

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 25 September 2014 commencing at 1.00 pm.

Present:

Mayor Vanessa van Uden; Councillors Cocks, Ferguson, Forbes, Gazzard, Gilmour, Lawton, MacLeod, Perkins and Stammers-Smith

In attendance:

Mr Adam Feeley (Chief Executive Officer), Mr Stewart Burns (Chief Financial Officer), Ms Meaghan Miller (Director, CEO's Office), Mr Scott Carran (General Manager, Legal and Regulatory), Mr Lee Webster (Regulatory Manager), Ms Kristy Rusher (Senior Solicitor), Mr Matthew Paetz (District Plan Manager), Mr Tony Pickard (Senior Planner – Policy), Mrs Jan Maxwell (Arts and Events Facilitator), Mrs Joanne Conroy (Property Manager, APL Property Ltd) and Ms Jane Robertson (Governance Advisor); two members of the media and seven members of the public

Apologies

An apology was received from Councillor Aoake.

On the motion of Councillors Perkins and Gilmour it was resolved that the apology be accepted.

Public Forum

1. Mr Basil Walker

Mr Walker supported the request of Simon Hayes made at a recent meeting that some form of barrier be placed at the Shotover Street end of Duke Street to discourage drivers from driving the wrong way up Duke Street. He suggested that planters from disused rubbish bins be used for this purpose.

In reply to this point, the Mayor noted that a fence had been arranged and Mr Hayes had been advised of this two weeks ago.

Mr Walker stated that the presentation by Jan Tomkins at the recent Queenstown Convention Centre forum had been excellent, but he considered that the performance by other consultants was disappointing. He expressed concern that the Council was persevering with the current design and the same consultants. He suggested that the Council bond the consultants working on this project for work of a poor standard, adding that because of the enormity of its effects and the weak basis for the Plan Change, the Convention Centre was at least a decade away.

Mr Walker suggested that instead of the Convention Centre project, the Council develop a rest home on the site. He stated that this had the benefits of having an average of 90% occupancy and little effect on environment, plus was a growing industry. He detailed his vision for this rest home and stated that it was a much

better option because he felt that the proposed Queenstown Convention Centre would be beset by bureaucracy for many years.

Mr Walker referred to a recent news article which indicated that Southern District Health Board would be unable to fund the building of a new hospital at Frankton. Whilst this was clearly disappointing, he believed that a retirement home development by the Council would kill two birds with one stone, both adding to the elderly care facilities available in town and allowing the present hospital to expand into the rest home adjacent to its current site.

2. Warwick Goldsmith

Mr Goldsmith addressed the Council about a matter within the Mayor's report from a recent Property Subcommittee meeting concerning the development of a cycleway in Hansen Road. He supported the project in principle, but had concerns that the staff report stated that Mrs Hansen had not responded to a letter advising her of the project and seeking her agreement to install fencing. He noted that Mrs Hansen did not live on the site and the land was farmed by other parties who should also have been contacted about the proposal.

Mr Goldsmith noted that the map indicated that the trail route led to a gate and turnaround area and he expressed concern at the possibility of the gate's removal, as it currently controlled the movement of cattle. Furthermore, if removed, traffic would continue but there was nowhere to turn around after this point and the surface was very muddy. He foresaw that campervans would get stuck in this mud and suggested instead that a stile be installed, as this would still permit the passage of walkers and cyclists but stop cattle and vehicles.

Mr Goldsmith advised that there was a steep blind corner on Hansen Road which would be difficult for cyclists to negotiate and potentially unsafe, especially as the road was unsealed. The topography meant that it would not be possible to develop a separate cycle lane beside the blind corner and he suggested that another solution be found.

On a separate matter, Mr Goldsmith noted that some friends who farmed in the district had been surprised at the Queenstown Trails Trust pegging the edge of the legal road on their land, and had been concerned that they were not notified before this occurred.

3. Reg Anderson

Mr Anderson expressed concern that Council staff had not supported the police request to extend the time of the daily liquor ban, citing numerous problems with people drinking alcohol late into the evening along the lakefront. He believed that this encroached upon the freedom of other people walking through the area, adding that there were many bars in the vicinity at which people could drink instead.

