



Waitaki

DISTRICT COUNCIL

TE KAUNIHERA Ā ROHE O WAITAKI

Date: Thursday, 12 December 2024
Time: 9.00am
Location: Council Chamber, Third Floor
Office of the Waitaki District Council
20 Thames Street, Oamaru

Agenda Addendum (Part 2 of the Agenda)

District Plan Review Sub-Committee Meeting

12 December 2024

**Alex Parmley
Chief Executive**

Agenda Items

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L URGENT BUSINESS

L.1 RESOLUTION TO ACCEPT OR DEFER LATE AGENDA ITEMS

Author: Ainslee Hooper, Governance and Policy Advisor

Authoriser: Roger Cook, Director Natural and Built Environment

RECOMMENDATION

That the District Plan Review Sub-Committee decides, pursuant to the Local Government Official Information and Meetings Act 1987 (s46A (7) and Council's Standing Orders (Clause 9.12), whether to:

(a) Accept late agenda items (Public and Public Excluded) relating to Unconfirmed Minutes or Decisions Only Documents of meetings of the District Plan Review Sub-Committee, for consideration alongside the other agenda items included in Part 1 of the final agenda papers already published for this meeting, as listed below:

(a) Governance Advisor Update on Minutes of DPRSC Meetings – for 12 December 2024 meeting; and

(b) Public Decisions Only Document of the DPRSC reconvened meeting of 18 December 2023, held on 7 March 2024 (two sessions); and

(c) Public Excluded Decisions Only Document of the DPRSC reconvened meeting of 18 December 2023, held on 7 March 2024 (via Public Excluded session at this meeting)

(d) Unconfirmed Minutes of the DPRSC reconvened meeting of 18 December 2023, held on 4 and 18 April 2024; and

(e) Public Decisions Only Document of the DPRSC meeting held on 20 June 2024; and

(f) Public Decisions Only Document of the DPRSC meeting held on 5 December 2024; and

OR

(b) Defer the late agenda items as referenced above to another date decided by the via resolution at this meeting.

PURPOSE

To seek a formal resolution of the District Plan Review Sub-Committee (DPRSC), pursuant to legislation and Council's Standing Orders, on whether to accept or defer the late agenda items as named for consideration at this DPRSC meeting on 12 December 2024.

SUMMARY

When the final agenda papers for the 12 December 2024 meeting of the District Plan Review Sub-Committee were published on 9 December 2024, it was signalled in them that there would be additional items pertaining to previous meetings that would be published as Part 2 of the agenda. Those items have now been prepared and are included in this published version of that Agenda Part 2 for this meeting.

Pursuant to s.46A (7) of the Local Government Official Information and Meetings Act 1987 and Clause 9.12 of Council's Standing Orders:

“A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) The reason the item is not on the agenda; and*
- (b) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”*

Regarding the reasons for (a) and (b):

- (a) The reason the item is not on the agenda** – Part 1 of the final agenda papers to this meeting did signal that there would be additional information that would be put forward for consideration at this meeting but that it would follow in a Part 2 of the agenda papers. It has taken more time than expected to finalise that additional information. However, it is now included here to help inform the Sub-Committee’s decisions at this meeting, in particular to confirm the decisions of previous DPRSC meetings so that the chapters, schedules, appendices, and maps to be included in the Proposed District Plan can be considered by Council at its meeting on 17 December 2024, as already recommended by the Sub-Committee via its 14 November 2024 meeting resolution.

L.2 GOVERNANCE ADVISOR UPDATE ON MINUTES OF DPRSC MEETINGS - FOR 12 DECEMBER 2024 MEETING

Author: Ainslee Hooper, Governance and Policy Advisor

Authoriser: Roger Cook, Director Natural and Built Environment

RECOMMENDATION

That the District Plan Review Sub-Committee:

1. Receives and notes the updated information relating to agenda items to this 12 December 2024 meeting of the Sub-Committee;
2. Uses the information contained herein to assist and guide the review of the decisions taken at previous meetings of the Sub-Committee alongside the tracked changes of previously approved chapters in the Proposed District Plan already provided.

PURPOSE

The purpose of this brief report is to provide Members of the District Plan Review Sub-Committee (DPRSC) with an update to the approach in bringing forward decisions of previous DPRSC meetings for confirmation at this meeting.

UPDATE

At the 14 November 2024 meeting of the District Plan Review Sub-Committee, the following resolution was passed:

RESOLVED DPRSC 2024/104

Moved: Cr Jim Hopkins

Seconded: Cr Jim Thomson

That the District Plan Review Sub-Committee recommends:

That Council:

3. Receives and notes the previously approved chapters of the Draft District Plan and acknowledges that they will be presented at a subsequent meeting of the Sub-Committee to be scheduled later in November 2024 where they will be accompanied by the Unconfirmed Minutes of previous Sub-Committee Meetings where the tracked changes to those chapters were agreed, for the Sub-Committee to approve the chapters and Minutes together at that meeting.

CARRIED

AGAINST: CR TIM BLACKLER AND CR JOHN MCCONE

ABSTAINED: MAYOR GARY KIRCHER*

The subsequent meeting of the District Plan Review Sub-Committee (DPRSC) was not able to be held late in November and was instead scheduled and held on 5 December 2024. Due to a lack of capacity and resourcing, not all Minutes of previous meetings of the DPRSC were able to be tabled at that meeting for confirmation. Three sets of Minutes were tabled there, from four meetings held on the following dates:

- 21 November 2023
- 27 November 2023
- 4 and 5 December 2023.

Another set of Minutes were included in the agenda to the 5 December 2024 DPRSC meeting, as a late item:

- 18 and 19 December 2023.

However, those Minutes were deferred from that meeting to this 12 December 2024 one for consideration.

Those deferred Minutes were related to the DPRSC meetings held on 18 and 19 December 2023, which became the first and second meetings of a total series of six that would follow as reconvened and held subsequent to and as an extension of the original 18 December 2023 DPRSC meeting.

Arrangements for this meeting – Part 1 of the Agenda Papers

Part 1 of the agenda for this meeting on 12 December 2024 was published on 9 December 2024. It contained Minutes of more previous meetings of the DPRSC, held on the dates listed below:

- 18 and 19 December 2023 (as deferred from the 5 December 2024 meeting but updated with minor grammatical corrections that had been made to them since they were first circulated).

Other Minutes included in Part 1 of the agenda for this meeting were for meetings held on:

- 13 February 2024
- 22 August 2024
- 14 November 2024.

