

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 29 June 2023 commencing at 1.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (General Manager, Assurance, Finance and Risk), Ms Meaghan Miller (General Manager, Corporate Services), Mr Tony Avery (General Manager, Property and Infrastructure), Ms Michelle Morss (General Manager, Strategy and Planning), Mr David Wallace (General Manager, Planning and Development), Ms Alyson Hutton (Planning Policy Manager), Mr Quintin Howard (Property Director), Ms Sian Swinney (Team Leader, Alcohol Control), Mr Peter Harris (Economic Development Manager), Ms Jan Maxwell (Relationship Manager, Arts and Events) Ms Sharon Dinneen (Alcohol Licensing Inspector) and Ms Jane Robertson (Senior Governance Advisor); three members of the media and approximately five members of the public

Apologies/Leave of Absence Applications

Apologies were received from Councillor Cocks and Councillor Whitehead, both of whom were on approved leave of absence.

There were no requests for leave of absence.

Declarations of Conflict of Interest

Councillor Ferguson advised that he had a conflict in regard to one of the organisations involved in item 7 entitled ' Events Funding Round 2023-24.' He undertook to leave the room for this item.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

1. Pierre Marasti, Extinction Rebellion

Mr Marasti spoke about the extinction of wildlife caused by humans. He stated that since 1970, 60% of wildlife (mammals, birds, fish, reptiles and amphibians) had become extinct. In this time the world population had more than doubled and now humans and livestock represented 96% of the total mass of mammals. There had been a 41% reduction in insect species because they were unable to adapt to rising temperatures and humans were now the most destructive apes on the planet. However, even with the Annual Plan deferring

39 three-waters projects there was still a 13.6% rates rise although one solution to raising funds was to impose a large passenger tax at Queenstown Airport.

2. Cath Gilmour (We Love Whakatipu)

Ms Gilmour acknowledged the late change to the Statement of Intent ['SOI'], namely the additional sentence not to seek an expansion of the air noise boundaries for the ten year period until 2032. She commented that this was the only means available of obtaining control and without it Queenstown Airport ['QAC'] would have been able to expand the air noise boundaries before 2026. She reminded Councillors that under the Local Government Act they had the power to set QAC's strategic direction and QLDC should push back against disempowerment by QAC. The SOI was based on the same growth rate that had been rejected in 2017 and a permanent noise control system was needed. The Council should require QAC to adopt a genuine sustainability focus and to demand real dividends. The Council should also direct QAC to operate within its present noise boundaries full stop and not just until 2032 as this was the only control lever available for the community.

3. John Hilhorst, FlightPlan 2050

Mr Hilhorst noted that the Queenstown Regenerative Tourism Project had the ambitious goal of being Carbon Zero by 2030 which had generated some unexpected alternatives being adopted by the tourism industry. However, the most critical determinant was managing actual visitor numbers. The Council was an equal partner in the regenerative programme but QAC's plans to increase flights made a mockery of the regenerative programme. It did not make sense to have a Carbon Zero aspiration and plan to increase flights over the next seven years. Prior to the 2022 election, the Council had agreed there was a climate change emergency and controlling airport expansion was crucial to responding to this.

4. Mat Woods, Chief Executive, Destination Queenstown

Mr Woods spoke in support of QAC and its Carbon Zero goal. It was important to business to have a modern airport in the district and for it to remain in the district. He also supported QAC staying within its present noise boundaries and noted their commitment to it. He applauded QAC for the various changes to the SOI to acknowledge the views of the community.

5. John Glover

Mr Glover asked the Council not to adopt the 2023/24 Annual Plan until it was able to reduce its operational expenditure. He asked if anyone was questioning the proposed spending and drew attention to the actions of other councils in New Zealand and their efforts to reduce expenditure. By contrast, he asked what QLDC was doing and questioned the success of the present financial management strategy.

6. Greg Miller (Kelvin Peninsula Community Association)

Mr Miller spoke about QAC's SOI and questioned whether the Council shared QAC's aspirations. According to the SOI, QAC's aspirations were to deliver on its 10 year strategic plan, the direction of which was focused on growth. The SOI forecast a growth rate of 3.2% annually and the overall business was highly indexed to increased passenger number

with aircraft numbers also forecast to rise. Mr Miller considered that QAC needed to reflect on what was permissible within the existing air noise boundaries because it was hollowing out its social licence to the point that it was meaningless. The knock down effect of more people visiting was more traffic and more issues for which the community was not prepared. In his view, the community had reached its limit of visitors in 2019 and it was now hearing that it should accept a 33% growth.

