

**Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Armstrong Room, Lake Wanaka Centre, Wanaka on Thursday 22 May 2014 commencing at 1.00 pm.**

**Present:**

Councillor Lyal Cocks (Deputy Mayor); Councillors Aoake, Ferguson, Forbes, Gazzard, Gilmour, Lawton, MacLeod, Perkins and Stammers-Smith

**In attendance:**

Mr Adam Feeley (Chief Executive Officer), Mr Scott Carran (General Manager, Legal and Regulatory), Mrs Ruth Stokes (General Manager, Operations), Mr Matthew Paetz (District Plan Manager), Mr Tony Pickard (Senior Planner – Policy), Mrs Vanessa Rees-Francis (Technical Officer), Mr Lee Webster (Manager, Regulatory) and Ms Jane Robertson (Governance Advisor); 4 members of the media and 5 members of the public

**Apologies and Leave of Absence Requests**

An apology was received from Mayor van Uden.

Councillor Aoake sought a leave of absence between 16 – 24 June.

**On the motion of Councillors Perkins and MacLeod it was resolved that Council accept the apology and approve the request for leave of absence.**

**Conflicts of Interest**

No conflicts of interest were noted.

**Confirmation of Minutes**

Councillor Gilmour referred to an amendment to the minutes of 27 March 2014 made at the last meeting in relation to the proposed Queenstown Convention Centre. She expressed concern that the Council's 2012/13 Annual Report stated that Council would 'lead the development of a Convention Centre at the Lakeview site', observing that this was the third time this statement had been made. She considered that this was a misrepresentation of the Council's position as the Council's resolution from its 17 September 2013 meeting had been only to '*Lead the development of a convention centre proposal at the Lakeview site*'. She was particularly concerned that on three separate occasions the public record had failed to document that the Council had no mandate to lead the development of a Convention Centre. The Chief Executive agreed that future references to the decision of Council on 17 September 2013 would clearly state that the Council was to 'lead the development of a convention centre proposal' and that the Annual Report would be corrected.

Councillor Gilmour asked when a workshop to consider an Eco Design Advisor role would be held. The Chief Executive advised that he would do so if the Council indicated to him that this should replace other priorities. Councillor Lawton also expressed support for further discussion about this role.

**On the motion of Councillors Stammers-Smith and Forbes it was resolved that Council confirm as a true and correct record the minutes of the ordinary meeting of the Queenstown Lakes District Council held on 17 April 2014.**

### **Confirmation of agenda**

The agenda was confirmed without addition or alteration.

### **Public Forum**

#### **1. Rachel Brown**

Ms Brown noted that the Hawea School Track had been long in gestation, encountering various obstacles along the way and was now facing further complications. She had been in attendance at the recent hearing at which the inequity of the land swap had been noted but accepted because of the high community value of the project. The landowner had subsequently been offended by a media report about the land swap and had threatened to retract the agreement as a result.

Ms Brown was of the view that the article had been an accurate representation of discussions at the hearing, adding that there had been a prevailing sense of gratitude expressed to the owners whose actions would allow this project to go ahead. She reiterated these thanks to the landowners and encouraged the Council when discussing the item to be aware of all the parties involved.

#### **2. Lewis Verduyn-Cassels**

Mr Verduyn-Cassels advised that he had offered \$190,000 to Contact Energy to purchase the property beside the Clutha River on which he resided and wished to establish the Red Bridge River Park. His offer had been met by a counter offer of \$300,000 from Contact and he now had until 27 May to make another offer, but he did not have access to the financial resources which would allow him to offer much beyond \$190,000. He questioned the valuation of his land, noting that an adjacent larger piece which also had no building platform had recently sold for \$190,000 and asked why his land had been valued at \$395,000, particularly as his dwelling was only a removable cottage. He also disagreed with Contact's assertion that his plan to establish a Red Bridge River Park which incorporated the land he occupied was no longer viable because of the sale of linking sections, pointing out that there was a marginal strip available that would connect his land with the other sections.

Mr Verduyn-Cassels stated that the objective of conservation park proposal was to remove invasive plants and restore native plantings and there were numerous

potential partners for this project. He was prepared to complete much of the work himself and wanted his own section to be part of the park and put into a trust. He believed that it would eventually make a very valuable community asset and was seeking a mediated settlement because he was having great difficulty negotiating directly with Contact Energy.

