

# MACKENZIE DISTRICT COUNCIL

## MINUTES OF A MEETING OF THE TEKAPO COMMUNITY BOARD HELD IN THE LAKE TEKAPO COMMUNITY HALL, TEKAPO, ON MONDAY MARCH 10, 2014, AT 7.30PM

### PRESENT:

Peter Munro (Chairman)  
Alan Hayman  
Stella Sweney  
Lynette Martin  
Cr Murray Cox

### IN ATTENDANCE:

Claire Barlow (Mayor)  
Wayne Barnett (Chief Executive)  
Garth Nixon (Community Facilities Manager)  
Paul Morris (Finance and Administration Manager)  
Nathan Hole (Planning and Regulation Manager)  
Arlene Goss (Committee Clerk)

5 members of the public

### APOLOGIES:

There were no apologies.

### DECLARATIONS OF INTEREST:

There were no declarations of interest.

### MINUTES:

Resolved that the minutes of the meeting of the Tekapo Community Board held on January 27, 2014, including those parts taken in public excluded, be confirmed and adopted as the correct record of the meeting.

Alan Hayman/Stella Sweney

### TEKAPO COMMUNITY BOARD MATTERS UNDER ACTION:

#### 1. Civil Defence:

Cr Cox said a meeting is scheduled for March 24 between Ray Gardener, heads of emergency services and wardens, at the police station at 7.30pm. Nathan Hole will attend with Ray.

#### 2. Review of Freedom Camping Bylaw and its Alignment with the Freedom Camping Act:

Nathan Hole said this matter is with him to action but he has nothing further to report at this stage.

**3. Community Hall:**

The veranda cover is to be discussed under general business later in the meeting. A brief has been developed to guide the car parking plan.

**4. Lighting Ordinances:**

Cr Cox attended the Aoraki Mackenzie Dark Sky Reserve board meeting. They are looking forward to next festival. One item of discussion was lighting in Tekapo. Steve Butler has passed information to Bernie Haar regarding new types of lamps. There are three lights in Tekapo they are concerned about. Those businesses have been approached. The board are also producing a brochure on the types of lights, which looks good. The chairman requested Cr Cox update the community board on progress with the three lights.

**5. Lochinvar Subdivision:**

No more work on rabbits. Work on irrigation has started and is ongoing.

**6. Council Owned Units:**

Work is ongoing. Making progress.

**7. Walkways and Cycle ways:**

The concrete path from Tekapo Springs is looking good and is well used. The chairman has talked to Bernie Haar regarding the installation of lights on the path. Also had a meeting with Genesis in mid-February and talked about the possibility of a walk or cycleway down to Lake George Scott. Genesis seemed positive but we haven't heard back. The chairman has not yet spoken with DoC.

**8. Tekapo Plantation: Murray Place/Section A:**

No progress on planting. Irrigation line is in and ready to hook to pipe. Next step is an agreed planting plan for that area. Won't be using Rowan Trees because they are a pest.

There was some discussion on the Enhancement Board's role and plan for planting. A plan needs to come back and a decision made. In terms of gravelling the track Garth Nixon said he needs to understand where the money is coming from. The chairman said it needs to be done before winter. Garth Nixon can find a funding source within the Tekapo township account. Stella Sweney asked about profit from selling trees. The Forestry Board gave community board \$10,000 to enhance the area. Sale was \$107,000 and Forestry board offered \$10,000.

**9. Tekapo Plantation: Planting of Section B by the Enhancement Society:**

Bernie Haar has sent a plan to Colin MacLaren identifying problem areas and this is now all ready to go. Plants that Colin suggested will be planted.

**10. Completion of Lakeside Drive footpath:**

This is complete, can be removed from list.

**11. Future of Moturiki Island:**

Cr Cox had an informal discussion with Sally Jones from the Department of Conservation. They are having discussions with Ngai Tahu and she will make sure the community are consulted on this issue.

