

MINUTES OF A MEETING OF THE WAIMAKARIRI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA, ON TUESDAY 2 AUGUST 2022, COMMENCING AT 1PM.

PRESENT

Mayor D Gordon (Chairperson), Deputy Mayor N Atkinson (Virtual from 2:16pm), Councillors K Barnett, R Brine (Virtual), W Doody, N Mealings, P Redmond, S Stewart, J Ward and P Williams.

IN ATTENDANCE

J Millward (Acting Chief Executive) (Virtual), S Markham (Manager Strategic Projects), D Roxborough (Implementation Project Manager – District Regeneration), D Young (Senior Engineering Advisor), R Hawthorne (Property Manager), L Murchison (Lead Advisor, Sustainable Development), K LaValley (Project Delivery Manager) (Virtual), T Kunkel (Governance Team Leader) and C Fowler-Jenkins (Governance Support Officer).

A Schulte (consultant for item 7.1 present virtually).

There were approximately 20 members of the public in attendance.

1. APOLOGIES

Moved: Councillor Williams

Seconded: Councillor Mealings

THAT an apology for absence be received and sustained from Councillor Blackie, and for lateness from Councillor Atkinson.

CARRIED

2. CONFLICTS OF INTEREST

Councillor Mealings declared a conflict of interest relating to Item 17.8 'Notification of ISP and Financial Contributions Variations' due to her appointment as a Commissioner on the Proposed District Plan Hearings Panel.

3. ACKNOWLEDGEMENTS

Mayor Gordon acknowledged the Kaiapoi Division One Rugby Team for winning the North Canterbury Competition for the second year in a row.

4. CONFIRMATION OF MINUTES

4.1 Minutes of the meeting of the Waimakariri District Council held on 5 July 2022

Moved: Councillor Barnett

Seconded: Councillor Williams

THAT the Council:

- (a) **Confirms**, as a true and correct record, the circulated Minutes of the meeting of the Waimakariri District Council held on 5 July 2022.

CARRIED

4.2 **Minutes of an Extraordinary meeting of the Waimakariri District Council meeting held on 12 July 2022**

Moved: Councillor Ward

Seconded: Mayor Gordon

THAT the Council:

- (a) **Confirms**, as a true and correct record, the circulated Minutes of the extraordinary meeting of the Waimakariri District Council held on 12 July 2022.

CARRIED

MATTERS ARISING (FROM MINUTES)

There were no matters arising.

PUBLIC EXCLUDED MINUTES

(These Minutes were considered in the public excluded portion of the meeting)

4.3 **Minutes of the public excluded portion of the meeting of the Waimakariri District Council held on 5 July 2022**

4.4 **Minutes of the public excluded portion of the extraordinary meeting of the Waimakariri District Council held on 12 July 2022**

5. DEPUTATIONS AND PRESENTATIONS

Nil.

6. ADJOURNED BUSINESS

Item 6.1 was adjourned from the Council meeting on 5 July 2022. Supplementary information was provided in Memo No 220726126335 relating to this report.

6.1 **Facilities and Consents Fees Waiver Subcommittee – S Markham (Manager Strategic Projects)**

S Markham spoke to the report noting that this matter had warranted some further discussion which had taken place after the last Council meeting. As a result, the Terms of Reference of the proposed integrated Facilities and Consents Fee Waiver Subcommittee had been amended to provide for considering applications to which exceptional circumstances may apply. Depending on the fees being applied for, such applications would be referred to either the Community and Recreation Committee or the District Planning and Regulation Committee.

Councillor Barnett sought confirmation that waiving resource consent and other application fees only applied to community groups and non-profit organisations. S Markham confirmed that this was correct in terms of the Council policy. However, there may be exceptional circumstances that would be considered by the Fee Waiver Subcommittee and referred to a Standing Committee. For example, it was anticipated that community housing providers, who developed housing, may apply for the waiving of resource consent fees based on a 'public good' element.

Furthermore, Councillor Barnett asked if staff could provide an assurance that the Fee Waiver Subcommittee would grant no businesses or private individuals a waiver and that such applications would be referred to a standing committee for consideration. S Markham explained that businesses and private individuals could apply, however, the Fee Waiver Subcommittee would have to decide if it would consider the application and make a recommendation to the appropriate standing committee.

Moved: Councillor Doody

Seconded: Councillor Ward

THAT the Council:

- (a) **Receives** Memo No. 220726126335 and Report No. 220622106352.
- (b) **Approves** the Terms of Reference of the Community Facilities Fee Exemption Subcommittee being modified to be the body that made discretionary decisions in granting reductions in otherwise payable resource and building consent fees.
- (c) **Adopts** the Terms of Reference of the Facilities and Consents Fee Waiver Subcommittee (Trim 220726126336).
- (d) **Reappoints** Councillors W Doody, P Redmond and R Brine to the Facilities and Consents Fee Waiver Subcommittee.

CARRIED

Councillor Doody noted that the members of the Subcommittee had been cautious and detailed during their consideration of fee exemption applications, as around \$50,000 of Council money was being paid out for various entities to have free use of Council facilities. The Subcommittee, therefore, ensured that Council facilities were genuinely being used for community goodwill before granting an exemption.

Councillor Ward believed that Councillors Doody, Brine and Redmond were a good representation of the district to consider the applications for fee exemptions.

Councillor Barnett supported the motion now that the Terms of Reference of the Subcommittee had been modified to clarify that community groups or social projects would fall under the auspice of the Community and Recreation Committee, not under the District Planning and Regulation Committee. She commented that the original intent of fee exemption was to enable groups that could not afford to use community facilities the opportunity to use facilities paid for by ratepayers. However, the Council had to be careful to meet the budget targets and could therefore not just consider fee exemptions because it seemed like a good reason.

