

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 26 July 2018 commencing at 1.00pm

Present:

Mayor Boult; Councillors Clark, Ferguson, Hill, MacDonald, McRobie and MacLeod

In attendance:

Mr Mike Theelen (Chief Executive), Dr Thunes Cloete (General Manager, Community Services), Ms Meaghan Miller (General Manager, Corporate Services), Mr Peter Hansby (General Manager, Infrastructure and Property), Mr Dave Wallace (Acting General Manager, Planning and Development), Mr Lee Webster (Manager, Regulatory), Mr Marty Black (Harbourmaster), Ms Sian Swinney (Team Leader – Alcohol), Mr Tony Pickard (Transport Strategy Manager), Ms Polly Lambert (Acting Asset Planning Manager), Ms Jendi Paterson (Consultant), Mrs Jeannie Galavazi (Acting Parks Planning Manager), Ms Michele Morss (Corporate Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and three members of the public

Apologies/Leave of Absence Requests

Councillors Forbes, Miller and Stevens were absent from the meeting (all on approved leave of absence).

Councillor Smith was an apology for the meeting.

On the motion of the Mayor and Councillor McRobie the Council resolved to accept the apology.

Declarations of Conflicts of Interest

Councillor MacLeod declared an interest in item 2 'Review of Alcohol Ban Bylaw 2014' as he was the owner/operator of a business which held an alcohol licence. The Mayor stated that this was not an interest that would require Councillor MacLeod either to withdraw from the table or the room.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum

Glyn Lewers, Chair, Frankton Community Association
 Mr Lewers expressed support for the Frankton Masterplan and asked the Council to vote in support of it.

2. Jim Cowie, Chair, Albert Town Community Association ('ATCA')

Mr Cowie complained about the poor state of the Albert Town reserve which was leased by the Council to CCR Ltd to operate as a camp ground. He believed that the substandard facilities encouraged people to free-camp on the reserve and misuse of the area was giving it a 'shanty town' appearance with permanent residents, pit toilets, vehicles and structures. Some of the toilets had been set up close to swimming holes which had concerned locals, some of whom were intimidated by the campers. Mr Cowie had contacted APL Property Ltd to clarify the rules for camping, including the maximum stay permissible and whether it was permitted to build structures or store gear on the site. The answers he had received had been brief and to his mind, APL had been embarrassed by his questions. In recent times there had been an influx of 20 long term campers into the area and these people were not obeying any of the Council rules. He was concerned that CCR was not enforcing the rules as lessee and APL and QLDC were not monitoring the situation. ATCA wanted the camp ground to be run in accordance with QLDC rules and not be a squatter settlement.

3. Rob Greg, Pinewood Lodge

Mr Greg advised that he had operated Pinewood Lodge for 35 years and he was strongly opposed to the direction the Mayor was taking on the introduction of a \$10/night bed tax. He asked what would happen if local petrol stations added an extra tax on top of their prices, suggesting that customers would avoid them and instead buy petrol out of the district. He questioned why the Council wanted accommodation providers to do the same. He noted that Pinewood Lodge was a backpackers and \$10/night represented a 30% increase for customers who booked their \$30 beds. This was not a sustainable situation for the business and he was concerned that with added taxes of either \$10 or \$17 clientele would simply cancel. He urged the Council to consider different ways of raising funds that did not destroy local businesses.

Special Announcements

The Mayor referred to the recent helicopter accident which had resulted in the death of Matthew Wallis. He observed that this loss had affected the whole community, referring to the family's major contribution to the district and on behalf of the Council he formally extended condolences to the family.

Confirmation of agenda

The Mayor advised that the Council needed to resolve to add an additional urgent item to the agenda.

On the motion of the Mayor and Councillor MacDonald the Council resolved that the agenda be confirmed with the addition of the item entitled 'International Visitor Conservation and Tourism Levy' to be considered as item 10 on the agenda; the reason the item was not on the agenda is because the Mayor was on leave and could not approve the item; the reason it cannot be delayed is because the

submissions period has already closed and the Council must approve the submission without delay.

