

Attachment 1 - Draft mins full Council PUBLIC - 15 December 2022

QUEENSTOWN LAKES DISTRICT COUNCIL
15 DECEMBER 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 15 December 2022 commencing at 1.00pm

Present:

Mayor Glyn Lewers; Councillors Bartlett, Bruce, Cocks, Gladding, Guy, Ferguson, Smith, Shetty, 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 Carrie Williams (Senior Policy Advisor), Ms Alyson Hutton (Planning Policy Manager), Ms Carrie Edgerton (Regulatory Support, Parking and Animal Control Team Leader), Ms Kacie English (Senior Regulatory Support), Mr Jeremy Payze (Senior Management Accountant – Projects), Mr Tony Pickard (Transport Strategy Manager), Mr Geoff Mayman (Commercial and Procurement Manager), Ms Sarah Brawley (PMO Advisory Manager), Ms Gabrielle Tabron (Project Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately seven members of the public

Apologies/Leave of Absence Applications

There were no apologies.

The following requests for Leave of Absence were made:

- Councillor Tucker: 20 December 2022 – 15 January 2023
- Mayor Lewers: 21 December 2022 – 6 January 2023
- Councillor Shetty: 21 December 2022 – 31 January 2023
- Councillor Guy: 11-18 January 2023
- Councillor Bartlett: 20-23 January 2023
- Councillor Ferguson: 3-13 February 2023
- Councillor Whitehead: 9-16 February 2023

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

Declarations of Conflict of Interest

No declarations were made.

Special Announcements

The Council acknowledged Olivia Jones, the Tuia Rangatahi programme participant in 2022. The Mayor presented Ms Jones with flowers and provided a brief report from the previous Mayor, Jim Boulton, with whom Ms Jones had worked during much of the programme. The Mayor stated that QLDC was very happy to have supported Ms Jones' professional and personal development.

Public Forum

1. Jamie Seymour, Cancer Society of New Zealand (Otago/Southland)
Ms Seymour spoke about the harmful effects of Ultra Violet ['UV] Radiation and the risks of developing melanoma due to exposure to the sun. She highlighted the importance of being SunSmart during the summer months and seeking shade where possible in sunny conditions. The Council could support the prevention of melanoma by providing shading in communities because the period between September and March was the highest risk of UV radiation in New Zealand.
2. Pierre Marasti (Extinction Rebellion)
Mr Marasti stated that COP 27 had been a complete failure and the decision of world leaders to compensate developing countries for the effects of climate change without addressing the root causes was fruitless. He circulated a map showing the areas of the world that would become inhabitable if climate change continued at the same rate and asked where this population would then live. He detailed the floods, droughts and other extreme weather events that had occurred in recent times and their costs and asked what the new life would look like without humans changing their practices. In New Zealand 71% of emissions came from households and he encouraged measurement so that reduction solutions could be employed.
3. Jackson Love (Flamingo Scooters)
Mr Love spoke in support of his company trialling the use of electric scooters in the district. He considered that they were an environmentally friendly way to get around and aligned with the Council's climate and biodiversity plans. They wanted to be allowed to operate in public spaces and the type of scooter used had a high level of safety. The company had preferred parking zones which if not observed could result in a rider being suspended. On board sensors showed when and where the scooters were pulled over and the company was proud of its safety record. A trial would also contribute to local employment.
4. Frederick Conquer (Flamingo Scooters)
Mr Conquer spoke in support of a Beam Scooters trial. It was a safe operation that could electronically track riders. The company's focus was on the non-riders in the community and only a small number of scooters would be released initially if a trial was permitted. He considered there was sufficient demand and the proposal was strongly aligned with the Council's strategic vision.

