

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 4 April 2024 commencing at 2.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (GM Assurance, Finance and Risk) (online), Mr Tony Avery (GM Property and Infrastructure), Ms Michelle Morss (General Manager, Strategy and Policy), Mr Paul Speedy (Manager, Strategic Projects), Mr Quintin Howard (Property Director), Mr Caleb Dawson-Swale Business Planning Manager), Ms Charlotte Wallis (Business Planning Project Manager), Mr Paddy Cribb (Finance Manager), Mr Petri Conradie (Team Leader Management Accountants), Mr Luke Place (Principal Policy Advisor), Ms Carrie Williams (Policy Manager), Mrs Jeannie Galavazi (Principal Parks Planner), Mr Roger Davidson (Property Advisory – Team Leader), Mr Brendan Peet (General Counsel), Mr Jon Winterbottom (Governance Team Leader) and Ms Jane Robertson (Senior Governance Advisor); no members of the media and one member of the public

Apologies/Leave of Absence Applications

An apology for lateness was received from Councillor Cocks.

The following requests for Leave of Absence were made:

- Councillor Ferguson: 5-23 April 2024
- Councillor Bruce: 22-26 April 2024
- Councillor Bartlett: 23 April 2024
- Councillor White: 8 May and 25 September 2024

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

Motion carried.

Declarations of Conflict of Interest

Councillor Wong advised that he was a previous employee of the Kiwi Bird Life Park and currently a commercial operator on the same street as Kiwi Bird Life Park. Accordingly, he agreed to sit back from the table during item 5 and not take part in the discussion or voting.

Special Announcements

The Mayor acknowledged the recent naming of Dr Jim Salinger as New Zealander of the Year.

Public Forum

1. Pierre Marasti (Extinction Rebellion)

Mr Marasti noted that the world had just experienced its warmest February ever, March was trending similarly and temperature in the world's oceans had reached an all-time high. This was a bad situation but there was good news as the climate action website was operational and Rewiring Aotearoa had announced that electrification was the cheapest and most impactful climate action available. However, there was a blatant lie on the climate action website about emissions from air traffic that was unacceptable and needed correction. He made suggestions about other possible additions to the website.

Confirmation of Agenda

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

Motion carried.

Confirmation of minutes

15 February 2024 (Ordinary meeting)

On the motion of the Mayor and Councillor Whitehead the Queenstown Lakes District Council resolved that the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 15 February 2024 be confirmed as a true and correct record.

Motion carried.

Councillor Cocks joined the meeting on line at this point.

1 **Project Manawa Hearing Panel Deliberations and Recommendation**

A report from Paul Speedy (Manager, Strategic Projects) presented the deliberations report from the Hearing Panel and its recommendations on a proposed land strategy for the Stanley Street site, proposed joint ownership (with Ngāi Tahu Property Limited) and governance arrangements for a future Civic Administration Building ('CAB') at the Stanley Street site. The report recommended that the land swap be approved but that the Joint Venture with Ngāi Tahu Property Limited not proceed.

The report also detailed a number of areas of further investigation into the proposed CAB for the Chief Executive to undertake.

Mr Speedy presented the report.

Councillor Cocks (as chair of the Hearing Panel) explained the hearing, deliberations and decision-making process of the Hearing Panel. In response to questions, he confirmed that the overall land strategy could proceed without a partnership with Ngāi Tahu Property Ltd or alternative land models being progressed but he expected that any partnership, the scope of works to achieve the land swap (and costs) along with other information unknown at this stage would be part of the proposed future report, if the Council was of a mind to approve the recommendation.

There was further discussion about the need to do the proposed land swap. In response, it was confirmed that the purpose was to consolidate land to build the CAB and to be able to use the outer land to invest in community facilities. Ideally the land should be freehold which would also make it easier to install temporary parking on the site and would unlock funding opportunities.

