

Minutes of an extraordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Tuesday, 20 November 2018 commencing at 1.00pm

Present:

Mayor Boulton; Councillors Clark, Ferguson, Forbes, MacDonald, MacLeod, McRobie, Miller, Smith and Stevens

In attendance:

Mr Mike Theelen (Chief Executive), Mr Stewart Burns (General Manager Finance, Regulatory and Legal), Mr Lee Webster (Manager, Regulatory), Mr David Collins (Legal Counsel, Meredith Connell) and Ms Jane Robertson (Senior Governance Advisor); one member of the media and three members of the public

Apologies/Leave of Absence Requests

An apology was received from Councillor Hill.

No requests for Leave of Absence were made.

It was agreed that the apology be accepted.

Declarations of Conflicts of Interest

No declarations of conflicts of interest were made.

Matters Lying on the Table

The following items remained lying on the table pending presentation to the Council on 13 December 2018:

- Stakeholder Deed for the proposed Universal Developments (Hawea) Special Housing Area
- Ratification of Hearings Panel's recommendation on Private Plan Change 53: Northlake Special Zone

Public Forum

The Mayor advised that under Standing Order 14.15 he had discretion to decline to hear a speaker or to terminate a presentation where the matter being discussed was subject to a hearing (including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity), or the speaker had previously spoken on the same issue. Notwithstanding these provisions, he was prepared to accept speakers at the meeting.

1. Eddie McKenzie (Jet Boating New Zealand)

Mr McKenzie stated that he represented the 3,500 members of Jet Boating New Zealand ('JBNZ') and he detailed the organisation's objectives which included encouraging jet boating, coordinating national activities, protecting boaties' rights and promoting good relationships with statutory authorities.

He noted that the Clutha River had been open for jet boats to use for many years. The Maritime Transport Amendment Act 2017 only permitted restrictions to be imposed to address matters of either navigation or safety but other issues (noise or other environmental effects) were not relevant. There had been no jet boating accidents on the Clutha River and there was no reason to claim it was unsafe, provided that proper maritime rules were observed. He likened the situation to reducing the speed limit on Aubrey Road, pointing out that closing the road to all traffic had not been contemplated.

The Mayor advised Mr McKenzie that he was now addressing matters that had been covered at the hearing and it was not appropriate for him to continue in this vein during the Public Forum. He asked him to complete his address.

Mr McKenzie stated that what was proposed was a big compromise. JBNZ felt hard done by as the outcome was different from what they had believed was going to happen and they considered that the process had been unfair. He asked the Council to retain the status quo (the report's option 2).

Confirmation of agenda

**On the motion of the Mayor and Councillor MacLeod
the Council resolved that the agenda be confirmed
without addition or alteration.**

1. Proposed amendment to the Queenstown Lakes District Council Navigation Safety Bylaw 2018 – Clutha River

A covering report from Lee Webster (Manager, Regulatory) presented the final form of the Navigation Safety Bylaw 2018 following the completion of a Special Consultative Procedure. The report noted that the changes to the bylaw recommended by the hearings panel were as follows:

- a. Extend the proposed prohibition on recreational powered vessels operating in the Upper Clutha by 1 month to cover the period 1 December - 30 April inclusive (clause 35.1(a));
- b. Removal of the proposed restrictions on powered vessels (commercial) operating in the Upper Clutha under a resource consent between 15 January and 1 February (clause 35.1(a)(i)); and
- c. Insert a list of expressly permitted activities on the Clutha River under clause 21.5.44 of the Queenstown Lakes Proposed District Plan subject to a requirement to seek permission from the Harbourmaster (clause 35.1(a)(ii)).

The report recommended that the Council adopt the proposed amendment to the Navigation Safety Bylaw because it reflected public concerns regarding collision risks in the Upper Clutha River and recognised the different navigation safety risk profile in relation to the upper and lower parts of the Clutha River at different times of the year.

The report was presented by Mr Webster and Mr Collins.

Mr Webster acknowledged that the comments during the Public Forum which was demonstrable of the breadth of views in submissions and the divided feelings of both the local and wider communities. He observed that the amendment proposed was a compromise intended to balance maintaining access for powered vessels whilst improving the safety of passive users. He noted that the matter had attracted significant public interest with as many as 1,800 submissions received on the subject over the course of the last 12 months. He thanked all submitters for participating in the process although he recognised that the outcome would not satisfy everyone. Nonetheless, he considered that the process had been thorough and the discussions robust.

Councillor Smith questioned the safety of the hours of winter speed uplifting (10am to 6pm) as it would be dark after 5pm in winter. Mr Webster considered that it was a reasonable provision, provided boats had suitable navigation lights. Further, it was likely that vessels would travel more slowly in the dark.

Councillor Smith also questioned the conflict between the bylaw and the Proposed District Plan rule which prohibited motorised craft on the Clutha except for no more than six jet boat races per year. Mr Webster advised that it was now accepted that this interpretation of the wording was not the intention of the rule and operators with a consent would still be able to use the river.

Councillor Clark noted that a key consideration of the hearings panel had been the significant growth of both the Upper Clutha population and the number of visitors which had prompted the panel to consider the safety of passive users of the river.

Councillor MacLeod acknowledged the work of Mr Webster and Mr Collins throughout the process. He noted that a priority now was to gather data to obtain robust evidence of the different activities on the Clutha River.

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

- 1. Note the contents of this report;**
- 2. Adopt the recommendation of the Navigation Safety Bylaw Hearings Panel to amend the Navigation Safety Bylaw 2018 pursuant to section 156 of the Local Government Act 2002 to take effect on 1 December 2018;**
- 3. Direct Council staff to:**
 - a. replace existing signage on the Clutha River with new signage to reflect the Bylaw (as amended); and**

- b. produce materials to educate users of the Clutha River and the wider community regarding the amendment to the Bylaw.

The Mayor asked Mr Webster to pass the Council's thanks onto others in his team who had contributed to the bylaw's review. The efforts of the hearings panel were also acknowledged.

The meeting concluded at 1.17pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

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