

MINUTES OF AN EXTRAORDINARY MEETING OF THE WAIMAKARIRI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, RANGIORA SERVICE CENTRE, 215 HIGH STREET, RANGIORA, ON TUESDAY, 14 MARCH 2023, COMMENCING AT 11.45AM.

PRESENT

Mayor D Gordon (Chairperson), Deputy Mayor N Atkinson, Councillors A Blackie, R Brine, B Cairns, T Fulton, J Goldsworthy, N Mealings, P Redmond, J Ward and P Williams.

IN ATTENDANCE

J Millward (Acting Chief Executive) (from 11.48am), H Street (Corporate Planner), G Cleary (General Manager Utilities and Roading), C Brown (General Manager Community and Recreation), T Tierney (General Manager Regulation, Planning and Environment), K LaValley (Project Delivery Manager), S Nichols (Governance Manager) and A Smith (Governance Coordinator).
M Jacobs (member of the public).

1. APOLOGIES

There were no apologies.

2. CONFLICTS OF INTEREST

There were no conflicts of interest recorded.

3. MINUTES FOR CONFIRMATION

3.1. Minutes of a meeting of the Waimakariri District Council held on Wednesday 8 February 2023

Moved: Councillor Atkinson

Seconded: Councillor Goldsworthy

THAT the Council:

- (a) **Confirms**, as a true and correct record, the circulated Minutes of the meeting of the Waimakariri District Council meeting held on Wednesday 8 February 2023.

CARRIED

4. REPORTS

4.1. Establishment of the Road Safety Working Group – J McBride (Roading and Transport Manager) and S Nichols (Governance Manager)

S Nichols was present for the consideration of this report, which sought the Council approval to establish the Road Safety Working Group for this Council term. This working group would replace the Waimakariri Road Safety Coordinating Committee. The overall concept of this working group had not changed from the previous term, however, the new Terms of Reference clarified the role of the group and reporting lines.

There were no questions.

Moved: Councillor Cairns

Seconded: Councillor Atkinson

THAT the Council:

- (a) **Receives** Report No. 230303029408.

- (b) **Notes** that the Waimakariri Road Safety Coordination Committee would be replaced by the Waimakariri District Road Safety Working Group (RSWG).
- (c) **Approves** the Terms of Reference for the Waimakariri District Road Safety Working Group (RSWG) as attached in Appendix 1 (Trim 221207211571).
- (d) **Appoints** Councillor Redmond as Chairperson, being the Portfolio Holder of Roothing, and Councillor Cairns being the Council's representative on the Waimakariri Access Group and the Waimakariri District Road Safety Working Group (RSWG).

CARRIED

4.2. **2023/24 Development Contribution Policy for Consultation with Draft Annual Plan – K LaValley (Project Delivery Manager)**

K LaValley presented this report, which sought Council's approval to consult on the Draft 2023/24 Development Contribution Policy as part of the 2023/24 Annual Plan. Key changes to the Policy were highlighted, significantly the rebate scheme that applied to Māori development in Tuahiwi Reserve MR873. The rebate would be applicable to projects which were included in the Council's 2021/31 Long Term Plan and in the Development 2023/24 Contributions Schedule. This rebate was further based on cluster housing type development with approximately 20 and may be revisited for developments of greater density.

An updated printed copy of the Policy document was circulated to members at the meeting. This included changes that had been added following consultation with Ngai Tūāhuriri. K LaValley drew attention to these changes which included updated *Clause 3.1 Support the principles set out in the Preamble to Te Ture Whenua Māori Act 1993* and clarification of the definition of Kāinga Nohoanga.

Councillor Redmond sought clarification on Resource Consents RC195034 and RC185168 mentioned in the staff report and the option of granting the rebate scheme to these, as they were both qualifying developments. K LaValley advised that developed contributions had been invoiced for RC195034, however, was not paid, and RC185168 had not progressed to date. Both these Resource Consents were for cluster housing developments with six houses in the MR873 area. It was estimated that these Resource Consents would have been issued in 2018/19.