## **1. Mayor's report**

A report from the Mayor:

- a) Set out functions and meetings attended during the period 18 April – 21 May 2014;
- b) Summarised the items from and appended the minutes of the following meetings:
  - i. Property Subcommittee confirmed minutes of 10 April 2014
  - ii. Resource Consent Commissioners Appointment Committee confirmed minutes of 10 April 2014
  - iii. Wanaka Community Board unconfirmed minutes of 29 April 2014
  - iv. Property Subcommittee unconfirmed minutes of 8 May 2014
  - v. Resource Consent Commissioners Appointment Committee draft minutes of 8 May 2014
- c) Discussed the value received from the Council's membership of Local Government New Zealand and sought feedback from Councillors;
- d) Sought members for the Waterways and Ramp Fees Bylaw 2014 hearings panel to replace Councillors Aoake and Gazzard who had had to withdraw owing to a conflict of interest; and
- e) Notified the Council of Councillor Lawton's withdrawal from the hearings panel for the Wanaka Lakefront Reserves Management Plan owing to a conflict of interest.

## **Membership of LGNZ**

In response to the Mayor's request, there was further discussion on the value the Council received from its membership of Local Government New Zealand (LGNZ).

Members commented positively on the high quality of the LGNZ training courses they had attended and noted the importance of retaining links with an organisation that advocated on a national front.

The Chief Executive suggested rather than rating what LGNZ currently delivered, the Council consider whether its present services were what members sought. Councillor Lawton noted that she was happy to advise LGNZ of other areas the Council wished it to focus on when she attended the Annual General Meeting during the upcoming LGNZ conference.

Councillor Gazzard asked to view the most recent annual financial records of LGNZ.

Members concluded that it was appropriate for the Council to renew its LGNZ membership but at the same time to advise LGNZ of what else it would like to be focused on.

### **Property Subcommittee recommendation for approval**

Councillor Cocks drew attention to an item from the Property Subcommittee meeting of 8 May at which a lease to the Arrowtown Community and Sports Centre Trust had been considered. Approval of the lease was not within the Property Subcommittee's delegations but needed Council approval. It had been erroneously omitted from items requiring ratification and Councillor Cocks asked the Council to add it to the resolution.

**On the motion of Councillors Aoake and Gazzard it was resolved that Council:**

- a. **Note the report;**
- b. **Appoint Councillors Stammers-Smith and Perkins to form a hearings panel alongside Councillor Cocks to hear submissions on the Queenstown Lakes District Water and Ramp Bylaw 2014; and**
- c. **Approve a lease to the Arrowtown Community and Sports Centre Trust for a new facility at the northern end of Jack Reid Park, that in addition to the already approved uses, to include provision for a licenced premise, with the final terms and conditions to be determined under delegation by the General Manager, Operations.**
- d. **Note that an application for a designation change for the Northern end of Jack Reid Park is being prepared by officers to enable to construction of a new facility by the Arrowtown Community and Sports Centre Trust with a view to lodging the application by 30 June 2014.**
- e. **Note that the designation change for the Northern end of Jack Reid Park will be publicly notified, which will satisfy the requirements of the Reserves Act 1977 in enabling a change to the Lake Hayes – Arrowtown Reserves Management Plan to reflect the final location of the Arrowtown Community and Sports Centre Trust facility.**

### **2. Chief Executive's report**

A report from the Chief Executive detailed meetings attended recently and provided an update on progress with the projects contained in the Chief Executive's performance framework.

There was further discussion about the Council's relationship with the Queenstown Lakes Community Housing Trust and its acceptance of the Trust's philosophical position. Councillor Gilmour suggested that the Council review again the HOPE strategy and for the Liaison Group to be reformed.

Councillor MacLeod sought clarification on the current status of the stakeholder agreement for the Wanaka Sports Facility. The Chief Executive advised that although discussions continued, building design would not be a barrier to final agreement. Councillor MacLeod commended staff for the capital cost comparisons provided, but questioned the large amount of information often presented just before or at meetings and asked that documentation be distributed further in advance. He stressed the importance of examining the costs, particularly as there were strong governmental indications that development contributions would not be available to fund the Wanaka Sports Facilities. He asked that the report for the June Council meeting examine the operating deficit of \$909K per annum.

Councillor Gilmour noted that there would be insufficient time during the hearing of the annual plan submissions to consider the strategic review of library services and asked for a separate meeting to be scheduled.

Councillor Gilmour asked for the communications plan for the District Plan Review.