7. Gillian Macleod

Ms Macleod believed that QAC's objective was to maximise its profit within the current noise boundaries but this had implications on the wellbeing of the community. It was in the Council's hands to direct QAC so that it retained its social licence. The district had been more pleasant without visitors during the COVID-19 pandemic and she asked why there was the desire to increase the visitors to a small town, creating crowded roads and straining local infrastructure. She asked what was really being done to address climate change. Business connections could now be done remotely but it was not a climate effective policy for her neighbour to travel to Auckland for a haircut. She believed QAC was going down the wrong pathway and she asked the Council to direct it in the interests of the community.

Confirmation of Agenda

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

Motion carried.

Confirmation of minutes

1 June 2023 (Ordinary meeting)

On the motion of Councillor Bruce and Councillor Guy 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 1 June 2023 be confirmed as a true and correct record.

Motion carried.

1 2023/24 Annual Plan Adoption

A report from Meaghan Miller (General Manager, Corporate Services) presented background on the main themes in the Annual Plan, the consultation undertaken and the outcomes of deliberations/funding recommendations. The report recommended that the Council adopt the Annual Plan.

Ms Miller and Mr Burns presented the report.

Ms Miller provided some minor updates to the plan originally circulated. The first change was a correction to the average growth rate from 3.2% to 2.8% (page 37) and the peak day growth rate changed from 3.8% to 3.2%. She also circulated a table correcting the swim lane hire charges on page 97.

Mr Burns commented on the external pressures under which the plan had been developed. He noted that staff had reviewed the last Ten-Year Plan and worked through the budget line-by-line to minimise the rates increase, adding that successive financial reviews had resulted in the proposed rates increase reducing from 19% to 14%. The Council had a statutory obligation to adopt the Annual Plan before 30 June and any failure to adopt would result in a delay in setting and collecting the rates for the rest of the financial year.

There was considerable discussion about the quantum of the proposed rates increase and the measures undertaken to minimise the increase.

It was moved (The Mayor/Councillor Barlett):

- 1. Note the contents of this report;**
- 2. Agree the recommendation of the 2023-2024 Annual Plan Hearings Panel (being the Council as a whole) to increase the fees changes as outlined in the Consultation Document for resource and building consent fees, waste services fees, community facilities fees and parking fees (in the Queenstown Town Centre);**
- 3. Agree the recommendation of the 2023-2024 Annual Plan Hearings Panel to amend the swim fees associated with sport and recreation fees (as outlined) taking into account community feedback and to agree the amended sport and recreation fees;**
- 4. Agree the recommendation of the 2023-2024 Annual Plan Hearings Panel to change the capex programme as outlined and agree the internal submissions;**
- 5. Agree the recommendation of the 2023-2024 Annual Plan Hearings Panel to award community grants; and**
- 6. Adopt the Council's 2023-2024 Annual Plan pursuant to section 95(2A) of the Local Government Act 2002.**

Councillor Gladding expressed concern that elected members had not been able to undertake a detailed line-by-line analysis and asked for this to be altered for the Long Term Plan so that all programmes were visible. She was also concerned about the

Tourism Promotion Fund and whether the funding was going to be spent on programmes identified within the Destination Management Plan. She also wished to discuss the implications of including Kingston Three-waters Funding in the plan and aspects of the development agreement but she was hesitant to do so in a public part of the meeting.

The Chief Executive advised approval of the Kingston Three-waters funding was not a commitment to the expenditures but was simply a funding commitment in the Annual Plan. Development Contributions could be struck if the development went ahead.

Councillor Gladding moved that the Council exclude the public. The motion was not seconded and therefore lapsed.

Councillor Smith spoke about swimming charges and indicated his wish to amend part (3) of the resolution.

It was moved as an amendment (Councillor Smith/Councillor Bruce):

- 3. Agree to amend the fees associated with sport and recreation fees taking into account community feedback to reflect a flat increase of 7.2%-7.5% (rounded) across all aquatic fees including entry fees, memberships, concession cards, pool and lane rental, noting that this does not include Learn to Swim fees.**

There was considerable discussion about the proposed amendment and the weight that should be given to the views expressed in consultation.

The amendment was put and lost.