Additional Arrangements for this meeting – Part 2 of the Agenda Papers

This report is included in Part 2 of the agenda for this meeting, along with a number of other items. They are now late items, and a separate report to the meeting has been included in Part 2 to seek a resolution of the Sub-Committee about whether they wish to accept them for consideration at this meeting or defer them.

Unfortunately, capacity and resourcing matters have continued to impact on the finalisation of the remaining sets of meeting minutes for inclusion in Part 2 of this agenda. Nonetheless, considerable time and effort has been focused on doing whatever is possible to provide a record of all decisions previously made by the DPRSC for consideration at this meeting.

That overarching objective has been achieved.

However, some of the documents being supplied in this part of the agenda are Decisions Only Documents, rather than full Minutes. Listed below is what is being presented for the other previous meetings of the DPRSC that have been held to date. These are also included in this Part 2 of the agenda.

- 7 March 2024 (two sessions) (Decisions Only Document)
- 7 March 2024 (Public Excluded session – to be received and considered in a Public Excluded session at this meeting) (Decisions Only Document)
- 4 and 18 April 2024 (Unconfirmed Minutes of both meetings)
- 20 June 2024 (Decisions Only Document)
- 5 December 2024 (Decisions Only Document)

Additional Considerations in Decision Making

Clause 28.2 (Matters that must be recorded in Minutes) of Council's Standing Orders sets out what must be recorded in Minutes of meetings.

The Decisions Only Document contain all the relevant information pursuant to Clause 28.2 where it applied to the meeting.

L.3 UNCONFIRMED DECISIONS ONLY DOCUMENT OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING OF 18 DECEMBER 2023, RECONVENED AND HELD ON 7 MARCH 2024

Author: Ainslee Hooper, Governance and Policy Advisor

Authoriser: Lisa Baillie, Director Community Engagement and Experience

Attachments: 1. DPRSC Decisions Only Document of reconvened meeting of 18 December 2023, held on 7 March 2024 over two sessions

RECOMMENDATION

That the District Plan Review Sub-Committee:

1. Confirms the Unconfirmed Decisions Only Document of the District Plan Review Sub-Committee Meeting reconvened on 7 March 2024, being the fourth in the series of the Sub-Committee's meeting first convened on 18 December 2023, as circulated, as a true and correct record of the decisions made during the 7 March 2024 segments (morning and afternoon sessions) of that meeting; and
2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair, to make any further minor amendments to the Decisions Only Document, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website.

DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING **UNCONFIRMED DECISIONS ONLY DOCUMENT**

7 MARCH 2024

UNCONFIRMED DECISIONS ONLY DOCUMENT

**OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR,
OFFICE OF THE WAITAKI DISTRICT COUNCIL, 20 THAMES STREET, OAMARU
ON THURSDAY, 7 MARCH 2024 AT 9.00AM (OVER TWO SESSIONS)**

PRESENT: Cr Jim Thomson (Chair), Cr Jim Hopkins (Deputy Chair), Cr Tim Blackler (apology for morning session; present for afternoon session), Cr Courtney Linwood, Cr Guy Percival (late), and Mayor Gary Kircher (initially an apology registered for the afternoon session, but then he joined the meeting in person from 2.02pm)

IN ATTENDANCE: Cr John McCone
Cr Brent Cowles
Roger Cook (Heritage, Environment and Regulatory Group Manager)
Ainslee Hooper (Governance and Policy Advisor)

IN ATTENDANCE FOR SPECIFIC AGENDA ITEMS:

David Campbell (Heritage and Planning Manager)
Katrina Clark (Senior Planner – District Plan Review)
Rachael Bason (Resource Consent Planner)
Max Crowe (Biodiversity Advisor)
Zara Murphy (Regulatory Administrator – Planning)

NOTE TO MINUTES: The 18 December 2023 Meeting of the District Plan Review Sub-Committee was held, adjourned, and/or reconvened on six different dates between 18 December 2024 and 18 April 2024. All sessions of the meeting were livestreamed individually on Waitaki District Council's YouTube channel.

This set of minutes relates to the fourth meeting in that series, which was held on 7 March 2024 in two sessions (one in the morning and another in the afternoon of that day). The direct links to the livestream of those two meeting sessions on Council's YouTube channel is provided below.

[District Plan Review Sub-Committee Meeting - 7 March 2024 \(Session One\)](#)

[District Plan Review Sub-Committee Meeting - 7 March 2024 \(Session Two\) - YouTube](#)

MEETING OPEN

The Chair declared the 18 December 2023 DPRSC meeting reconvened on this day, Thursday 7 March 2024, and welcomed everyone present. He once again outlined the process that was being followed by the Sub-Committee and before it was recommended to Council for consideration to be notified after which a formal submissions process would be held.

He explained the planning hierarchy in New Zealand, and in particular noted that, whilst it all happened under the umbrella of the Resource Management Act (RMA), local government councils were also guided by national and regional policy statements. Whilst it is the desire of the Waitaki District Council to have a plan that reflects the needs of the Waitaki district, this Sub-Committee and its parent Council must also follow directives from central government. He acknowledged the presence of other Councillors in the Chamber today, and advised that, while they were welcome to comment on issues as they arose, they will be excluded from the voting process.

1 APOLOGIES

RESOLVED DPRSC 2023/067

Moved: Cr Jim Hopkins
Seconded: Cr Courtney Linwood

That the apology for absence during this morning's session for Cr Tim Blackler, for absence during this afternoon's session for Mayor Gary Kircher, and for Cr Guy Percival for lateness be accepted.

CARRIED

Governance Advisor's Addendum to Apologies record, with the agreed leave of the Chair during the afternoon session: Mayor Kircher joined the meeting again in person at 2.02pm.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

The Governance Advisor informed the meeting that Cr Blackler had said he would be making a declaration during the afternoon session and she sought the approval of the Chair to add that to the minutes under this agenda item once it was available. The Chair agreed.

Cr Tim Blackler's declaration of interest as supplied: *"In relation to Public Excluded Agenda Item 5.1 Additional Information – Updated Outstanding Natural Landscapes Mapping PE, and to Planning Map 7 contained in the Related Information for the 18 December 2023 meeting agenda, I will be recusing myself from being involved in the discussion and vote on that matter to manage a claim of perceived bias. Also, I need to declare a conflict of interest in any conversation relating to map 41. I will leave the room for any conversation relating to this map."*

Initial Discussion

The Planning Manager advised that Schedule 8 had been a double-up in the agenda, and therefore the missing Schedule 7 would be included in the agenda papers for the next meeting so that it could be discussed there. The Schedule 8 could be discussed at this meeting, but the numbers would be added to it later.

