

Minutes of an extraordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown and via Zoom on Tuesday 28 September 2021 commencing at 1.03pm

Present:

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

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Pete Hansby (General Manager, Property & Infrastructure), Mr Ulrich Glasner (Chief Engineer), Ms Michelle Morss (Strategy and Development Manager, Corporate Services), Mr Naell Crosby-Roe (Governance and Stakeholder Services Manager) and Ms Jane Robertson (Senior Governance Advisor)

Conduct of meeting

The Mayor signalled that voting on all substantive resolutions would be conducted by way of a division. On procedural decisions the Mayor was happy to accept a verbal indication of acceptance or otherwise from Councillors.

Apologies/Leave of Absence Applications

There were no apologies.

The following requests for leave of absence were made:

- Councillor Clark: 1-5 October 2021
- Councillor Whitehead: 3-8 November 2021
- Councillor Miller: 7-15 November 2021

On the motion of the Mayor and Councillor MacLeod the Queenstown Lakes District resolved that the requests for leave of absence be approved.

Declarations of Conflicts of Interest

No declarations were made.

Confirmation of Agenda

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

1. **Three Waters Form – Feedback to Government**

A report from Michelle Morss (Strategy and Development Manager) and Ulrich Glasner (Chief Engineer) presented:

- a. the latest government updates on three waters reform;
- b. the specific data and modelling received to date;
- c. an assessment of the implications of the reforms for this district; and
- d. the Council's submission to the Department of Internal Affairs for approval, noting that the submission is due on 1 October.

Ms Morss and Mr Glasner presented the report.

The Mayor commented on the item. In his view, it was probably the biggest issue facing local government since amalgamation in 1989. The overall theme of the feedback presented for Council approval was that this proposal did not sit comfortably with QLDC.

There was general discussion. It was noted that there was no clarity about how the government would transfer water permits from councils to the new entity and this remained a concern.

Members questioned the intent of part 31(e). Ms Morss confirmed that the intent was to urge consideration of other options but she was happy to amend the position statement to make this point clearer.

Whilst accepting of the assertion that QLDC supported the need for regulation, a strong strategic framework and the key outcomes that the government sought to achieve, members agreed that any letter written in support of the position statement needed to specify clearly which objectives for reform were supported.

Councillor MacLeod asked Ms Morss to check the numbering in the position statement.

It was suggested that Ms Morss redraft points 4 and 26 to present the comments as two separate points.

Councillor Gladding spoke to changes she sought to the report recommendation and contents of the position statement. She asked for the addition of the following text *following* the opening paragraph of the position statement *and* for it to be included as a new Part B, with the subsequent parts being re-ordered:

QLDC will strongly and actively oppose Government mandating the proposed Entity based model for water services delivery.

Councillor Gladding also proposed the following change to part (3) of the report recommendation:

Authorises the Chief Executive to ~~draft the feedback letter to the Minister of Local Government by 1 October 2021, based on the position statement (with any amendments) at Attachment J~~ provide the Council's feedback (Attachment J including any approved amendments) with a covering letter, to the Minister of Local Government by 1 October 2021.

Members accepted both proposed changes and the report recommendation was altered accordingly.

The Mayor asked for a new version of the position statement (Attachment J) to be prepared and circulated to members, provided there was time to do so before the deadline for submissions of Friday.

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

- 1. Note the contents of this report, the latest updates from the Government and all attached analysis.**
- 2. Approves, with any amendments, the draft position statement at Attachment J.**
- 3. Authorises the Chief Executive to provide the Council's feedback (Attachment J including any approved amendments) with a covering letter, to the Minister of Local Government by 1 October 2021.**
- 4. Notes that a decision to provide feedback to the Minister of Local Government by the 1 October 2021 does not commit the Council to a particular position on a future model for three waters service delivery or to continued participation in the Government's reform programme.**
- 5. Notes that the Council cannot make a formal decision to adopt an alternative model for three waters service delivery without first amending the 2021-2031 Ten Year Plan and undertaking commensurate community consultation.**
- 6. Notes that a decision to support the government's preferred three water service would currently be ultra vires (unlawful) due to section 130 of the Local Government Act 2002 (LGA), which prohibits the Council from divesting its ownership or interest in a water service except to another local government organisation. This section of the LGA will require amendment before the government's proposal can proceed.**

7. Notes that the Government intends to make further decisions about the three waters reform after 30 September 2021 and that the Chief Executive will report back to Council when further information has been provided.
8. Notes that the Queenstown Lakes District Council is committed to consulting with the community further on three waters reform in a meaningful way once the Council has further information from the Government on the next steps in the reform programme.

The motion was put and carried unanimously:

For: Mayor Boulton; Councillor Clark, Councillor Copland, Councillor Ferguson, Councillor Gladding, Councillor Lewers, Councillor MacLeod, Councillor Miller, Councillor Shaw, Councillor Smith, Councillor Whitehead

Against: Nil

Abstain: Nil

The meeting concluded at 1.34pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

MAYOR

DATE