

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Main Auditorium, Lake Wānaka Centre, Wānaka on Thursday 8 October 2020 commencing at 1.00pm

Present:

Mayor Boulton; Councillors Clark, Gladding, Lewers, MacDonald, MacLeod, Miller, Shaw and Smith

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Peter Hansby (General Manager, Property and Infrastructure), Mr Tony Avery (General Manager, Planning and Development), Dr Thunes Cloete (General Manager, Community and Services), Mr Ian Bayliss (Planning Policy Manager), Mr Craig Barr (Principal Planner), Ms Sarah Picard (Senior Policy Planner), Mr Aaron Burt (Senior Parks and Reserves Planner), Mr David Wallace (Manager, Resource Management Engineering), Mr Ulrich Glasner (Chief Engineer), Mr Tony Pickard (Transport Strategy Manager), Mr Matthew Roberts (Senior Transport Engineer), Ms Carrie Edgerton (Regulatory Support, Animal Control and Parking Team Leader), Ms Kacie English (Regulatory Support Coordinator), Mrs Meghan Pagey (Director People and Capacity), Mr Mike Stenhouse (Consultant) and Ms Jane Robertson (Senior Governance Advisor)

Apologies/Leave of Absence Applications

An apology was received from Councillor Copland (on approved leave of absence).

An apology was received from Councillor Ferguson

The following request for Leave of Absence was made:

- Councillor Clark: 15 October 2020

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

Declarations of Conflicts of Interest

Councillor MacLeod declared a conflict of interest in relation to item 2 ('Ratification of Hearing Panel's recommendation on submissions on Stage 3 Variation to Chapter 30 Energy and Utilities of the Proposed District Plan') as he had been one of the Commissioners who had heard and considered the submissions on the Variation. He undertook not to take part in any discussion of the item or to vote on the resolution.

Public Forum

1. Mr Roger Gardiner (Wānaka CBD Property Owners Group)

Mr Gardiner expressed concern that a Council-led flood debrief had not yet occurred although it was now about 10 months since the Wānaka floods had happened. This was an important step to understand the lessons learned. The Council needed to make good on its undertaking to provide a Flood Response Debrief, leading to the drafting of a Revised Flood Response Plan. Action would have occurred if Queenstown businesses had been similarly affected and the Council response to date had not been good enough.

2. Mr Pierre Marasti (Extinction Rebellion)

Mr Marasti observed that although New Zealand was fortunate to have largely controlled the effects of the COVID-19 pandemic, it had still disrupted every aspect of society. Similarly, the climate and ecological crisis did not only affect the natural world or remote nations but had an increasingly severe impact on everyone. He referred to extreme fires in California, the Amazon, Twizel and Ohau, along with continuing occurrences of destructive hurricanes, storms and floods. By contrast, a recent decision by the Chinese president to enact rules to limit food waste probably had largely gone unnoticed but it suggested the possibility of food price rises and shortages. A worldwide food shortage would affect New Zealand in the same way as COVID-19 had. He encouraged Council to use the climate action plan for the post COVID-19 recovery and for the next 10-Year Plan.

3. Mr Brian Fitzpatrick (Remarkables Park Ltd)

Mr Fitzpatrick was critical of aspects of the proposed amendments to the QLDC Land Development and Subdivision Code of Practice. He criticised the proposal to change the approval time for connecting a new house to water and sewerage supply from five to 15 days. He did not consider this was in line with the Council's stated desire to provide "good quality local public services". He also questioned why the code stated that no trees could be more than 500mm high as no such condition was applied elsewhere in New Zealand. He understood that developers could seek to deviate from the rule, but few would choose to do so.

He did not consider that his submission had been dealt with adequately by staff and he felt that no appropriate forum existed to raise these issues. He believed that any decision on the item should be delayed to enable his concerns to be satisfactorily addressed.

Deputation

Mr Simon Telfer, Chair of the Regenerative Recovery Advisory Group, reported on the group's activities over the last two months. He paid tribute to the time and commitment of the group members and acknowledged the assistance of Michelle Morss from Council. The group had formed in August and was meeting fortnightly. It had established two distinct tranches of work, the first being largely a stocktake, aimed at understanding what could be used in the region for economic diversification. The second would examine actual options for diversification including technology, education, natural fibre industry and infrastructure.

Council's help in community engagement would be useful once the group reached the second tranche of work.

Councillor Shaw asked Mr Telfer to email the notes from which he had spoken to the full Council.

Confirmation of Agenda

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

Confirmation of Minutes

20 August 2020

On the motion of Councillor MacDonald and Councillor Clark the Queenstown Lakes District Council resolved that the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 20 August 2020 be confirmed as a true and correct record.