Confirmation of minutes

Ordinary meeting, 14 June 2018

On the motion of Councillors MacDonald and Ferguson the Council resolved that the minutes of the public part of the meeting held on 14 June 2018 be confirmed as a true and correct record.

Ordinary meeting, 28 June 2018

On the motion of Councillors MacDonald and MacLeod the Council resolved that the minutes of the public part of the meeting held on 28 June 2018 be confirmed as a true and correct record.

1. Navigation Safety Bylaw 2018 – Clutha River

A report from Lee Webster (Manager, Regulatory) detailed the feedback received during informal public consultation undertaken over April-May 2018 on four specific topics associated with the Navigation Safety Bylaw. Following consideration of the feedback a proposal had been developed for regulating powered vessels on the Clutha River, with a recommendation that the bylaw be amended in line with this proposal. Accordingly, the report recommended that the Council undertake the special consultative procedure to seek public comment on this proposed amendment.

The report was presented by Mr Webster and Mr Black. Mr Webster thanked the community for the input given so far on the bylaw's contents which had helped to shape the proposed amendment.

Councillor McRobie asked whether the proposal would result in increased usage of the boat ramp by the Albert Town Bridge. Mr Webster acknowledged that there was potential for this and the levels of monitoring and enforcement would increase, including the installation of CCTV at the site to address this concern. Councillor McRobie also asked whether consideration had been given to limiting speed on the area of the Clutha River south of the Albert Town Bridge and its confluence with the Cardrona River. Mr Webster noted that this had been considered but the recommendation was a compromise on the diverging views and the level of use. Councillor MacLeod noted that the speed in this area was also impacted by the state of the river, which was shallow and fast.

Councillor MacLeod thanked the Harbourmaster for the good work he had done with local jet boat operators. He asked for the word "River' to be added after the words Upper Clutha and Lower Clutha in the Statement of Proposal and Summary Statement of Proposal to ensure complete clarity. This amendment was accepted.

Consideration was given to the membership of the hearings panel.

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

- 1. Note the contents of this report;
- 2. Note that on 23 March 2018 the Council adopted the Navigation Safety Bylaw 2018 and directed staff to develop a new proposal for public consultation on possible amendments to the Navigation Safety Bylaw 2018 on four topics.
- Note that the Council carried out informal consultation and received submissions from the public on four consultation topics concerning possible amendments to the Navigation Safety Bylaw 2018.
- 4. Note that the Council has considered the results of the informal consultation in April 2018, and has developed a proposed amendment to the Navigation Safety Bylaw 2018 in relation to regulation of vessels on the Clutha River, and agrees not to amend the bylaw regarding river boarding requirements, paddle boarding leg leashes, and changes to the definition of "vessel".
- 5. Approve the commencement of the special consultative procedure in relation to the proposed amendment to the clauses within the Navigation Safety Bylaw 2018 that regulate vessels using the Clutha River.
- Appoint Councillors Clark, MacDonald and MacLeod to hear and consider the submissions on the proposal to amend the Navigation Safety Bylaw 2018 and make a recommendation to Council.

2. Review of Alcohol Ban Bylaw 2014

A report from Sian Swinney (Team Leader - Alcohol) presented a proposed Alcohol Ban Bylaw 2018 to replace the Alcohol Ban Bylaw 2014. Changes in the proposed new bylaw were to increase the current specified period for an alcohol ban of 10.00 pm on any day to 8.00 am the following day to 8.00 pm on any day to 8.00 am the following day for specific public places and an additional alcohol ban for National Crate Day. The report recommended that the draft bylaw be adopted for consultation via the special consultative procedure.

The report was presented by Mr Webster and Ms Swinney. Ms Swinney clarified that the proposed Crate Day Ban would affect the Queenstown CBD only and not the entire district.

Consideration was given to the membership of the hearings panel.