It was moved (the Mayor/Councillor White):

That the Queenstown Lakes District Council:

- 1. Note the contents of this report and the deliberations report and recommendations of the Hearing Panel.**
- 2. Direct the Chief Executive to undertake a review of the proposed Civic Administration Building location and ownership and report back to the Council on the following:**
 - a. An update of financial and non-financial information upon which the Stanley Street site was identified as the preferred location for a one office solution, for comparison with similar information for an alternate site;**
 - b. An update of the QLDC workplace travel plan for the Stanley Street site and an alternative site;**
 - c. A review of the governance structure and funding options for building a Civic Administration Building on the Stanley Street site and an alternative site;**
 - d. A proposal for subsequent consultation with the community on these matters;**

3. **Adopt Option 1 under Topic 1 – Land Exchange within the Project Manawa Statement of Proposal [refer pp 13 – 18 Project Manawa Statement of Proposal], namely the proposal to stop part of Ballarat Street and exchanging the freehold land created by stopping that road, with the reserve land to the east of the site, and exchanging freehold land from Robertson Street (or elsewhere) with the reserve land on the Stanley Street site [refer p 16 Project Manawa Statement of Proposal];**
4. **Direct the Chief Executive to report back to the Council with a scope of works programme for:**
 - a. **obtaining Ministerial approval for the stopping of Ballarat Street under the Public Works Act 1981; and**
 - b. **notifying the exchange of reserve land under the Reserves Act 1977 to achieve the proposed land exchanges;**
5. **Agree not to proceed with negotiating a joint venture partnership with Ngāi Tahu Property Limited (Topic 2) for the purpose of owning land jointly and/or owning, constructing and administering a new Civic Administration Building at this time, and any future ownership and/or governance arrangements with Ngāi Tahu Property Limited will be subject to the Chief Executive’s review of the proposed Civic Administration Building location and ownership, and further consideration and approval by the Council; and**
6. **Direct the Chief Executive to report to the Council regarding the options to provide the maximum number of public carparks at the Stanley Street site for the medium term.**

Councillor Bartlett advised that he wished to amend part (2) of the resolution to include the parts of the hearing panel report that had not otherwise been included in the recommendation. He presented his proposed amendment and following further discussion (and with the agreement of the seconder), ‘locations’ was changed to ‘sites.’

It was moved (Councillor Bartlett/Councillor Whitehead):

That part (2) of the resolution be amended to read that the Queenstown Lakes District Council:

2. **Direct the Chief Executive to undertake a new assessment of options, including sites outside the Queenstown CBD, for the location and ownership of the proposed Civic Administration Building, and report back to the Council on the following:**
 - a. **An update of financial and non-financial information upon which the Stanley Street site was identified as the preferred location for a one office solution, for comparison with similar information for alternative locations, including but not limited to assessing the main themes arising from the consultation, use of the public and active travel networks, costs of building on flat sites vs inclined, and any other relevant criteria;**
 - b. **An update of the QLDC workplace travel plan for the Stanley Street site and alternative locations;**
 - c. **A review of the governance structure and funding options for building a Civic Administration Building on the Stanley Street site and alternative locations;**
 - d. **A proposal for subsequent consultation with the community on these matters;**

The amendment was put and **carried** and became part of the substantive motion.

Councillor Gladding advised that she wished to amend parts 3-6 of the original motion. Her intention was to reflect more closely the decision of the hearing panel, take out any possibility of forming a Council Controlled Organisation, avoid proceeding at this time with the land exchange and to facilitate options for a temporary carpark on the site. She also wished to avoid use of the word 'adopt' as she considered the Council needed to have greater overall understanding of the project's value before adopting any proposal.

It was moved (Councillor Gladding/Councillor Whitehead):

That parts (3)-(6) of the resolution be amended to read that the Queenstown Lakes District Council:

3. **Agree to further investigate Option 1 under Topic 1 – Land Exchange within the Project Manawa Statement of Proposal (refer page 13 – 18 Project Manawa Statement of Proposal), namely the proposal to stop part of Ballarat Street and exchanging the freehold land created by stopping that road, with the reserve land to the east of the site, and exchanging freehold land from Robertson**

- Street (or elsewhere) with the reserve land on the Stanley Street site (refer page 16 Project Manawa Statement of Proposal); and
4. Direct the Chief Executive to report back to the Council with a scope of the works programme for:
 - a. obtaining Ministerial approval for stopping of Ballarat Street under the Public Works Act 1981, including the value of any sum payable to the Crown to achieve equality of exchange; and
 - b. notifying the swapping of reserve land under the Reserves Act 1977 to achieve the proposed land exchanges; and
 - c. Agreeing terms for the joint land exchange with Ngai Tahu Property; and
 - d. Bringing the matter back to full Council for a decision on whether to proceed with the land exchange.
 5. Agree not to proceed with the establishment of a Council Controlled Organisation jointly owned with NTP for the purpose of owning land jointly and/or owning, constructing and administering a new Civic Administration Building at this time;
 6. Direct the Chief Executive to report to Council regarding the options to provide car parking at the Stanley Street site for the medium term.