5. John Hilhorst

Mr Hilhorst addressed item 1 on the agenda (CCO Manual). He noted that the relationship between the Council and Queenstown Airport (QAC) had been the most vexatious issue in recent years in the community. The Council's governance of QAC had been poorly managed and had essentially given the power to QAC and this was why the manual had been sought. However, he was critical that it had been a year in preparation and not only contained multiple errors but also incorrectly asserted that Auckland airport's agreement was needed. He was also critical that the Council's legal advisors had prepared it rather than the Council's team and the many errors gave the impression of shoddy work. In addition, it failed to draw attention to important matters and did not show where the authority lay, thereby diluting its capacity by omission. He encouraged the Council to reject it in its current form

6. Cath Gilmour

Ms Gilmour was critical of the draft CCO Manual and the way in which it continued to disempower Councillors in their governance role of QAC. The Court had found that the Council's super-majority shareholding gave it total control over QAC and this gave the Council an exclusive power to define QAC's objectives. The manual failed to spell out the power of this super majority and seemed to be designed to limit Council input, with the primary role of the Council setting QAC's strategic objectives completely omitted. She outlined other failures of content and asked the Council not to agree to it.

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.

Confirmation of minutes

17 November 2022 (Ordinary meeting following the election)

Councillor Gladding asked for the following deletion of words "...and discussion about how standing orders should be implemented by the Chair" .

On the motion of Councillor Gladding and Councillor Wong the Queenstown Lakes District Council resolved that the minutes of the public part of the ordinary meeting of the Queenstown Lakes District Council held on 17 November 2022 as amended be confirmed as a true and correct record.

24 November 2022 (Extraordinary meeting following the election)

On the motion of the Mayor and Councillor Gladding the Queenstown Lakes District Council resolved that the minutes of the public part of the extraordinary meeting of the

**Queenstown Lakes District Council held on 24 November
2022 be confirmed as a true and correct record.**

1 Proposed CCTO Governance Manual

A covering report from Meaghan Miller (GM Corporate Services) presented a new 'CCO/CCTO Governance Manual' for the Council to receive.

Ms Miller and Ms Balme presented the report. She stated that since the original publication of the agenda, there had been various minor amendments made to the initial draft and the new version had been published on the website. Subsequently, Councillor Whitehead had made some further suggestions for changes and this was the version to be considered at the meeting. The changes were as follows:

- All content specifically relating to QAC had been moved to the appendix;
- New information included in the QAC appendix specifically relating to legislative requirements for QAC;
- New information about LGOIMA responsibilities;
- Inclusion of some specific LGA references in footnotes;
- Inclusion of two diagrams requested by Councillor Whitehead.

In addition, there were a number of minor matters shown with track changes but these were relatively insignificant. Councillor Gladding had also passed on the concerns raised in public forum and changes had been made as a result.

Ms Balme commented further on the points raised about exercise of the super majority. A written resolution in lieu of a meeting required not less than 75% support and as there were only two shareholders, both were required to sign a written resolution to meet the 75% majority. Accordingly the critical difference was the reference to shareholders rather than 'shareholding'. Ms Balme detailed the type of situations where QLDC could exercise its super-majority.

Ms Balme also commented on the reference to two errors at section 6.2(a), noting that the wording in the Manual had been taken directly from s. 64A of the LGA and the SOI was for one year.

Councillor Whitehead favoured the item lying on the table until the 23 March 2023 Council meeting with a workshop to be arranged before the item returned for Council consideration. This would still enable progress to be made in preparing the SOE.

It was moved (Councillor Whitehead/Councillor Wong):

**That the item lie on the table pending a late February 2023
workshop and be brought back to the ordinary Council
meeting to be held on 23 March 2023.**

It was observed that Standing Orders required a procedural motion to be put without further discussion. The Mayor ruled that he was prepared to allow discussion.

Councillor Cocks spoke in opposition to the item lying on the table because it was a living document and therefore unnecessary.

The motion was put and carried with the Mayor, Councillor Bruce and Councillor Cocks voting against the motion.

2. **Appointment of the QLDC Standing Committees and community appointments for 2022-25**

A report from Naell Crosby-Roe (Governance and Stakeholder Manager) proposed the establishment, membership and Chair/Deputy Chair of all Standing Committees and the appointment of elected members to community groups including appointment of members of the Wānaka-Upper Clutha Community Board.