3 September 2020

On the motion of the Mayor and Councillor Miller 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 3 September 2020 be confirmed as a true and correct record.

1. Variation to Chapter 11 - Large Lot Residential and Chapter 27 - Subdivision and Development

A report from Craig Barr (Principal Planner) introduced a proposed variation to the Proposed District Plan which he recommended that the Council accept for public notification. The purpose of the proposed variation was to better facilitate the subdivision and development anticipated in the Large Lot Residential A Zone.

Mr Avery, Mr Bayliss and Mr Barr presented the report.

Councillor Smith advised that the Planning and Strategy had previously reviewed this variation and he did not consider that what it proposed produced a useful planning outcome. In particular, he did not agree that it served to encourage high quality subdivision design and for these reasons, he did not support the recommendation.

Councillor Lewers disagreed, as he considered it would allow for better subdivision design, especially if the land was hilly or contained a watercourse. Councillors MacDonald and Clark supported this view.

Councillor Gladding asked why one part of the report used the term 'net site area' whereas 'minimum lot area' appeared to reference something identical. She asked for terminology use to be made consistent. Mr Barr undertook to check this usage.

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

- 1. Note the contents of this report;**
- 2. Having particular regard to the section 32 evaluation report, approve pursuant to clauses 5 and 16A of the First Schedule of the Resource Management Act 1991 to notify the following variation to the Queenstown Lakes Proposed District Plan:
 - a. Policy 11.2.1.2;**
 - b. Rule 11.5.9.1; and**
 - c. Rule 27.6.1.****
- 3. Authorise the Manager Planning Policy to make minor edits and changes to the provisions to be varied and section 32 report to improve clarity and correct errors and to notify the variation in accordance with clause 5 of the First Schedule of the Resource Management Act 1991.**

Councillor Smith recorded his vote against the motion.

Councillor MacLeod did not take part in the following item.

2. Ratification of Hearing Panel's recommendation on submissions on Stage 3 variation to Chapter 30 Energy and Utilities of the Proposed District Plan

A report from Sarah Picard (Senior Policy Planner) introduced the report and recommendations of Independent Commissioners on the Variation to Chapter 30 – Energy and Utilities, and sought their ratification as a Council decision.

Mr Avery, Mr Bayliss and Ms Picard presented the report.

There was further discussion about how these provisions would work with the Wāhi Tūpuna chapter, which itself was not yet resolved. Ms Picard advised that adoption of the on the Variation to Chapter 30 should not impact or restrict any decision-making because the consents team was already having regard to the Wāhi Tūpuna provisions.

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

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

2. **Adopt the Stage 3 Hearings Panel report and recommendation on submissions on the variation to Chapter 30 Energy and Utilities and Chapter 2 Definitions of the Proposed District Plan as a Council decision and direct staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991;**
3. **Direct staff to alter the Proposed District Plan provisions to reflect the recommendation chapters;**
4. **Note that adopting the reports and recommendations as the Council decision means the Council also adopts the Stage 3 Hearings Panel reasons for those decisions as set out in the report; and**
5. **Note that adopting the reports and recommendations, as the Council's decision does not mean Council has formed a view on possible future variations or other possible future decisions mentioned in the report and recommendation.**

Councillor MacLeod returned to the table.

3. Approval of Tables & Chairs in Public Space Policy 2020

A report from Aaron Burt (Senior Planner, Parks and Reserves) presented a refreshed Tables and Chairs in Public Space Policy. The most significant revisions in the refreshed policy were highlighted as being:

- a. No alcohol prohibition past 10.00pm under policy 3.5. This is instead appropriately addressed under the District Plan and Alcohol Licencing processes.
- b. Wider minimum area for footpaths, increased to 3 metres from 1.5 metres (2006) under policy 5.4.
- c. Fees and charges updated in accordance with Council resolution of 31 January 2019, noting however that the fee review scheduled for 2020 has been deferred to 2021 in light of the implications associated with COVID-19.
- d. Highlighting likelihood of areas becoming smoke-free and vape-free under policies 2.1 and 2.2.
- e. Insurance level updated from \$1,000,000 to \$2,000,000 under policies 2.4 and 3.2.
- f. Amendment fee increased from \$50 from \$100 under policy 3.3.

The report recommended that the Council adopt the refreshed policy, adding that the intention was to review the policy in three years' time.

Mr Burt and Dr Cloete presented the report.

Members expressed support for the refreshed policy, especially the plan to widen the minimum width of pavement required to make more pedestrian-friendly spaces and the change to the 10.00pm 'moving inside' rule.

