Ferguson, MacLeod and Miller, any three of four may act to hear and consider the submissions on the proposal and make recommendations to the Council on adoption of the reviewed Dog Control Bylaw and Dog Control Policy.**

Councillor Lewers withdrew from the table.

2. **Resetting Rates 2019-20**

A report from Stewart Burns (GM Finance, Legal and Regulatory) sought Council approval to re-set the rates for the Queenstown Lakes District Council for the 2019/20 financial year in accordance with section 119 of the Local Government (Rating) Act 2002.

Mr Burns presented the report. He advised of a minor change to the documentation provided with the report under the section entitled "Due Date for Payments". The date should read "*commencing on the 1st day of July 2019*" and not '2015'.

On the motion of Councillor MacLeod and Councillor MacDonald it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Revokes the original resolution to set the rates for the Queenstown Lakes District Council for the 2019/20 financial year made on 26 August 2019 as per section 23 of the Local Government (Rating) Act 2002, namely:**

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

- 1. Notes the contents of the report; and***
- 2. Sets the rates for the Queenstown Lakes District Council for the 2019/20 financial year as per section 23 of the Local Government (Rating) Act 2002.***

Councillor Lewers returned to the table.

Councillor Gladding withdrew from the table.

3. **Chief Executive's Report**

A report from the Chief Executive presented:

- An amended meeting schedule for 2020 for adoption;
- Appointment of a QLDC representative on the Regional Transport Committee (Otago) for approval;
- Amended Terms of Reference of the Traffic and Parking Subcommittee for adoption;
- Advice of an initiative of the Otago Mayoral Forum to reinvest any Aurora Energy non-compliance penalties into energy efficiency initiatives in the area for which QLDC support was sought;
- Consideration of a request from the Upper Hutt City Council for QLDC to support an approach to government to place a moratorium on bottled water consents.

The Chief Executive advised that the proposed change to the Traffic and Parking Subcommittee Terms of Reference reflected the position and role of the Wānaka Community Board and served to tidy up the delegations.

Councillor Smith acknowledged that the proposed change to the Traffic and Parking Subcommittee Terms of Reference would result in all traffic and parking matters remaining under the jurisdiction of the Wānaka Community Board, but asked if this would always be the most efficient way of handling matters if there was a need to expedite a decision. The Chief Executive noted that in such cases there was always the option to take anything directly to Council. He believed that unless a matter was particularly urgent, there would usually be time to refer items to the Wānaka Community Board.

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

- 1. Note the contents of this report;**
- 2. Note and adopt the amended 2020 meeting schedule;**
- 3. Confirm the appointment of Councillor Smith as the Council's representative on the Otago Regional Transport Committee, with Councillor Lewers as alternate;**
- 4. Adopt the amended Terms of Reference for the Traffic and Parking Subcommittee;**
- 5. Support the Otago Mayoral Forum's proposal to support healthy and energy efficient homes in Otago by reinvesting any compliance penalties handed down to Aurora Energy in current proceedings under the Commerce Act;**
- 6. Agrees to express concern over the practice of commercial water bottling from both a local and national perspective;**
- 7. Requests the Chief Executive to engage with the Otago Regional Council to explore any options to mitigate the impact of commercial water bottling based on the potential social and environmental impacts and concerns in relation to bottling operations; and**
- 8. Requests Mayor Boulton to write to the Honourable David Parker to express support for the position promoted by Upper Hutt City and to endorse its call for a national moratorium on commercial water bottling.**

Councillor Gladding returned to the table.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor MacLeod 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 11a Chief Executive’s Report: Appointment of External Members of Audit, Finance and Risk Committee; Appointment of Directors to Queenstown Airport Corporation and Invercargill Airport Corporation

Item 12 Alternative Car Parking, Queenstown - Request for Proposals

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
11a. CE’s Report: a. Appointment of External Members of Audit, Finance and Risk Committee b. Appointment of Directors to Queenstown Airport Corporation and Invercargill Airport Corporation	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)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
12. Alternative Car Parking, Queenstown - Request for Proposals	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p> <p>j) prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p> <p>Section 7(2)(j)</p>

Agenda items

4. ***Appointment of a Commissioner to the Independent Hearings Panel for Stage 3 of the Proposed District Plan***
5. ***Network Discharge Resource Consent Application – Otago Regional Council Decision***

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
4. Additional Commissioner for Stage 3 Proposed District Plan Hearings	<p>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to:</p> <p>a) protect the privacy of natural persons (including deceased natural persons);</p>	<p>Section 7(2)(a)</p>

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
5. Network Discharge Resource Consent Application: Otago Regional Council Decision	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) Protect legal professional privilege.	Section 7(2)(g)

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 1.46pm.

The meeting came out of public excluded and concluded at 1.56pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR

DATE

Minutes

Confirmation of public part of minutes:

25 February 2020
(extraordinary meeting)