The Mayor agreed to take each part of the amendment separately.

Part (3) of the motion was put and **lost** (6:6) on a show of hands and with the Mayor exercising his casting vote against the amendment.

Part (4) of the motion was put and **lost** (7:5) on a show of hands.

Part (5) of the motion was put and **lost** (8:4) on a show of hands.

Part (6) of the motion was put and **lost** (6:6) on a show of hands and with the Mayor exercising his casting vote against the amendment.

The meeting returned to the original motion (as amended).

Following discussion the Mayor agreed to take parts (1) and (2) of the substantive motion together, (3) and (4) separately and (5) and (6) together.

Parts (1) and (2) were put and **carried** (10:2) on a show of hands with Councillors Gladding and Wong recording their votes against the motion.

Part (3) was put and **carried** (6:6) on a show of hands and with the Mayor exercising his casting vote in favour of the motion.

Part (4) was put and **carried** (6:6) on a show of hands and with the Mayor exercising his casting vote in favour of the motion.

Parts (5) and (6) were put and **carried** with Councillor Whitehead recording her vote against the motion.

The Mayor thanked Councillor Cocks for chairing the hearing panel and acknowledged the efforts of the many members of the community who had made submissions.

The meeting adjourned at 3.35pm and reconvened at 3.40pm.

2. **Adopt User Fees and Charge draft Statement of Proposal**

A report from Charlotte Wallis (Business Planning Project Manager) presented a Statement of Proposal that proposed increases to fees and charges across a number of activity areas. Fees and charges needed to be reviewed and set ahead of the start of the financial year, coming into effect on 1 July 2024, meaning that consultation had to be completed ahead of this year's LTP process.

The Statement of Proposal proposed increases to user fees and charges in the following activity areas:

- a. Environmental health
- b. Sports and recreation
- c. Community facilities/Park and reserves
- d. Library services
- e. Planning and development
- f. Parking
- g. Mooring and jetty fees
- h. Wānaka Airport landing fees

The report also asked the Council to establish a hearing panel of four members (of which three were required to form a hearing panel) to hear submissions and make a recommendation to Council on the user fees and charges for the financial year 2024/2025.

Mr Burns, Mr Avery, Mr Cribb and Mr Conradie presented the report.

Members were critical of the quantum of increase proposed for moorings and jetties fees (rising from \$250-\$290 to \$800). The Chief Executive agreed that it was a substantial increase but noted that fees had not changed since 2011 and they would be reviewed more regularly in the future. The increase was an inflationary adjustment, reflected the funding and finance policy and the need to recover costs.

Members sought clarification on what activities the moorings and jetties fees covered. In response, it was noted that the administration fee was increasing from \$250.00 to \$330.00 per annum, whilst an annual inspection would be \$500.00 and a biennial inspection \$660.00.

Questions were raised about the adequacy of the moorings and jetties fees explanation provided in the Statement of Proposal in light of the significance of the increase. The Chief Executive noted that the text could be extended and members agreed that the commentary should be redrafted to detail the options available with respect to annual vs. biennial inspections and to provide a more comprehensive cost allocation. It was agreed that the resolution should reflect this change and the draft Statement of Proposal should be adopted subject to these changes.

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

- 1. Note the contents of this report;**
- 2. Adopt the user fees and charges draft Statement of Proposal for consultation with reference to the funding and financial policy in accordance with section 83 of the Local Government Act 2002 (LGA subject to the following changes:**
 - a. Inclusion of the biennial and annual jetties and mooring fees (and accompanying proposed fee schedule for financial year 2024/2025); and**
 - b. An expanded contextual explanation of the proposed fees for jetties and moorings;**
- 3. Appoint a hearings panel of four members [Councillor Bartlett, Councillor Tucker, Councillor Guy and Councillor Gladding] of whom three are required to form a hearing panel to hear submissions and make a recommendation to Council on the user fees and charges for the financial year 2024/2025.**

The motion was put and carried with Councillors Smith and White voting against the motion.