## **REPORT FROM COUNCIL STRATEGIC WORKSHOP:**

The community board considered a report from the strategic workshop held by councillors on January 28, 2014. This report contains a high level view of the council's vision and priorities. The Mayor asked the community board for their feedback.

Stella Sweney said one thing missing was an emphasis on consultation with the community, and decision making taking the costs and benefits of each option into account. The chief executive said we need to follow the legislation around decision making, and communication develops with time. There are some things that could have been done better and we are trying to rectify that now.

Stella Sweney would like active engagement with the community to be included. Lynette Martin quoted from the long term plan regarding communication. The Mayor talked about the need to both balance resources and keep people informed.

### Resolved:

1. That the report be received.
2. That the community board endorses the strategic workshop objectives and notes a desire to see a strengthening of community consultation going forward.

**Stella Sweney/Lynette Martin**

## **COMMUNITY CENTRE VERANDA BLINDS:**

Garth Nixon has received two proposals for this work. He suggested filling in the south wall to provide a plain backdrop for photos. The funding budget for the hall has been over spent; however there is money in the projects account. The alternative is to do this next year. The income from the hall is tracking along nicely but running costs have also gone up. This is a capital item and will be depreciated in the long term. Cr Cox asked if it can come out of the capital reserves account. Paul Morris said its unbudgeted so would need council approval and he considered it would be better to come from the projects account.

The Mayor asked - if this community hall generates more income than is needed to run it what happens to the funds? Paul Morris said the money would offset the township rates.

### Resolved:

1. That the report be received.
2. That the Tekapo Community Board approve the quotations from the Shade House and L&L construction to complete the infill and screen installation.
3. The Tekapo Community Board recommends to Council that this work proceed funded from the township projects account.

**Stella Sweney/Alan Hayman**

## **MOTION FROM STELLA SWENEY REGARDING YHA:**

The following motion was put by Stella Sweney and seconded by Lynette Martin:

That the Tekapo Community Board request the Mackenzie District Council to negotiate with the YHA for the planned sale and development of a site other than Lot 5.

Stella Sweney went through her report (circulated at the meeting and attached to these minutes as an appendix) and summarised the main points.

She said the YHA would need high density use of the site to get a return on the land. She said there were concerns in the community about how a budget backpacker could operate there effectively. She supports the YHA and likes having them in the town, but this is not the right site for them.

Lynnette Martin said the idea that backpackers will spend money in the town was mythical because they would be cooking in the kitchen, not eating in cafes. She questioned whether young people needed to be in the centre of town.

The Mayor said there would be an in-depth discussion at the next Tekapo Property Group meeting regarding this issue.

Stella Sweney asked what the relationship is between the community board and the property group.

The chief executive said the property group was a subcommittee of the Finance Committee, which is a subcommittee of council. The property group and community board do not report to each other. The community board has interests of the Tekapo community as its focus and can make recommendations to council. It is the responsibility of council to make decisions.

Cr Cox said the community board looked at the community assets around the commercial land. Its focus was on things like toilets, parking, landscaping etc. Consultation took place with the community during the Tekapo Vision re-zoning, done through the district plan. When council sells the land the district plan has rules in place to ensure the viewing shafts and heights of buildings etc are respected, to protect the rights of the community.

Cr Cox said the YHA is a “flash packers” rather than a back packers. Indications are that it won't have campervans and tents around it. But there is obviously concern from the public. He questioned whether the motion was about accommodation in general, and would that concern apply to all the lots along the lake front, because that could have a significant impact going forward.

Lynette Martin quoted the wording in the district plan regarding an accommodation focus on VC2 land. Nathan Hole agreed there is more of an accommodation focus on VC2 land than VC1 land, but ground floor accommodation is not prevented in the VC1 zone. He said all land owners would need to go through the resource consent process to ensure their plans maintained the integrity of the zone.