Discussion on Schedule 6 (revisited)

Point of Order raised

Cr Jim Hopkins raised a Point of Order, noting that he had moved a motion at the end of the previous meeting to remove SNA 12 from the Schedule and he believed that it should be the first item of business. The Chair advised that the Councillor had moved it but there had been no seconder requested or confirmed before he had adjourned the meeting. He confirmed that the matter would be revisited.

The Planning Manager and the Biodiversity Advisor provided an overview in relation to SNA matters.

At the invitation of the Chair, Cr Hopkins provided a brief overview of his reasons for moving that SNA 12 be removed. Mayor Gary Kircher seconded the motion. The Chair put the motion to the meeting.

**DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING UNCONFIRMED DECISIONS ONLY DOCUMENT**

7 MARCH 2024

RESOLVED DPRSC 2023/068

Moved: Cr Jim Hopkins
Seconded: Mayor Gary Kircher

That SNA 12 on page 506 of the DPRSC 18 December 2023 meeting agenda papers be removed from Schedule 6 Significant Natural Areas.

CARRIED

The Chair advised that he would continue to work through the agenda pages and that Members will raise issues as we get to them.

Query relating to Resolution DPRSC 2023/068 from Director

The Chair advised that Director Roger Cook had queried whether the previous resolution had been procedurally correct and if any conflict of interest needed to be declared by any Member because the landowner in that case is a Council appointed director to a Council Controlled Organisation. The Chair said he felt that matter was totally removed from this discussion. When he asked if anyone else had concerns, Cr Hopkins said he did not, and Mayor Kircher advised that he had not realised that and he had made his decision without knowledge of that.

Mr Cook asked the Chair if office advice could be provided on the resolution just passed as there seemed to be a lack of scientific evidence to support it. The Chair advised that he had raised the Sub-Committee's concerns with the Planning Manager previously, and the motion had now been put to the meeting and declared carried. He said he was happy for the Planning Manager to make comment after the fact but it would not change the decision.

The Chair highlighted that the description and what was trying to be achieved by SNA 12 did not meet in the middle and we need to be more careful as to how these things are written. This document would exist for a long time and there would be different people interpreting it in the future so there was a need to be very careful with what is prescribed.

The Planning Manager highlighted that the significance justification is a small summary of the actual SNA report. SNA reports will be on the website as part of the plan so people can link in and see what all the assessment criteria were. The significance justification should not be relied upon on its own. The Chair acknowledged that useful information.

RESOLVED DPRSC 2023/069

Moved: Cr Jim Hopkins
Seconded: Mayor Gary Kircher

That the District Plan Review Sub-Committee recommends:

That Council agrees that any identified SNAs in the draft DP already covered by QEII which offers equivalent protection for the area be removed from the schedule.

CARRIED

RESOLVED DPRSC 2023/070

Moved: Cr Jim Hopkins
Seconded: Cr Guy Percival

That all cultivated land and land containing any other elements and features required for modified pastoral agricultural use or industrial use is removed from the ONL overlay in the draft DP and that the boundaries of the ONL overlays are amended accordingly.

CARRIED

**DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING UNCONFIRMED DECISIONS ONLY DOCUMENT**

7 MARCH 2024

Meeting Adjourned

The meeting was adjourned at 10.30am and reconvened at 10.42am.

There were no specific amendments agreed to Schedule 8. However, officers noted the changes that had been made to areas mapped as ONL following the landscape architect's review.

RESOLVED DPRSC 2023/071

Moved: Cr Jim Hopkins

Seconded: Cr Tim Blackler

That the District Plan Review Sub-Committee recommends:

That Council adopts Schedule 8 Outstanding Natural Landscapes.

CARRIED

It was clarified that the correct Schedule 7 Outstanding Natural Features would need to go to the 4 April 2024 DPRSC meeting because Schedule 8 had mistakenly be attached to the report twice, and therefore Schedule 7 had not yet been provided to the Sub-Committee for discussion.

The Chair ruled accordingly.

ACTION: Planning Manager, with Governance Advisor – to ensure Schedule 7 Outstanding Natural Features was included in the 4 April 2024 DPRSC meeting agenda papers

Meeting Adjourned (end of Session One on this day)

Session One of the meeting was adjourned at 10.58am and the meeting reconvened at 1.30pm as Session Two.

[NOTE to Minutes: Decisions Only for Session Two follow on the next page.]

**DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING UNCONFIRMED DECISIONS ONLY DOCUMENT**

7 MARCH 2024

Meeting reconvened at 1.30pm on Thursday 7 March 2024 as Session Two

A copy of the direct link to the livestream of Session Two is provided below, for ease of reference.

[District Plan Review Sub-Committee Meeting - 7 March 2024 \(Session Two\) - YouTube](#)

RESOLVED DPRSC 2023/072

Moved: Cr Jim Hopkins

Seconded: Cr Tim Blackler

That the District Plan Review Sub-Committee recommends:

That Council adopts Schedule 9 Significant Natural Features.

CARRIED

RESOLVED DPRSC 2023/073

Moved: Cr Jim Hopkins

Seconded: Cr Tim Blackler

That the District Plan Review Sub-Committee recommends:

That Council adopts Schedule 10 Rural Scenic Landscapes.

CARRIED

With the leave of the Chair, the Planning Manager asked for the meeting to go back to the 13 February 2024 resolution in the late agenda paper, being:

“RECOMMENDATION

That the District Plan Review Sub-Committee recommends:

That Council accepts the attached updated Sites and Areas of Significance to Māori overlay mapping (shown on the maps as a solid white colour) for notification in a Proposed District Plan.”

RESOLVED DPRSC 2023/074

Moved: Cr Jim Thomson

Seconded: Mayor Gary Kircher

That the District Plan Review Sub-Committee recommends:

That Council accepts the attached updated Sites and Areas of Significance to Māori overlay mapping (shown on the maps as a solid white colour) for notification in a Proposed District Plan

CARRIED

**DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING UNCONFIRMED DECISIONS ONLY DOCUMENT**

7 MARCH 2024

RESOLVED DPRSC 2023/075

Moved: Mayor Gary Kircher
Seconded: Cr Jim Hopkins

That the District Plan Review Sub-Committee recommends:

That Council discusses with Aukaha about having a second schedule of Ngai Tahu cultural mapping that sits outside the rule framework.

