

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 3 June 2021 commencing at 1.00pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (General Manager, Finance, Legal and Regulatory), Mr Peter Hansby (General Manager, Property and Infrastructure), Ms Meaghan Miller (General Manager, Corporate Services), Mr Tony Avery (General Manager, Planning and Development), Mr Chris English (Building Services Manager), Mr Anthony Hall (Regulatory Manager), Ms Helen Evans (Team Leader Environmental Health), Ms Carrie Edgerton (Regulatory Support, Animal Control & Parking Team Leader), Ms Laura Gledhill (Contracts Manager), Ms Polly Lambert (Policy and Performance Programme Manager), Ms Michelle Morss (Strategy and Development Manager, Corporate Services), Mr Dan Cruickshank (Property Advisor, APL Property), Mr Aaron Burt (Senior Parks and Reserves Planner) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and six members of the public

Apologies/Leave of Absence Applications

The following Councillors requested leave of absence:

- Councillor MacLeod: 10-23 July 2021
- Councillor Smith: 17-23 July 2021
- Councillor Miller: 26 July – 2 August 2021

On the motion of the Mayor and Councillor Clark the Queenstown Lakes District Council resolved that the requests for leave of absence be granted.

Declarations of Conflicts of Interest

No declarations were made.

Public Forum

1. Pierre Marasti (Extinction Rebellion)

Mr Marasti observed that he had spoken at the last Council meeting about droughts but now there were 'never seen before' floods in New Zealand. If only it were true that these conditions were 'a one in 100 years event', but these adverse weather events were happening with greater frequency and intensity. The recent Ashburton floods had caused colossal damage to property, costing many millions of dollars and he questioned how much longer farmers would be able to withstand such events. Meaningful actions were needed now or all would be affected by global heating during our current lifetimes.

He referred to the solar mandate in California requiring new homes to have solar panels, noting however that this was not a permitted activity in the Queenstown Lakes District.

2. Bruce Farmer (Sustainable Glenorchy): Natural Hazard Risks in Glenorchy, Community Resilience and Risk Management

Mr Farmer stated that Glenorchy was vulnerable to all natural hazards except volcanoes and the community was at risk knowing that a disaster was coming. The flood bank had been breached within the last six months and there was a 75% chance of a force 8 earthquake along the Alpine Fault in the next 40 years. It was expected that this earthquake would be three times longer and stronger than the Christchurch earthquake, with liquefaction also expected to be worse. He asked what QLDC had done to build a safe and resilient community and sought better communication between QLDC and ORC about disaster management.

Confirmation of Agenda

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

Confirmation of Minutes

On the motion of Councillor Gladding and Councillor Miller the Queenstown Lakes District resolved that the minutes of the public part of the ordinary meeting held on 29 April 2021 be confirmed as a true and correct record.

It was noted that item 1 had been withdrawn from the agenda prior to its publication.

2 Dangerous and Insanitary Building Policy Review

A report from Chris English (Building Services Manager) presented the proposed Dangerous and Insanitary Building Policy for public consultation in accordance with Section 83 of the Local Government Act 2002 (the special consultative procedure). The new policy was an update of the existing policy which was dated 2007.

Mr English and Mr Avery presented the report.

It was suggested that because of the technical information in the document it would be helpful to prepare an information sheet to help the public's understanding of the relevant laws and what conditions would be deemed unsanitary.

Councillor Gladding asked where illness was covered under the 'Dangerous building' definition. Mr English undertook to clarify.

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

1. **Note the contents of this report and in particular the Statement of Proposal and proposed Dangerous and Insanitary Building Policy;**
2. **Adopt the Statement of Proposal including proposed amendments to the Dangerous and Insanitary Building Policy as part of a special consultative procedure;**
3. **Authorise the public notification of the Statement of Proposal as part of a special consultative procedure;**
4. **Appoint a hearings panel of Councillors Clark, Gladding, Lewers, and Shaw, any three of whom are needed to form a panel to consider submissions and to make recommendations to Council on the final form of the Dangerous and Insanitary Building Policy.**

3 **Queenstown Lakes District Council Shotover River Bylaw 2021**

A report from Tom Grandiek (Monitoring, Enforcement and Environmental Team Leader) presented the Queenstown Lakes District Council Shotover River Bylaw 2021 for adoption following completion of the special consultative procedure in accordance with Section 86 of the Local Government Act 2002.