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

- 1. Notes the contents of this report;
- Adopt the recommendation for an alcohol ban for National Crate Day (or any other similar event or promotion) within the highlighted area in Attachment D;
- Adopt the recommendation to increase the hours for current specified period for an alcohol ban to 8.00pm on any day to 8.00am the following day for the public places specified in Schedule A of the proposed Alcohol Ban Bylaw 2018;
- 4. Agrees that pursuant to sections 155(2)(b) and 155(3) of the Local Government Act 2002, the proposed alcohol control bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990:
- 5. Authorise Council Officers to consult with the public on the proposed Alcohol Ban Bylaw 2018 using the Special Consultative Procedure; and
- 6. Appoint a hearings panel of Councillors Clark, Hill and McRobie to hear submissions, deliberate and make recommendations to the Council on the proposed Alcohol Ban Bylaw 2018.

3. Frankton Masterplan

A covering report from Tony Pickard introduced the Frankton Masterplan Establishment Report (which was attached), detailing the key factors of the project as set out in the report and seeking approval to proceed with the Masterplan and Programme Business Case.

Items 3 and 4 were presented by Mr Hansby and Mr Pickard.

Mr Hansby advised that the Council was still awaiting NZTA signoff on the Frankton Masterplan point of entry. It was hoped this would be received within the next fortnight.

Councillor Hill asked how staff would benchmark the proposed cost of \$840,000. Mr Hansby advised that the built budget had been based on the costs identified in the Queenstown Masterplan, but the costs would be firmed up when the Council went to market for the work.

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

- 1. Note the contents of the report;
- 2. Approve the Frankton Masterplan Establishment Report; and
- 3. Approve works to proceed on the Masterplan and programme Business Case.

4. Wanaka Integrated Transport Programme Business Case and Town Centre Masterplan

A covering report from Tony Pickard (Transport) presented the Wanaka Integrated Transport programme Business Case and Town Centre Masterplan, detailing the key aspects of the plan and seeking Council approval to proceed with the programme business case and masterplan.

The report was presented by the same as above.

Mr Hansby advised that NZTA had provided verbal confirmation that they approved the point of entry.

Councillor MacLeod supported this planning phase but also wanted some vision of the activation. He was keen for high levels of community engagement in the planning and activation. Councillor McRobie was hopeful of some activation before 2021.

On the motion of the Mayor and Councillor MacLeod it was resolved that Council:

- 1. Note the contents of this report;
- 2. Approve the Wanaka Integrated Transport Business Case and Town Centre Masterplan Establishment Report; and
- 3. Approve works to proceed on the Programme Business Case and Masterplan.

5. Traffic and Parking Bylaw 2012 Determination Report

A report from Polly Lambert (Acting Asset Planning Manager) presented the findings of a review undertaken of the Traffic and Parking Bylaw 2012 which had concluded that a bylaw was the most appropriate way of addressing traffic and parking issues in the district. The report therefore sought Council approval to prepare a draft amended bylaw and Statement of Proposal for

Council consideration in September which would commence the special consultative procedure.

The report was presented by Ms Lambert, Ms Paterson and Mr Hansby.

On the motion of Councillors Ferguson and McRobie it was resolved that the Council:

- 1. Note the contents of this report:
- 2. Note the contents of the Findings Report of the Traffic & Parking 2012 Bylaw Review;
- Agree that a bylaw is the most appropriate way of addressing traffic and parking issues that could arise from conflicting demands for use of the road way by vehicle type and road user;
- 4. Agree that a bylaw is the most appropriate way to support the implementation of future on road changes to support the district's transport and parking strategies;
- 5. Agree that the Traffic and Parking Bylaw 2012 is not the most appropriate form of bylaw and requires amendment to support easier communication and future infringement and be focused on all council-controlled places;
- Agree that a bylaw is considered consistent with the New Zealand Bill of Rights Act, in that while it can have implications for the freedom of movement, these are considered justified and not inconsistent;
- 7. Approve that the Traffic and Parking Bylaw 2012 be amended; and
- 8. Request that a Statement of Proposal and draft amended bylaw be prepared for Council consideration in September.
- 6. Changes to Freedom Camping Bylaw and Lake Hayes Reserve Management Plan

A report from Jeannie Galavazi (Acting Parks Planning Manager) presented proposed amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 and the Arrowtown-Lake Hayes Reserve Management Plan 2013. These amendments were needed so that freedom camping was restricted at the Shotover Delta and Lake Hayes North. It would also serve to make the policies fit for purpose, consistent with one another and consistent with council recommendations. Adoption of the proposed

amendments would enable consultation under the special consultative procedure to commence.