CARRIED

The Chair directed the meeting to the Urgent Business, and Agenda Item L.1 in the agenda papers.

L URGENT BUSINESS

L.1 ADDITIONAL INFORMATION - UPDATED MAPPING FOR RED FLATS, ŌMĀRAMA

The report, as circulated, advised that, further to landowner feedback and updated advice from Council's landscape architect, additional amendments are being recommended to the Outstanding Natural Landscape overlay at Red Flats, Ōmārama. Red Flats is an area of dryland farm between Broken Hut Road and State Highway 8 to the southwest of Ōmārama. The updated mapping was included in the report on page 2.

RESOLVED DPRSC 2023/076

Moved: Cr Jim Hopkins
Seconded: Cr Tim Blackler

That the District Plan Review Sub-Committee recommends:

That Council:

1. Receives updated mapping for the Red Flats area (Omarama) as shown in Figure A in this report for notification in a Proposed District Plan, and notes that this is a replacement for mapping included in the original version of the agenda papers to the DPRSC meeting held on 18 December 2023 (pages 11 and 13 of the Maps 01-19 attachment); and
2. That the updated mapping received may remain as presented or be further amended as a result of other resolutions made by the DPR Sub-committee.

CARRIED

4 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLVED DPRSC 2023/077

Moved: Cr Courtney Linwood
Seconded: Mayor Gary Kircher

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

**DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING UNCONFIRMED DECISIONS ONLY DOCUMENT**

7 MARCH 2024

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48 for the passing of this resolution |
|---|--|--|
| 5.1 - Additional Information - Updated Outstanding Natural Landscapes Mapping PE | s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |

CARRIED

Members of the public had left the meeting and so had Cr Blackler to manage his declaration of interest.

5 PUBLIC EXCLUDED SECTION

The Public Excluded Minutes apply to this section of the meeting.

6 RESOLUTION TO RETURN TO THE PUBLIC MEETING

RESOLVED DPRSC 2023/079

That the District Plan Review Sub-Committee resumes in open meeting and decisions made in the Public Excluded section of the meeting are confirmed and made public as and when required and considered.

CARRIED

The Chair declared the meeting closed at 3.42pm.

TO BE CONFIRMED at the District Plan Review Sub-Committee Meeting to be held on Thursday 12 December 2024.

.....
CHAIRPERSON

**L.4 PUBLIC MINUTES OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING OF
18 DECEMBER 2023, RECONVENED AND HELD ON 4 AND 18 APRIL 2024**

Author: Ainslee Hooper, Governance and Policy Advisor

Authoriser: Lisa Baillie, Director Community Engagement and Experience

**Attachments: 1. DPRSC Meeting Minutes UPDATED - reconvened 18 December 2023
meetings held on 4 April 2024 and 18 April 2024**

RECOMMENDATION

That the District Plan Review Sub-Committee:

1. Confirms the Public Minutes of the District Plan Review Sub-Committee Meeting reconvened on 4 April 2024 and on 18 April 2024, being the fifth and sixth (final) meetings respectively in the series of the Sub-Committee's meeting first convened on 18 December 2023, as circulated, as a true and correct record of the 4 and 18 April 2024 segments of that meeting; and
2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair, to make any further minor amendments to the Minutes, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website; and
3. Notes that the 18 April 2024 Sub-Committee Meeting was the last in the series of the convened, adjourned and reconvened meetings of the Sub-Committee first held on 18 December 2023.

DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING **UNCONFIRMED MINUTES**

4 APRIL 2024

UNCONFIRMED MINUTES

OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR,
OFFICE OF THE WAITAKI DISTRICT COUNCIL, 20 THAMES STREET, OAMARU
AND VIA ZOOM VIDEO-CONFERENCE
ON THURSDAY, 4 APRIL 2024 FROM 9.03AM TO 11.01AM
AND RECONVENED ON THURSDAY 18 APRIL 2024 FROM 1.00PM TO 2.44PM
(BEING THE FIFTH AND SIXTH (FINAL) RECONVENED MEETING OF THE ORIGINAL
18 DECEMBER 2023 DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING)

PRESENT: Cr Jim Thomson (Chair), Cr Jim Hopkins (Deputy Chair), Cr Courtney Linwood,
Cr Guy Percival (from 9.04am) and Mayor Gary Kircher (from 9.03am)

APOLOGY: Cr Tim Blackler (on approved leave)

IN ATTENDANCE: Cr John McCone
Roger Cook (Heritage, Environment and Regulatory Group Manager)
Ainslee Hooper (Governance and Policy Advisor)

IN ATTENDANCE FOR SPECIFIC AGENDA ITEMS:

David Campbell (Heritage and Planning Manager)
Katrina Clark (Senior Planning Officer – District Plan Review) (via Zoom)
Rachael Bason (Resource Consent Planner)
Max Crowe (Biodiversity Advisor and Natural Built Environment Policy Officer)
Zara Murphy (Regulatory Administrator – Planning)

At 9.00am, a quorum of Sub-Committee Members was not present, so the meeting was unable to be reconvened. At 9.03am, Mayor Gary Kircher joined the meeting and a quorum was achieved.

NOTE TO MINUTES: The 18 December 2023 Meeting of the District Plan Review Sub-Committee was held, adjourned, and/or reconvened on six different dates between 18 December 2024 and 18 April 2024. All sessions of the meeting were livestreamed individually on Waitaki District Council's YouTube channel.

This set of minutes relates to the fifth and sixth (and final) meeting in that series which were held on Thursday 4 April 2024 and on Thursday 18 April 2024. The direct links to the livestreams of those DPRSC meeting on Council's YouTube channel are provided below.

[District Plan Review Sub-Committee Meeting - 4 April 2024](#)

[District Plan Review Sub-Committee Meeting - 18 April 2024](#)

MEETING OPEN

At 9.03am, the Chair declared open this reconvened meeting of the original meeting of the District Plan Review Sub-Committee first held on 18 December 2023 and was ongoing. He welcomed everyone present, including those watching online and members of the public in the Council Chamber's public gallery.

The Chair reminded everyone that Sub-Committee Members that they are working through the draft district plan, with the aim of taking it through to a recommendation from this Sub-Committee to be considered by the whole of Council, and if passed, it will become the Proposed District Plan which will involve a more formal process. He also repeated his advice to previous meetings that non-members of the Sub-Committee are welcome to contribute to the discussions, but only Members of the Sub-Committee will vote.