In determining the extent of the Policy, Councillor Redmond asked what proportion of land in Tuahiwi Reserve MR873 was currently in descendant ownership. This exact figure was not known, K LaValley explained that the rules of the Policy allowed for the construction of 20 houses over five years. If the point was reached that proposed developments would exceed that, staff would seek Council approval to extend the rebate scheme beyond what was proposed with this report today.

Councillor Redmond referred to Clause 5.3 in the report and questioned why the wider community would not have an interest in the subject matter of this report and also asked who would make-up the financial implications if the Policy was adopted. K LaValley suggested that the way that it was proposed that the rebate scheme would be set up, it would only have a 0.15% impact on rates, which translated to a value of \$30,500, which was considered a minor amount.

Referring to Clause 6.2.2 regarding risk relating to the rebate scheme, Councillor Redmond enquired if the retrospective nature of the scheme made the risk even higher. Staff believed this would not be the case, as it would not increase the risk any more than the rebate scheme itself did.

Councillor Redmond referred to the use of the word “rebate”, for this scheme, noting that in the Local Government Act, 2002 the word “remission” was used relating to Development Contributions and sought confirmation that the scheme met the legal requirements to use the term ‘rebate’. K LaValley responded that the term rebate was used for this scheme to distinguish it from remissions, however, if it was Council’s wish to use the term remission, that could be changed. Mayor Gordon suggested that in this instance, the recommendation could refer to “rebate/remission” and in a further report to the Council the agreed term would be confirmed.

J Millward subsequently noted that when referring to Development Contribution Policies of other Councils throughout the country, the word “rebate” had been used.

Councillor Cairns questioned if there was a potential outer limit of housing development over the five year period. K LaValley noted that 20 houses was the upper limit over five years, and this would be the cut off point for those able to apply for the rebate. The 20 houses over five years was the figure recommended by Ngai Tūāhuriri.

Following a further question from Councillor Cairns, whether Clause 4.6.5 of the tabled version of the policy document, which referred to tangata whenua (people), or should read mana whenua (reference to those who have historical rights over the land). K LaValley noted that this statement related to Kemps Deed. However, Mayor Gordon suggested that the correct term in this case would be mana whenua.

Councillor Williams enquired about the two developments which staff was suggesting the rebate scheme be applied to retroactively. K LaValley confirmed that if Resource Consents RC195034 and RC185168 both progressed, this would account for 12 houses and there would be just eight other houses able to apply for rebate over the next five year period.

Councillor Williams also enquired about the roading development relating to RC195034, and the work that had been undertaken on behalf of the Council. Staff were not aware of any roading work, and Mayor Gordon asked staff to investigate this and provide a response back to himself and Councillors.

Councillor Fulton referred to the 20 houses being built over a five year period in and asked if the Council had undertaken its own analysis as to whether 20 houses were a reasonable estimate over this five year period. J Millward advised it was assumed that Ngai Tūāhuriri would know best what potential developments were planned in this area and the Council had therefore accepted this figure.

Councillor Goldsworthy asked what the total dollar value would be for staff time to process the retrospective resource consents. J Millward noted the cost was estimated at \$235,000, which, if funded under the same basis was \$16,000 per year, 0.02%.

Moved: Mayor Gordon

Seconded: Councillor Atkinson

THAT the Council:

- (a) **Receives** Report No. 230215020550.
- (b) **Approves** an addition to the Draft 2023/24 Development Contributions Policy, as per Trim 230215020551 establishing a proposed rebate/remission for the Tuahiwi Reserve MR873.
- (c) **Approves** the development contributions rebate/remission in the Development Contributions Policy to apply to all applicable development contributions for qualifying developments of up to 20 dwellings over five years as infill type development.
- (d) **Approves** the Rebate/Remission Scheme to be retroactively applied to RC195034 and RC185168 as qualifying developments.