The report was presented by Mrs Galavazi and Dr Cloete.

Mrs Galavazi advised that this amendment was intended to align the Council's resolution from February 2018 with the legislation. This would ensure compliance prior to summer 2018/19, pending a full review on a district-wide camping strategy in the current financial year.

Consideration was given to the membership of the hearings panel.

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

- 1. Note the contents of this report;
- 2. Agree to notify the amendments to the Queenstown Lakes District Freedom Camping Control Bylaw 2012 to prohibit freedom camping at Lake Hayes and Shotover Delta;
- 3. Approve the amendments to the Arrowtown-Lake Hayes Reserve Management Plan 2013 as relating to freedom camping policies for notification; and
- 4. Appoint Councillors Forbes, Miller and Stevens to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Freedom Camping Control Bylaw 2018 and the amended Arrowtown-Lake Hayes Reserve Management Plan.
- 7. Underground Services Easement for Drivers Road Trust Company Limited and S Hodgson

A report from Blake Hoger (Property Advisor, APL Property Ltd) assessed an application for an underground services easement for the right to drain stormwater over Section 21 Block I Coneburn SD, being Recreation Reserve along Kelvin Heights waterfront, to the owners of 445 and 451 Peninsula Road, being Drivers Road Trust Company Limited and S Hodgson respectively. The report recommended that the easement be granted subject to conditions because granting the easement would not permanently affect the ability of people to use and enjoy the reserve nor would it materially alter or permanently damage the reserve.

The report was presented by Mr Hoger and Dr Cloete.

On the motion of the Mayor and Councillor McRobie it was resolved that the Council:

1. Note the contents of this report;

- 2. Grant an underground services easement for right to drain stormwater over Recreation Reserve, Section 21 Block I Coneburn SD, to Drivers Road Trust Company Limited and S Hodgson, henceforth referred to as the applicants, subject to the following conditions:
 - a. The applicants notify and liaise with QLDC Infrastructure Department in advance of any onsite works so they can approve the design of headwall and oversee and provide input relating to existing in-ground infrastructure;
 - b. The conditions of rule 12.B.1.8 of the Regional Plan: Water for Otago are adhered to at all times.
 - c. A \$2000 bond payable to QLDC prior to installation of pipes and structures commencing;
 - d. The work site to be evidenced by before and after photographs or video to be provided by the applicant to QLDC's Community Services Department;
 - e. A comprehensive safety plan must be prepared and implemented, at the applicant's cost, to ensure a safe environment is maintained around the subject site during duration of works and make specific reference to signage along the track. All activities are to be undertaken in accordance with Worksafe New Zealand's standards for the work environment.
 - f. Certificate of adequate public liability cover to be held by persons undertaking the works.
 - g. A Reserves Permit must be obtained from QLDC prior to commencement of physical works.
 - h. Reinstatement of the area to be completed immediately following the works, to the satisfaction of QLDC's Community Services Department.
 - i. Reinstatement of the track immediately following the works to the confirmed satisfaction of the Queenstown Trails Trust.

- j. Within 3 months of completion of the work, the applicant to provide QLDC with a surveyed easement and signed Deed of Easement.
- 3. Agree that notification to grant the easement is not required as the statutory test in Section 48(3) of the Reserves Act 1977 is met for the reason set out in the report.
- 4. Delegate authority to approve final terms and conditions, and execution authority to the General Manager Community Services; and
- Agree to the exercise of the Minister's prior consent (under delegation from the Minister of Conservation) to the granting of the easement to the applicants over Section 21 Block 1 Coneburn SD.