1 APOLOGIES

RESOLVED DPRSC 2023/080

Moved: Cr Jim Hopkins
Seconded: Cr Guy Percival

That the apology for absence received from Cr Tim Blacker be accepted.

CARRIED

2 DECLARATIONS OF INTEREST

There were no declarations of interest for this particular meeting.

L URGENT BUSINESS

The Chair advised that the primary item of business for this meeting was to go through the planning maps – all 70 of them – and identify which maps Members agreed with and identify a list of those for which Members had queries. There was also a carryover item from the previous meeting, which had received two Schedules, both labelled as Schedule 8, when one of the attachments should have been Schedule 7. After some further discussion, a Planning Officer clarified that it was not simply a labelling matter, because Schedule 8 had been attached twice to the previous agenda report which meant that Schedule 7 (on Outstanding Natural Features) had not yet come before the Sub-Committee for consideration, and hence was being brought to this meeting for that to occur. The Chair thanked the Planning Officer for that import clarification and noted that the item would be called by him as an agenda item later.

The Chair then advised that the Mayor had received yesterday a letter from Associate Minister Hoggard, and that it had been circulated to Councillors upon receipt.

Cr Guy Percival sought the leave of the Chair to comment, which was granted. He noted that, after reading the Associate Minister's letter which signalled the Government's proposed changes to the National Policy Statement in respect of Significant Natural Areas (SNAs), and before the Sub-Committee's deliberations went any further at this meeting, he wanted to move the following motion:

MOTION

That the District Plan Review Sub-Committee:

1. Seeks to pause work on the district plan until such time as the legislative changes proposed by the Government have passed through Parliament; and
2. That officers prepare a report for the Sub-Committee on the risks, benefits and implications of pausing work on the district plan.

The Chair advised that he had spoken with Mr Campbell earlier in the day on this matter and advised the meeting that he would be asking Mr Campbell to provide that explanation to the meeting before he put this motion to the meeting for discussion or a vote.

Motion lapsed for want of a seconder

The Chair asked for a seconder to the motion. When no one spoke up, the Chair declared the motion lapsed for want of a seconder.

Mayor Gary Kircher sought the leave of the Chair to comment, and this was granted. Mayor Kircher noted that there was some content that needs to be changed in our current district plan, eg needed to be changed in Council's current district plan, eg to make sure there is availability of land for

**DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING UNCONFIRMED MINUTES**

4 APRIL 2024

housing and other challenges. If work is suspended on the all the district plan, then that work will not happen and many more months will be needed. The Government has indicated that it will remove requirements around the National Policy Statement for Indigenous Biodiversity (NPS-IB). If there was something more targeted around that, and I am happy to hear from officers on their thoughts on that, then I think it is worth suspending that part of it, potentially. But I want to know what officers' thoughts are and what the implications are of having a two-staged district plan if we go down that route. I do not want us to do a whole lot of work and then it gets overturned and then we find out in a year's time that it was unnecessary, but equally do not want to create more cost by not doing something now and having a two-stage process.

Heritage and Planning Manager David Campbell (the Planning Manager) advised that, with the new Government's plans, there is a fast-paced environment for all the changes they are making. Some guidance came out last week, which was distributed to Councillors around three phases of RMA reform. The first one is essentially done – they have repealed the Natural Built Environment Act (NBEA) and the Spatial Planning Act (SPA) gazetted by the former government. That did not mean much because those acts had not taken effect in terms of impacting work on the district plan. In the next phase, they are looking at two amendments to the RMA. One is fast-tracking, which we are preparing a submission on to come to you and that mirrors the COVID fast-track legislation by and large. The second part of that is, later this year and then a bill to be passed next year, to amend the RMA. We do not know what the detail of that will be. And the second part of phase two is to amend the national direction on indigenous biodiversity which the NPS-IB falls under. They will be starting that fairly soon. The commentary on that has been around not commencing any new SNA identification mapping and we have taken that on board for LTP / annual plan budgeting purposes and adjusted that budget item. The mapping we have done commenced at least 10 years ago, and that has already been through this Sub-Committee. For those existing SNA areas, which were all done with landowner agreement and reported, mapped, etc, they have been done. They are now in this process in terms of being incorporated in the plan.

Notwithstanding that, the Planning Manager advised that we still have indigenous biodiversity provisions in the operative plan and are hoping to improve them in the proposed DP. There are two suites of things – mapped and identified SNAs with their provisions, and then biodiversity provisions that relate to other areas that are not mapped, so that it covers both scenarios as required. The other national direction signalled is the highly productive land national policy statement. That has been talked about in terms of Land Use Capability three (LUC3) – lower of the three high-class soils being dropped out. By and large, this is to try and allow more housing on LUC3 land. That is possibly coming as well; probably starting this year and getting through to 2025/2026 to take effect. The entire replacement could be passed by the end of 2025. Minister Bishop sent a letter late last week, asking for suggestions by tomorrow. We sent some ideas through to the Mayor; we were limited in that short timeframe, so it is early days for that piece of work. Effectively, the SNA matters referenced in Associate Minister Hoggard's letter are signalling that the Government is starting on that phase 2 work, and we already know that they do not want us to continue to identify new SNAs and that there will be some other subsequent changes to that national policy statement. The main signal is 'do not go out and start doing further survey work, which we are not doing unless landowners want it. In the last few years, some landowners have asked for it and we have budget there to do it and it has been done to help keep them informed and at no cost to them.

In the meantime, we still have RMA and NPS obligations to meet and that has largely been achieved with the existing SNAs that we have. They have been through this Sub-Committee and been ticked off, so we are not proposing to add any more to that as part of this process.

The Chair noted that he had been led to believe that all SNAs that we currently have in the plan have been agreed to by the landowners and asked if that was correct.

The Planning Manager replied, "yes". That work was commenced quite a while ago. Some landowners agreed to surveying; some did not, so we did not go onto their properties. However, all have received the report and there was no push-back on the areas mapped and identified. Some landowners have then subsequently applied to the Biodiversity Fund to get assistance to look after those areas as well.

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Asked if there was a law change, whether landowners come back to Council and say that, in light of the law change, they no longer wanted this SNA on their property, the Planning Manager advised that, once the plan was notified, the submissions process would allow for that to happen. They would need to cite their reasons for why it was no longer meeting the criteria.

Cr Guy Percival sought to clarify what had just been said by asking, "Are you saying that every landowner, whether leasehold or freehold, has been consulted on the change of the zoning and has agreed to what you have got?"