- (e) **Notes** that the rebate/remission provisions of the Policy could be reviewed annually with the Policy review.
- (f) **Notes** that although the proposed rebate/remission for the Tuahiwi Reserve MR873 in the Draft 2023/24 Development Contributions Policy was significant in terms of relationship outcomes, the financial effect was considered minimal.
- (g) **Approves** the development contribution maps including the map for the new development contribution area of Outer East Rangiora (Eastern Link Road) and amended Outer East Rangiora sewer map.
- (h) **Notes** that the proposed Draft 2023/24 Development Contributions Policy and maps would be consulted on alongside the 2023/24 Annual Plan.

CARRIED

Councillor Williams Against

Mayor Gordon acknowledged that it had been a long journey to get to this point, from 1948 until today, successive planning changes had deprived descendants of Tuahiwi Reserve MR873 the right to develop on their own land, as was determined by Kemps Deed. This Council had gone a long way to put this right, however, this did not negate over successive years, that those opportunities were not available. The question of Development Contributions should have been resolved many years ago and today was the opportunity to do that. The policy proposed for a rebate or remission for up to 20 dwellings over five years. It was clear in the policy that this was for the descendants of the Kāinga Nohoanga Special Purpose Zone.

Mayor Gordon further noted that there had been many workshops held in the past about this matter and took this opportunity to acknowledge the late Ngai Tahu elder Henare Rakiihia Tau, and also the presence of Mary Jacobs in the public gallery today. Dr Te Maire Tau had also been involved in a number of workshops in recent years along with other members of the Rūnanga. The Mayor wanted the Council to make a decision that addressed the injustice that was created many years ago. This Policy went a long way to achieve this and in the memory of Rakiihia Tau, Mayor Gordon urged Councillors to support this motion today and believed this was the right decision for the Council to make.

Councillor Ward supported this motion and believed this was an appropriate Policy for the current times.

Amendment

Moved: Councillor Redmond

Seconded: Councillor Williams

- (a) **Receives** Report No. 230215020550.
- (b) **Approves** an addition to the Draft 2023/24 Development Contributions Policy, as per Trim 230215020551, establishing a proposed rebate/remission for the Tuahiwi Reserve MR873.
- (c) **Approves** the development contributions rebate/remission in the Development Contributions Policy to apply to all applicable development contributions for qualifying developments of up to 20 dwellings over five years as infill type development.
- (e) **Notes** that the rebate/remission provisions of the Policy can be reviewed annually with the Policy review.
- (f) **Notes** that although the proposed rebate/remission for the Tuahiwi Reserve MR873 in the Draft 2023/24 Development Contributions Policy is significant in terms of relationship outcomes, the financial effect is considered minimal.

- (g) **Approves** the development contribution maps including the map for the new development contribution area of Outer East Rangiora (Eastern Link Road) and amended Outer East Rangiora sewer map.
- (h) **Notes** that the proposed Draft 2023/24 Development Contributions Policy and maps will be consulted on alongside the 2023/24 Annual Plan.

LOST

A Division was called:

For 3: Councillors B Cairns, P Redmond and P Williams.

Against 8: Mayor Gordon, Deputy Mayor Atkinson, Councillors A Blackie, R Brine, T Fulton, J Goldsworthy, N Mealings and J Ward.

Lost 8:3

Councillor Redmond noted the staff report recommendation (d) which referred to two Resource Consents, one which had been implemented and one which had not progressed. The scheme which had progressed could reapply for a rebate/remission under the proposed policy. Regarding the other consent which had outstanding fees, Councillor Redmond did not know whether there had been a trade off with the road costs and he would like to have further information before making a decision. These resource consents were issued in the past and Councillor Redmond was recommending that recommendation (d) be removed at this time and proposed this amendment.

Councillor Williams referred to the matter of RC195034, as he believed that there was a roading trade-off agreed in 2019. The development contributions for that development were resolved at that time until the road was completed and it then came back for consideration again. Councillor Williams suggested that this was not fair to the ratepayers.

There were no further speakers to the amendment.