A request was made for the next report on the proposed Queenstown Convention Centre to assess the impact of the recently announced Wellington Convention Centre.

**On the motion of Councillors Perkins and Forbes it was resolved that Council note the report.**

### **3. Road Naming Application – Remarkable Parks Limited**

A report from Vanessa Rees-Francis (Technical Officer) assessed a proposal to name a new road located within Remarkables Park as 'Mountain Ash Drive'. The proposed name complied with the road naming policy and was therefore recommended for approval.

Mrs Rees-Francis joined the table. She advised that Remarkables Park had applied to name another road in the same area as 'Red Oaks Drive'. Its background was identical to that of 'Mountain Ash Drive' and the suggested name was also in accordance to the policy and therefore supported. In light of these factors, she asked the Council also to approve this name.

**On the motion of Councillors Gazzard and Ferguson it was resolved that Council approve the new road names 'Mountain Ash Drive' and Red Oaks Drive' pursuant to Section 319A of the Local Government Act 1974.**

#### 4. Easement over Jack Reid Park

A report from Ruth Stokes (General Manager, Operations) discussed the granting of an easement over 102m<sup>2</sup> of Jack Reid Park (Arrowtown) in favour of the Queenstown Lakes Community Housing Trust to facilitate access to a proposed housing development on six neighbouring residential lots.

Mrs Stokes joined the table for this and the following item.

It was noted that the easement had been the subject of a hearing earlier in the week with many submitters expressing concern about traffic safety if the easement was granted. This had not been a consideration of the hearings panel which was required only to assess the impact of granting the easement on the reserve. The hearings panel's recommendation was that the easement be granted, subject to several conditions.

**On the motion of Councillors Aoake and Gilmour it was resolved that Council:**

- a. **Approve the granting of an easement in favour of the Queenstown Lakes Community Housing Trust ['the Trust'] under section 48(1)(f) of the Reserves Act across Jack Reid Park, recreation reserve section 38 Blk VII Shotover SD in favour of section 1-6 block XXII, Town of Arrowtown subject to:**
  - i. **the Trust providing a confirmed landscaping plan for the two lots on the corner of Cardigan and Suffolk Street including a public walkway through open space to the Manager, Parks and Operations.**
  - ii. **the footpath realignment and landscaping mitigation/boundary treatment along the length of the proposed accessway being agreed with the Manager, Parks and Operations and to the account of the Trust.**
  - iii. **the parties' costs incurred in registering the easement to be to the account of the Trust.**

#### 5. Hawea Flat Land Exchange

A report from Joanne Conroy (Property Manager, APL Limited) considered an exchange of private land with a portion of the Hawea Domain Reserve in order to allow for the development of a walkway connecting Domain Road and the Hawea Domain Reserve with Camp Hill Road.

Members expressed concern that negative media comment had jeopardised the arrangement with the landowner. Members agreed that it was important

to acknowledge the landowners' support in facilitating a project which had been sought for many years by the community. The resolution was amended to reflect the Council's gratitude.

**On the motion of Councillors Perkins and Aoake it was resolved:**

- a. That Council approve the proposed exchange of 1.6875 hectares of the Hawea Domain recreation reserve (Section 19 Blk IV Lower Hawea Survey District) with 0.1869 hectares of the Laing Dairy land (Lot 1 LT 460542) to enable a walkway to be formed between Camp Hill Road and the Hawea Domain subject to the following:**
  - i. Council to meet the costs of facilitating the land exchange**
  - ii. Council to meet the cost of fencing the new walkway boundary and the parties to share equally in the cost of a fence on the new Western Domain boundary**
  - iii. One share in the Hawea Irrigation Company to be transferred from QLDC to Laing Dairy Ltd**
  - iv. Laing Dairy Limited to provide a potable water supply to the Domain**
  - v. A covenant to be registered on the new walking track title preventing the public complaining about legitimate farm activities on the Laings' land.**
- b. That the Council acknowledge the support of the landowner for enabling the Hawea Flat land exchange.**

**6. Dog Control Bylaw 2014 – Proposed new bylaw and associated Dog Control Policy**

A report from Lee Webster (Manager, Regulatory) presented a new Dog Control Bylaw and Dog Control Policy for approval so that the special consultative procedure could commence.

Mr Webster and Mr Carran joined the table to speak to the report.