The Planning Manager advised that, for the SNA work that commenced a while ago, the team had gone out to landowners and said, 'we think you have an SNA and biodiversity values on your property; would you mind if we surveyed it?' Some had said 'yes', and then they received a copy of the report that resulted from that process. They could either try and get things changed or discuss with the ecologist. Essentially, they were happy for the work to be done; they have got the report, and it is now contained in the maps.

Cr Percival suggested that the Planning Manager had just said he had assumed that they were comfortable with that; not that he had actually heard from them verbally that they were happy with it and asked if that was what he had heard. The Planning Manager said that, for the first part of the process, landowners had been asked if they were happy for the survey work to be done. When they go into that process, they will know from the outset that there will be a map produced and a report. So, they are giving permission right from the start for that work to be done in order to understand what is on their property. The Planning Manager highlighted that this is just in relation to biodiversity values; SNAs is only indigenous biodiversity. Many people talk about SNAs for other things than indigenous biodiversity, which they are not.

Cr Jim Hopkins felt that the Sub-Committee needed to try and unpack the most cost- and time-effective way to move forward. He noted that things were in a state of flux and that, in relation to heritage listings, there is a new direction of travel that the coalition government has signalled which is incumbent on us, as Council and as planners, to try and acknowledge and reflect. He requested advice from the Planning Manager and/or Director Roger Cook on whether Council could do one of two things; (1) notify the plan but withhold from notification all components of the plan relating to SNAs – ie mapping and rules and regulations; or (2) to notify the plan as it is at the moment with some provision built into the notification that the identification and classification of rules applying to SNAs would not come into effect until, say, 1 January 2026. That would mean that they would be there on an explanatory and information basis; people could signal what they did or did not want. That might assist us to amend mapping and regulations in advance or alongside in parallel with the Government's changes and it would I think potentially avoid a good deal of angst. Would such a provision in the plan be ultra vires, and if not, would it be the best approach.

Planning Manager: Regarding the last item, the RMA rules with immediate legal effect already includes biodiversity, so it is a hard one to delay. I would have to check with the Court whether we could do that. There is a default, that it has immediate effect under the RMA. If we were to take SNAs out, we would have to redo the whole package of rules in the ECO chapter to reflect that there are no SNAs and rejig those and come back with a set of new rules. We could signal that these are in the plan in a proposed form, any plan is subject to changes in national direction. If the national direction changes, and it asks us to amend the plan, then we could do it through a subsequent variation. That is an efficient way to do it. That is, put it in, if the Government changes the rules, then we take it out at a later date. There is no additional cost of rework at this stage. People can still submit through the process. If there is a subsequent change, it could be this or through LUC3, then it would come through via a variation.

Cr Hopkins advised that he was comfortable with that but that others less familiar with the process may still have anxieties. He felt the Sub-Committee could allay those by signalling that we are clear about the direction of travel and we have already indicated through this Sub-Committee's recommendations to Council that we are responding to both the Parliamentary direction of travel and the sentiments of people locally with regard to encroachments on property rights that have allegedly occurred in recent times. He advised that he took the Planning Manager's point about immediate

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effect in relation to National Policy Statements. But he still wanted some advice as to whether the plan could include provisions that were delayed or deferred by way of implementation.

Mr Cook suggested Members remain mindful that the Sub-Committee was still several months away from recommending to Council the proposed district plan. There were 70 plus resolutions to go through relating to changes to the draft, and that would involve a substantial amount of work. There may be clearer direction from central government over the coming months and that clarity may come over that time. If it did not, then simultaneously to that work, the planning team could explore the possibilities with the Ministry for the Environment about whether the options as proposed by the Member could be considered. Cr Hopkins said he was comfortable with that.

Cr John McCone felt that the discussion was about three different things. There were references to policy and what must be adhered to, but we are missing the practical side of things and what it does to affect those ratepayers. The Government had alluded to land rights, and the Sub-Committee already knew about financial restraints and implications put on the farming community. However, there had been no mention of costs, and one way or another, the Council has to pay for costs, or the farmer has to pay for the costs to defend something that he has not asked for. He felt that needed to be taken into account very seriously.

Before seeking a response from Mr Campbell, The Chair sought the Sub-Committee's feedback on whether they were completely clear that existing SNAs have been accepted by landowners. We have landowners out there seeking independent advice preparing their submissions when this plan is notified, that would suggest to me that they are not in agreement with what has been put on their title. Keep coming back to the question – are we totally satisfied that the SNAs in place have been agreed upon by the landowners? Cr Percival said that was his previous question.

Cr Hopkins believed that an answer had been given but Cr Percival and the Chair may not be entirely comfortable with it. Referring to the heritage listing approach, where people who did not want to have their properties on the list had been given 21 days to write and say that it should be taken off, he asked Members whether they wanted to do something similar for SNAs? That is, if the Sub-Committee has a problem with the degree to which these areas have been allegedly or actually consented, then give landowners the option of, if by the end of April you want it off, then you have a window of opportunity to write to the Planning Manager and ask for their SNA to be taken off the list. It is just a suggestion.

Planning Manager: The SNAs, as mapped, were over a long time so there was a lot of engagement with landowners through that period to get permission to do the mapping; they have had the reports. We had some limited feedback on the draft plan. He suggested that the Biodiversity Advisor comment on that feedback from the draft plan in 2022 that went out with the SNAs.

Biodiversity Advisor Max Crowe advised that, when we went out with the draft District Plan in 2022, we did receive feedback on a few of the SNAs. A landowner disputed the significance of the biodiversity in the area. Another landowner mistook an SNA for a landscape feature and disputed it on the basis that it had not been assessed on the ground, mistakenly because they were a new landowner to the property. And there was a third, very small patch close to the Waianakarua, less than one hectare of kanuka forest, the significance of which another new landowner was disputing. So, of the 350-odd SNAs, three landowners provided feedback that disputed the areas. Granted since then, we have identified a further 30-odd that would not have gone through that DP process. But by and large, these SNAs sites received very little push back particularly when compared to some of the other overlays that are notified.

The Chair acknowledged that there had been a fairly comprehensive discussion on this matter, and he suggested that the Sub-Committee acknowledges receipt of the Minister's correspondence and then moves on to Schedule 7.

