

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 31 August 2023 commencing at 1.00pm

Present:

Mayor Glyn Lewers; Councillors Bartlett, Bruce, Cocks, Ferguson, Gladding, Guy (via Zoom), Smith, Tucker, White, Whitehead and Wong

In attendance:

Mr Mike Theelen (Chief Executive Officer), Mr Stewart Burns (General Manager, Assurance, Finance and Risk), Mr Naell Crosby-Roe (Acting General Manager, Corporate Services), Ms Katie Church (Director, People and Capability), Mr Jeremy Payze (Senior Accountant), Mr Paul Speedy (Manager, Strategic Projects), Ms Alison Tomlinson (Strategic Asset Manager), Mr John Stephens (Partner, Meredith Connell), Mr Sean Widdowson (Graduate Policy Planner) and Mr Jon Winterbottom (Team Leader Governance); no members of the media and approximately 22 members of the public

Apologies/Leave of Absence Applications

There were no Apologies.

The following requests for leave of absence were made:

- Councillor Cocks: 14 September 2023
- Councillor White: 25 September 2023

On the motion of the Mayor and Councillor Gladding the Queenstown Lakes District Council resolved that the requests for Leave of Absence be approved.

Motion carried.

Declarations of Conflict of Interest

No declarations of conflict were made.

Matters Lying on the Table

There were no matters lying on the table.

Special Announcements

No special announcements were made.

Public Forum

1. Pierre Marasti, Extinction Rebellion

Mr Marasti provided an update on the impacts of climate change in the past few weeks. He referred to a storm in Norway, floods in Slovenia, a typhoon in Asia, a heatwave in Florida, and highlighted that there was concern that Dunedin and Christchurch might be vulnerable to flooding in the next few years.

During Mr Marasti's presentation there was a disturbance from members of the public in attendance and the Mayor issued a request that respect be shown to all persons presenting at public forum.

2. Mary Byrne (Fluoride Free New Zealand), Flouridation

Ms Byrne described concerns about adding fluoride to water supplies with potential negative effects on health such as hyperthyroidism and impacts on IQ, pointing to studies from Canada, Mexico, the United States and the UK. Ms Byrne raised concern over adding a chemical to drinking water and potential effects on those in the district, especially children. She recommended that the Council seek an injunction to avoid having to add fluoride to water while the High Court made a decision.

3. Dr Neil Waddell, Flouridation

Dr Waddell described his background as a faculty member in dentistry in Dunedin and on the Dental Council of New Zealand. Dr Waddell noted that the right to consent to medical treatment had come out of the Nuremberg Trials. Dr Waddell outlined potential negative health effects associated with the use of fluoride in water.

4. Roy Champaloup, Flouridation

Mr Champaloup considered that the local drinking water in Arrowtown was beautiful and advised members not to be complicit in 'poisoning' it. Mr Champaloup said that earlier this year QLDC had completed an analysis of the introduction of fluoride into water, despite international studies showing it to be dangerous. He suggested that QLDC had a moral obligation to avoid introducing fluoride and he was aware of several elected members who supported this position. Mr Champaloup took issue with some statements on the government website and in local media and requested QLDC to keep the public fully informed about its plans to introduce fluoride.

5. Brian Fitzpatrick (Remarkables Park), Project Manawa consultation

Mr Fitzpatrick requested extending consultation on Project Manawa since the original resolution passed did not specify the Stanley Street site. Mr Fitzpatrick read from the 2016 Council report and suggested that the 2016 decision was based on assumptions that no longer applied. Mr Fitzpatrick said that the plan had not been assessed against the Climate and Biodiversity Plan and suggested that it did not support active travel. He raised concerns that it would create unnecessary car trips and suggested that Frankton was the ideal location for a commercial services hub and for Council staff to work from.

6. Amanda Robinson (The Lightfoot Initiative Charitable Trust), Project Manawa

Ms Robinson considered that Project Manawa was a great idea given Queenstown's transition from a town to a city. Ms Robinson endorsed the comments of Mr Fitzpatrick and suggested that there were better locations for the project since the consultation seven years ago. She encouraged Council to take into account climate as well as the fact that 75% of people were on the other side of town. Ms Robinson gave examples of extensive changes since 2016 and suggested that new consultation was needed. She recommended Frankton as the best location for this project at the current time.

7. John Hilhorst (Flightplan2050), Airports

Mr Hilhorst spoke about the proposal to build a new airport in Tarras. Mr Hilhorst suggested that two different futures lay ahead depending on whether the Tarras airport moved ahead. Mr Hilhorst advocated for a future in which there was central city concentration, which would facilitate a better utility network, improved housing and be good from a climate perspective. The other future he associated with a more spread-out city where the economy remained reliant on tourism, with increasing pressure on transport and negative impacts on climate change. Mr Hilhorst suggested that Council had not examined this issue and recommended that Council examine all options before forming a final opinion.