In reply to advice that bylaws now required evidence of crime or disorder, Mr Anderson did not believe that there was a problem with crime, but the large numbers of people drinking on the waterfront meant that it was not a pleasant

place to be. He added that the public toilets were also very unpleasant at that time of day. He did not believe it was appropriate to permit people to have a daily party on the lakefront and he was encouraged to make a submission on this issue.

Leave of Absence Requests

Councillor Gilmour sought a leave of absence from 29 September – 3 October 2014.

Councillor Cocks sought a leave of absence from 6-17 November 2014.

On the motion of Councillors Lawton and Forbes the Council resolved that the request for leave of absence be granted.

Conflicts of Interest

Councillor Stammers-Smith declared a conflict of interest in relation to item 13, as he had provided legal advice in the past to the current operators of the Queenstown, Arrowtown, Albert Town, Wanaka and Glendhu Bay camping grounds.

Matters Lying on the Table

There were no matters lying on the table.

Confirmation of agenda

The agenda was confirmed without addition or alteration.

1. Review of the Queenstown Lakes District Council Control of Liquor in Public Places Bylaw 2009

A report from Lee Webster (Regulatory Manager) detailed the statutory provisions for reviewing a bylaw, set out the considerations to which regard had been had in undertaking the review of the QLDC Control of Liquor in Public Places Bylaw 2009 and introduced the proposed QLDC Alcohol Ban Bylaw 2014. The report recommended that the draft bylaw be adopted for the purposes of public consultation.

Mr Webster and Mr Carran joined the table. Mr Webster advised of a correction to the title of the existing bylaw on page 12 of the agenda, noting that it should instead read 'the Queenstown Lakes District Council Control of Liquor in Public Places Bylaw 2009'. He also made a correction to paragraph 15 of his report which should read: '*....and the removal of the existing restrictions ~~would~~ could lead to an increase in offending.*'

Mr Webster was invited to explain further the new Local Government Act 2002 statutory test for making bylaws. He advised that a bylaw replacing an expiring bylaw now had to meet the test of there being a 'high level of crime or

disorder made worse by alcohol consumption'. He added that the Act did not define 'high level' but it was necessary to provide concrete evidence of crime and disorder. He stressed that the former test of protecting the public from nuisance and offensive behaviour was no longer applicable.

There was extensive discussion about the staff recommendation against the police request for the year round time restricted alcohol ban to be extended to commence at 8.00pm instead of 10.00pm. Consideration was given to whether more public comment would be generated by specifying either 8.00pm or 10.00pm in the draft bylaw released for consultation. Following some debate, it was agreed that the draft bylaw should remain as originally printed (10.00pm), in the hope that those wanting the ban time to begin at 8.00pm would submit in support of this change. In reply to a suggestion that the consultation documents note that this stance had been deliberately taken to invite submissions, the Mayor stated that such a comment could be included in the publicity about the consultation process, but not in the consultation documentation itself.

It was agreed that the consultation material would prompt submitters to provide any evidence of a high level of disorder or crime made worse by the consumption of alcohol.

A request was made for the legal definition of 'disorder' to be included in the consultation materials.

The Mayor observed that if the Council was dissatisfied with the present statutory test for Bylaws, it should seek to change the Act.

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

- a. Agree that the proposed Queenstown Lakes District Council Alcohol Ban Bylaw 2014 be adopted for public consultation; and**
- b. Appoint a committee of Councillors Gazzard, MacLeod and Stammers-Smith for the hearing of submissions on the Queenstown Lakes District Council Alcohol Ban Bylaw 2014.**

2. District Plan Review: Historic Heritage Chapter

A report from Tony Pickard (Senior Planner – Policy) introduced and summarised the key provisions of a proposed new Historic Heritage chapter of the District Plan for the Council's endorsement, with final approval to be sought (in May 2015) once all elements of the District Plan review impinging on the content had been completed. The report noted that it would be at this point that public consultation would be undertaken. The draft Historic Heritage chapter and Section 32 evaluation were attached to the report.

Consideration was also given to an addendum circulated separately which detailed earlier consultation undertaken on heritage issues and previous versions of the chapter. It also discussed development of the first stage of the new District Plan; the preparation of an inventory of protected heritage features; an assessment of their heritage significance and the use of Transferable Development Rights and/or a relaxation in rules to achieve better planning outcomes for heritage features.