Cr Hopkins said he wanted to propose that a window of opportunity is provided but he preferred to do that informally rather than resolve it to avoid increasing the burden on this Sub-Committee and everyone else or extending further the delays in time. He suggested that, if there was an opportunity provided to people now to say that they are really unhappy about this, then that could and should be considered. That approach was preferably to moving something formally, he felt. If there remains

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residual or unexpressed angst and anger, he urged the Sub-Committee to accept that it is there, to accept that the direction of travel is likely to see that anger recognised and compensated for in some way, and to respond accordingly with the mapping now. If a thing can be in a map, it can be taken out of a map, and it can be put back again by way of submission. He felt that such a short-term informal solution would be the best option, in the face of assertions of a lack of engagement or informed consent.

The Chair highlighted that, if the Sub-Committee took on board what staff had said, then there was less than a 1% response in a negative sense.

Mr Cook reiterated that he believed the Sub-Committee still had time. There is a large amount of alterations to work through. We have received a letter from the Government but it lacks a reasonable amount of detail at the moment. Whilst I respect your proposition, it would just create more confusion and more anxiety between the community and ourselves. I suggest we review the situation, say, in three months' time. We can get on and do the other work that needs to be done on the plan, and in June, just before Council takes its mid-year break in July, we could do a stock-take on the situation as to what information is available from the Government and consider what direction of travel the Council wishes us to take in preparing that part of the plan.

The Mayor thanked Mr Cook for his comments. We need to acknowledge the reality that the Associate Minister has taken the time to write a letter. I think we should formally receive that letter but also ask for a more formal response from staff, in the form of a further report, on how we should respond at the moment, pretty much as Mr Cook has talked about, what weight we should create before we make a final decision.

**4 CORRESPONDENCE FROM MINISTER RE SIGNIFICANT NATURAL AREAS DATED
3 APRIL 2024**

RESOLVED DPRSC 2024/081

Moved: Cr Jim Hopkins
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee:

1. Receives the letter sent via email on 3 April 2024 to the Mayor of Waitaki from Associate Minister Hoggard entitled "Update on work to cease implementation of Significant Natural Areas"; and
2. Requests that officers provide a report detailing best actions for the time being in response to that letter.

CARRIED

3 PUBLICATION OF SCHEDULE OF OUTSTANDING NATURAL FEATURES (SCHED7)

The report, as circulated, provided the Schedule of Outstanding Natural Features (ONFs) (Schedule 7) that had been omitted from inclusion in the previous meeting's agenda when two Schedule 8 documents were attached to the report in error, instead of a Schedule 7 and a Schedule 8.

MOTION

Cr Jim Hopkins MOVED:

"That the District Plan Review Sub-Committee recommends:

That Council amends the Outstanding Natural Features maps in the draft Waitaki District Plan to remove the area identified as outstanding nature feature 7 in the vicinity of the Waitaki river and also the areas identified as ONFs within the boundaries of the Parkside Quarry and the Conlan and McCullough farms, for the same reason that Sub-Committee recommended redrawing the boundaries of the ONLs maps, namely that the land in question is either cultivated or pastoral land or land containing any other features required for agricultural or industrial use."

Cr Guy Percival seconded the motion.

Discussion on the motion

It was clarified that ONF 7 is the Waitaki River.

At the invitation of the Chair, the Planning Manager briefed the meeting on the background to this Schedule. He noted that there was just over 39,000 ha initially identified as ONF in the Draft District Plan, and through feedback on that and during the landscape peer review, it had been amended down to 29,000 ha. Regarding the Waitaki River, the landscape architect had recommended that officers ask a geomorphologist to review it, and that may change the extent of the Waitaki River. However, the Planning Manager advised that there had been significant feedback on that and in some respects, the planners are not happy with where it has landed and will probably submit on it. A lot of work had already been done on this and any further changes would probably require the need to re-engage the landscape architect, and it would still be subject to the geomorphologist assessment.

Two Members did not agree with the assertion that further change would need to go back to the landscape architect. Cr Hopkins noted that he had previously argued that the economic analysis that is required had not been provided in the landscape architect's report, and indeed was specifically excluded with the comment that it would be done later. While acknowledging the advice received that there was no 'automatic removal of everything' being done, he believed that, to the extent that landowners can submit if they do not like what is in the plan and in the maps, then the landscape architects could, too.

Mr Cook respectfully acknowledged Cr Hopkins' viewpoint, but he believed that it would be a hasty measure to remove ON7 today. The opportunity existed for officers to review information to hand and provide more detail on it to the Sub-Committee. Deleting the Waitaki river as an ONF from the draft Waitaki District Plan is a significant move. He noted that some of those reports would be from the landscape architects, but he encouraged the Sub-Committee to make that decision based on more detailed, accurate assessments of available information and not only that tabled in this report. The Planning Manager added that it was very unusual, even rare, that landscape architects would submit on their own plan contributions. The reduction in hectares was close to a third of the area, which demonstrated that the landscape architects had listened to landowners and have reconsidered their position. He reiterated that this is the highest category of landscape features and something the Act requires them to do. The criteria is set out and is based on where the features meet the criteria; it was not a consideration of what is economic cost or impact. That comes later with the section 32 analysis of the plan provisions which will be part of the plan when

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it is notified. Mr Campbell added that this was part of a suite of rules that have been worked through and agreed to for the maintenance of farming operations. It did not stop features being used as they have been in the past. There may be aspects that will spill onto land that is modified and cultivated, but they can still farm those areas. The RMA treats the economic considerations differently, and there is a need to acknowledge that the approach to identification mapping excludes that. However, there are provisions in place for that, which included the cost-benefit analysis and also assistance from the rural reference group about what is workable. There will always be provisions that require people to have a consent but that did not mean that they will not be able to undertake the activity (eg putting in a building, or some sort of landscape feature). Rather, it means that there is consideration given to those landscape values and officers already consent a lot of those regularly.

The Chair accepted the rationale that 10,000 ha were removed from the rural overlays. However, he did not believe that negated the fact that the overlays in the current plan are insignificant to the 29,000 ha that are still there. He believed it was the Sub-Committee's responsibility to scrutinise as vigorously as they can because it is a 'major shift'. This view was echoed by another Member, who felt that the Waitaki River is a controlled river within its banks, and hundreds of thousands of dollars had been spent reinforcing the whole southern riverbank. This Member felt that efforts here were about trying to impinge on some of the most highly productive land in the district and the controls proposed were not needed because it was already a controlled system.

Cr Hopkins suggested that his recommendation should be put to the meeting. He did not want to lock horns with Mr Cook, Mr Campbell or the Planning team. He simply wanted to give officers the opportunity to put forward a contrary view before Council votes on this matter. He committed now to being openminded about any alternatives that officers come back with that meaningfully capture the mood of the moment, nationally and locally. He felt it was a step in a direction, not the fullstop at the end of a sentence, and it might signal something to officers and also give an opportunity for the Sub-Committee to respond and propose an alternative solution to the issues identified.