3. Policies for Revocation and Archiving

A report from Carrie Williams (Policy Manager) identified existing Council policies that were no longer needed (or had been superseded by other policies) and proposed that they be formally revoked so that they could be archived.

Ms Williams and Ms Morss presented the report. It was confirmed that a similar project was planned with respect to strategies although there were not as many of these with which to deal.

Councillor Bartlett made the following corrections to the list of policies:

- “Replanting of trees, particularly the replacement of poplars and other trees on rural roads” was a single policy and not two as indicated in the recommendation;
- “Application of Tender Policies to Associated Organisations 2004” was identified in the attachment but not included in the recommendation;
- “Project Initiation and Approval Process 2006” was identified in the attachment but not included in the recommendation;
- Incorrect date on “Damage to Street Frontages during Property Development Activities”: should be 1993;
- The date shown against RMA policies showed only the dates of the policy adoption and not of the Act (1991)

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. Endorse the revocation and archiving of the following policies:**
 - **Frankton Golf Course 2011**
 - **Freedom Camping Policy 2010**
 - **Replanting of Trees Particularly the Replacement of Poplars and Other Trees on Rural Roads 2010**
 - **Indigenous Vegetation Policy 2003**
 - **Lake Islands Fire Restrictions Policy 2003**
 - **Consultation Policy 2005**
 - **Computer Access for Councillors 2004**
 - **Local Body Elections General Elections Hoardings 1999**
 - **Council meetings – Staff 1997**

- Council meetings mobile phones 1995
- Council meetings eating 1990
- Residency Supporting Applications 1990
- Signs Provisions and Enforcement 2006
- Financial Contributions headworks policy 2001
- Change in funding policy for roading Wānaka Ward 2001
- Policy on the Resource Consent Appeal Process 2008
- Policy on requests for confidentiality under section 42 of the RMA 1991 (2002)
- Policy for the waiver of requirement for Outline Plan (Unknown date)
- Infrastructure Services Consultant Procurement 2012
- Application of Tender Policy to Associated Organisations 2004
- Crown Range Road Vehicle Restrictions 2005
- Street Lighting on Private Roads 2003
- Wānaka and Hāwea Landfill Sites Policies 1998
- Ground Opening Policy 1997
- Project Initiation and Approval Process 2006
- Damage to Street Frontages during Property Development Activities 1993
- Project Initiation and Approval Process 2006
- Elderly Persons Housing Policy 2000
- Community Housing Policy 2006
- Council role in genetic engineering 2004

Motion carried.

4. **Retrospective approval of Queenstown Lakes District Council submission to the Ministry for the Environment**

A report from Luke Place (Principal Policy Advisor) discussed and appended the Council's submission to the Ministry for the Environment on the proposed Transitional National Planning Framework. The new government had repealed the proposed Resource Management Act 1991 (RMA 1991) reforms but the Council's submission

remained relevant as it would be used to help inform any future national direction work programme.

Mr Place and Ms Morss presented the report.

On the motion of Councillor Wong and Councillor Tucker it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Approves retrospectively the contents of the feedback to the Ministry for the Environment on the draft transitional National Planning Framework.**

Motion carried.

Councillor Wong sat back from the table.

5. Request to extend the lease to Kiwi Birdlife Park Limited

A report from Quintin Howard (Property Director) assessed an application from Kiwi Birdlife Park Limited to extend its current lease of reserve land for a further 15 years, thereby changing the expiry date of the lease from 1 July 2032 to 30 June 2047. The report recommended that the extension be approved, split as an initial term of five years from 1 July 2032 with two rights of renewal for terms of five years each.

Mr Howard and Mr Avery presented the report and that following. Mr Howard confirmed that the lease conditions proposed were in line with the Council's funding policy and the renewal sought was to give certainty to the business.