Mr Crosby-Roe presented the report. He noted that there were some alterations to the proposal contained in his report, namely:

- Councillor Gladding – Kingston CA (changed from Councillor Whitehead)
- Councillor Gladding – Wakatipu Wildlife Trust (changed from Councillor Whitehead)
- Councillor Whitehead – Queenstown Inter Agency Group (changed from Councillor Gladding)
- Councillor Tucker replaces Councillor Bruce on the Queenstown Lakes Community Housing Trust

The Mayor clarified a minor typographical error, stating that the Deputy Chair of the Audit, Finance and Risk Committee was Mr Heath Copland

Councillor Smith advised that the Upper Clutha Sports Community Trust had resolved to disband and no Councillor appointment was necessary.

Following discussion, it was agreed to appoint Councillor Whitehead both to Local Management Group – Social Services, Wakatipu and the Wakatipu Interagency Group.

Councillor Cocks questioned where responsibilities previously held by the Traffic and Parking Subcommittee lay. The Mayor advised that whilst they now sat with the Infrastructure Committee, the terms of reference in relation to traffic and parking explicitly excluded issues in the Upper Clutha.

Councillor Gladding expressed concern that the structure did not strongly address climate governance. She considered that addressing the governance response was an important factor in the delivery of the Council's climate action.

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

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

2. Note the establishment by the Mayor of the committee structure of the following Standing Committees: Planning & Strategy Committee, Infrastructure Committee, Community & Services Committee, and Audit, Finance & Risk Committee;
3. Note the appointment by the Mayor of Standing Committees and other committees of Chairs, Deputy Chairs and Members for the triennium 2022-2025 (detailed in Attachment 1);
4. Note that the Mayor is an ex officio member of all committees;
5. Approve the community appointments (detailed in Attachment 2)
6. Adopt the Terms of Reference for the Planning and Strategy Committee; Infrastructure Committee; Community and Services Committee; Audit, Finance and Risk Committee; Chief Executive Performance Review Committee; Governance Subcommittee.

The motion was put and carried unanimously.

3 Proposed Trial of Beam Scooters

A report from Tony Pickard (Transport Strategy Manager) presented a proposal to undertake a trial of Beam Scooters in Queenstown, Frankton and Wānaka and sought approval to enter into a Memorandum of Understanding to undertake this trial.

Mr Hansby, Mr Pickard and Ms Burton presented the report.

Inclusion of Wānaka in the trial would be a matter addressed in the MOU but the Queenstown CBD and Frankton were the preferred areas. The permitted/prohibited areas would be specified in the MOU.

Some concern was expressed that the scooters would be left on the streets and could become missiles or trip hazards.

Councillor Whitehead observed that it was a very long trial period. It was noted however that the duration could be part of the MOU approach and could be shortened by agreement. Councillor Bartlett questioned how the trial would be evaluated

Councillor Guy expressed concern about the emphasis on the trial as visitor recreation, suggesting that a greater focus should be on achieving a mode shift within the residential community. She questioned the need for restricted hours, adding that both public and private parking space needed to be provided and the overall cost was

too great. Councillor Cocks was enthusiastic for the trial to include Wanaka and he agreed that it was a great opportunity to encourage a mode shift.

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

- 1. Note the content of the report;**
- 2. Authorise officers to enter into a Memorandum of Understanding (MOU) with Beam for the operation of e-scooters trial in Queenstown, Frankton and Wānaka.**
- 3. Agree to officers providing public notification about the trial at least two weeks prior to its commencement.**

The motion was put and carried with Councillor Ferguson voting against the motion.

4 **Capital Reforecast December 2022**

A report from Jeremy Payze presented a number of budget changes in the area of capital expenditure for approval, noting , which will deliver a net reduction of \$33.4M to 2022/23 budgets.

Mr Hansby and Mr Payze presented the report.

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

- 1. Note the contents of this report;**
- 2. Approve all proposed capex budget changes in accordance with Attachment A of the December 2022 Capital Works Reforecast Report; and**
- 3. Note that approval of recommendation (2) will deliver a net reduction of \$33.4M to 2022/23 capex budgets.**

The motion was put and carried unanimously.