The chairman asked if resource consent is required for all buildings in VC1 and VC2. Nathan Hole replied yes, a land use consent is required for all activities in that zone. Accommodation would be a restricted discretionary activity. This means the council has discretion whether to decline or grant. The YHA are fully aware of that consent process.

Stella Sweney said people want something iconic on the waterfront and for many people that means walking and dining. She said her resolution was only about the YHA and did not apply to all accommodation.

Alan Hayman said he did not feel there should be any accommodation on the waterfront and it should be limited to restaurants.

The chairman addressed members of the public and asked if they would like to make a brief comment.

A member of the public supported the motion. She said placing accommodation on the landscape with the view was not suitable in the VC1 area. A man spoke and said it was prime land in the Lake Tekapo township and was better suited for bars and restaurants. Another man questioned whether a section 32 analysis had to be undertaken for the economic benefits. Nathan Hole said that did not apply in this situation.

A lady congratulated the board on the recent public workshops and said the feedback from those meetings was that people didn't want the YHA in that location. She asked when the YHA were planning to meet with the community. Cr Cox felt there wasn't benefit in the YHA having a public meeting until a council view had been formed on the issue.

A member of the public said it would be better if the council had not signed up before going to the community. Cr Cox said some businesses did not want their interest in purchasing land published in the newspaper and council was obliged to keep their confidence.

The motion was repeated to the community board and they were asked to vote.

Resolved that the Tekapo Community Board request the Mackenzie District Council to negotiate with the YHA for the planned sale and development of a site other than Lot 5.

**Stella Sweney/Lynette Martin**

Cr Cox declared a conflict of interest due to his role as chairman of the Tekapo Property Group and abstained from voting. The motion was carried.

#### **WARD MEMBER'S REPORT:**

Cr Cox reported that he has attended both the Dark Sky Reserve and Upper Waitaki Water Zone Committee meetings. He has also met with Mark Soloman, the chairman of Ngai Tahu. There are plans to update the community board on progress with the Canterbury Water Management Strategy and work undertaken to date. Last week he attended a "making good decisions" course for panel members who sit on plan change hearings. He has been appointed chairman of the Tekapo Property Group. Cr Cox has also been having discussions regarding a couple of building sites in Tekapo with issues around non-compliance. He said more building is taking place in Tekapo and people are testing the provisions of the district plan.

#### **REPORTS FROM MEMBERS WHO REPRESENT THE COMMUNITY BOARD ON OTHER COMMITTEES:**

Cr Cox is on the regional park board. They have made progress with the NZ Motor Caravan Association regarding camping sites. They have also been negotiating with Genesis Energy and have been given shingle. They are currently negotiating with Genesis regarding water tanks to replace leaking ones in the park. Cr Cox said Genesis have been very good to the park over the last year.

The Mayor commented that Cr Cox has been doing an excellent job and working hard for the Tekapo community and she thanked him for this.

The chairman said he attended a white water trust meeting last week. It was the first meeting for a couple of years. He said they have struggled through the canal repairs and a lot of water and time has been lost. They still want white water for Tekapo and have a plan. The group is due \$40,000 each year for the water they haven't used and should have a significant sum of money owed to them, because about five years of water has gone unclaimed.

The chairman reported on progress with the Tekapo Footbridge. Good progress has been made and money is still coming in for this project. The costs have gone from \$1.1 million to more like \$1.4 million. They are ordering steel and hope to get onto that in October. They had a meeting with Genesis last week to discuss money that had been promised. Have received a bill of nearly \$5000 from Ecan for monitoring silt run-off, so negotiating on that. The chairman said it was disappointing for a charitable trust to strike these problems with Ecan. But things were looking positive.

## **GENERAL BUSINESS:**

### **TOWN MAINTENANCE AND BIN CLEARANCE:**

Board member Lynette Martin talked about the toilet area and asked if the toilets could be painted. The planter boxes are well over it and she would rather live without them. Garth Nixon agreed they need to go. They cause difficulties with snow clearing. It would be good to refresh them with potted colour for a display next summer. The chairman said they do enhance the look of the town. It would be good to have some strong portable planter boxes that could be taken away and stored over winter. There was a suggestion that shop owners could adopt a planter box.