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

- 1. Note the contents of this report;**
- 2. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of the Extended Term to KBPL on the following terms:**
 - a. The total period of the Extended Term will be for fifteen (15) years being an initial term of five (5) years each from 1 July 2032 with two (2) rights of renewal for terms of five (5) years each.**

- b. The annual rent payable from 1 July 2032 shall be a sum equal to 7.5% of Gross Receipts for the period from 1 July to 30 June in each year or such percentage amount prescribed by the Community Facility Funding Policy for a ground lease of Council land, whichever is the greater.
 - c. The annual rent payable shall be reviewed every two (2) years during the Extended Term at QLDCs election in accordance with any increases or decreases in the percentage amount for a ground lease of Council land as prescribed in the Community Facility Funding Policy or its successor policy.
 3. Approve the registration of a new Lease Instrument to extend the Leasehold estate comprised in Record of Title 795902 created under instrument 6359549.5 and renewed under instrument 10681701.1, and approve the registration of an easement instrument creating rights of way appurtenant to Section 1 SO 24407, Lot 1 DP 345184 & Part Section 131 Block XX Shotover Survey District and an easement instrument creating an access and parking easement appurtenant to Lot 1 DP 345184 & Part Section 131 Block XX Shotover Survey District as granted under the Lease and created under instrument 6359549.5.
 4. Delegate authority to approve final terms and conditions and signing authority to the General Manager Community Services.
 5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of the Extension to KBPL over the Reserve Land.

Motion carried.

Councillor Wong rejoined the table.

6. Electrical services easement for Aurora Energy, at the Frankton Marina Local Purpose (Marina) Reserve

A report from Quintin Howard (Property Director) assessed an electrical services easement in favour of Aurora Energy over Local Purpose (Marina) reserve, Section 53 Block XXI Shotover SD, at the Frankton Marina. The report recommended that the easement be granted and further, that no public notification of the proposal was required because there would be no long-term change to the use or appearance of the reserve land of permitting the easement.

Councillor Gladding asked why the report concluded that approval of the application would not have a permanent effect on the reserve because the transformer would fill a space of 12m², was above ground and its operation made a noise. In light of this she considered therefore that public notification of the proposal was necessary. She asked for voting on parts 2 and 3 of the recommendation to be taken separately.

It was moved (Councillor Smith/Councillor Bruce)

That the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 4. Require that easement fees are charged, in accordance with Council's Easement Policy 2008, payable before the registration of the easement;**
- 5. Require that the construction methodology is first provided to the General Manager, Property & Infrastructure for consideration and approval as appropriate, prior to any works occurring on the reserve; this shall acknowledge the presence of Council infrastructure in the same location;**
- 6. Delegate authority to approve final terms and conditions of the easement and execution authority, to the General Manager Community Services; and**
- 7. Agree to exercise the Minister's consent (under delegation from the Minister of Conservation) to grant a service easement to Aurora Energy Limited over Local Purpose (Marina) reserve, legal description Section 53 Block XXI Shotover SD.**

Motion carried.

It was moved (Councillor Smith/Councillor Bruce)

That the Queenstown Lake District Council:

- 2. Approve an electrical services easement to Aurora Energy Limited, over Section 53 Block XXI Shotover SD, subject to Section 48 of the Reserves Act;**
- 3. Agree that public notification of the intention to grant the electrical services easement is not required, as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in this report.**

Motion **carried** with Councillor Gladding voting against the motion.

7. Chief Executive's Report

A report from the Chief Executive presented:

- a. A procurement plan for insurance brokerage and associated insurance policies;
- b. Advice of Councillor Ferguson (as Chair of the Community & Services Committee) having recently approved a Rates Remission Application from the Wānaka Community House Charitable Trust;
- c. Request for approval of a Study Tour by the Chief Executive to attend an Infrastructure NZ Conference in the United Kingdom in June 2024;
- d. Recommendations for approval of policies that had been considered by standing committees: (1) QLDC Fraud Policy 2024 (2) QLDC Tree Policy 2023;
- e. A summary of items considered over the previous period by standing committees and the Wānaka-Upper Clutha Community Board.

The Chief Executive confirmed that approval of the procurement plan delegated authority to go to market to obtain insurance cover. This did not represent a significant cost, but it was anticipated that the cost of actual insurance would be a significant figure and would ultimately be presented for Council approval.

There was further discussion about the QLDC Tree Policy 2023 and its potential effect on the historic trees in Arrowtown. Mrs Galavazi joined the table and explained that local tree strategies could be developed and enabled communities to manage their own tree stock.

Councillor Gladding advised that she wished to raise an amendment to the proposed QLDC Fraud Policy 2024, which was recommended for adoption by the Audit, Finance & Risk Committee.