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

- 1. Note the contents of the report; and**
 - 2. Approve the Tables and Chairs in Public Space Policy 2020 which will then replace the 2006 version.**
4. **QLDC Land Development and Subdivision Code of Practice – Amendments (Stage 2)**

A report from Polly Lambert (Acting Strategy and Asset Planning Manager) presented the revised QLDC Land Development Subdivision Code of Practice (Stage 2) for the Council to adopt, following a period of consultation.

Mr Hansby, Mr Glasner and Mr Wallace presented the report. Mr Glasner paid tribute to the team of staff who had worked on this project.

Some concern was expressed that this was the Council's first view of the Code of Practice because it had not progressed through the Infrastructure Committee and staff were asked to consider the implications of delaying a decision to adopt the Code.

Mr Glasner reminded the Council that this report represented stage two of a three stage process. Many of the major issues would be covered in Stage 3 and it would be subject to significant prior discussion with Councillors. Adoption of Stage 2 today would still provide the opportunity to tidy the matters that had been raised earlier in the meeting and also to take on further improvements. The full review process would take about a year but it was planned to begin immediately. He also pointed out that the code represented the minimum standard, and as such, it could be exceeded.

Councillor Lewers advised that he agreed with the comment in the public forum that 15 days was too long, but overall he was comfortable with the report's recommendation. However, he had received feedback from consultancies and developers that considerably more dialogue was needed when Stage 3 was undertaken. Councillor Shaw agreed that she had also received comment about the need to improve stakeholder engagement in the next stage of consultation.

There was further discussion about the consultation undertaken on Stage 2 and staff were questioned about their management of the submission made by Remarkables Park Ltd. It was noted that more than 200 submissions had been received, assessed and replied to, containing advice on whether points raised had been accepted and the reasons behind this decision. Mr Wallace confirmed that he had reviewed the

submission from Remarkables Park Ltd but it had not been accepted because no name had been provided. However, he undertook to follow up the concerns expressed in the Public Forum with Mr Fitzpatrick.

Questions were raised about the narrowness of roads in new subdivisions. Mr Wallace confirmed that this was a growing trend both nationally and globally and the concept was to create shared spaces and to slow traffic. He did not consider that roading widths and subdivision design would be examined in detail as part of Stage 3, adding that such matters were better addressed in the District Plan. He signalled that the provision of off road parking would be a significant consideration going forward.

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

- 1. Note the contents of this report;**
- 2. Adopt the QLDC Land Development and Subdivision Code of Practice;**
- 3. Authorise officers to make further minor changes to the QLDC Land Development and Subdivision Code of Practice without further recourse to the Council, where this is necessary to:**
 - a. Fix identified minor errors and /or omissions;**
 - b. Reformat to ensure maximum usability (hard copy and on-line); and**
 - c. Ensure continuity with other proposed provisions.**
- 5. Te Kirikiri/Frankton Masterplan for Endorsement**

A report from Matt Roberts (Senior Transport Engineer) presented the *Te Kirikiri/Frankton Masterplan* and *Integrated Transport Programme Business Case* for endorsement as QLDC's vision for Frankton, noting that this was specifically at this point in time.

Mr Hansby, Mr Pickard and Mr Roberts presented the report.

Councillor Clark congratulated the team on the completion of such a significant piece of work. She noted however, that neither document referenced the Council's Climate Action Plan, largely because of timing. Mr Pickard noted that climate action and sustainable design could be added at project level by being incorporated into the smaller business cases. In addition, the review cycle would allow referencing with the Climate Action Plan.

Councillor Smith asked why Queenstown Airport was greyed out and whether the airport capacity and existing noise boundary had been considered. In reply, it was noted that the masterplan assumed that Queenstown Airport would continue to be

in this location but the only modelling associated with the airport had been the land transport associated with the airport. The same growth factor as that projected for the district had been applied in this modelling.

As Chair of the Frankton Community Association, Councillor Lewers acknowledged the work of the project team, their levels of engagement with the community and the production of a great body of work.

Councillor Gladding was critical of the lack of discussion about Queenstown Airport as it was clear that it was a constraining factor. Whilst there were excellent short-term objectives, she hoped that there would be further consideration about the airport. Notwithstanding this, she was prepared to support the recommendation.

The Mayor signalled that Southern DHB was disappointed that the hospital was omitted from the plan and sought further discussion on the Masterplan.

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

- 1. Note the contents of this report;**
- 2. Endorse the Te Kirikiri/Frankton Masterplan as QLDC's vision for Frankton at this point in time; and**
- 3. Endorse the Te Kirikiri/Frankton Integrated Transport Programme Business Case as QLDC's transport programme for Te Kirikiri/Frankton.**

6. Dog Control Policy and Practices Report 2019 - 2020

A covering report from Kacie English (Regulatory Support Coordinator) introduced the Dog Control Policy and Practices report 2019/20 for the Council to adopt in accordance with Section 10A of the Dog Control Act 1996.