Councillor Barnett also believed that there was a need for the consideration of waiving resource consent fees in special circumstances. However, she thought that it was important that elected members made these decisions. She expressed her concern that the normal functions of Standing Committees were being given to subcommittees, however, taking into consideration the low budgets concerned, she was comfortable with the delegations of the Facilities and Consents Fee Waiver Subcommittee.

Mayor Gordon supported the motion, as it had been well canvassed through the Council, and the resource consents fee waiving process tidied up. He noted that the Council had established the Community Facilities Fee Exemption Subcommittee in the previous term after undertaking extensive work to ensure that the correct model was in place. The subcommittee had been functioning well, and he acknowledged the work being done by the members of the subcommittee.

Councillor Redmond concurred that the Community Facilities Fee Exemption Subcommittee had been functioning well. He noted that the subcommittee's delegation was now being extended to resource consent fees, in which elected members had no input regarding waivers and fees being written off. However, he supported the motion as he believed that it was a step in the right direction.

In her right of reply, Councillor Doody noted that the subcommittee represented all the geographical areas of the District, and members understood the community organisations requiring lower fees. The members also understood the communities' needs and circumstances, which assisted in their discussion making. She thanked Councillors Brine and Redmond for their part in the subcommittee.

7. **REPORTS**

7.1 **Approval of the Council's Submission on Private Plan Change 31 (RCP031) – Rolleston Industrial Developments Limited – J Millward (Acting Chief Executive)**

J Millward spoke to the report noting it was an outcome of the Council meeting held on 12 July 2022, which requested staff prepare the Council's submission in opposition to Private Plan Change 31. Due to the technical nature of the submission, staff were assisted by an independent lawyer, Andrew Schulte, in drafting the objection, which had been circulated to Councillors. He noted the reasons for the Council's decision on 12 July as outlined in the report and, in particular, that the proposed plan change was not outlined in the Waimakariri District's operative or proposed District Plan.

A Schulte explained that in submitting, the Council accepted that it would be in the same position as any other submitter and that the Council's submission would have no special priority status. The Council also needed to maintain its independence from the process, which meant not seeking further information from staff and not discussing the proposed plan change outside formal channels. A Schulte highlighted the process to be followed if the Council was not satisfied with the decision made by the independent commissioners regarding the plan change. He noted that an appeal may be unlikely unless there were extraordinary situations. However, it may be an action that the Council could consider at that time. He commented that some planning comments had been included in the updated draft submission, and he was still awaiting comments on the urban design aspects.

Councillor Barnett questioned if the Council had to appoint independent commissioners because they were submitting. She asked if it was not true that generally, in such a large-scale subdivision, the Council would appoint independent commissioners to make this decision. A Schulte noted that the point being made in the submission was that the delegation to the independent hearing panel was to hear and decide on the proposed plan change; normally, the Council would make the final decision. Councillor Barnett requested that the submission include that the Council did significant research on preferred areas for large lot residential in the District as part of the Rural Residential Development Strategy. Ohoka was discounted in the strategy for large lot residential due to the flooding issues.

Councillor Brine sought confirmation that if independent commissioners approved the proposed plan change, the Council had no choice other than to approve their recommendation. A Schulte explained that because the Council had submitted, there was still the option, although it would be an extraordinary step, to appeal to the Environment Court under clause 17 of the Resource Management Act, 1991. However, an appeal had other ramifications and would need to be considered at the time, but it did provide a potential option to challenge the Commissioners decision further.

Councillor Mealings commented that the most recent flooding event was a three-year, eight-month return event, yet it caused extensive flooding due to a saturated catchment. Therefore Councillor Mealings asked if the Council could include the National Institute of Water and Atmospheric Research (NIWA) technical data to underscore the likely increased frequency of future weather events. She also enquired if the Council should add local information and photos of the recent flooding events and the effects on residents. A Schulte did not believe there was any question about the effect of weather events on water levels and flooding, which were already raised in the submission. However, he noted that the Council would have an opportunity to submit further evidence to support its submission at the hearing.

Moved: Mayor Gordon

Seconded: Councillor Mealings

THAT the Council

- (a) **Receives** report No 220722124742.
- (b) **Approves** the Council's submission (Trim 220725126308) to Private Plan Change 31 (RCP031).
- (c) **Authorises** the Mayor to make any minor amendments to the final submission, if required, prior to the lodgement of the submission to the Waimakariri District Council on Friday 12 August 2022.
- (d) **Notes** that the Council is to appoint independent commissioners under section 34a of the Resource Management Act 1991 to hear submissions and make the decision in relation to RCP031.

CARRIED

Mayor Gordon commended A Schulte for his advice and work done in assisting the Council in drafting its submission. He stressed that he was not opposed to the developer investing in the Waimakariri District and would, in fact, welcome investment. However, he preferred it was not in this part of the District. Mayor Gordon commented that he knew the Ohoka area well and had first-hand knowledge of the flooding and drainage issues in the area.

Mayor Gordon advised that one of the principal reasons for his objection to the plan change was that Ohoka was a small rural settlement, and such a development would irrevocably change its rural character. He believed that it was essential that the Council preserve and protect the character of district areas. Because of this, the Council took this unusual step of making a stand and submitting an objection to a Plan Change application. Mayor Gordon acknowledged the risk that the Council was taking in raising an objection and the need to appoint independent commissioners as a consequence of making this decision. However, he attended a public meeting on this matter, and there was a clear mandate from over 250 people who were in attendance that they wanted the Council to make its views known.