It was moved (the Mayor/Councillor Bartlett)

That the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Delegate to the Chief Executive the power to approve a Procurement Plan for insurance brokerage and associated insurance policies, enabling Council to go to open market to procure Insurance Brokerage Services;**

3. Note that officers will bring back a recommendation to enter into an agreement with the preferred supplier for Insurance Brokerage Services for approval by Council;
4. Note that Councillor Ferguson has acted in his capacity as Chair of the Community & Services Committee and counter-signed a rates remission application approved for the Wānaka Community House Charitable Trust for the 2023/24 financial year;
5. Approve the request for the Chief Executive to take part in an international delegation organised by Infrastructure New Zealand travelling to London, Manchester and Cardiff 16-22 June 2024;
6. Adopt the QLDC Fraud Policy 2024;
7. Resolve that the QLDC Fraud Policy 2024 will come into effect on 4 April 2024 and that the Fraud Policy 2017 shall be revoked on 4 April 2024;
8. Adopt the QLDC Tree Policy 2023; and
9. Resolve that the QLDC Tree Policy 2023 come into effect on 4 April 2024 and that the QLDC Tree Policy 2022 shall be revoked on 4 April 2024.

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

That the Council agree to adopt the QLDC Fraud Policy 2024 with the following addition to the definition of 'Fraud' in section 3 of the policy:

The disclosure of confidential information by elected members, will be considered fraud, when it is an intentional act involving the use of deception to obtain unjust or illegal advantage, including where the release constitutes deception, corruption, misrepresentation, or omission committed with the intention of gaining an unjust or illegal financial advantage or to cause an unjust or illegal loss or disadvantage. The Code of Conduct for elected members provides obligations regarding the disclosure of confidential information by elected members, where that disclosure is not an intentional act involving the use of deception to obtain unjust or legal advantage.

Councillor Gladding advised that the intention of the amendment was to remove any risk that an elected member releasing information to the media could be deemed 'fraud.'

Councillor Guy noted that the amendment had also been considered at the recent meeting of the Audit, Finance & Risk Committee but had not been approved because it had been considered that in order for an action to be considered fraud there needed to be an intent of deception and personal gratification which set an initial very high bar.

As a compromise, Councillor Bartlett suggested that the first sentence of the amendment could be added as an advice note. The Mayor did not agree that this was necessary.

The amendment was put and **lost**.

The Council returned to the substantive motion which was put and **carried**, with Councillor Gladding recording her vote against the motion.

RESOLUTION TO EXCLUDE THE PUBLIC

On the motion of the Mayor and Councillor Bruce 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:

Agenda items

- Item 7A: Chief Executive's Report – Settlement Agreement and Variation of Development Agreement with Kingston Village Limited (KVL)
- Item 8: Morven Ferry Road Stopping and Sale – MSL Quad Ltd

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
<p>7A. Chief Executive’s Report – Settlement Agreement and Variation of Development Agreement with Kingston Village Ltd</p>	<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><i>Section and Grounds</i> g) protect legal professional privilege</p> <p><i>Reason for recommendation</i> The report contains legal advice in relation to the settlement of a dispute between Council and a developer about the operation of a development agreement. The legal advice includes content which is relevant to the strengths and weaknesses of Council’s legal position. The agreement is ongoing and keeping Council’s legal advice confidential is necessary to protect Council from the risk of its legal advice being used in evidence against it in a future dispute, whether by the developer or another party. Waiver of Council’s legal professional privilege in this instance may also expose Council to an obligation to disclose other related legal advice that is even more sensitive in nature. Separately to this legal advice, Council is providing the community with publicly available information including updates on the project. For these reasons the public interest considerations for disclosure are outweighed by the need to preserve legal professional privilege.</p>	<p>Section 7(2)(g)</p>

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
<p>8. Morven Ferry Road Stopping and Sale – MSL Quad Ltd</p>	<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><i>Section and Grounds</i> i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p> <p><i>Reason for recommendation</i> To enable the vendor and purchaser to complete contract negotiations in a private and confidential environment, without undue influence from other parties.</p>	<p>Section 7(2)(i)</p>

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 5.30pm at which point it adjourned; it reconvened in public excluded at 5.34pm.

The meeting concluded at 5.43pm.

MAYOR

DATE