Confirmation of Agenda

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

Motion carried.

Confirmation of minutes

10 August 2023 (Ordinary meeting)

The following amendments were made to the draft minutes:

- Special Announcements: Deletion of the words '...former Deputy Harbour Master'.
- Cherilyn Mayhew corrected to: Cherilyn Walthew
- Replace title of item 3: Delete 'Class 4 Gambling and TAB Venue Policy Review' and add 'Proposed Activities in Public Places Bylaw 2023 for adoption'.

On the motion of the Mayor and Councillor Gladding the Queenstown Lakes District Council resolved that the minutes of the public part of the ordinary meeting of the Queenstown Lakes District Council held on 10 August 2023 as amended be confirmed as a true and correct record.

Motion carried.

1. **Setting of Rates for 2023/2024**

A report from Stewart Burns (General Manager, Assurance, Finance and Risk) presented the proposal to set the rates for the Queenstown Lakes District Council for the 2023/24 financial year as per section 23 of the Local Government (Rating) Act 2002.

Mr Burns presented the report. He noted the following minor typographical errors in the attachment to the report:

- Page 29: sports hall and libraries charges 655 not 654);
- Page 37: water rates for Hāwea country dwelling plus flat should 122 (not 121).

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

1. **Note the contents of this report;**
2. **Set the rates for the Queenstown Lakes District Council for the 2023/24 financial year in accordance with section 23 of the Local Government (Rating) Act 2002 [as per Attachment A].**

Motion carried unanimously.

2. **Budget Carry Forwards from 2022/23**

A report from Jeremy Payze (Senior Accountant) sought to adjust the capital budgets for the 2023/24 financial year as a result of requests for budget carry forwards from 2022/23 along with adjustments to bring forward some capital budgets to 2022/23 from 2023/24.

Mr Payze and Mr Burns presented the report. Mr Burns noted that this was a procedural item that took place on a regular basis. He also noted a small error in the recommendation on page 44, which should have referred to Attachment A rather than Attachment B.

Councillor Gladding raised a concern about the risk of staff spending funds inconsistent with the baseline of current spending before the November reforecast was available. Mr Burns noted that informal messaging had been distributed to relevant staff detailing the process and he was confident that staff would not spend funds inconsistent with that process.

Councillor Gladding suggested that such a risk could be addressed by adding to the resolution. The Chief Executive advised against amending the resolution as the baseline was dynamic and Council had yet to determine it. Mr Burns indicated that he would be happy to send an internal email after the meeting clarifying that uncommitted work should not be commenced until the appropriate review.

On the motion of Councillor Bruce and Councillor Whitehead it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report.**
- 2. Authorise adjustments to the capital expenditure budgets in order to provide for carry forwards of \$50.8M to the 2023/24 financial year, offset with brought forwards of \$5.4M from the 2023/24 financial year; and**
- 3. Authorise adjustments to the operational budgets in order to provide for carry forwards of \$3.4M to the 2023/24 financial year [Attachment A].**

Motion carried unanimously.

3. Statement of Proposal for Project Manawa

A report from Paul Speedy (Manager Strategic Projects) presented a Statement of Proposal for Council adoption for the purposes of a Special Consultative Procedure to seek public submissions on a proposed land strategy for the Stanley Street site and proposed joint ownership (with Ngāi Tahu Property Limited) along with governance arrangements for a future civic administration building through a Council Controlled Organisation.

Mr Speedy presented the report and was joined at the table by Mr John Stephens (Partner, Meredith Connell).

There was extensive discussion with the following principal points raised.

Concern was expressed about the consultation document and whether it over-simplified the issues. In particular, the document presented no 'do nothing' option and there was concern that this could limit a hearings panel's considerations. Further, there was no discussion about the right location for the project.

The Chief Executive responded that the Council had already made a decision on the location (i.e. the town centre) and this was therefore deliberately excluded from the consultation document. He added that the option to 'do nothing' was always open to the Council, regardless of whether it was assessed or not. The Mayor noted that there had been consultation on the building's location in 2018 under the Long Term Plan. Mr Speedy offered further clarifications regarding the Partner Agreement and the relationship between the original resolution and the consultation document.

Concern was expressed that the consultation document did not set up its purpose clearly as it presented the whole site, but all reasonably practicable options for developing the whole site were not assessed, with discussion limited to construction of a Council building. This omission raised questions over the legality of document.

In response, Mr Speedy explained that the Partner Agreement with Ngāi Tahu contained certain outcomes, one of which was unlocking the site's potential, principally, that there should be an opportunity to develop the site once agreement had been reached on the Citizens' Advice Bureau. Mr Speedy added that if the proposal was rejected by the community and the Council decided not to pursue the status quo, there would have to be further discussions with Ngāi Tahu on progressing the Partner Agreement.