5 **Revocation of Speed limit Bylaw**

A report from Carrie Williams explained that under the Land Transport Rule: Setting of Speed Limits 2022, all Territorial Authority speed limits were to be migrated to a National Speed Limit Register (NSLR). QLDC had migrated its speed limit data into the NSLR and as it was now the legal instrument for the setting of speed limits, the QLDC Speed Limits Bylaw 2019 was redundant and should be revoked.

Mr Hansby and Ms Williams presented the report. Ms Williams confirmed that as part of the next steps a Speed Management Plan would be presented to Council in 2023.

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

- 1. Note the contents of this report;**
- 2. Agree to revoke the Speed Limits Bylaw 2019, effective immediately, as a result of the introduction of the Land Transport Rule: Setting of Speed Limits 2022.**

The motion was put and carried unanimously.

6 **Making the Accessible Parking Provisions Operative in the Operative District Plan**

A report from Alyson Hutton confirmed that all submissions on the Accessible Parking Plan Change to the Operative District Plan had been resolved and sought Council approval to make the amendments operative.

Mr Avery and Ms Hutton presented the report.

Councillor Gladding asked how the adequacy of parking would be monitoring. Ms Hutton advised that it was a duty under S.35 of the RMA to gather information, monitor and keep records of all aspects of the planning function, including the efficacy of the District Plan. Councillor Gladding sought further detail of this monitoring activity.

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

- 1. Note the contents of this report;**
- 2. Authorise officers to amend the Operative District Plan to incorporate the changes made the Accessible Parking Plan Change, as set out in the Council decision on 2 June 2022; and**
- 3. Authorise officers to make any changes of minor effect or to correct minor errors.**

The motion was put and carried unanimously.

7 **Section 10A Dog Control Report**

A report from Kacie English presented the annual report on the Dog Control Policy and Practices in the 2021/2022 financial year, noting that it was a requirement of Section 10A of the Dog Control Act 1996.

Ms English and Ms Edgerton presented the report.

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

- 1. Note the contents of this report;**
- 2. Adopt the Dog Control Policy and Practices report 2021/2022, in accordance with Section 10A of the Dog Control Act 1996; and**
- 3. Direct Council staff to forward a copy of the Dog Control Policy and Practices report 2021/2022 to the Secretary for Local Government.**

The motion was put and carried unanimously.

8 Chief Executive's Report

A report from the Chief Executive presented:

- The 2022-25 Governance Statement for adoption as it was a requirement under Section 40 of the Local Government Act 2002 to have a Local Governance Statement in place within six months of a triennial election.
- An amended meeting schedule containing meetings of Standing Committees for 2023;
- A submission made on behalf of the Council on Plan Change 54 (Northlake, Wānaka); and
- Recommendations from the meeting of the Wānaka-Upper Clutha Community Board held on 8 December 2022.

Councillor Smith asked the Mayor to take part (4) of the recommendation separately so that he could vote on the other sections of the recommendation but not take part in the vote on part (4) as he wished to retain the ability to be considered as a Commissioner for any hearing that may take place.

Councillor Cocks asked if it would be possible for the Council to review the Delegations Register at some point in the future and the Chief Executive confirmed that this was possible.

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

- 1. Note the contents of this report;**
- 2. Adopt the 2022-25 Local Governance Statement;**
- 3. Adopt the amended meeting schedule for 2023; and**

4. Approve the recommendations from the Wānaka-Upper Clutha Community Board:

A. Approve the vesting of the following reserve

Mount Cardrona Station Limited

Recreation Reserve. Lot 3001, being 1.15 hectares.