Mayor Gordon commented that the Council had been through the District Plan review and the Rural Residential Development Strategy twice. The second review in 2019 included this site, and the message from the community had been clear that they did not want this parcel of land developed; definitely not with proposed 500m² sections, which was smaller than the average section in Rangiora. Ohoka currently averaged a population of only 400 people and the developer proposed the development of 850 sections, which would provide an average of 2,500 additional people in this area. The Council had never contemplated the servicing and other issues such as access, transport, the character change, and the high water table associated with such a large population impact.

Mayor Gordon noted that at the Local Government New Zealand Conference, he had the opportunity to share his concerns about the impacts of private plan changes on Councils with the Minister for the Environment, David Parker. Councils took the time to consult extensively with their community during the development of their District Plans. They appointed hearing panels and then went through the process of making decisions. He believed that private plan changes completely compromised the work that Councils were doing as part of their District Plan processes. He, therefore, requested the Minister to consider a moratorium on private plan changes. Many people did not understand that anyone could apply for a private plan change, which the Council was obliged to process, and that the Council's options regarding private plan changes were minimal.

Regarding Plan Change 31, the Council had sought clear advice on the process they could follow. Unfortunately, some public did not seem to understand that the Council did not have the option of refusing the plan change but that there was a RMA process that the Council was obligated to follow. Mayor Gordon made it clear that Council staff were kept entirely separate from this process so that staff would be able to carry out their professional duties while considering the plan change. He, had undertaken some research around private plan changes and found that the 'friend of the submitter' resource, that the Council had provided, was of great assistance to residents.

Councillor Mealings commented that she had been a resident of Ohoka for 23 years and was a passionate advocate for her community. She had taken part in the Rural Residential Development Strategy review as a concerned community representative before becoming a Councillor. Over the years she had presented many submissions at a number of hearings about Ohoka, and every time the community made it perfectly clear how they felt about development in this area. Councillor Mealings stressed that it was critical that the Council made the independent commissioners aware of the following:

- That Ohoka was a very low-lying area with poor drainage and prone to flooding.
- Ohoka was a very small rural village, and development such as this would make Ohoka larger than Oxford Township.
- This particular area of Ohoka had been found time and time again to be unsuitable for rural residential development, let alone development of this overwhelming size.

Councillor Mealings was grateful that the Council had decided to object to the plan change as the Council was speaking for its community. She hoped that the community understood that the Council sided with them and that the Council understood their frustrations and anxieties.

Councillor Williams noted that he supported the motion, noting that he had no problems with developers investing in the district, provided that it was in suitable areas. However, he was concerned by the impact this proposed development would have on the surrounding areas, such as Kaiapoi, which would receive excess water run-off. Ohoka already had a problem with flooding and creating more hard surfaces in the form of driveways, roading and houses would no doubt create more water run-off, flooding and drainage problems around the area. In addition, the Ohoka Stream could not absorb any additional run-off, which was another indication this was the wrong area for this type of development.

Councillor Doody thanked A Schulte for his help with the Oxford-Ohoka Community Board submission. It was very much appreciated, as the Board needed to look after its community.

Councillor Barnett advised that independent commissioners adjudicated private plan changes, and the Council only had the authority to either accept or reject private plan changes. It was prudent for the Council to submit to have a voice in the process. Over time there had been quite a few plan changes in the Ohoka area for rural residential, which were accepted by commissioners, with questionable development conditions based on the area's topography. Many residents were unhappy about several of these developments that had already been consented to by independent commissioners. By submitting, the Council sent a message to the commissioners that it had done the research and looked into the area while reviewing the District Plan over the past five years. The Council drafted a Rural Residential Strategy at the cost of ratepayers, and although it may be a non-statutory document, it still applied as it was based on evidence. The strategy ruled the Mandeville and Ohoka areas out for intensive development. It even ruled it out for more rural residential development with sections between 2,500m² and 5,000m².

Councillor Barnett noted that the developer seemed to have found a loophole by exploiting the Greater Christchurch label placed on the district's eastern area. However, she did not believe that the National Policy Statement of Urban Development (NPSUD) was intended to be used to intensify smaller towns. Instead, she thought it was designed for Auckland, and applying that to Ohoka would be a grave breach of natural justice.

Councillor Brine commented that during previous private plan changes, such as for Pegasus Town, it was made unequivocally clear that the Council could not oppose the commissioners' recommendation unless it was prepared to appeal to the Environment Court. He agreed with all the comments made by previous speakers that Ohoka was not suited to this type of development and hoped that the Council would not be disappointed by the commissioners' recommendation.

Councillor Redmond endorsed the comments made by Councillors. Based on his experience driving around Ohoka after a rainfall event in 2022, he was entirely in support of the motion and observed the Ohoka Stream flooding some roads. The area was unsuitable for this development, as it would have repercussions downstream on Kaiapoi. Ohoka was previously rejected as an area for intensive development in Council strategies and during the District Plan review. He thanked A Schulte for drafting the submission; he was very impressed with the submission and was hopeful that the Council would receive the outcome they desired.

Councillor Ward advised that she grew up in Ohoka and favoured the Council objecting to the plan change. Ohoka was quite a unique place to live and grow up in, and she would not like to see a development destroy the area's character.

In his right of reply, Mayor Gordon commented on the significance of this matter to the District Plan and believed that it was appropriate that the whole district was made aware of this proposed development. He had been amazed by the number of people who had approached him over the last few weeks to ensure the Council was aware that the community did not support the development.

Mayor Gordon was pleased that the Council was prepared to make a stand for what was right for its community. It had not been an easy decision, however Councillors were not elected to make easy decisions; they were elected to make the best decisions for their community. The Council voiced its strong opposition on behalf of the Waimakariri community, and they hoped their submission would be considered just as strongly.