Members considered whether an alternative amendment was needed. Councillor Smith advised that it was enough for the Chief Executive to make a commitment to review swimming fees as part of the development of the new Ten-Year Plan.

It was moved as an addition to the substantive motion (Councillor Bartlett/Councillor Wong):

- 7. That in relation to the Kingston 3 Waters projects, instruct the Chief Executive to report to and obtain Council's further approval of the contract(s) for the Housing Infrastructure Fund ['HIF'] capital works and associated funding arrangements, prior to entering into these arrangements**

Motion carried.

Part (7) became part of the substantive motion (above) which was put and carried with Councillor Gladding voting against the motion.

The Mayor expressed thanks to the members of staff in the Finance and Corporate Services Departments who had worked very hard preparing the 2023/24 Annual Plan.

2. Queenstown Airport Corporation Statement of Intent

A report from Meaghan Miller (General Manager, Corporate Services) presented the Queenstown Airport Corporation (QAC) Statement of Intent (SOI) for the year ending 30 June 2024 for the Council to consider and agree.

Ms Miller presented the report.

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 that Queenstown Airport Corporation is a Council Controlled Trading Organisation (CCTO) as per Section 6 of the Local Government Act 2002 (the Act) and must therefore comply with Section 64 of the Act that requires all CCTOs to have a Statement of Intent that meets with the requirements of Schedule 8; this is a statutory requirement; and**
- 3. Agree under Section 65 (2) of the Act the Queenstown Airport Statement of Intent year ending 30 June 2024.**

Motion carried with Councillor Gladding recording her vote against the motion.

3. Class 4 Gambling and TAB Venue Policy Review

A report from Sharon Dinneen (Alcohol Licensing Inspector) advised that there were two errors in the draft Class 4 Gambling and TAB Venue policy ("Draft Policy") presented to the Council on 23 March 2023. These errors were not in the Statement of Proposal but the inconsistency needed to be rectified. Accordingly, the report proposed to undertake a new Special Consultative Procedure but to consult only on the content of the errors, with existing submissions to stand and be heard once the second period of consultation was complete.

Ms Dinneen and Ms Swinney presented the report.

It was noted that the date of the Council meeting shown in the covering report should be 19 October and not 12 October.

There was further discussion about membership of the hearing panel as a hearing was anticipated in September 2023. It was agreed to form a new hearing panel as those previously appointed would not now be available for a hearing in September. It was agreed instead to appoint Councillor Ferguson, Councillor Gladding and Councillor White as a hearing panel.

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

- 1. Note the contents of the report;**
- 2. Appoint a panel of Councillors Ferguson, Gladding and White to consider submissions and make a recommendation to the Council on adoption of the policy;**
- 3. Adopt the amended Statement of Proposal for consultation from 3 July 2023 to 4 August 2023 in accordance with the Special Consultative Procedure outlined in sections 83 and 86 of the Local Government Act 2002; and**
- 4. Authorise the public notification of the Statement of Proposal as part of a Special Consultative Procedure for community feedback.**

Motion carried.

4. Ratification of Commissioner's Recommendation – Arthurs Point renotification

A covering report from Alyson Hutton (Manager Policy Planning) introduced the report and recommendations of the Independent Hearings Commissioners on submissions and further submissions on the zoning relating to the Arthurs Point re-notification. The report sought a Council resolution to notify the Commissioners' recommendation as a Council decision in accordance with Clause 10 and 11 of the First Schedule of the Resource Management Act 1991.

Ms Hutton and Mr Wallace presented the report. Ms Hutton summarised the process to date, adding that once ratified the decision would be circulated to all parties and there would be an appeals period.

Councillor Smith observed that it would have been helpful for the documentation to include a map.

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

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

2. **Adopt the Independent Commissioners' report and recommendations on the submissions as the Council's decision and direct staff to notify the decision in accordance with Clause 10 and 11 of the First Schedule of the Resource Management Act 1991;**
3. **Note that adopting the report and recommendations on submissions as the Council's decision means the Council also adopts the independent hearing panel's reasons for those decisions on submissions as set out in the recommendation report.**

Motion carried.

5 Waterfall Park Developments Limited – Road Realignment

A report from Dan Cruickshank (Director, APL Property Ltd) proposed a road realignment at Waterfall Park, between Waterfall Park Developments Limited and Queenstown Lakes District Council. The report noted that Waterfall Park was a rural 'no exit' road positioned to the north of Lake Hayes, but south of Millbrook. The realignment was requested for the northern end of the road, leading up to the waterfall itself. This request followed on from a previous road realignment request in 2018 which had been approved by the Council at the time, but subsequently ended due to the development not being sufficiently progressed.