Cr Cox has talked to Roading Manager Suzy Ratahi regarding the lookout at Hamilton Drive and this has been cleared out, with repairs made to the road seal.

Resolved: that staff remove the Tekapo township planter boxes for winter and look to replace them with a more appropriate option in the summer.

**Lynette Martin/Murray Cox**

### **REQUEST FROM LAKE TEKAPO POWER BOAT CLUB FOR PICNIC TABLE:**

A letter from the Lake Tekapo Power Boat Club was considered by the board. Garth Nixon recommended contacting them and letting them know there are opportunities to develop that area in the future and the board will take their letter into consideration when that area is developed. The community board agreed.

## **PUBLIC EXCLUDED:**

Resolved that the public, be excluded from the following part of the proceedings of this meeting namely:

1. Previous Minutes, Tekapo Community Board, January 27, 2014.
2. Commercial Business Lease (attached).

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Previous Minutes, Tekapo Community Board, January 27, 2014.	Commercial sensitivity	48(1)(a)(i)
Commercial Business Lease	Commercial sensitivity	48(1)(a)(i)

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This resolution is made in reliance on Section 48(1)(a)(i) 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, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Tekapo Community Board Minutes January 27, 2014, and Commercial Business Lease, section 7(2)(b)(ii).*

**Murray Cox/Lynette Martin**

The Tekapo Community Board continued in open meeting.

The chairman noted he will not be able to attend the next meeting and asked Stella Sweney to act as chairman for that meeting.

**THERE BEING NO FURTHER BUSINESS  
THE CHAIRMAN DECLARED THE MEETING CLOSED AT 8.59PM**

**CHAIRMAN:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## **TEKAPO COMMUNITY BOARD**

### **MOTION RE YHA: SUPPORTING INFORMATION**

**Introduction:** The motion that the MDC re-open negotiations with the YHA re Lot 5 is made within the context of the requirements of the Local Government Act 2002 for local authorities to consult with communities in relation to decisions that will affect persons within the community. A review of Tekapo Community Board minutes 2011-2014 shows no clear evidence of any attempt to consult with the Tekapo Community regarding actions and decisions being taken by the Tekapo Property Development Group and the MDC. Many Tekapo residents have recently voiced concerns regarding decisions made for the proposed location of a new YHA. This submission suggests that the Community Board and Council have not undertaken the level and type of consultation required under the Act.

It is noted that in terms of making decisions a local authority must adhere to the principles of consultation as laid down in the Act:

#### **LOCAL GOVERNMENT ACT 2002: Section 82 Principles of Consultation**

Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken subject to subsections 3-5 in accordance to the following principles (abridged):

- That persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons
- Persons ..should be encouraged by the local authority to present their views
- Persons ... should be given clear information by the local authority concerning the purpose of consultation and scope of decisions to be taken
- The local authority should receive views from the community with an open mind and should be give due consideration to these views when making a decision

It is not clear that the MDC and the Tekapo Community Board have met the requirements of Section 82 of the Local Government Act in terms of decisions that profoundly affect the future of Lake Tekapo. The following notes from Tekapo Community Board minutes show the process followed:

#### **Community Board Minute extracts re Tekapo Waterfront Developments:**

**14 February 2011:** Mr Maxwell advised that environmental planning and design consultancy Boffa Miskell was undertaking development of a plan which would take into consideration a strategy for VCII land at Lake Tekapo which was the subject of interest from developers. He undertook to keep Board members informed of developments.

**9 May 2011:** Cr Maxwell advised he intended to update Board members on the activities of the Tekapo Property group and due to the confidential nature of the information he would do that with the public excluded.