7.2 **Huria Reserve Heritage and Mahinga Kai Area – Lease Agreement for Establishment of co-governance arrangements – D Roxborough (Implementation Project Manager – District Regeneration)**

D Roxborough spoke to the report, noting that the Council's approval was being sought for the lease agreement between the Council and the Te Kōhaka o Tūhaitara Trust (the Trust) for the Heritage and Mahinga Kai area in the Kaiapoi South regeneration area. He explained that over the last year, co-governance arrangements for the project had been established between the Council and the Trust, which was now being formalised through a lease agreement. The agreement was for the lease for the reserve area itself, however, it also included terms about how the project would be delivered.

D Roxborough confirmed that the draft terms had been reviewed by staff and the General Manager of the Tūhaitara Coastal Park. The Te Kōhaka o Tūhaitara Trust subsequently accepted the terms. He explained that the next step was to seek the Council's approval of the draft terms and to request that the Acting Chief Executive be delegated to enter into that agreement on behalf of the Council. The Council was also requested to approve the transfer of \$440,000 from the existing budget to the Trust to implement the project.

Councillor Doody sought clarification on the budget provisions up to 2025/26, as she was concerned that if all the funding was to be transferred now, the Trust may come back to the Council and request additional funding. D Roxborough commented that budgets would be assigned over a year-by-year basis for the Trust to manage on a year-to-year planning and reporting basis. If the Trust did request additional funding from the Council in future, the Council would have to decide at that time.

Furthermore, Councillor Doody enquired if the budget would be sufficient for all the Trust's plans for the area. D Roxborough explained that the Trust was responsible for securing additional funding if they wished to do further development not included in the current Master Plan. Staff had included in the Lease Agreement that any future budget transfer to the Trust would be done year-by-year, and any significant changes would be subject to the ongoing Annual Plan process. C Brown noted that the Trust was required to provide an annual Statement of Intent to the Council, which could highlight what projects they wanted to undertake during the next year and what external funding they had been able to secure. He acknowledged that the budget allocated in terms of the 2021/31 Long Term Plan was never intended to complete the whole project. There were aspects such as education centres for which the Trust would be responsible for seeking external funding.

Councillor Mealings sought clarity on the membership of the Joint Working Group, noting that it was not evident from the report how the Kaiapoi-Tuahiwi Community Board would be integrated into the working group. D Roxborough pointed out that the Joint Working Group had three core members the Trust, the Council and the Rūnanga. So, in this case, the Kaiapoi-Tuahiwi Community Board was effectively represented by the Council's representative in the working group. Ultimately the decision-making within the Heritage and Mahinga Kai area had been handed over to the Trust, however, the views of the stakeholders would be taken into consideration. The Council would remain the owner of the land and would ensure that things were done appropriately.

Councillor Williams questioned if the area would be accessible to the public at all times. D Roxborough confirmed that it would be, provided that construction work was not taking place. Councillor Williams also asked about access to clean drains and access to the Kaiapoi River. D Roxborough noted that the extent of the Heritage and Mahinga Kai area as defined in the lease agreement did not include the immediate margins of the river. However, as this was a high area of public interest, access would be maintained, and staff would strive to ensure that the access was not compromised.

In response to a further question from Councillor Williams, C Brown advised that the cost of maintaining the area was currently absorbed into the broader maintenance budget.

Moved: Mayor Gordon

Seconded: Councillor Ward

THAT the Council

- (a) **Receives** Report No. 220720123275.
- (b) **Approves** the terms of the Deed of Lease Agreement for the Huria Reserve Heritage and Mahinga Kai Reserve development (Trim: 220721124364).
- (c) **Delegates** the authority to the Acting Chief Executive to enter into this lease agreement with Te Kōhaka o Tūhaitara Trust, subject to staff receiving approval from LINZ (as agents of the Crown who have an ongoing interest in the land) to enter into a lease agreement.
- (d) **Notes** that design, procurement and physical development works were already underway on the project, currently being led by staff and funded directly by the Council in the absence of the completed formal lease agreement, utilising the existing Capital Project Budgets (\$1.74m total multi-year budget).
- (e) **Notes** that a staged transfer of the forecast remaining Regeneration Activity Budgets (multi-year of approximately \$1.42m total remaining) for the Heritage and Mahinga Kai project to Te Kōhaka o Tūhaitara Trust would be made, for the purposes of implementation of the reserve development project and its initial operation; and this provision was included in the terms of the lease (subject to ongoing ratification of future years' spend in future Annual Plan processes).
- (f) **Approves** the transfer of up to \$440,000 of existing Council project budget to the Trust for the 2022/23 financial year activity (final amount to be confirmed via the Trust Statement of Intent) for the second year of the programme physical works, noting that this came from existing 22/23 project budget once forecast final carryovers and current Council commitments were allowed for.

- (g) **Notes** that the Kaiapoi-Tuahiwi Community Board retained an interest in the reserve development and would be involved/consulted in key stakeholder design decision making by and through the Council representative on the Joint Working Group.
- (h) **Notes** that whilst the Council would retain ownership of the land, Te Kōhaka o Tūhaitara Trust would be responsible for implementation works, operational matters and associated costs, and would be submitting reports to the Council on progress and seeking funding for ongoing operations costs beyond the project development phase.
- (i) **Circulates** this report to the Kaiapoi-Tuahiwi Community Board for information.
- (j) **Circulates** this report to the Mahi Tahī Joint Development Committee for information.