Mr Avery and Mr Howard presented the report. A minor correction was made to part 4 of the recommendation where the word 'for' replaced the word 'from'.

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

1. **Note the contents of the report;**
2. **Approve initiation of the procedures of Section 114 of the Public Works Act 1981 to declare as road those portions of land shown on the attached Paterson Pitts plan Q6388-24-2 dated the 27/03/18, shown in green and held in Computer Freehold Registers 789176 & 770518 totalling 0.3314 hectares;**
3. **Approve initiation of the procedures of section 116 of the Public Works Act 1981 to stop those portions of road shown on the attached Paterson Pitts plan Q6388-24-2 dated the 27/03/18, shown in red totalling 0.3314 hectares;**

4. **Approve that all necessary resource consents, including earthworks and any other relevant variations are obtained for the proposal;**
5. **Approve that the exchange be at Nil consideration;**
6. **Agree that Council's approval to undertake this process and any sale and purchase agreements relating to it shall be limited to a period of 2 years from the date of this resolution;**
7. **Agree Council's costs in undertaking the process to be billed and paid monthly by the applicant;**
8. **Delegate final terms and conditions along with approvals for the placing or removal of easements, minor alignment and area changes and signing authority to the Chief Executive of Council.**

Motion carried with Councillor Gladding voting against the motion.

6 **Chief Executive's Report**

A report from the Chief Executive presented:

- Information about the formation of the Public and Active Travel Advisory Group ['PATAG'], an advisory group formed of QLDC and Otago Regional Council members to discuss transport matters and the appointment of QLDC members for the Council to note;
- A recommendation from the Wānaka-Upper Clutha Community Board ['WUCCB'] to approve a 'Notice of Intent' to prepare a Reserve Management Plan for the Mount Iron Recreation Reserve in Wānaka (recommendation from WUCCB meeting held on 22 June 2023).

There was further discussion about the purpose of the Public and Active Travel Advisory Group. Although it had no decision making power, its role would include advocating. Councillor Gladding asked for the business of the group to be reported back to the Council. The Chief Executive indicated that it would be possible to circulate notes from meetings, but there would not be a system of formal reporting. Councillor Gladding stated that if the group had a role in influencing outcomes, it was important for it to be transparent and accountable. Councillor Smith advised that he could report back via the Infrastructure Committee.

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

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

2. Note the establishment of the Public and Active Travel Advisory Group and the appointment of the Mayor, Councillor Smith, Councillor Bartlett, the Chief Executive and the General Manager, Property and Infrastructure as representatives of the Queenstown Lakes District Council on it;

Wānaka-Upper Clutha Community Board

3. Agree to exercise the Minister's consent (under delegation from the Minister of Conservation), that a Notice of Intent is published advising that a Reserve Management Plan for the Mount Iron Recreation Reserve is to be prepared, in accordance with s41(5) of the Reserves Act 1977.

RESOLUTION TO EXCLUDE THE PUBLIC

On the motion of the Mayor and Councillor Bruce 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 1 June 2023

- Item 6A: Chief Executive's Report – Appointment to the Queenstown Airport Board of Directors
- Item 7: Appointment of Commissioners to the Independent Hearings Panel for the Te Pūtahi Ladies Mile Variation to the Proposed District Plan and delegation of certain functions to Independent Hearings Panel
- Item 8: Appointment of Commissioners to the Independent Hearings Panels for the Landscape Schedules variations to the Proposed District Plan

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
6A. Chief Executive's Report – Appointment to the Queenstown Airport Board of Directors	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: a) protect the privacy of natural persons, including deceased natural persons	Section 7(2)(a)
7. Appointment of Commissioners to the Independent Hearings Panel for the Te Pūhahi Ladies Mile Variation to the Proposed District Plan and delegation of certain functions to Independent Hearings Panel	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. Appointment of Commissioners to the Independent Hearings Panels for the Landscape Schedules variations 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 privacy of natural persons, including deceased natural persons	Section 7(2)(a)

Agenda items

Item 7: Events Funding Round 2023-24

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7. Events Funding Round 2023-24	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) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(b)

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 2.45pm.

The meeting came out of public excluded and concluded at 2.57pm.

MAYOR

DATE