Mr Hall presented the report. He detailed the plans in place to provide better passive recreational access to the Shotover River via a new webpage and booking system. He stressed that the primary purpose of the Shotover River Bylaw was to ensure safety for all users in the presence of jet boats.

Members of the hearing panel noted that enabling greater access by passive users to the Shotover River had been a critical consideration during deliberations, but the advice had been that this was not the role of the bylaw. The changes made to the booking system had been the only option open to the panel to make the river more available to passive users. It was the panel's expectation that Shotover Jet and QLDC would work together to make the new system work.

Councillor Clark observed that the time for changing public access to the Shotover River would be when Shotover Jet's concession was renewed in 2029 and this should be a serious consideration when the renewal occurred.

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

1. **Note the contents of this report;**
2. **Approve the hearing panel recommendation to adopt the Shotover River Bylaw 2021 following consideration of public feedback from submissions;**
3. **Determine that the Shotover River Bylaw 2021 is:**

- a. Necessary to provide a regulatory framework to manage the Concession Area for the purposes of maritime safety;
 - b. The most appropriate and proportionate way of addressing the perceived problem; and
 - c. Not inconsistent with the New Zealand Bill of Rights Act 1990.
4. Adopt the Queenstown Lakes District Council Shotover River Bylaw, with the proposed bylaw coming into effect on 3 June 2021.

4 Food Grading Bylaw Review and Fees Review

A report from Helen Evans (Team Leader, Environmental Health) detailed the consultation process undertaken to revoke the Food Grading Bylaw 2016, noting that it was the recommendation of the hearing panel to revoke the bylaw. The report also detailed public consultation on new fees and charges which had been reviewed to meet the Funding Policy. It was also the hearing panel's recommendation that the new fees be approved for implementation from 1 July 2021.

Ms Evans and Mr Hall presented the report.

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

1. Note the contents of the report;
2. Approve the hearings panel recommendation to revoke the Food Grading Bylaw 2016 and rely on the provision of the Food Act 2014 to manage food safety; and
3. Approve and adopt the proposed fee schedule 'Current Fees and Proposed Fees' to commence on 1 July 2021.

5 Animal Control Fees 2021/22

A report from Carrie Edgerton (Regulatory Support, Animal Control & Parking Team Leader) presented new Animal Control fees for Council approval in accordance with Section 37 of the Dog Control Act 1996.

Ms Edgerton and Mr Hall presented the report. It was noted that animal control fees had last been reviewed in 2015.

There was further discussion about the proposed increase. In response it was noted that an increase was necessary to meet the Funding Policy because a majority of dog owners were now in the category where they were eligible to pay the lowest fee (a de-sexed pet, living in a fully-fenced property with a positive history with the

Council). This had resulted in good outcomes for dog control but also meant that a fees increase was necessary in order to achieve the correct balance between private and public benefit.

Councillor Smith observed that this was the third item in a row in which increased charges were being put forward. He noted that increased Council costs were challenging for many in the community.

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

- 1. Note the contents of this report;**
- 2. Approve the proposed fees in accordance with Section 37 of the Dog Control Act which allows Council to set fees by way of resolution, commencing 1 July 2021.**

6 Proposed Waste Fees and Charges 2021/22

A report from Laura Gledhill (Contracts Manager) presented updated waste fees and charges for the 2021/22 year for the Council to adopt.

Ms Gledhill and Mr Hansby presented the report.

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

- 1. Note the contents of this report;**
- 2. Accept the proposed increases to the waste fees and charges for the 2021/22 year, commencing 1 July 2021 'Proposed waste fees and charges for 2021/22.'**

7 Recommended District School Speed Zones – Reductions

A report from Polly Lambert (Policy and Performance Programme Manager) sought Council approval to undertake community engagement on speed limit reductions around schools in the district following a speed management review completed in 2019. It was noted that a specific recommendation from the hearing panel had been that staff undertake a further body of work on the development of school zones.

Ms Lambert and Mr Hansby presented the report.

A question was raised about the timing of the traffic counts during school holidays and whether this had skewed statistics. Ms Lambert confirmed that the consultants had also completed traffic counts at a different time and this information could be circulated. The investigations had confirmed that traffic speeds could be reduced.

