

QLDC Council

12 December 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [8]

Department: Chief Executive

Title | Taitara : Chief Executive's Report

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to report on items of general interest that do not require a full officer report and to summarise recent meetings of Queenstown Lakes District Council's (QLDC) Standing Committees and the Wānaka-Upper Clutha Community Board.

Recommendation | Kā Tūtohuka

That the Council:

1. **Note** the contents of this report;

Otago Regional Council Representation Review

2. **Approve** retrospectively QLDC's appeal to the Otago Regional Council on its representation arrangements for the 2025 local elections;

Delegation under Local Government (Rating) Act 2002

3. **Delegate** the responsibilities, duties and powers under the Local Government (Rating) Act 2002 section 98E to the General Manager Finance, Assurance & Risk and the Finance Manager;

Electoral Matters

4. **Appoint** Warwick Lampp as QLDC Electoral Officer;
5. **Agree** pursuant to Section 31 of the Local Electoral Regulations 2001 to arrange candidate names in random order on QLDC voting documents for the 2025 local election.

Otago Regional Council Air Quality Monitoring Station Lease in Kawarau Falls

6. **Agree** to grant a new lease, in accordance with section 54(1) of the Reserves Act 1977 to the Otago Regional Council over Lot 88 DP 19735 subject to the following terms and conditions:

Commencement	1 November 2024
Term	10 years
Renewal	Two rights of 5 years by agreement of both parties
Rent	\$1.00 + GST (if charged)
Insurance	Requirement to have public liability insurance of \$2 million

Arrowtown Village Association Civil Defence Storage lease in Jack Reid Park

7. **Agree** to grant a new lease, in accordance with section 54(1) of the Reserves Act 1977 to the Arrowtown Village Association over; Part of Section 38 Block VII Shotover SD (Jack Reid Park) subject to the following terms and conditions:

Commencement	1 October 2024
Term	5 years
Renewal	One right of renewal of 5 years by agreement of both parties
Rent	Subject to the Community Facility Pricing Policy
Location	Within the alcove at the rear of the Arrowtown Community Centre
Permitted Use	Storage of a mini cube container (1.8m x 1.8m x 1.8m) containing civil defence equipment.
Reviews	At renewal (plus consequent to any review of the Community Facility and Funding Policy)

Draft Te-Taumata-o-Hakitekura Ben Lomond and Te Tapunui Queenstown Hill Reserve Management Plan

8. **Approve** the Draft Te-Taumata-o-Hakitekura Ben Lomond and Te Tapunui Queenstown Hill Reserve Management Plan for public notification in accordance with section 41 (6) of the Reserves Act 1977;
9. **Appoint** four members from the Community & Services Committee to a panel (with one member as a reserve panellist) from Councillors Ferguson, Guy, Tucker and Wong to hear and consider submissions received on the Draft Te-Taumata-o-Hakitekura Ben Lomond and Te Tapunui Queenstown Hill Reserve Management Plan ;

Electrical Easement in favour of Aurora Energy over Sargood Drive Recreation Reserve

10. **Agree** to exercise the Minister's consent and approve an electrical services easement over Sargood Drive Recreation Reserve, legally described as lot 75 DP 15833, in favour of Aurora Energy in accordance with the indicative easement plan;

Recommendations from Audit, Finance & Risk Committee

11. **Adopt** the Protected Disclosures (Protection of Whistleblowers) Policy and revoke the existing Policy from March 2017; and
12. **Approve** the Queenstown Airport Corporation's proposed framework for capital reporting.