Original Motion

Councillor Williams did not believe it was fair on other ratepayers with the possibility of more than 20 houses being built in Tuahiwi Reserve MR873 over a five year period and therefore further rebates/remissions being applied for. Councillor Williams therefore suggested that this report should lay on the table until outstanding questions had been answered. Everybody should be treated equal and Councillor Williams believed this was a race-based decision. Councillor Williams also believed the financial impact would be much greater than indicated.

In supporting the recommendation, Councillor Fulton believed that the Council needed to address decisions of previous Councils, which were made in good faith, however have had an unjust impact on the people of Tūāhuriri.

Councillor Brine pointed out that this matter was going out to the community for consultation, at which time the views of the residents in the district would be known and in this regard, encouraged colleagues to support this motion.

Councillor Redmond noted that Councillors' role was to act in the best interests of the whole district. It was accepted that there had been injustices in the past, however, he did not believe it was his role to re-write history, and suggested a better view was to look ahead. The staff report did not mention compensation and Councillor Redmond believed that compensation for past injustices was a matter for the Crown to address, which had been apparent from the various agreements that Ngai Tahu had negotiated.

Councillor Redmond commented that this policy enabled the Council to encourage development on Tuahiwi Reserve MR873 and he considered that this was a positive move and supported the policy. However he had some reservations with previous consents which were granted. The adoption of this policy enabled encouragement of development in Tuahiwi Reserve MR873. This Council had resourced Tuahiwi Reserve MR873 with significant infrastructure and did not view it as a deprived area. In the last ten years the Council had spent over \$7 million in Tuahiwi Reserve MR873 and there was a further \$1 million pending. The Local Government Act, 2022 permitted the Council to facilitate Māori development and culture and this policy enhances that. In supporting this motion, Councillor Redmond agreed with the views of Councillor Brine that public consultation, would provide the Council with the community views on this matter. This was a positive process in encouraging development in the future but Councillor Redmond did not consider it was in place to redress the wrongs of the past.

Referring to Kemps Deed, Councillor Blackie mentioned of the original granting of 10% of 30 million acres to Iwi and noted another significant party involved in this matter at the time, was Sir Walter Mantell. The involvement of Sir Mantell was not often acknowledged when mention was made of Kemps Deed. Councillor Blackie had concerns that this policy would enhance relationships between the Councillors, Council and the Iwi but there was potential for resentment from other ratepayers.

Councillor Atkinson referred to the Town and Country Planning Act, 1977 which dictated that Māori people could not return to their land or build houses on it. Though also agreed with looking forward, he believed wrongs of the past needed to be readdressed. The Council was responsible for fair and just results for the people of the district. Councillor Atkinson deemed the scheme to be an excellent concept and fully supported it.

Councillor Mealings agreed that in looking back, there needed to be acknowledgement of matters that were not right at the time, and this policy was an opportunity to address these. The policy was very clear with the numbers and the timeframes and she therefore supported this motion.

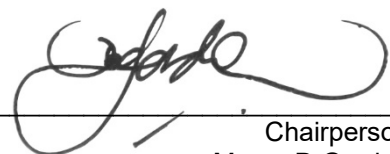
In reply, Mayor Gordon acknowledged the discussion and the comments of Councillor Williams, regarding the previous consent, noting that there needed to be transparency with any deals that were undertaken around this. Mayor Gordon encouraged colleagues to ask questions and did not like any inference that matters were not open and transparent. Any undertakings made by the Council need to be honoured. This was a very important step for this Council, and resolving issues that should have been resolved a long time ago. This was not helping with the relationship with the Rūnanga and was holding back discussions that the Council would like to be having with them and moving forward in partnership. Approving this recommendation would enable the descendants of Tuahiwi Reserve MR873 to develop their land. Mayor Gordon also acknowledged the consultation process would enable the community to have its say and he urged Councillors to support the motion.

5. NEXT MEETING

The next scheduled ordinary meeting of the Council will commence at 1pm on Tuesday 4 April 2023.

There being no further business, the meeting concluded at 12.42pm.

CONFIRMED



Chairperson
Mayor D Gordon

4 April 2023
Date