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. Note the recommendations outlined in the Abley 'QLDC School Speed Zones' report;
3. Adopt the contents of this report and the following proposed speed limit reductions for further community engagement:

Area	Current Posted Speed Limit (km/h)	Recommended School or Permanent Speed Limit (km/h)
Queenstown		
Arrowtown Primary	40*	30
Glenorchy Primary	40	30
Kingsview Primary	40	30
Queenstown Primary	40	30
Remarkables Primary	40	30
St Joseph's School	40	30
Shotover Primary	40	30
Wakatipu High School	40	30
Wanaka		
Holy Family School	40	30
Mount Aspiring College	40*	30
Makarora School	80	40 (Permanent Speed Zone)
Wanaka Primary	Totara Terrace	40
	Kings Drive	40
Hawea Flat School	Kane Rd	100
	Camp Hill Rd	50

* These schools operated under a variable 40km/h speed zone during school drop off and pick up

4. Approve the consultation material as proposed with any minor amendments to be at the discretion of the General Manager, Property and Infrastructure.

8 **New Lease over 59 Buckingham Street (Arrowtown) to Hofmans Architects**

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) sought Council approval of a new lease of 59 Buckingham Street (Arrowtown) to Hofmans Architects, subject to several recommended conditions.

Mr Cruickshank and Mr Hansby presented the report.

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

1. Note the contents of this report;
2. Approve a new lease to Hofmans Architects over 59 Buckingham Street, Arrowtown subject to the following terms:
3. Delegate signing authority and agreement of final lease terms to the General Manager, Property and Infrastructure.

9 **New reserve licence at Bobs Peak, Ben Lomond, to Piyush Chavan (trading as TreadmarkNZ)**

A report from Dan Cruickshank (Property Advisor) assessed an application from Piyush Chavan for a licence over recreation and local purpose reserve (water supply) to provide guided bike tours and lessons at Bobs Peak, Ben Lomond. The report recommended that a licence be granted, subject to several conditions.

Dr Cloete and Mr Burt presented this report and that following.

Members spoke in support of granting the licence. It was noted that the number of commercial licences able to be granted would be defined in the Ben Lomond Reserve Management Plan.

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

1. Note the contents of this report;
2. Grant a new licence over recreation reserve under section 54(1)(d) of the Reserves Act to Piyush Chavan, for use of Ben Lomond for guided bike tours and lessons, subject to the following conditions:

Commencement	1st July 2021
Term	5 years
Renewal	One further term of 5 years by agreement of both parties
Rent	Base rent of \$750+GST per annum or 7.5% of turnover whichever is the greater.
Rent reviews:	Subject to the Community Facility Funding Policy
Permitted use	Guided bike tours and lessons.
Operating hours	Limited to between 9am and 9pm in summer and 10am and 5pm in winter, with daylight hours clause during autumn & spring.
Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000
Safety/Suspension	Council to retain ability to suspend or vary the licence for safety or other purposes
Other	Maximum group size of 10 persons, unless agreed separately with Council and subject to planning/consenting requirements.

10 New reserve licence at Bobs Peak, Ben Lomond, to Lake Adventures Ltd (trading as All Mountain NZ)

A report from Dan Cruickshank (Property Advisor) assessed an application from Lake Adventures (trading as All Mountain NZ) for a licence over recreation and local purpose (water supply) reserve for guided bike tours and lessons. The report recommended that a licence be granted, subject to conditions.

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

- 1. Note the contents of this report;**
- 2. Grant a new licence over recreation reserve under section 54(1)(d) of the Reserves Act to Lake Adventures Ltd, for use of Ben Lomond for guided bike tours and lessons, subject to the following conditions:**

Commencement	1st July 2021
Term	5 years

Renewal	One further term of 5 years by agreement of both parties
Rent	Base rent of \$750+GST per annum or 7.5% of turnover whichever is the greater.
Rent reviews:	Subject to the Community Facility Funding Policy
Permitted use	Guided bike tours and lessons.
Operating hours	Limited to between 9am and 9pm in summer and 10am and 5pm in winter, with daylight hours clause during autumn & spring.
Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000
Safety/Suspension	Council to retain ability to suspend or vary the licence for safety or other purposes
Other	Maximum group size of 10 persons, unless agreed separately with Council and subject to planning/consenting requirements.