CARRIED

Mayor Gordon supported the motion as the project had been well discussed over a long period, including the naming of the reserve, which was discussed with the Rūnanga. He commended the work done by staff, Councillor Blackie and the Kaiapoi-Tuahiwi Community Board. Mayor Gordon noted that the principle of a partnership with the Trust was already in place regarding the coastal areas, and he fully supported the project. Mayor Gordon considered the budget reasonable and supported the transfer of the funding to finally enable the project to come to fruition.

Councillor Ward acknowledged the extraordinary work being done by the General Manager of the Tūhaitara Coastal Park, G Byrnes. He had engaged university students, who were all subsequently permanently employed over the summer.

Councillor Doody applauded the decision to name the reserve in honour of the Huria family. The Huria family was large, with members all over the district, even in Oxford. She, therefore, felt that it was a very fitting name for the reserve.

7.3 **Declaration of land as Road Reserve, Link Strip at 22 Hewitts Road – J McSloy (Development Manager), D Young (Senior Engineering Advisor), R Hawthorne (Property Manager)**

D Young took the report as read, advising that there had been a number of these small strips along Hewitts Road, which had all been disposed of previously, hence this was the only one remaining. Staff could not ascertain what these small strips were initially designated for and could not identify any rational need for the Council to retain this link strip. It was therefore recommended that the Link Strip at 22 Hewitts Road be disposed of through the Public Works Act, 1981.

Councillor Redmond advised that generally, these link strips were designed to prevent access to a road until various development contributions had been paid, as indicated in the attached report by G Saunders. D Young reported that any obligations that this type of link strip may have triggered had well and truly passed, and there was nothing further to be gained.

Councillor Williams noted his concern about Council-owned land being disposed of without compensation. If the piece of land was needed for redevelopment, it had some value to the person that wanted to acquire it. He asked if staff had been negotiating with the person interested in the land.

R Hawthorne explained that staff had not liaised with the land owner in this instance as the parcel of land was relatively small. In addition, the Council did not have a clear policy about assessing the value of link strips to a third party.

Councillor Williams questioned if it was worthwhile to request the interested party to make the Council an offer of the strip of land. R Hawthorne explained that although possible, there would be a historical anomaly because other land parcels had been surrendered without compensation.

Councillor Mealings noted that the interested party in question was paying for the costs of the proceedings.

Moved: Councillor Barnett Seconded: Councillor Ward

THAT the Council:

- (a) **Receives** Report No. 220719122802.
- (b) **Resolves** the land contained in Lot 18 DP 75996 be declared as road through the gazettal process set out in section 14 of the Public Works Act 1981.
- (c) **Delegates** authority to the Property Manager to sign the consent required to progress the declaration under the Public Works Act, 1981.
- (d) **Acknowledges** that costs were to be met by the property owner of 22 Hewitts Road as the declaration as road was for the sole benefit of that property owner.
- (e) **Acknowledges** that The Property Group Limited would oversee the process on behalf of the Council at the property owner of 22 Hewitts Road expense.

CARRIED

Councillor Barnett respected Councillor Williams trying to secure compensation for ratepayers, however, there was no other party that the Council could sell this land to. As explained by the staff, this anomaly went back to 2002 and needed to be resolved. The owner of 22 Hewitts Road would be paying the cost, so there was no charge to the Council. Councillor Ward concurred with Councillor Barnett that the irregularity needed to be fixed.

Mayor Gordon supported the motion, noting that the estimated process cost was between \$2,500 and \$3,000, which the adjacent property owner had agreed to meet.

Councillor Williams noted that he would support the motion. However, he believed that it should be standard practice if someone approached the Council about purchasing Council-owned land, the land in question should be valued. He also thought the Council needed a policy on the disposal of link strips.

Councillor Redmond advised that he supported the motion based on G Saunders' 2002 report to the Council. He commented that the subdivision was approved in 2001, and this link strip was imposed to prevent access until required contributions had been paid. The 2002 report seemed to indicate that those contributions had been paid at that time.

D Young appreciated that there was some confusion, the 2022 report that G Saunders referred to was for 7m² of the neighbouring property, this 9m² link strip was located on Lot 18 DP 75996.

In her right of reply, Councillor Barnett stated that she trusted staff had weighed up all the options before recommending the disposal of the link strip. In knowing the area, she felt that there was no other solution.

7.4 **Consultation: Conservation Reform Discussion Document and Exposure Drafts of Amendments to NPS Freshwater 2020 and NES Freshwater 2020 – L Murchison (Lead Advisor, Sustainable Development)**

L Murchison took the report as read and there were no questions from Councillors.

Moved: Councillor Stewart

Seconded: Councillor Mealings

THAT the Council

- (a) **Receives** Report No 220721124647;
- (b) **Circulates** the report and attached submissions to the Community Boards for information.

CARRIED

Councillor Stewart commented that this was a collection of quite important environmental documents. She was grateful that staff included in the submission the anomalies between the documents, as these needed to be resolved by Government. Some of the anomalies conflicted in such a way that Regional and Territorial Authorities would need clear direction from the Government. In conclusion, she thanked the staff for the work that they were doing with regard to water matters.

Councillor Mealings thanked staff for the submission and for pointing out some rather strange anomalies. However, she expressed her concern that the Government had released eight environmental documents for feedback in the last few months with no more than six weeks to respond to any of them and sometimes even shorter timeframes.

The meeting adjourned from 2:26pm to 3pm for a break.

7.5 **Procurement and Contract Management Policy Update – K LaValley (Project Delivery Manager) and J Millward (Acting Chief Executive)**

K LaValley advised that the report sought approval of the updated Procurement and Contract Management Policy. She highlighted the policy had been amended to:

- Clarify the responsibilities of the various procurement groups and units.
- Include requirements for Procurement Plans for purchases over \$50,000.
- Simplify the price request method required for various dollar value procurement.
- Strengthen reporting requirements for lower value procurement (less than \$50,000).
- Clarify requirements around receiving prices and evaluating prices; and
- Replace the Request for External Consultant form with the Procurement Plan to document the need for external consultants.