Members questioned what controls were in place for dogs roaming on sports fields. Mr Webster noted that many sports fields were in the rural general zone meaning that dogs did not have to be on a leash, but this could be changed by an amendment to the bylaw. Councillor Ferguson asked if this change should be made to the draft for the purposes of public consultation but this suggestion was rejected on a show of hands.

In response to a question raised by Councillor MacLeod about the introduction of a special licence to keep more than two dogs, Mr Webster noted that this had been included in response to an online dog control survey undertaken earlier in the year, but could also be an issue upon which further public comment could be made through the consultation process.

Councillor Lawton asked that the legal definition of microchipping be included in the bylaw and added as a quality defining 'compliant dog ownership' as detailed in the Dog Control Policy. Councillor Gilmour asked that the definitions of dangerous and menacing dogs as described in the Dog Control Act 1996 also be included in the bylaw and policy.

It was noted that Search and Rescue and other service dogs (except disability assist dogs) were not exempt from registration fees. Mr Webster noted that this was another policy which may stimulate public comment.

Following further discussion, it was agreed that Queenstown Hill would be removed from the list of areas from which dogs are prohibited. The Council also agreed to adopt option three ('Targeted fees adjustment') as the preferred fee structure for the purposes of public consultation and altered clause 6(1)(b) to read 'a female in season.'

**On the motion of Councillors Forbes and Lawton it was resolved that the Council:**

- a. **Approve the proposed Queenstown Lakes District Council Dog Control Bylaw 2014 for public consultation;**
- b. **Approve the proposed Queenstown Lakes District Council Dog Control Policy 2014 for public consultation;**
- c. **Approve the proposed Queenstown Lakes District Council Statement of Proposal and Summary of the Statement of Proposal for public consultation;**
- d. **Approve the recommended option and fees as specified in the regulatory impact statement [option three: 'Targeted fees adjustment'];**
- e. **Direct that a discussion paper on designated dog exercise areas is prepared for Council consideration; and**
- f. **Agree to appoint Councillors Aoake, MacLeod and Perkins to hear and consider the submissions on the proposed Queenstown Lakes District Dog Control Bylaw 2014 and,**



**proposed Dog Control Policy 2014, and  
recommend to Council the form of the Bylaw  
and Policy to be adopted.**

**7. Plan Change 49: Earthworks**

A report from Tony Pickard (Senior Planner, Policy) presented the Section 32 report on proposed plan provisions for Plan Change 49 – Earthwork, for public notification.

Councillor Stammers-Smith commended staff for producing a draft which reduced the earthworks section of the District Plan from 66 to 13 pages.

Councillor Lawton disagreed with a comment under Objective 7 (Cleanfill Facilities), stating that cleanfills also gave off gases and removal of cleanfill from the waste stream was for many reasons and not purely because of climate change.

Councillor Gilmour noted that the policies for Landscape and Visual Amenity values did not include the impact of earthworks on sensitive flora or fauna. She asked for the policy for significant indigenous vegetation to be included under rules for 'Landscape and Visual Amenity Values' and that indigenous vegetation be referenced under 22.3.1 – General Provisions/Cross Referencing: District Wide Rules'.

Some interest was expressed on the comments made by Z Energy and BP Oil NZ Ltd on the Managing Earthworks: Issues and Options paper, noting that these could be circulated if desired.

It was noted that 'Statutory Acknowledgement Areas' needed to be cross-referenced.

**On the motion of Councillors Stammers-Smith and  
Gilmour it was resolved that the Council:**

- a. **Note the contents of this report and in particular:**
  - i. **The issues associated with the existing policy approach with regard to earthworks.**
  - ii. **The proposed policy response to address these issues, and the resulting benefits.**
- b. **Agree to pursue policy Option 2 "Retain and improve existing provisions in a new District Wide Chapter."**
- c. **Agree to adopt Plan Change 49 Earthworks – Section 32 report and associated provisions and direct staff to notify the Plan Change in accordance**

with the 1st Schedule of the Resource Management Act 1991.

- d. **Authorise officers to make further minor changes to the Earthworks Section 32 report and associated provisions without further recourse to the Council, where this is necessary to:**
  - i. **Ensure consistent numbering and formatting of the proposed district plan text; and**
  - ii. **To fix identified minor errors and / or omissions.**

Members noted that Erik Barnes (General Manager Infrastructure and Assets) was leaving the Council's employ at the end of the week. They expressed thanks to him for his work in the position and extended best wishes to him for the future.

*The meeting concluded at 3.39 pm.*

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**M A Y O R**

**26 June 2014**

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**D A T E**