In response to a question about whether the hearing panel would be able consider all sides of the question, the Chief Executive pointed out that the hearing panel would receive a copy of all the submissions made as part of their hearing pack. Mr Speedy added that all submissions would be made public.

There was a question about whether the consultation document contained sufficient information to enable the formation of a CCO. Mr Speedy responded affirmatively and Mr Stephens provided further clarification. Members also asked whether it would be better to undertake this consultation as part of the Long Term Plan, with the Chief Executive observing that it was better to do it in the proposed way as it served to allow a greater focus on this topic.

There was a question about whether this was the right time to do the consultation given the cost of living crisis and the impact of the Long Term Plan program. The Chief Executive observed that this was only a preparatory step and plans would only be executed when the funding was in place. Mr Speedy noted that consulting at this time would be helpful for the next Long Term Plan.

Councillor Gladding proposed a new resolution to leave the item on the table, direct staff to add a third 'do nothing' option to the consultation document and bring the revised proposal to a workshop with elected members before commencing consultation.

Councillor Gladding spoke to her motion, reiterating her previous comments regarding her concerns over the original recommendation. The Chief Executive clarified what the addition of a do-nothing option would and would not achieve. Councillor Wong emphasised the division within the community over how to move forward, and indicated that he wanted to test the community's support for the current plan as he was not sure that such support currently existed. Councillor Whitehead expressed concern that the consultation document was not sufficiently clear and that it oversimplified extremely complex issues, adding that it was potentially, but inadvertently, misleading.

There were also comments in support of moving forward with the consultation, observing that discussions about the proposal had already been ongoing for more than a decade and it was not appropriate to revisit earlier decisions made by previous Councils. The Mayor indicated that support for the recommendation was not a vote on potentially building Manawa, but rather a vote on a land strategy to add substantial value to the land between Stanley and Ballarat streets. The Mayor suggested that they owed the community the opportunity to decide whether there should be freehold land in Frankton or in the CBD, and expressed support for moving forward with consultation.

Councillor Gladding exercised her right of reply, reaffirming her reasons in favour of the new motion and the importance of allowing the 'do-nothing' option.

It was moved (Councillor Gladding/Councillor Wong) that the Queenstown Lakes District Council:

- 1. Agree to leave the item lying on the table and direct staff to amend the consultation document to include an option 3 of "do nothing" (status quo) with respect to the land strategy consultation; and**
- 2. Direct staff to bring an amended Statement of Proposal to a workshop with Councillors before the item is uplifted for consideration at a future meeting.**

The motion was put with an equivalence of votes made (6:6). The Mayor exercised his casting vote to declare the motion lost.

Councillor Gladding's vote in favour of the motion was recorded.

The motion having failed, discussion reverted to the original recommendation. There were various suggestions made on improvements to assist the clarity of the consultation document.

On the motion of Councillor Ferguson and the Mayor it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Adopt Project Manawa Statement of Proposal dated August 2023 for the purposes of commencing a Special Consultative Procedure in relation to the proposal;**
- 3. Authorise officers to publicly notify the Project Manawa Statement of Proposal for public submissions under a Special Consultative Procedure;**
- 4. Appoint a hearings panel consisting of Councillor Cocks, Councillor White and Councillor Wong to hear submissions and make a recommendation on the:**
 - a. proposed land strategy for the Stanley Street site; and**
 - b. proposal of joint ownership (with Ngāi Tahu Property Limited) and governance arrangements for the future civic administration building through a Council Controlled Organisation (noting the establishment of a CCO will require a future decision by the Council); and**

5. **Direct officers to report back the recommendation of the hearings panel.**

Motion carried by a vote of (10:2) with Councillor Gladding requesting that her vote against be recorded.

At the Mayor's request, the meeting was adjourned for a short break at 2.31pm. The meeting reconvened at 2.37pm.

4. **Consultation on the Proposed Queenstown Lake District Speed Management Plan (SMP) 2024-2027**

A report from Alison Tomlinson (Strategic Asset Manager) presented Council with the proposed Queenstown Lakes District Speed Management Plan 2024-27 consultation package and requested approval to formally consult under section 82 of the Local Government Act (LGA). The report noted that the matter did not fall under the Special Consultative Procedure or require specific approval to proceed, but consultation was being requested due to the high-profile nature of speed management and to operate under a 'no surprise approach'.

Ms Tomlinson presented the report. Members expressed concern over and discussed at length proposed new speed limits for various roads throughout the district. During the course of the discussion Ms Tomlinson clarified that the attachment specifying the proposed new speed limits was out-of-date, contained errors and did not reflect the current recommended limits.

Councillor Whitehead left the meeting at 2.39pm.