Councillor Williams enquired if all staff were familiar with the Procurement and Contract Management Policy and process. K LaValley explained that staff had not been briefed on the updated Procurement and Contract Management Policy. However, staff should be aware of the provisions of the current Procurement and Contract Management Policy. Also, there was a network of procurement champions across the Council to assist staff with procurement.

Moved: Councillor Ward

Seconded: Councillor Mealings

THAT the Council

- (a) **Receives** Report No. 220518080569.
- (b) **Approves** the Procurement and Contract Management Policy (220303030172).

CARRIED

Councillor Mealings commended staff for streamlining the Procurement and Contract Management Policy and for including sustainable procurement practices in the policy.

Councillor Williams supported the motion, however, he stressed that staff need to be educated on the Council's procurement process. He also believed that the Procurement and Contract Management Policy could be refined more.

8. MATTERS REFERRED FROM COMMITTEES AND COMMUNITY BOARDS

Nil.

9. HEALTH, SAFETY AND WELLBEING

9.1 Health, Safety and Wellbeing Report July 2022– J Millward (Acting Chief Executive)

J Millward provided an update on Health, Safety and Wellbeing matters for July 2022. He elaborated on some of the incidents and accidents, such as the Telecom cable strikes and the member of the public being injured at the Southbrook Resource Recovery Park. He advised that these incidents were being investigated further in collaboration with the respected Units.

Councillor Williams noted that a Councillor previously asked for verification of the rumour of a person falling and fracturing their leg at the Butchers Road Bridge. J Millward advised that he had not been informed of such an incident, he would, however, follow up and report to the Council.

Moved: Councillor Williams

Seconded: Councillor Doody

THAT the Council:

- (a) **Receives** Report No 220725126310.
- (b) **Notes** that there were no notifiable incidents this month. The organisation is, so far as is reasonably practicable, compliant with the duties of a person conducting a business or undertaking (PCBU) as required by the Health and Safety at work Act 2015.
- (c) **Circulates** this information to Community Boards for their information.

CARRIED

Councillor Williams thanked staff for the detailed report.

10. COMMITTEE MINUTES FOR INFORMATION

- 10.1 Minutes of a meeting of the Utilities and Roading Committee of 21 June 2022
- 10.2 Minutes of a meeting of the Waimakariri-Passchendaele Advisory Group meeting of 4 July 2022
- 10.3 Minutes of a meeting of the Audit and Risk Committee meeting of 19 July 2022

Moved: Councillor Doody Seconded: Councillor Ward

THAT the Council:

Receives Items 10.1 to 10.3 for information.

CARRIED

11. COMMUNITY BOARD MINUTES FOR INFORMATION

- 11.1 Minutes of the Kaiapoi-Tuahiwi Community Board meeting of 20 June 2022
- 11.2 Minutes of the Oxford-Ohoka Community Board meeting of 6 July 2022
- 11.3 Minutes of the Woodend-Sefton Community Board meeting of 11 July 2022
- 11.4 Minutes of the Kaiapoi-Tuahiwi Community Board meeting of 18 July 2022

Moved: Councillor Redmond Seconded: Councillor Stewart

THAT the Council:

Receives Items 11.1 to 11.4 for information.

CARRIED

12. REPORT FOR INFORMATION

- 12.1 **May 2021, December 2021 and February 2022 Flood Events – Service Requests Update**

(Refer to the attached copy of report 220707115264 to the Utilities and Roading Committee meeting of 19 July 2022)

Moved: Councillor Doody Seconded: Councillor Redmond

THAT the Council:

- (a) **Receives** Item 12.1 for information.

CARRIED

13. MAYOR'S DIARY

- 13.1 **Mayor's Diary Wednesday 29 June – Tuesday 26 July 2022**

Moved: Councillor Mealings Seconded: Councillor Ward

THAT the Council:

- (a) **Receives** Report No. 220728128380.

CARRIED

14. COUNCIL PORTFOLIO UPDATES

14.1 Iwi Relationships – Mayor Dan Gordon

Mayor Gordon hoped that the scheduled Mahi Tahī Joint Development Committee meeting would be held on 16 August 2022, where after he would report back to the Council.

14.2 Greater Christchurch Partnership Update – Mayor Dan Gordon

Mayor Gordon reported that they would meet with the Government Minister on 5 August 2022 to discuss spatial planning and rapid transport. As there were some issues needed clarification before the matters were signed off.

14.3 Canterbury Water Management Strategy – Councillor Sandra Stewart

Councillor Stewart reported that Dr Tim Chamber from the University of Otago had received funding to study the impact of nitrates in drinking water and babies being born underweight or prematurely. There was an opportunity to work with the University of Otago to design a groundwater nitrate model. This project was the first step in creating a country-wide database that mapped nitrates in drinking water. Dr T Chamber would be visiting the Christchurch area in August 2022 to test samples from private wells, and it was hoped that he would also be able to visit the Waimakariri District. It was estimated that approximately 24% of private well owners do not know their water supplies were contaminated.

14.4 International Relationships – Deputy Mayor Neville Atkinson

Councillor Atkinson advised that there was no current update.

14.5 Regeneration (Kaiapoi) – Councillor Al Blackie

Councillor Blackie was not present.

14.6 Climate Change and Sustainability – Councillor Niki Mealings

Councillor Mealings noted that the Strategy and Business Unit members were attending Climate Change Workshops, and staff were updating the Council's Climate Change Work Programme. In addition, staff would be meeting with the Canterbury Mayor Forum Climate Change Working Group representative to hopefully progress some climate change action within the region.