**Prepared by:**



**Name:** Mike Theelen  
**Title:** Chief Executive  
22 November 2024

## Context | Horopaki

---

### Appeal against Otago Regional Council final representation proposal

1. In June 2024, the Otago Regional Council (ORC) determined by resolution (pursuant to the Local Electoral Act [‘LEA’] 2001 section 19I) its initial proposed representation arrangements to apply for the October 2025 local elections. QLDC made a submission on that proposal which was approved by Council at its 1 August 2024 meeting in Wānaka and Mayor Glyn Lewers spoke to that submission at a public hearing held on 3 October 2024.
2. The basis for that submission was in alignment with option 2 of the ORC’s paper (dated 22 May, report number GOV2413) which proposed the creation of a new “Upper Lakes” constituency, accurately reflecting areas of growth, communities of interest, and not combining communities with few or no commonalities.
3. At its 23 October 2024 meeting, ORC’s Councillors directed staff to the option notified as the proposed representation arrangements. Public notice was given (LEA2001 s19N(2)) of the final arrangements on 30 October 2024 and specified the right of appeal conferred by LEA s19O. QLDC Councillors directed officers to prepare the appeal based on its previous submission points. The appeal period closed on 3 December and therefore did not align with the Council meeting cycle.
4. A draft was shared with Councillors for feedback on 25 November 2024. Once received, the ORC must send all appeals and materials relating to the representation review to the Local Government Commission who must make a final determination by April 2025.
5. QLDC’s appeal is included as **Attachment A**.

### Local Government (Rating) Act 2002, Section 98E

#### Change to Delegations

6. The Local Government (Rating) Act 2002 (LGRA) empowers Councils to exercise statutory functions for setting, assessing and collecting rates. At its meeting on 19 September 2024 Council delegated to the Chief Executive and specified Finance officers most of the functions under the LGRA, save for three functions which were reserved to Council. Since then Council officers have identified that the power under s98E should have been included in the suite of delegations to officers, but was omitted. The purpose of this item is to fix that. The function under s98E is administrative in nature: “Authority to determine separate rating area divided from a rating unit is no longer a separate rating area”. For this item Council is being asked to delegate the s.98E function to each of the General Manager Assurance, Finance and Risk and the Finance Manager, and to amend the Register of Delegations accordingly.

### Election Matters

#### Appointment of Electoral Officer

7. The Council is required by the Local Electoral Act 2001 to have an Electoral Officer at all times.

8. Until 2022, QLDC contracted out only the vote processing aspect of its elections. Most territorial authorities in New Zealand contract out the Electoral Officer position as well and have a Deputy Electoral Officer as a staff member. As a consequence, the Electoral Officer is not a Council employee which results in an effective separation of duties and it also serves to minimise any adverse effect of the election upon the ability of Council officers to conduct business as usual.
9. Earlier this year, QLDC went to market seeking proposals from the two main election providers in New Zealand, Electionz.com and Election Services Limited for Electoral Officer services. Both submitted proposals which were assessed by officers with Electionz.com being awarded the contract and for Warwick Lampp to be appointed as the QLDC Electoral Officer. Electionz.com has provided vote processing services for QLDC for more than ten years and acts as Electoral Officer for most councils in the South Island.

#### Order of Candidate Names on Voting Documents

10. The 2025 election will take place on Saturday, 11 October 2025. Before 30 June 2025 the Council needs to resolve the order of candidates' names on voting documents pursuant to Section 31 of the Local Electoral Regulations 2001. The names may be arranged on the voting document in alphabetical order of surname, pseudo-random order or random order. If there is no applicable resolution, the candidates' names must be arranged in alphabetical order of surname.
11. For a number of elections, QLDC has adopted the fully random order of candidates' names. This removes the 'ballot' effect whereby candidates with surnames early in the alphabet have a better chance of being elected when candidate names are in alphabetical order than those with names beginning with a letter later in the alphabet. Fully random order minimises this effect and is no more costly to produce because of the way in which voting documents are now produced and printed. Under this system, although the total number of different permutations is a finite number, there are a large number of possible different arrangements of candidate names, and it is unlikely that members of the same household would receive voting papers with candidate names in the same order.
12. Pseudo-random order creates its own ballot effect because whilst the order of candidate names is random, it is the same on all voting documents.

#### **Recommendations from Community & Services Committee meeting held on 12 November 2024**

##### Otago Regional Council air quality monitoring station lease in Kawarau Falls Reserve

13. The Otago Regional Council (ORC) is expanding its air quality network and seeks a lease to install an air quality monitoring station in the Kawarau Falls Reserve which is located on the corner of Remarkables Crescent and Alta Place, Frankton. This site was chosen based on results from previous studies that showed that Frankton had the some of the highest concentrations of particulate matter within Queenstown. Members may recall approving a similar lease for an ORC monitoring station in the Upton Street Reserve in Wānaka earlier this year.
14. A plan of the proposed easement is **Attachment B**.