Councillor Smith proposed an additional clause [4] to the original resolution that would allow the Mayor, Deputy Mayor and Chair of the Infrastructure Committee to consider and agree to the recommended speed limits before finalising the consultation package.

On the motion of Councillor Smith and Councillor White it was resolved that the Queenstown Lakes District Council:

1. **Note the contents of this report;**
2. **Approve public consultation on the Proposed Queenstown Lakes Speed Management Plan 2024-2027 in accordance with section 82 of the Local Government Act 2002; and**
3. **Note that Attachment A is the proposed Public Consultation Package which includes proposals for speed changes on various roads throughout the District;**
4. **Staff review the recommended speeds for the roads raised through the meeting and that a final recommended speed be**

considered and agreed by the Mayor, the Deputy Mayor and the Chair of Infrastructure Committee.

Motion carried (10:1) with Councillor Cocks recording his vote against.

5. **Adoption of Coneburn Industrial Variation to the Proposed District Plan**

A report from Sean Widdowson (Graduate Policy Planner) sought a resolution from Council to adopt the notified version of the Coneburn Industrial Variation to the Proposed District Plan (PDP). The variation was notified via Schedule 1 of the Resource Management Act (RMA) and two submissions had been received in support of the notified version of the variation. These submissions had been subsequently formally withdrawn. As noted in the report a hearing was not required, and a decision was being sought to adopt the variation as notified.

Mr Widdowson presented the report.

Councillor Bartlett asked for confirmation that the activity status “PR” meant “prohibited” in the context of a reference to residential visitor activities. Mr Widdowson confirmed that this was correct.

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

1. **Note the contents of the report;**
2. **Adopt the notified version of the Coneburn Industrial Variation to the Proposed District Plan (PDP) which amends provisions in PDP Chapters 44 Coneburn Industrial Zone, 25 Earthworks, 27 Subdivision and Development, 29 Transport, 31 Signs and 36 Noise;**
3. **Direct staff to alter the Proposed District Plan provisions to reflect the changes in the variation and to correct minor errors and make changes of a minor effect in accordance with Clause 16(2) of the First Schedule of the Resource Management Act 1991; and**
4. **Direct staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991.**

Motion carried unanimously.

6. **Chief Executive’s Report**

A report from the Chief Executive presented a summary of items discussed at the Infrastructure Committee meeting held on 17 August 2023. The report also recommended the proposed 2024 schedule of ordinary meetings for Council, Standing

Committees, and the Wānaka -Upper Clutha Community Board for adoption, and advised of a statutory notification regarding the voting system for future local government elections.

Councillor Gladding commented that it was good to see more meetings in Wānaka scheduled for 2024.

On the motion of the Mayor and Councillor Bartlett it was resolved that the Queenstown Lakes District Council:

- 1. Note the contents of this report;**
- 2. Adopt the 2024 schedule of ordinary meetings of the full Council, Standing Committees and the Wānaka-Upper Clutha Community Board.**

Motion carried unanimously.

RESOLUTION TO EXCLUDE THE PUBLIC

On the motion of the Mayor and Councillor Bruce it was resolved that the public be excluded from the following parts of the meeting:

The general subject of each matter to be considered whilst the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Confirmation of minutes

Ordinary meeting held on 10 August 2023

- Item 8A: Commonage – Valuation
- Item 10: Appointment of Commissioners to the Independent Hearings Panel for the Inclusionary Housing Variation to the Proposed District Plan
- Item 11: Alternative Commissioner (Chair) - Te Putahi Ladies Mile Streamlined Planning Process
- Item 12: Acquisition of land for the Queenstown Trails network, Coronet Peak

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
8A. Commonage Valuation	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: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)
10. Appointment of Commissioners to the Independent Hearings Panel for the Inclusionary Housing Variation to the Proposed District Plan	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: a) protect the privacy of natural persons, including deceased natural persons	Section 7(2)(a)
11. Alternative Commissioner (Chair) - Te Putahi Ladies Mile Streamlined Planning Process	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: a) protect the privacy of natural persons, including deceased natural persons	Section 7(2)(a)
12. Acquisition of land for the Queenstown Trails network, Coronet Peak	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: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

Agenda Items

- Item 6A: Chief Executives Report: Appointment of Chair Climate Reference Group
 Item 7: Chief Executive’s Performance Appraisal (Distributed separately from main agenda)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
6A. Chief Executives Report: Appointment of Chair Climate Reference Group	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: a) protect the privacy of natural persons, including deceased natural persons	Section 7(2)(a)
7. Chief Executive’s Performance Appraisal (Distributed separately from main agenda)	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: a) protect the privacy of natural persons, including deceased natural persons	Section 7(2)(a)

This recommendation 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 3.19pm.

The meeting came out of public excluded and concluded at 3.58pm.

MAYOR

DATE