Councillor Mealings also confirmed that no feedback had been received on the Council's submission to the draft National Adaptation Plan.

14.7 Business, Promotion and Town Centres – Councillor Joan Ward

Councillor Ward advised that Rangiora and Oxford Promotions reported to the Audit and Risk Committee on the work they had planned for the 2022/23 financial year. She noted that the Council had met with the Rangiora Airfield Advisory Group to discuss the future of the runways at the airfield. Regarding the development of the BNZ Corner, final proposals would be submitted to the Evaluation Panel next week. In conclusion, Councillor Ward noted that the successful Review Waimakariri Economic Development Strategy Workshop was held on 7 July 2022.

15. QUESTIONS

(under Standing Orders)

16. URGENT GENERAL BUSINESS

(under Standing Orders)

17. MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987.

Councillor Redmond requested that a decision on whether Item 17.6 'Memorandum of Understanding with the WHoW Charitable Trust' should be dealt with the public excluded be considered separately. However, Mayor Gordon declined his request.

Moved: Councillor Barnett

Seconded: Mayor Gordon

THAT the Council:

- (a) **Resolves** that the public be excluded from the following parts of the proceedings of this meeting.

CARRIED

Councillor Redmond Against

The general subject of each matter to be considered while the public was 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, were as follows:

Item No	Minutes/Report of	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
17.1	Minutes of public excluded portion of Council meeting of 5 July 2022.	Confirmation of minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
17.2	Minutes of public excluded portion of an extraordinary Council meeting of 12 July 2022.	Confirmation of minutes	Good reason to withhold exists under Section 7	Section 48(1)(a)
17.3	Minutes of public excluded portion of the Audit and Risk Committee meeting of 19 July 2022	Receipt of minutes for information	Good reason to withhold exists under Section 7	Section 48(1)(a)
ADJOURNED BUSINESS				
17.4	R Hawthorne (Property Manager) to provide a verbal update.	Kaiapoi Stormwater and Flooding Improvements Authority to dispose of residual properties	Good reason to withhold exists under Section 7	Section 48(1)(a)
REPORTS				
17.5	Report of S Hart – Strategy and Business Manager	CWMS Zone Committee 2022 Membership Refresh Appointments	Good reason to withhold exists under Section 7	Section 48(1)(a)
17.6	Report of S Markham (Manager Strategic Projects) and C Brown (General Manager Community and Recreation)	Memorandum of Understanding with the WHoW Charitable Trust	Good reason to withhold exists under Section 7	Section 48(1)(a)

17.7	Report of G Barnard (Park Community Assets Officer)	Contract 17/22 Street Reserves and Cemetery Tree Maintenance Request for approving a Two Year Extension of Contract	Good reason to withhold exists under Section 7	Section 48(1)(a)
17.8	Report of M Bacon (Development Planning Mgr), C Wood (Principal Policy Analyst), M Buckley (Principal Policy Planner) and R McClung (Principal Policy Planner)	Notification of ISP and financial contributions variations	Good reason to withhold exists under Section 7	Section 48(1)(a)
MATTER REFERRED FROM AUDIT AND RISK COMMITTEE MEETING 19 JULY 2022				
17.9	Report of S Nation (Quality and Risk Coordinator)	Risk Management Update and Risk Management Policy	Good reason to withhold exists under Section 7	Section 48(1)(a)

This resolution was 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 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public were as follows:

Item N°	Reason for protection of interests	LGOIMA Part 1, Section 7
171 – 17.9	Protection of privacy of natural persons; To carry out commercial activities without prejudice; Maintain legal professional privilege; Enable Council to continue with (commercial) negotiation without prejudice or disadvantage Prevent the disclose of information for improper gain or advantage	Section 7 2(a) Section 7 2(b)ii Section 7 (g) Section 7 2(i) Section 7 (j)

CLOSED MEETING

Resolution to Resume in open meeting

Moved: Councillor Barnett Seconded: Councillor Doody

17.1 Confirmation of Minutes of the Public Excluded portion of the Council meeting of Tuesday 5 July 2022

Resolves that the Minutes remain public excluded.

17.2 Confirmation of Minutes of the Public Excluded portion of the Council meeting of Tuesday 12 July 2022

Resolves that the Minutes remain public excluded.

17.3 Receipt of Minutes of the Public Excluded portion of the Audit and Risk Committee meeting of Tuesday 19 July 2022

Resolves that the Minutes remain public excluded.

17.4 **CWMS Zone Committee 2022 Membership Refresh Appointments – S Hart (Strategy and Business Manager)**

Resolves that recommendations (a), (b) and (f) be made public immediately and recommendations (c) and (d) be made public following Environment Canterbury's confirmation of the appointments.

17.5 **Memorandum of Understanding with the WHow Charitable Trust – S Markham (Manager Strategic Projects) and C Brown (General Manager Community and Recreation)**

Resolves that recommendations be made public, however that the discussion, report and attachments remain in public excluded

17.6 **Contract 17/22 Street Reserves and Cemetery Tree Maintenance Request for Approving a Two Year Extension of Contract – G Barnard (Park Community Assets Officer)**

Resolves that the recommendations be made publically, however that the contents of the report and discussion remain public excluded for reasons of commercial sensitivity.

17.7 **Notification of ISP and financial contributions variations – M Bacon (Development Planning Manager), C Wood (Principal Policy Analyst), M Buckley (Principal Policy Planner) and R McClung (Principal Policy Planner)**

Resolves that the subject matter of this report remain public excluded under s7 (2) of the Local Government Official Information and Meetings Act 1987 until notification of Variation 1 and 2; with resolutions (a) – (g) of this report remaining public information.