##### Arrowtown Village Association Civil Defence Storage lease in Jack Reid Park

15. The Arrowtown Community Response Group (CRG) is a civil defence group organised under the auspices of Emergency Management Otago. The purpose of the group is to provide support to the community before, during and after an emergency event. The Arrowtown CRG is under the umbrella of the Arrowtown Village Association (AVA).
16. The CRG has equipment that needs to be stored close to the community emergency hub located at the Arrowtown Community Centre at Jack Reid Park to facilitate any community response. Jack Reid Park is most suitable due to the proximity to the hub and minimal disruption to other reserve users and Arrowtown CRG wishes to locate a mini cube container within a recessed area at the rear of the facility (northern end of the building). In accordance with the Reserves Act 1977, the container requires a lease. This is because the container provides exclusive use of part of the reserve to the AVA for storage, effectively excluding the public from being able to use that part of the reserve.

#### Approval of Public Notification of Ben Lomond & Queenstown Hill Reserve Management Plan

17. The current Reserve Management Plan (RMP) for Ben Lomond & Queenstown Hill was adopted in August 2005 and is now outdated. Given the high-profile nature of these reserves and the high level of public and commercial use, it is considered appropriate to prepare an updated RMP.
18. The existing RMP groups these two sets of reserves together in the same RMP document and has functioned well since adoption and it has been decided to continue this practice as it creates various efficiencies.
19. The Draft RMP sets out the vision, character and intended uses of the reserves through objectives and policies. Council approval for notification is sought which will enable commencement of consultation for two and a half months. A hearing will be held if there are submissions received by submitters who wish to be heard and the Council is asked to confirm the nominated members of the Community & Services Committee to form a hearing panel to consider submissions and finalise the RMP for endorsement by Council. Taking the hearing panellists from the Community & Services Committee aligns with the Committee's Terms of Reference and its duty to "oversee the preparation of reserve management plans."

#### **Recommendation from meeting of Wānaka-Upper Clutha Community Board meeting held on 21 November 2024**

##### Electrical easement in favour of Aurora Energy over Sargood Drive Recreation Reserve

20. 14 Sargood Drive in Wānaka is a 1030m<sup>2</sup> parcel of recreation reserve land legally described as lot 75 DP 15833. The land was vested on deposit as recreation reserve however the parcel does not currently have a certificate of title and as a result, no easement has ever been registered.
21. Electrical equipment has been located on the reserve since 1987. Upgrades were undertaken in 1997 which included the addition of the transformer and streetlight cabling.
22. Aurora Energy Limited now wishes to upgrade a piece of equipment and has identified that no easement exists for the electrical equipment within the reserve. Aurora sees the lack of an easement as a risk, as an easement gives the right to have equipment on site, access for maintenance and future upgrades and as a result, Aurora has applied for an easement.

23. Under section 48(1)(d) the Reserves Act 1977, Queenstown Lakes District Council has the authority to grant an easement over any part of a reserve for an electrical installation. Wānaka-Upper Clutha Community Board considered a report on this topic at its meeting held on 21 November 2024 and recommended that the Council give the approval of the Minister (for the Environment) under the Council's delegated authority.

### **Recommendation from Audit, Finance & Risk Committee**

#### New Protected Disclosures (Protection of Whistleblowers) Policy

24. The Risk and Compliance Team has taken ownership of the Protected Disclosures (Protection of Whistleblowers) Policy from People & Capability. The policy has been reviewed and updated to ensure it is fit for purpose and to reflect the Protected Disclosures (Protection of Whistleblowers) Act 2022, which has come into force since the previous version of the policy was adopted. Additional reporting guidance and associated tools have also been developed. **Attachment C** is the proposed updated Protected Disclosures (Protection of Whistleblowers) Policy, which replaces the existing policy. The Audit, Finance & Risk Committee (AFRC) has recommended that the Council adopts the proposed new policy and revokes the existing policy.

#### Queenstown Airport Corporation (QAC) Framework for Capital Reporting

25. In December 2023, the Risk and Compliance Manager reported to AFRC findings and associated recommendations regarding the financial risks associated with the QAC draft Masterplan. The AFRC noted the report and recommended to Council approval of the associated risk mitigation measures outlined in the report.