11 **Submission on Freedom Camping (MBIE)**

A report from Michelle Morss (Strategy and Development Manager) presented the QLDC submission to the Ministry of Business, Innovation and Enterprise about proposed changes to Freedom Camping. Retrospective approval was sought because the submission had been lodged to meet the deadline of 14 May 2021.

Ms Morss presented this report and that following. She acknowledged the assistance of staff in the regulatory team (Anthony Hall and Carrie Edgerton) and Tim Dowson (Responsible Camping Programme Manager) for their help in preparing the submission.

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

- 1. Note the contents of this report;**
- 2. Approve retrospectively the contents of the Freedom Camping submission.**

12 **Submission – Otago Regional Council Long Term Plan**

A report from Michelle Morss (Strategy and Development Manager) presented the QLDC submission to the Otago Regional Council Long Term Plan. Retrospective approval was sought because the submission had been lodged to meet the deadline of 14 May 2021.

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

- 1. Note the contents of this report; and**
- 2. Approve retrospectively the contents of the QLDC submission to the Otago Regional Council’s Ten Year Plan 2021-31.**

13 **Chief Executive’s report**

A report from the Chief Executive report presented:

- a) A proposed remit to LGNZ remit seeking further discussion between local and central government about the urgent need for review of the Accommodation Supplement system.
- b) An update on the timing of the Spatial Plan delivery (now to be presented to the 29 July Council meeting)
- c) Recommendations from the Wānaka Community Board (re Hāwea Domain Reserve Management Plan) and Community & Services Committee (Hydro Attack Limited) for Council approval.

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

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

Local Government New Zealand AGM

- 2. Adopt retrospectively the QLDC Remit on the Accommodation Supplement and approve it to be submitted as a remit at the LGNZ AGM in Blenheim in July 2021.**

Recommendation from Wanaka Community Board, 13 May 2021: Hāwea Domain Draft Reserve Management Plan 2021 Adoption

- 3. Adopt the Hāwea Domain Reserve Management Plan.**

Recommendation from Community & Services Committee, 20 May 2021: Request from Hydro Attack Limited to review the Queenstown Bay Foreshore Reserve Management Plan 2016

4. Agree a partial review of the Queenstown Bay Foreshore Reserve Management Plan 2016 (RMP) and amend zone 1 policies and map to include a new commercial activity area; the amended RMP will be prepared and publicly notified using the special consultative procedure under the LGA 2002 with a one-month notification period and a hearing, if submissions are received;

5. Agree that subject to the partial review being approved for public consultation, the hearing panel recommendations shall be brought to the full Council on or before the end of the calendar year 2021; and

6. Appoint Councillors Copland, Miller and Shaw to a hearings panel to hear and consider submissions received.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor Clark the Queenstown Lakes District Council resolved that the public be excluded from the following parts of the meeting:

The general subject of each matter to be considered whilst the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Confirmation of minutes

Item 9: *Millbrook 3 Waters Infrastructure*

Item 10: *Acquisition of land at 394 Aubrey Road, Wānaka for a new water treatment plant on Beacon Point, Wānaka*

Item 11: *Appointment of Commissioners*

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
9. Millbrook 3 Waters Infrastructure	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) enable any local authority holding the information to maintain legal professional privilege;	Section 7(2)(g)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
10. Acquisition of land at 394 Aubrey Road, Wānaka for a new water treatment plant on Beacon Point, Wānaka	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)
11. Appointment of Commissioners for hearing of the Large Lot Residential Variation 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 private of natural persons, including deceased natural persons;	Section 7(2)(a)

Agenda items

Item 14: Acquisition of land for road from Bringans Consultants

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.

<p>14. Acquisition of land for road from Bringans Consultants</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>h) enable any local authority holding the information to carry on without prejudice or disadvantage, commercial activities;</p> <p>i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	<p>Section 7(2)(h)</p> <p>Section 7(2)(i)</p>
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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 1.56pm at which point it adjourned. It reconvened in public excluded at 1.59pm.

The meeting came out of public excluded and concluded at 2.01pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR

DATE