

MINUTES FOR AN EXTRAORDINARY MEETING OF THE KAIAPOI-TUAHIWI COMMUNITY BOARD HELD IN MEETING ROOM 1 (UPSTAIRS), RUATANIWHA KAIAPOI CIVIC CENTRE, 176 WILLIAMS STREET, KAIAPOI ON MONDAY 2 AUGUST 2021 AT 6PM.

PRESENT

J Watson (Acting Chairperson), N Atkinson, B Cairns, J Meyer and M Pinkham.

IN ATTENDANCE

Mayor D Gordon, S Stewart (Kaiapoi-Woodend Ward Councillor), P Redmond (Kaiapoi-Woodend Ward Councillor), C Brown (Manager Community and Recreation) and K Rabe (Governance Advisor).

Twelve members of the public attended the meeting.

1 APOLOGIES

Moved: J Watson

Seconded: J Meyer

That apologies for absence be received and sustained from C Greengrass and A Blackie.

CARRIED

2 CONFLICTS OF INTEREST

There were no conflicts of interest declared.

3 DEPUTATIONS AND PRESENTATIONS FROM THE COMMUNITY

3.1 Joanne Allen, Kaiapoi Resident

J Allen raised concerns regarding the possible environmental impacts of the Aquapark on the lake and its surrounds, including birdlife, fish and eel populations and the spawning grounds for threatened whitebait. She noted that it was unfortunate that there was no historic data on the fauna and flora of the lake and surrounding area so that the possible impact could be more easily be ascertained.

J Allen acknowledged the water testing that had recently been done by WHow which showed that the water quality was within swimmable limits however, there were still concerns relating to the health and safety of children exposed to water which had a high concentration of bird effluence.

She also noted that the lake area was a quiet and peaceful place where people of the neighbourhood walked and contemplated the birdlife and she was concerned that a commercial activity would impact this environment negatively. J Allen wondered if the Council was setting a precedent, by allowing an "event" which would last several months a year, on public land, and wondered if this activity would not be better suited at different location.

The Chairperson thanked J Allen for her presentation.

4 **REPORTS**

4.1 **WHow Aquaplay Licence to Occupy – C Brown (Manager Community and Recreation)**

C Brown systematically explained the report making special reference to the water quality testing, the public consultation, impact to wildlife, possible noise and light pollution and traffic/parking issues. He also commented that neither Land Information New Zealand (LINZ) who represented the Crown or the Rūnanga had expressed any concerns regarding the proposed activity.

C Brown also highlighted the information circulated to the Board earlier regarding the establishment of Aqualand New Zealand Limited by WHow to enable them to deliver the activity through a commercial company. He gave a brief overview of the information circulated noting the establishment of the commercial entity had no bearing on the licence to occupy.

N Atkinson questioned the difference between a lease and a licence to occupy. C Brown advised that a lease was usually granted to sports clubs which allowed for a “peppercorn” rental for the long term occupation of land, whereas a licence to occupy could be terminated at short notice. A ratchet rent review could be included for commercial activity and an added benefit in was that there was little risk to the Council as the licensee would be responsible for any activity carried out on site. He also noted that the Council would face no financial cost relating to this project.

M Pinkham enquired if the Council had been aware of WHow's intention to set up a commercial entity to run the Aquapark. C Brown confirmed that the Council had not been aware but the establishment of a commercial entity had no bearing on the request for a licence to occupy. However, once he had been notified he had forwarded the relevant information to members for their information.

M Pinkham confirmed that this activity was hoping to bring business into the town centre, however there was no mention of showers or changing rooms in the current proposal. If this was the case he would imagine that most people who visited the park would put their children into the car and go home. C Brown noted that there were other recreation areas which did not have dedicated changing rooms, however the Board could specify that adequate changing facilities be provided.

P Redmond asked for further clarification on the financial aspects of WHow and Aqualand New Zealand including, the rent charged to commercial activities on public land, the ramifications of Aqualand NZ being an entity of WHow which was classified a not for profit organisation. C Brown explained that rent charged to commercial activities would be negotiated after the inspection of the relevant accounts, and he reiterated that how WHow chose to operate the aquapark was not relevant to the Council, as there was no risk to the Council and stated that the Board could determine when rent reviews should be held. J Mill, from WHow who attended the meeting advised the Board that WHow would be charging \$30 per hour, with concessions for children and locals. He also noted that WHow was working with eight schools and it was envisioned that at least 300 school children would experience the Aquapark for free.

B Cairns queried the management of traffic, the parking of busses and who would be charged for fencing the carparking area. C Brown advised that the Council had no financial obligations and the fencing would be WHow's responsibility and the management of carparking and traffic would be part of the resource consent requirements which WHow would need to uphold.

N Atkinson suggested that a rent review should be held every year and that appropriate changing room and shower options should be investigated.