It was noted that whilst no specific reference had been made to the Arrowtown planning guidelines, they had been incorporated into the overall town centre provisions.

Members observed that it was often difficult for members of the public to access information about heritage items. Equally however, members of the public held important information about heritage properties which could expand the information held by the Council and it was important to provide the means whereby the community could both seek and provide such information.

On the motion of Councillors MacLeod and Cocks it was resolved that the Council:

- a. Note the contents of this report and in particular:
 - i. The Resource Management issues associated with the current provisions.**
 - ii. The RMA Section 32 Evaluation.****
- b. Agree to accept the Historic Heritage Chapter.**
- c. Note that any previous resolutions of the Council relating to the heritage provisions and associated reports for the District Plan review are superseded by the preceding recommendation and are accordingly rescinded.**
- d. Note that this chapter will be brought back for Council's final approval along with other chapters forming Stage 1 of the District Plan Review, prior to statutory consultation and public notification anticipated in May 2015.**
- e. Authorise officers to make further minor changes to the Section 32 Evaluation report and 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.****

iii. Ensure continuity with other proposed provisions.

3. Draft Significance and Engagement Policy

A covering report from Meaghan Miller (Director, CEO's Office) introduced the draft Significance and Engagement Policy to the Council for adoption for the purposes of undertaking public consultation on it. The draft policy was attached to the report.

Ms Miller joined the table. Members observed that there were some gaps in the Schedule of Assets (Appendix 3) and they were asked to contact Ms Miller directly with any additions.

There was considerable further discussion about section 8 ('Providing Information') and how people would source current and background information about a topic. It was suggested that both the timeframe and the process should be specified, but otherwise it was agreed to leave the text as drafted for further public comment.

Members debated whether instead of the 'right' information, 'full' or 'clear' information would be a better expression, but agreed to adopt 'right information' for the purposes of public consultation.

A request was made to spell out 'sport and rec' in full (Appendix 1).

On the motion of Councillors Cocks and MacLeod it was resolved that the Council agree to adopt the draft Significance and Engagement Policy for public consultation.

4. Proposal to name officially the track along Gorge Road after the Sutherland Family

A report from Maddy Jones (Parks Officer) assessed against the Council's 'Parks and Reserves Naming Policy' a request from the Sutherland family to name the existing cycle/walking track between Queenstown and Arthurs Point as the 'Sutherland Track' after the Sutherland family, who had had a long association with the area. The report supported this request and recommended that the name be approved.

Mike Saunders joined the table. Members asked that future reports discussing the naming of a geographic feature or asset after an historic figure provide background information detailing the historic relevance of the individual/s concerned as this was important for the public record.

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

- a. **Approve the formal naming of the existing cycling/walking track which is part of a legal road adjacent to Gorge Road as 'Sutherland Track'; and**
- b. **Authorise officers to gazette the name 'Sutherland Track'.**

5. Proposal to name officially the Council owned sports field and playground at the Jacks Point Subdivision

A report from Maddy Jones (Parks Officer) assessed against the Council policy a request from the Jacks Point Residents' and Owners' Association to name the Jacks Point sportsfield as 'Jack Tewa Park', after Jack Tewa who was the first person to discover gold in the Arrow River in 1863. The report supported this request and recommended that the name be approved.

A question was raised about whether interpretive signage explaining the historic reference should be also placed at the site. Staff were asked to assess this suggestion and to include the requirement to gazette the new name in a review of the 'Parks and Reserves Naming Policy'.

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

- a. **Approve the formal naming of the Recreation Reserve (Lot 13, DP 364700) in the Jacks Point subdivision as 'Jack Tewa Park'; and**
- b. **Authorise officers to gazette the name 'Jack Tewa Park'.**

6. Revised Development Contribution Policy 2014/15

A report from Stewart Burns (Chief Financial Officer) set out a revised policy on Development Contributions for 2014/15 in accordance with Sections 201A and 201B of the Local Government Act 2002.

A request was made for the information prepared previously assessing the quantum of funding lost as a result of the legislative change preventing the use of development contributions for recreation facilities to be circulated to Councillors.