Ms Edgerton and Ms English presented the report. Ms Edgerton acknowledged that this had been Ms English's first report adding that despite a 7% increase of dogs in the district the total number of complaints was about 100 fewer than the previous year. This was the first time a reduction had been achieved which was due to the efforts of the Dog Control team.

Members observed that previously incorrect impound figures had now been corrected.

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

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

2. **Adopt the Dog Control Policy and Practices report 2019/2020, in accordance with Section 10A of the Dog Control Act 1996;**
3. **Approve the publication of the Dog Control Policy and Practices report 2019/2020; and**
4. **Direct Council staff to forward a copy of the Dog Control Policy and Practices report 2019/2020 to the Secretary for Local Government.**

7. **Chief Executive's Report**

A report from the Chief Executive presented information about recent meetings and:

- a) Sought a minor amendment to the minutes of the Council meeting held on 18 April 2019 (changing 'housing' to 'affordable housing');
- b) Sought a new delegation enabling nomination of a person to any Expert Consenting Panel under the provisions of the COVID-19 Recovery (Fast-track Consenting) by the Chief Executive and the General Manager Planning and Development;
- c) Presented for ratification recommendations from the Wānaka Community Board in respect of (i) Luggate Hall; (ii) Lessor's Consent for new Snow Farm hut; (iii) Lessor's consent for Wānaka Tennis Club flood lights;
- d) Presented for ratification a recommendation from the Community and Services Committee to adopt the Queenstown Lakes District Council Libraries Strategy 2020-2030.

Councillor Smith advised that the Wānaka Community Board had agreed to support a funding contribution from the Wānaka Asset Sale Reserve Fund for the Luggate Hall, but had made it clear in approving this allocation that it did not want to whittle away the reserve fund, but wanted to use for something of strategic significance.

Councillor Shaw sought clarification on the process for 'fast-track consenting'. She asked for this section of the recommendation to be taken separately.

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

1. **Note the contents of this report;**
2. **Jopp Street Affordable Housing**
Amend the minutes of the ordinary Council meeting held on 18 April 2019 to read: "Agree to change the purpose of the land to that of Affordable Housing from public utility (subject to the approval of the Minister of Local Government)";
3. **Use of the Wānaka Asset Sale Reserve for the Luggate Hall Replacement project**

Agree that that \$1,000,000 from the Wānaka Asset Sale Reserve be allocated to the Luggate Hall replacement project;

4. Pisa Alpine Charitable Trust – New Snow Farm School Hut - Lessor’s Consent

Agree to exercise the Minister’s consent (under delegation from the Minister of Conservation) to approve the new structure on behalf of Council as lessor.

5. Wānaka Tennis Club: Lessor’s Approval and Affected Person’s Approval to Install New Flood Lights

Agree to exercise the Minister’s consent (under delegation from the Minister of Conservation) to approve the new flood lights on behalf of Council as lessor; and

6. Queenstown Lakes District Council Libraries Strategy 2020-2030 (updated August 2020)

Adopt the Queenstown Lakes District Council Libraries Strategy 2020-2030.

On the motion of the Mayor and Councillor Lewers it was resolved that the Queenstown Lakes District Council: COVID-19 Recovery (Fast-track Consenting) Act 2020
Delegate the power to nominate a person to any Expert Consenting Panel under the provisions of the COVID-19 Recovery (Fast-track Consenting) Act 2020 to the Chief Executive in conjunction with the General Manager Planning and Development.

Councillors Shaw and Gladding recorded their votes against the motion.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor MacDonald 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 (Ordinary meeting of Council, 3 September 2020)

Item 8a: Chief Executive’s Report: Provincial Growth Fund

Item 9: Procurement Process for Delivery of Joint Waka Kotahi NZTA/QLDC Projects – Approval

Item 10: **2020/21 Events Funding Round**

Item 11: **Queenstown Country Club Special Housing Agreement – Deed Variation**

Item 12: **Chief Executive End of Term Review**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
8a. Chief Executive’s Report: Provincial Growth Fund	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: c) to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information— i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;	Section 7(2)(c)(i)
9. Procurement Process for Delivery of Joint Waka Kotahi NZTA / QLDC Projects – Approval	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
10. Events Funding Round 2020/21	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)
11. Queenstown Country Club Ltd Special Housing Agreement – Variation to Deed	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
12. Chief Executive Recruitment Process	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 7a: Chief Executive’s Report: Kawarau Falls Bridge Pipework Funding

Item 8: Chief Executive Recruitment Process

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
7a. Chief Executive's Report: Kawarau Falls Bridge Pipework Funding	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)
8. Chief Executive Recruitment Process	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)

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.

The meeting came out of public excluded and concluded at 3.15pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR

DATE