8. Delegated Authority for Proposed District Plan Appeals

A report from Ian Bayliss (Planning Policy Manager) sought approval from the Council to delegate authority to the General Manager Planning and Development, Manager Planning Policy and Principal Planner Planning Policy under section 34(1) of the Resource Management Act 1991 to enable resolution of the appeals on Stage 1 of the Queenstown Lakes District Council Proposed District Plan.

The report was presented by Mr Wallace.

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

- 1. Note the contents of this report;
- 2. Note that the Appeals Subcommittee has the delegated power to approve the resolution of Environment Court appeals and mediations under the Resource Management Act 1991;
- 3. Delegate to the General Manager Planning and Development, Manager Planning Policy, and Principal Planner Planning Policy (acting severally) the authority to represent and participate on behalf of Queenstown Lakes District Council in mediation and/or alternative dispute resolution for appeals to the Council's decisions on Stage 1 of the Proposed District Plan and reach an agreement within the quidelines and parameters set by the Appeals Subcommittee:

4. Note that once a decision on the district plan is appealed to the Environment Court, the ultimate decision on the outcome of that appeal will be directed by the Court and is not for the Council to decide.

The Mayor observed that this demonstrated the Council's confidence in the ability of staff to fulfil this important duty.

9. Chief Executive's Report

A report from the Chief Executive presented a summary of the items from recent Standing Committee and Wanaka Community Board meetings and a summary of the matters approved under delated authority during June/July (Licences to Occupy). A recommendation from the Community and Services Committee meeting held on 10 July 2018 was also presented for Council ratification.

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

- 1. Note the contents of this report;
- 2. Note the items considered during the past meeting round by the Audit, Finance and Risk Committee, Infrastructure Committee, Wanaka Community Board and Community and Services Committee;

Recommendation from Community and Services Committee

Proposal to amend the Reserve Improvements offsets for Shotover Country Sports field

- 3. Agree to amend the credit from the following previously agreed reserve improvement contributions for Shotover Country, to the Shotover Country Sports fields:
 - a. Cycleway linking to future reserve adjacent to Lower Shotover \$35,000
 - b. Playground in Merton Park \$66,455.90

subject to the following works being done in accordance with the associated costs:

a. Sports field in future reserve adjacent to Lower Shotover - \$69,000 (additional to the \$72,768.95 agreed by Council on 10 August 2017 and \$138,231.05 agreed by Council on 24 February 2016 for this purpose).

10. International Visitor Conservation and Tourism Levy

A covering report from Michelle Morss (Corporate Manager) presented the Council's submission to the Ministry of Business, Innovation and Employment on the proposed International Visitor Conservation and Tourism Levy for retrospective endorsement.

The report was presented by Ms Miller and Ms Morss.

The Mayor advised that the speaker in the Public Forum was incorrect in his assertions about the effects of a bed tax. The proposed bed tax would be an average and not a set \$10, so would not affect cheaper accommodation providers disproportionately. Further, the Council had not mooted a \$17 charge, which he understood had come from a journalist.

On the motion of the Mayor and Councillor MacDonald it was resolved that the Council:

- 1. Note the contents of this report;
- 2. Approve retrospectively the submission to the Ministry of Business, Innovation and Employment; and
- 3. Approve representation by the Mayor and Chief Executive to represent the views of the Council in support of the submission as the opportunity arises.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor MacLeod the Council resolved that the public be excluded from the following parts of the proceedings of the meeting:

Confirmation of minutes of ordinary meeting held on 14 June 2018

Item 11: Commonage Land Sale

Item 12: Appointment of Resource Management Act hearing commissioners

Item 13: Request for Council Guarantee in Favour of the Queenstown Lakes Community Housing Trust

Confirmation of minutes of ordinary meeting held on 28 June 2018

Item 6: Lakeview Development Request for Expressions of Interest (REOI) Evaluation