26. As per the Council's 2024 Statement of Expectations (approved 14 December 2023) and the corresponding QAC's Statement of Intent (year ending 30 June 2025), in December 2024, QAC provided QLDC an overview of the proposed Masterplan 2023 capital delivery programme project gateways and exception reporting framework to the Risk and Compliance Manager for review.

27. Overall, the Risk and Compliance Manager considers QAC's proposed Capital Reporting Framework to be good practice, and although clarification will be sought on a small number of minor matters, that does not materially impact upon whether the approach is considered appropriate. AFRC has recommended that the Council approves QAC's Capital Reporting Framework as a means of providing assurance regarding the management of financial risk associated with the QAC's Masterplan.

28. QAC's Capital Reporting Framework is attached as **Attachment D**.

### **Committee Meetings of the Previous Round**

#### Planning & Strategy Committee – Councillor Cocks (Chair) (22 October 2024)

Information:

1. Update on the implementation of the Queenstown Lakes Spatial Plan
2. Renotification of the Upper Clutha Landscapes Variation
3. Update on the Progress on the District Plan Updates and Other Key Projects
4. Update on Proposed District Plan Appeals\*

5. Update on Resource Consent Appeals before the Court\*
6. Delegations For Environment Court – Priority Landscape Areas Variation\*
7. Otago Regional Policy Statement Review Update and (non-Freshwater Instrument) Delegation Request\*

Community & Services Committee – Councillor Ferguson (Chair) (12 November 2024)

Recommendation:

1. Otago Regional Council air quality monitoring station lease in Kawarau Falls Reserve
2. Arrowtown Village Association Civil Defence Storage lease in Jack Reid Park
3. Draft Te-Taumata-o-Hakitekura Ben Lomond and Te Tapunui Queenstown Hill Reserve Management Plan

Information:

4. New Picnic Table and Memorial Plaque Request in honour of Gouke (Bob) Leek within the Sunshine Bay Reserve
5. Chair's Report

Wānaka-Upper Clutha Community Board – Mr Simon Telfer (Chair) (21 November 2024)

Information:

1. Additional parking restrictions under the Traffic and Parking Bylaw 2018
2. Temporary Road Closure Application – Motatapu 2025
3. Licence to Occupy – Warren Street, Wānaka
4. Licence to Occupy – Rifleman Street, Wānaka
5. Licence to Occupy – 122 Kings Drive, Wānaka
6. Additional Road Names to be included as part of Wānaka-Upper Clutha Pre-approved Road Name List
7. Orchard Road Holdings Limited application to name three vested roads
8. Notification of intention to grant a licence within Forest Heights Reserve, Wānaka for a communications station
10. Chair's Report

Recommendation

9. Electrical easement in favour of Aurora Energy over Sargood Drive Recreation Reserve

Infrastructure Committee – Councillor Bartlett (Chair) (28 November 2024)

Information:

1. Additional parking restrictions under the Traffic and Parking Bylaw 2018
2. Regional Material Recovery Facility (MRF) Options Assessment

Audit, Finance & Risk Committee – Mr Stuart McLauchlan (Chair) (5 December 2024)

Information:

2. Insurance Update December 2024
3. September Year to Date 2024 Financial Overview
4. 2024/25 September Year to Date Sensitive Expenditure Review
5. Organisational Health, Safety and Well-Being Report
6. Climate and Biodiversity Plan Update
7. Lakeview Development Programme
8. Deloitte Annual Report 2023-2024 Update
9. Internal Audit Report December 2024\*
10. Legal Update\*
11. Treasury Update\*

Recommendation:

1. Risk and Compliance Update December 2024: approval of new 'Protected Disclosures (Protection of Whistleblowers Policy)' and revocation of previous policy and approval of QAC Framework for Capital Reporting

\*Public excluded items

**Attachments | Kā Tāpirihaka**

---

A	Appeal on Otago Regional Council Representation Review Outcome
B	Aurora Energy Indicative Easement Plan
C	Proposed Protected Disclosures (Protection of Whistleblowers) Policy
D	QAC Capital Reporting Framework

---