On the motion of Councillors Gazzard and Perkins it was resolved that the Council agree to adopt the revised Policy on Development Contributions for 2014/15 pursuant to Sections 201A and 201B of the Local Government Act 2002 to incorporate the Reconsideration Process (Appendix B) and with reference to the Schedule of Assets (Appendix A).

7. Proposed Amendment to Property Subcommittee Terms of Reference

A report from Kristy Rusher (Senior Solicitor) presented and discussed proposed amendments to the terms of reference for the Property Subcommittee. The overall objective of the proposed changes was to enable the Property Subcommittee to deal with a wider range of business, thereby ensuring that Council agenda time could be used to maximum efficiency and allowing decisions on transactions to be made within commercially desirable timeframes.

Councillor Stammers-Smith expressed concern that members of the Property Subcommittee had not been consulted before this item was put to the Council. He believed that the new powers proposed for the Property Subcommittee were such that resolutions should not be able to pass by a simple majority of two, as at present. If the delegations were to be altered as proposed, he recommended that the membership of the Property Subcommittee be increased in size by one and the quorum raised to three.

The Mayor sought an example of an issue that was deemed to be major. Councillor Stammers-Smith suggested that rent reviews and the leasing and licensing of land could all be considered major. There was also comment that the retention of delegations at Council level was in line with the decision made at the start of the term that all Councillors should have the opportunity to make decisions on all items. Furthermore, it was appropriate for this sort of decision to be made in public and all Property Subcommittee meetings took place with the public excluded.

Staff advised that the motivation for the recommendation was a desire to stream-line the decision-making process and avoid over reporting on minor matters. The frequency of Property Subcommittee meetings (fortnightly) also provided for timely decision-making, whereas a decision may have to wait for a month to be considered by the full Council. It was also noted that it was common for many councils to delegate decisions of this type to staff.

There was general agreement that the concerns lay largely with the scale and extent of a decision and the Council needed to determine at which point on the scale an issue was deemed significant and where it was comfortable to delegate authority. The Mayor suggested that the matter lie on the table pending further investigation of this question.

It was noted that until such time as the delegations were clarified, all lease renewals should be presented directly to the full Council.

On the motion of the Mayor and Councillors Gilmour it was resolved that the Council leave the item lying on the table pending the preparation of further information on the proposed delegations to the Property Subcommittee.

8. Annual Grants – Review

A covering report from Jan Maxwell (Arts and Events Facilitator) summarised the accountability reports from the 30 groups which combined, received annual grants from the Council totalling \$686,670.00. Appended to the report were end of year financial records for the individual groups which had received Council funding support. It was noted that the primary objective of the reporting regime for community grants was to ensure accountability for the significant funds that the Council committed annually to community groups and to provide confidence that the grant money had been expended in the way intended.

Ms Miller and Mrs Maxwell joined the table. It was noted that the financial reports presented with the agenda item were for 2012/13 rather than 2013/14 but it was common for charitable and community groups to wait a long time for audited accounts as they were often reviewed *pro bono*. Within the coming months it was hoped to receive the latest financial records and a statement or invoice confirming expenditure from each group. Staff stressed that no group received payment of its grant until this information had been provided and accountability details would be placed on the Council's website.

Members observed that in some cases it would be more helpful to have a written summary of a group's activities rather than detailed financial information.

**On the motion of Councillors Cocks and Lawton
it was resolved that the Council note the report.**

9. Mayor's Report

A report from the Mayor:

- a) Set out functions and meetings attended during the period 26 August – 24 September 2014;
- b) Summarised the items from and appended the minutes of the following meetings:
 - i. Wanaka Community Board draft minutes of meeting of 26 August 2014
 - ii. Property Subcommittee draft minutes of meeting of 28 August 2014
 - iii. Resource Consent Commissioner Appointment Committee draft minutes of meeting of 28 August 2014
- c) Detailed actions taken from previous Council meetings;
- d) Sought the Council's approval of:
 - i. A Licence to Occupy to the Queenstown Mountain Bike Club for the Fernhill Loop Track;
 - ii. The opening of an unformed section of Hansen Road for a proposed new cycle trail; and
 - iii. The lease of reserve land in Aubrey Road, Wanaka to Rockgas Ltd for a LPG storage facility.