Item 7: Queenstown Town Centre Parking Buildings Detailed Business

Case

Item 8: Events Funding Allocations

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General subject considered.		Reason for resolution.	passing	this	Grounds Section passing resolutior	7 for of	ınder the this
11. Commonage Sale	Land	holding the infout, without disadvantage, activities; i) enable any holding the infon, without disadvantage,	elevant part the meeting It in the dis- n where informati y local ar ormation to prejudice com y local ar ormation to prejudice nego ommercial ations); isclosure or tion for in	of the would closure the or carry e or carry e or tiations and	Section 7(Section 7(2)(i)	
12. Appointment Resource Management hearing commissioners		whole or the reproceedings of be likely to result of information withholding of necessary to: a) protect the	elevant part the meeting It in the dis- n where informati privacy of uding tha	of the y would closure the on is	Section 7(2)(a)	

General subject to be	Reason f	for	passing	this	Grounds		u	nder
considered.	resolution.				Section	7	for	
					passing		of	this
					resolutio	n.		
13. Request for Council Guarantee in Favour of the Queenstown Lakes Community Housing Trust	whole or the proceedings be likely to of information unreasonate commercial who supplies of the information of deceased i) enable holding the on, with disadvantage	ne release of the result nation of to: tect in word word any e information description des	evant part e meeting in the disc where information railable o uld be prejudic on of the rho is the s to includir ral persons local au mation to prejudice	of the would closure the on is where of the likely ethority or carry etiations	Section 7	(2)		
	(including industrial ne	con	nmercial	and				

Confirmation of minutes of ordinary meeting held on 28 June 2018

General subject to considered.	eReason for passing resolution.	this Grounds under Section 7 for the passing of this resolution.
Expressions	That the public conduct whole or the relevant part proceedings of the meeting be likely to result in the distribution of information where withholding of information necessary to: h) enable any local a holding the information to out, without prejudic disadvantage, comactivities;	t of the g would sclosure e the ion is uthoritySection 7(2)(h) o carry e or

Ge	neral subject to be	Reason for passing thisGrounds under
CO	nsidered.	resolution. Section 7 for the
		passing of this
		resolution.
7.		That the public conduct of the
		whole or the relevant part of the
	•	proceedings of the meeting would
	Business Case	be likely to result in the disclosure
		of information where the
		withholding of information is
		necessary to:
		h) enable any local authority Section 7(2)(h)
		holding the information to carry
		out, without prejudice or
		disadvantage, commercial
		activities;
		i) enable any local authority Section 7(2)(i)
		holding the information to carry on, without prejudice or
		disadvantage, negotiations (including commercial and
		industrial negotiations);
		j) prevent the disclosure or use of Section 7(2)(j)
		official information for improper
		gain or improper advantage;
8.	Events Funding	That the public conduct of the
Γ.	Allocations	whole or the relevant part of the
	7 modation to	proceedings of the meeting would
		be likely to result in the disclosure
		of information where the
		withholding of information is
		necessary to:
		2(b)(ii) protect information where Section 7(2)(b)(ii)
		the making available of the
		information would be likely
		unreasonably to prejudice the
		commercial position of the person
		who supplied or who is the subject
		of the information to including that
		of deceased natural persons.

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 1.36pm.

PUBLIC EXCLUDED

Confirmation of minutes

Ordinary meeting, 14 June 2018

On the motion of the Mayor and Councillor McRobie the Council resolved that the minutes of the public excluded part of the meeting held on 14 June 2018 be confirmed as a true and correct record.

Ordinary meeting, 28 June 2018

On the motion of the Mayor and Councillor McRobie the Council resolved that the minutes of the public excluded part of the meeting held on 28 June 2018 be confirmed as a true and correct record.

On the motion of the Mayor and Councillor MacLeod it was resolved that the Council readmit the public to the meeting.

The meeting came out of public excluded and concluded at 1.37pm.

CONFIRMED AS A TRUE AND CORRECT RECORD								
MAYOR								

DATE