**8 August 2011:** Board members updated on Tekapo Property matters and noted good progress had been made.

**12 September 2011:** The Ward member report noted that the Tekapo Property Development was proceeding positively and Boffa Miskell and Robin Hughes had reached a point where they would be initiating discussions with the main players.

**25 October 2010:** Cr Maxwell provided an update on the activities of the Tekapo Property Development subcommittee.



**13 February 2012:** Draft LTP for Tekapo with review of community facilities and discussion about proposed developments on VCI land, and the need for the Board to work alongside developers.

**28 March 2012:** Update to Board on LTP and progress with VC development.

**30 July 2012:** Ward member report on development of Tekapo's lakefront reserve area. On-site visit arranged by Stephen Grubb of Hughes Development Ltd and Mark Teasdale of Boffa Miskel to progress the project.

**10 September 2012:** Concept plans for Tekapo VC provided by Boffa Miskell were considered: Comments and suggestions to go to Cr Maxwell.

**15 October 2012:** Updated Tekapo VC plans circulated. Robin Hughes Development Ltd is to make a press release once firm commitments have been received for acquisition of land. It was proposed that Lincoln University landscape architecture students develop a landscape plan for the VC area.

**11 March 2013:** Progress on sale of Lake Tekapo Lake Front discussed: Public Excluded.

**22 July 2013:** Ward Member's Report: "Lake Tekapo Property Committee re Knott Architects: Property Committee met last Monday with Neil Slatter and Charlie Knott Architects. The Tekapo Development to progress ideas of size/retail space/ office space what people may need. Decisions can be made if Council would like to be landlords and secondly to let the market place know that there will be areas available. Charlie Knott is coming on board as an Architect and will work on architectural style, we don't want a town centre with the old and the new , we need to tie it all in. Oricon to come back to Council with the resource consent and the costing's of the subdivision work so this can be taken back to Council. Still need to have a community get together along the track to keep the community informed, moving forward."

**24 September 2013:** Resource consent is in for new subdivision and final sign off for Foodstuffs and Earth and Sky can progress.

**January 2014:** Two workshops held to inform the community of progress and consult on Council's role in building facilities for lease.

**Question:** The question that prompted the above research was: What recommendations has the Community Board made to Council re Tekapo Waterfront Developments? The answer seems to be none as there is no record of motions or decisions made by the Board. The work seems to have been driven by the Tekapo Property Development subcommittee. It is of concern that no minutes seem to exist for the past three years of this subcommittee's meetings. How and why decisions were made and how the requirements of the LG Act 2002 were met in terms of consultation is not clear. Prior to February 2014 the most recent effective community consultation seems to have taken place in 2003 when the Lake Tekapo Vision document was formed.

**Community Feedback:** Meetings were held in January 2014 to inform the Tekapo community of progress of the waterfront developments. Feedback showed the community was supportive of progress being made in terms of the concept plans, the new supermarket and other features. Barry Johnstone presents community views in the email below. Barry also notes" that a significant number of ratepayers have written to support the document and agree with it entirely. Only 1 gave it qualified support but that person was very opposed to the YHA".

Dear Mayor Claire

I am writing as a concerned ratepayer . I have had 10 years experience in running a property portfolio valued at over \$50 million ,with over 100 tenants. I currently Chair an Owners Society, in an upmarket residential development with over 200 owners, so have experience in both property and consulting communities. After more than 30 years of visiting Tekapo we recently built a home here and although we are part time residents we are very passionate about Tekapo and what it has to offer. I think I have been one of the strongest advocates for Tekapo & The Mackenzie, with appearances on TV and radio and also in print media. I have successfully attracted many people to visit and stay in Tekapo and want to be able to continue to do so with pride, at what Tekapo has to offer.

I was unable to attend the recent forums but I have kept abreast of developments as best I could. I would like to congratulate those responsible for they new website as we can now belatedly understand what is likely to happen. Unfortunately, I am unable to attend the next Community Board or Property Group Meetings due to prior commitments, but would have liked to done so.