Hansen Road Cycle Track

Mrs Conroy joined the table to provide background information about the Hansen Road cycle track and to respond to the questions raised in the public forum. She noted that since preparation of the written report, a discussion with Mrs Hansen had taken place. She had some hesitation about the proposal but was prepared to work through the issues with the developer. Discussions had also taken place with the parties who farmed the land and staff would continue to work with them on the position of cattle stops and gates to accommodate their farming practices over winter.

Mrs Conroy stated that she understood that Mrs Hansen was prepared to pay for the fencing and the developer had offered a very good rate to her to install fencing, although final agreement on this point had not yet been reached.

Mrs Conroy noted that a bollard could be placed at the road end to prevent vehicles travelling further.

The safety concerns about cyclists using Hansen Road would be highlighted with both the Queenstown Trails Trust and the Council's Transport Policy and Stakeholder Manager.

On the motion of Councillors Cocks and Perkins it was resolved that the Council:

- a. Note the report.**
- b. Licence to Occupy – Fernhill Loop Track to the Queenstown Mountain Bike Club**
Approve a licence to occupy as the administering body of the Reserves and under separate DOC delegation to Queenstown Mountain Bike Club over Section 4, Section 10, Section 14 and Section 19 Block I Mid Wakatipu Survey District and Sections 1-2 Block VIII Mid Wakatipu Survey District, trail known as the Fernhill Loop, with final terms and conditions to be agreed under delegation by the General Manager, Operations.
- c. Proposed New Trail, Hansen Road, Queenstown**
Approve the opening of the unformed section of Hansen Road for a new cycle trail, adjacent to Pt Section 47 Blk II Shotover SD and Section 48 Blk II Shotover SD through to Tucker Beach Road, Queenstown, noting that Council will not be required to maintain the trail once it is formed.
- d. Proposed New Lease – Rockgas LPG Storage, Aubrey Road, Wanaka**

Approve as the administering body of the Reserve a lease to Rockgas Limited over Lot 984, DP 413111, with final terms and conditions to be agreed under delegation by the General Manager, Operations.

10. 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.

Councillor Gazzard observed that the report indicated that there had been no progress on the Queenstown Bay component of the Sunshine Bay to Kelvin Heights Foreshore Management Plan and asked that a plan for its development be prepared.

On the motion of Councillors Gilmour and Gazzard it was resolved that the Council note the report.

Confirmation of Minutes

28 August 2014

The following amendments to the draft minutes were made:

Item 1 (page 7)

~~It was~~ The Chief Executive explained that although a preferred option could be identified [...] all the options. He Mr Burns added that consultation...

Item 2, part 8 of resolution (page 11)

8 Targa to make provisions for controlled access for residents and businesses during the event to the satisfaction of the Planning and Infrastructure ~~Group~~ Manager.

On the motion of Councillors Stammers-Smith and Cocks it was resolved that Council confirm as a true and correct record the minutes as amended of the ordinary meeting of the Queenstown Lakes District Council held on 28 August 2014.

11 September 2014

On the motion of Councillors Perkins and MacLeod it was resolved that Council confirm as a true and correct record the minutes of the extraordinary meeting of the Queenstown Lakes District Council held on 11 September 2014.

Councillor Gilmour abstained from voting because was not present at the meeting

The meeting adjourned at 3.15pm and reconvened at 3.25 pm.

Resolution to Exclude the Public

On the motion of Councillors Ferguson and Lawton it was resolved that the Council exclude the public from the following parts of the proceedings of the meeting:

Item 11: Three Waters Maintenance Contract – form of contract and contract principles

Item 12: Appointment and Remuneration of Directors

Item 13: Holiday Park Outsourcing

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
11. New Three Waters Maintenance Contract Commencement Date	<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>(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);</p>	Section 7(2)(i)

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General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
12. Appointment and Remuneration of Directors	<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>a) protect the privacy of natural persons, including that of deceased natural persons, and</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)(a)</p> <p>Section 7(2)(i)</p>
13. Holiday Park Outsourcing	<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>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)(i)</p>

This resolution 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 3.25pm.

The meeting concluded at 4.25pm

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

30 October 2014

D A T E