Moved: N Atkinson

Seconded: B Cairns

THAT the Kaiapoi-Tuahiwi Community Board:

- (a) **Receives** Report No. 210723120834.
- (b) **Approves** a Licence to Occupy being issued to the WHoW Trust for a period three years for the area identified on the attached map (Trim 210723120832) on the reserve known as NCF Reserve, which partially encompasses freehold land that previously formed part of the red zone, subject to the WHoW Trust obtaining the relevant resource consents. The Licence to Occupy will contain the Council's standard conditions as well as the following key terms:
 - 1) A Licence Fee of \$1 for the first year, with a rent review to be undertaken every year thereafter, for as long as the Licence to Occupy was in operation. Right of renewal following the three year term would be subject to ratchet clause rent review.
 - 2) The right of renewal following the three year term would be subject to ratchet clause rent review.
 - 3) The WHoW Trust would be required to pay a one-off Administration Fee of \$150.00 on or prior to the Commencement Date.
 - 4) The Licence shall be subject to the WHoW Trust obtaining the relevant resource consents and WHoW Trust shall be required to adhere to any requirements of Environment Canterbury.
 - 5) The Licence shall be subject to the Waimakariri District Council receiving approval from the Crown for the area of usage that overlays the regeneration areas.
 - 6) A Licence term of three years with a further three year right of renewal subject to previous compliance with the license terms and ongoing community support for the activity shall apply.
 - 7) A bond of \$5,000 to be paid to the Council to be held for use for remediation of the site and removal of any assets should the WhoW Trust not meet the terms of the license.
 - 8) The WHoW Trust shall be required to take responsibility (to the fullest extent it can as Licensee) for the health and safety of its proposed activity. Furthermore the WHoW Trust shall be required to provide a Health and Safety Plan for the site and its operation to the Council for its approval. The key content of this plan shall be set out in the License and it was expected that ongoing monitoring of this site and the WHoW Trust's compliance with this plan shall be required.
 - 9) As part of the Health and Safety Plan for the site there shall be specific requirements in relation to water quality and the requirement for regular testing.
 - 10) The Licensed area shall be open to the community at all times for recreation opportunities such as walking, however for safety reasons some of this area would need to be partitioned off at times.

- 11) The WHoW Trust was to remove the structures and the inflatables at the end of every season and make good any damage to the reserve including the car parking area and the bank.
 - 12) The WHoW Trust must use all reasonable endeavours to ensure the safety and wellbeing of the wildlife in the area with particular care and focus on local species.
 - 13) The WHoW Trust must ensure the car park area, which could remain grassed, did not get degraded to a state where it causes a nuisance or was aesthetically unpleasing and investigation into the possibility of providing appropriate changing rooms and showers.
 - 14) Adequate toilet facilities shall be provided by the WHoW Trust to service the needs of users. These can be portaloos style toilets with appropriate security and servicing frequency.
 - 15) The container and any other structures including the toilets are to be adequately screened or designed to ensure limited impact on aesthetics of the surrounding area, and sufficiently anchored in place (wind, earthquake, flooding etc).
 - 16) Termination provisions would be included.
- (c) **Authorises** the Manager, Community and Recreation to make minor changes to the License following advice from Councils property lawyers.

AND

THAT the Kaiapoi / Tuahiwi Community recommends:

THAT the Council:

- (d) **Receives** Report No. 210723120834
- (e) **Approves** a License to Occupy being issued to the WHoW Trust for a period three years for the area identified on the attached map (Trim 210723120832) for use as a car park and access way to service the Aqua Play Park.
- (f) **Notes** that staff require the Council approval rather than Community Board due to the land in question being Regeneration Land rather than existing reserve land.
- (g) **Notes** that while permission was being obtained from both the Kaiapoi / Tuahiwi Community Board and the Council for separate land parcels the License to Occupy and associated conditions would be contained within the same document.
- (h) **Notes** that the car park can be left as a turf surface however the WHoW Trust would be responsible for ensuring the surface is maintained to an appropriate standard.

CARRIED

M Pinkham abstained

N Atkinson supported the motion noting that the Board was starting the process in getting answers to all the questions that had been raised. Without the Licence the Resource Consents could not be applied for and without the consents the questions could not be fully answered. The Council was at no risk financially and if WHoW failed to get consent there was no impact on the neighbourhood. He stated this activity would be very beneficial to the region bringing vibrancy and

visitors which would grow the economy as well as providing employment. He also noted that WHow had acted in good faith by undertaking water quality testing prior to any resource consent requirement and had waited to progress the project until after the public consultation had been concluded. He also noted that it was pleasing to note that WHow had the Rūnanga support as well as that of the Crown. In relation to the spread of misinformation by social media which caused disquiet within the community, he reasserted that the public consultation had been robust and fairly carried out with responses being 57 positive 27 negative, four neutral and one mixed response. Of the responses 71 percent were from the Kaiapoi area which showed that the majority of residents were in support of the proposed aquapark.

B Cairns noted the vibrancy of Kaiapoi over the weekend that the Kaiapoi Arts Expo ran and felt that by supporting the Aquapark there was the prospect of increasing Kaiapoi's vibrancy and excitement during the summer months.

P Redmond noted that he was cautiously supportive however, believed there needed to be more work done in regard to the management of the operational agreement between WHow and Aqualand NZ and on the possible economic management between the two entities. He shared the concerns of residents regarding the disruption to wildlife and the possible danger of children swimming in contaminated water. However understood that the resource consents would manage this aspect of the project and whether or not the project continued. P Redmond acknowledged that this project had the potential to be a good addition to Kaiapoi and to the district.

J Meyer noted that this was a good opportunity for Kaiapoi and noted that he was excited by the work with schools and teaching children water safety in a fun way and how to keep themselves and others safe near water.


N Atkinson reminded the Board that the lake was a district wide asset and with all parks and reserves, were provided to encourage outdoor activity for all people, not only residents of the Waimakariri but the whole of Canterbury, New Zealand and tourists from other countries.

NEXT MEETING

The next meeting of the Kaiapoi-Tuahiwi Community Board is scheduled for 5pm, Monday 16 August 2021 at the Ruataniwha Kaiapoi Civic Centre.

THERE BEING NO FURTHER BUSINESS THE MEETING CONCLUDED AT 6.58pm.

CONFIRMED



Chairperson

16 August 2021

Date