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 for reserve (if advised as being necessary by the Parks & Open Spaces Planning Manager);
- b. Presentation of the reserve in accordance with Council's policies;
- c. The submission of Landscape Plans to Council by the Developer for certification as appropriate, including subsequent implementation of landscape and planting for the reserve. The certification and approval of such a plan shall be by the Parks and Open Spaces Planning Manager;
- d. The formation of sealed pathways on reserves to a minimum 2.2 metre width, and to also meet the Grade 2 standard of the QLDC Cycle Trail and Track Design Standards & Specifications (2016);
- 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 alternative 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-year maintenance period by the current landowner commencing from vesting of the reserve;
- i. A maintenance agreement for reserve prepared and approved (signed) by the Parks and Open Spaces Planning Manager specifying how the reserves 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.

B. Agree that any reserve improvement contributions are offset against those payable in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:

- a. Detailed design plans for the reserve to be submitted and the approval of these to be delegated to the Parks & Open Spaces Planning Manager who shall liaise with the Wānaka-Upper Clutha community board in regard to the detailed design;.
- b. Final approval of any reserve improvement costs to be delegated to the Parks & Open Spaces Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
- c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

New water supply easement for Second Star Limited, on the Damper Bay lakeside Recreation Reserve, Wānaka

- A. Approve the following easement subject to section 48 (1) of the Reserves Act 1977:
 - a. A 3 – 3.29m wide underground water supply easement over Recreation Reserve Section 18 Block XIII Lower Wānaka SD, in Damper Bay, Wānaka in favour of Second Star Limited.
 - b. The easement area will be approximately 126m².

- B. Agree that the said easement is subject to the following conditions:**
- a. Cycle access must be assured during all works, and if necessary a short detour around the works provided.
 - b. Any necessary resource consent, including for earthworks, and any relevant variations, are first obtained for the proposal.
 - c. Easement Fees to be determined and paid in accordance with Council's Easement Policy 2008.
 - d. Any necessary approval from LINZ for any authorisations necessary to convey and draw water over the bed of Lake Wānaka including pumps.
 - e. The applicant shall notify and liaise with QLDC Property and Infrastructure Department in advance of any onsite works, so that if necessary, they can oversee and provide input relating to any works;
 - f. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment;
 - g. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the site, with a particular focus on trail users;
 - h. The work site to be evidenced by before and after photographs, video or similar to be provided by the applicant to the QLDC Property Team;
 - i. Reinstatement of the area to be completed immediately following installation and to the satisfaction of QLDC's Property Team.
- C. Agree that notification to grant the easement is not required, as a statutory test in Section 48(3) of the Reserves Act 1977 is met for the reasons set out in the report;**
- D. Approve the exercise of the Minister's consent (under delegation from the Minister of**

Conservation) to the granting of the identified easements over Council Reserve Land;

- E. Agree that authority to approve final terms and conditions and execution authority is delegated to the General Manager Community Services.

Lismore Park Tree Removal

- A. Approve the request from Bike Wānaka to remove approximately 21 QLDC owned trees growing on QLDC reserve land at Lismore Park, Wānaka.

The motion was put and carried unanimously.

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

4. Ratify and confirm the Chief Executive's approval and lodgement of QLDC's corporate submission dated 24 November 2022 regarding Plan Change 54 at Northlake, Wānaka.

The motion was put and carried with Councillor Smith abstaining.

RESOLUTION TO EXCLUDE THE PUBLIC

On the motion of the Mayor and Councillor Wong 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:

Confirmation of minutes

Ordinary meeting held on 17 November 2022

- Item 7 Appointment of Commissioners for Elected Members
Item 8 Luggate Water Supply Scheme & Reservoir Capacity Land Acquisitions

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Appointment of Commissioners for Elected Members	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)
8. Luggate Water Supply Scheme & 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)

Extraordinary meeting held on 24 November 2022

Item 1 Legal Update

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
1. Legal Update	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) maintain legal professional privilege i) enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(g) Section 7(2)(i)

Agenda items

Item 9: Arterial Stage 1 Pedestrian Overpass Review

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
9. Arterial Stage 1 Pedestrian Overpass Review	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities i) enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(h) Section 7(2)(i)

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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 2.42pm.

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The meeting came out of public excluded and concluded at 2.56pm.

MAYOR

DATE