During our time here we have patronised all the restaurants with lakeviews including the ;Tavern, Reflections, the Thai, Mackenzie's & Kohan . I am saddened to see that the views of all of these longstanding businesses will be severely impacted or destroyed by your proposals. On fine days the outdoor dining at the front of these premises is spectacular & on cold days looking out at the snow lakes and mountains is beautiful. Please don't take this away. It is right up there by international standards and could be so much better with careful thought & planning.

Any worthwhile tourist centre around the world puts restaurants in locations that maximise the views eg Queenstown/ Wanaka lake fronts, the Viaduct in Auckland, Darling Harbour in Sydney, Southbank in Melbourne etc etc I would always go to a restaurant with a view in preference.. We want traffic to have a reason to stop rather than passing through or picking up takeaways.

The proposed location of the YHA and proposed Council Development of a "Barn like" structure must be renegotiated and relocated, or else the lake frontage views will be decimated forever. Why would you put a "barn and budget accommodation "on the best piece of Real Estate in Tekapo?

The Council has stated that this possibility has been in the 10 year plan but it is only recently that the details have been unveiled, AFTER decisions have been made and contracts signed. Many residents are in a state of shock at what is proposed. I think there has been a degree of complacency about the 10 year plan, as no one believed it would go ahead.

Your comments regarding the Property Group being perceived as a "Secret Society " in the latest Mayoral Update, arise for a number of reasons.

1 I have been unable to find Minutes of the Property Group on your website. Can you please advise how I can obtain a copy?

2 All the details of the transactions are suppressed due to "commercial sensitivity". I fail to see why the terms of the contracts cannot be disclosed.

3 No tenders or competitive process was used to flush out potentially higher bidders or better uses for what I am sure is the most outstanding piece of real estate in the Councils portfolio.

4 The Consultation process falls well short of the requirements of s 82 of the Local Government act and all efforts have all been conducted belatedly after binding contracts have been signed. This is not "consultation "but "advising "interested parties after the event.

5 When a Council goes into Property Development it must be "squeaky clean and be seen to be so , as they will be acting as " judge and jury".

For the above reasons if the Council pushes on with this, against the Community wishes, I believe it is leaving itself exposed to both Legal action and negative media attention and this Council and officers will be remembered for all the wrong reasons. I urge Council to go back to the YHA and relocate them (or leave them in their existing location ) and stop the mixed retail development in that location ,as it doesn't need to have lakefront views.

. The resolution put forward by Stella Sweeney as outlined in the unconfirmed minutes of the 27 Jan Community Board Meeting, appears to have the support of that Board (except Cr Cox I hope that the motion is legally re put at the next meeting. Up until the last meeting, according to the minutes I have been able to find, the Community Board has had little or no involvement in this Development, as is required under the Act. Please listen to your Community Board and Community.

All existing restaurants should be given the opportunity of relocating to the Council Development on reasonable terms. I believe the lakefront views should be preserved primarily for restaurants and bars so everyone can enjoy the views. I have long said the existing architecture is a "hotchpotch"& needs to be rebuilt.

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Thank you for your consideration. I and others will be watching with a great deal of interest and determination to ensure the Lake view frontage is not spoiled forever. This is a one off opportunity and it needs to be done correctly. Short term commercial gain should not be the overriding consideration. I am pleased to see something happening and in particular landscaping needs some serious attention. The Supermarket clearly needs to expand and the Earth & Sky development will be very positive, although arguably better locations could have been found.

I am happy to discuss this with anybody at anytime or help in any way I can if required and look forward to a response .

Regards

Barry Johnston  
22 Sibbald Lane  
021 493437

**Conclusion:** I submit that the views of the majority of the Tekapo community are very clear: they will give full support to the MDC meeting with the YHA to see if a mutual agreement could be reached for a location other than Lot 5.

Stella Sweney  
5 March 2014