17.8 **Risk Management Update and Risk Management Policy – S Nation (Quality and Risk Co-ordinator)**

Resolves that the resolutions be made public and that the contents of the report and discussion remain public excluded due to commercial sensitivities.

CARRIED

The public excluded portion of the meeting occurred from 3.20pm to 4.26pm.

OPEN MEETING

17.5 **CWMS Zone Committee 2022 Membership Refresh Appointments - S Hart – Strategy and Business Manager**

- (a) **Receives** Report No. 220720123908.
- (b) **Notes** the recommended changes to the CWMS Waimakariri Zone Committee membership will also be received for approval by the Environment Canterbury (ECan) Council on 18 August 2022.
- (f) **Circulates** this report to the Mahi Tahī Joint Development Committee and Community Boards for information.

17.6 **Memorandum of Understanding with the WHow Charitable Trust - S Markham (Manager Strategic Projects) and C Brown (General Manager Community and Recreation)**

- (a) **Receives** Report No. 220721124491.
- (b) **Approves** in principle an extension from 8 August 2022 for three years to 8 August 2025 of the WHow Trust: Council Memorandum of Understanding in relation to the defined project area for the purposes of progressing the Aquasports Park project.
- (c) **Notes** Crown representatives through Land Information New Zealand have continued to support the Council seeking appropriate active reuse of regeneration land, consistent with the District Plan, and the proposed Reviewed District Plan enables such activities as the Aquasports Park, while carefully managing the interface with adjoining residential activities.
- (d) **Notes** staff would bring back to the Council for approval a draft final Memorandum of Understanding document in accordance with (b) above, which once approved, would become a public document.
- (e) **Agrees** not to pursue the Kaiapoi East Resident's Association (KERA) proposal for a license to occupy, but requests staff to engage with KERA towards identifying meaningful opportunities for KERA to progress its objectives in East Kaiapoi.
- (f) **Notes** staff would be engaging with Aqualand NZ to progress preparations to further develop attractions at Courtenay Lake for the summer season and would further update the Kaiapoi-Tuahiwi Community Board (KTCB) and the Council as soon as was practical.
- (g) **Agrees** that recommendations be made public, however that the discussion, report and attachments remain in public excluded.

17.7 **Contract 17/22 Street Reserves and Cemetery Tree Maintenance Request for Approving a Two Year Extension of Contract – G Barnard (Park Community Assets Officer)**

- (a) **Receives** Report number 220706114496.
- (b) **Approves** a two year extension to contract 17/21 Street Reserve and Cemetery Tree Maintenance Contract commencing 1 October 2022 and ending 30 September 2024 for a total value of approximately \$945,000.
- (c) **Notes** that Asplundh's audited performance was an average of 99% percent over the initial four year period of the contract to date.
- (d) **Notes** that should the contract be extended for a period of two years that Greenspace staff may request a further extension prior to the expiration of the extension of an additional one year period as allowed for in the contract.
- (e) **Notes** that this report be circulated to the Community and Recreation Committee to be considered for information.
- (f) **Resolves** that the recommendations in this report be made publically available but that the contents of the report and discussion remain public excluded for reasons of commercial sensitivity.

17.8 **Notification of ISP and financial contributions variations - M Bacon (Development Planning Manager), C Wood (Principal Policy Analyst), M Buckley (Principal Policy Planner) and R McClung (Principal Policy Planner)**

- (a) **Receives** Report No. 220711116939.
- (b) **Approves** Variation 1 (Residential housing intensification) to the proposed Waimakariri District Plan and directed staff to notify the proposed variation on or before 20 August 2022.
- (c) **Approves** Variation 2 (financial contributions) to the proposed Waimakariri District Plan and directed staff to notify the proposed variation on or before 20 August 2022.
- (d) **Notes** that as a 'Tier 1' Local Authority the Resource Management Act 1991 directed the Council to prepare and notify a variation to the proposed district plan to give direct effect to housing intensification provisions of the Act.
- (e) **Resolves** that the subject matter of this report remain public excluded under s7 (2) of the Local Government Official Information and Meetings Act 1987 until notification of Variation 1 and 2; with resolutions (a) – (g) of this report remaining public information.
- (f) **Delegates** the Mayor and District Plan Review Portfolio Holder to approve a potential submission by the Council in respect of matters covered in Variation 1.
- (g) **Directs** staff to seek retrospective Council approval of any submission lodged by the Council in respect of matters covered in Variation 1.

17.8 **Risk Management Update and Risk Management Policy – S Nation (Quality and Risk Co-ordinator)**

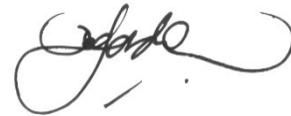
- (a) **Approves** the draft Waimakariri District Council's Risk Management Policy (220428064824) to be forwarded to the Council for final approval at the 2 August 2022 meeting.
- (b) **Notes** the Top 10 Risks identified in the 'Corporate Risks' Risks Register.
- (c) **Notes** the current identified level of organisational risk maturity.
- (d) **Notes** the proposed Risk Management Work Programme and the resourcing of the Quality and Risk Team.
- (e) **Requests** that Management include the proposed review of the Top 10 Corporate Risks Workshop in the upcoming induction of the new Council.

19. **NEXT MEETING**

The next scheduled ordinary meeting of the Council would occur at 1pm on Tuesday 6 September 2022, to be held in the Council Chambers, Rangiora Service Centre, 215 High Street, Rangiora.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.30PM.

CONFIRMED



Chairperson
Mayor Dan Gordon

6 September 2022
Date