At the request of Members, the Governance Advisor re-read the motion currently under discussion. The Chair then put it to the meeting without further comment.

RESOLVED DPRSC 2023/082

Moved: Cr Jim Hopkins
Seconded: Cr Guy Percival

That the District Plan Review Sub-Committee recommends:

That Council amends the Outstanding Natural Features maps in the draft Waitaki District Plan to remove the area identified as ONF7 in the vicinity of the Waitaki river and also the areas identified as Outstanding Natural Features within the boundaries of the Parkside Quarry and the Conlan and McCullough farms, for the same reason that the Sub-Committee recommended redrawing the boundaries of the Outstanding natural Landscape maps, namely that the land in question is either cultivated or pastoral land or land containing any other features required for agricultural or industrial use.

CARRIED

The Planning Manager sought clarification from the Chair about whether that resolution was intended to cover other recommendations relating to Schedule 7 because, as worded, it may leave the rest of Schedule 7 unapproved by the Sub-Committee.

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RESOLVED DPRSC 2023/083

Moved: Cr Jim Hopkins
Seconded: Cr Jim Thomson

That the District Plan Review Sub-Committee recommends:

That Council accepts Schedule 7 as proposed except for the amendments agreed at the DPRSC reconvened session of the original 18 December 2023 meeting that was held on 4 April 2024.

CARRIED

Mayor Kircher left the meeting at this point, but said he would rejoin the meeting via Zoom as soon as he could.

The Chair clarified that chapters, appendices and schedules had now been approved, and the meeting would move on to the maps. He advised that the first step of the next process would be to identify the maps for which Members had no concerns or questions and the maps where they did want to have further discussion.

Map approval process

The Governance Advisor then explained the process that had been developed and agreed with the Chair and the Planning team ahead of this meeting, to reflect the Chair's objectives as outlined. There were 77 maps in total. Links had been provided to them in their respective groups of 20 maps from a stored location on the website. The Chair will call each map individually. If, when he called Map 1, no one had a question or comment on that map, then it would automatically be referred to Column 1 on the whiteboard. If there were questions/concerns, then it would go to Column 2 during this first exercise, along with the initials of the Member who raised it for future reference. If there were several Members who had a question/concern about one map, then all initials would be recorded in Column 2.

Once the first sweep was finished – to identify the maps with no questions/concerns for automatic referral to Column 1, or some questions/concerns to be referred to Column 2, then there would be a subsequent discussion on those in Column 2 where the answer may be easy to answer quickly, to be separated from those where a more complex answer or more detailed information may be required.

The Chair reminded Members that an email had been sent to them with the links to the maps in their 20-map per group sets, and that the same links were available on the Meetings page of Council's website for ease of reference by members of the public.

Meeting Adjourned

The meeting was adjourned at 10.15am and reconvened at 10.33am.

The Planning Manager suggested that any map subject to a previous resolution of this Sub-Committee where changes to a layer may result from that resolution, can still be recommended for approval within the planned approach to this mapping exercise. The Chair agreed.

The Chair acknowledged that the Mayor had offered to continue in the meeting via Zoom, but it was clear that the Sub-Committee could potentially struggle with this mapping exercise due to Cr Blackler's extended absence on sick leave. He ruled that the meeting today would finish at 11.00am, and it would be reconvened again on 18 April 2024.

The Mayor acknowledged the challenges for the Sub-Committee in having a quorum of members available when it was meeting so regularly. He suggested it may like to recommend to Council's next meeting that an additional Councillor is appointed to the Sub-Committee and that the percentage of members constituting a quorum is changed, albeit that four members would still be required as a quorum. The Chair thought that was a 'very sound' suggestion.

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MOTION

Mayor Gary Kircher moved that the DPRSC recommends that Council:

1. Appoints Cr John McCone as an additional member of the District Plan Review Sub-Committee with effect from today's date, for a total membership of seven; and
2. Agrees to change the quorum for the Sub-Committee to 55% of members (ie remaining at four members).

The Chair seconded the motion from the chair.

RESOLVED DPRSC 2023/084

Moved: Mayor Gary Kircher

Seconded: Cr Jim Thomson

That the District Plan Review Sub-Committee recommends:

That Council:

3. Appoints Cr John McCone as an additional member of the District Plan Review Sub-Committee with effect from today's date, for a total membership of seven; and
4. Agrees to change the quorum for the Sub-Committee to 55% of members (ie remaining at four members).

CARRIED

[Cross-referencing Note to Minutes: Resolution DPRSC 2023/084 was referred to the Council Meeting held on 23 April 2024. At that Council Meeting, the following resolution was passed:

RESOLVED WDC 2024/085

Moved: Cr Jim Thomson

Seconded: Cr Courtney Linwood

That Council:

1. **Appoints Cr John McCone as an additional member of the District Plan Review Sub-Committee with effect from today's date, for a total membership of seven; and**
2. **Agrees to change the quorum for the Sub-Committee to greater than 55% of members (ie remaining at four members).**

CARRIED]

During the mapping exercise, the following maps were allocated to Column 1 (meaning that Members had no questions in relation to them and they were ready to approve them for recommendation to Council):

From the first set of maps (1 – 19), the Chair ruled that the following maps were clear for the Sub-Committee's recommendation to Council:

- Maps 4, 6, 8, 9, 10, 11, 12, 14, and 19 were allocated to Column 1. The Chair ruled that the list from the first set of maps, as called, was correct, and those maps were all clear for recommendation.

From the second set of maps (20 – 39), the Chair ruled that the following maps were clear for recommendation:

- Maps 20, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37 were allocated to Column 1.

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[Note to Minutes: There was no resolution passed at this meeting relating to the first or second set of maps.]

The Chair then adjourned the meeting at 11.01am, and thanked Members and staff for their attendance and participation.

He advised that the meeting would be reconvened on 18 April 2024, with timing details to be confirmed including on the website.

TO BE CONFIRMED at the District Plan Review Sub-Committee Meeting to be held on Thursday 12 December 2024.

.....
CHAIRPERSON

UNCONFIRMED

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THURSDAY 18 APRIL 2024 – RECONVENED MEETING from 18 December 2023

The 18 December 2023 District Plan Review Sub-Committee Meeting was reconvened again on Thursday 18 April 2024.

There was a quorum of Members present: Cr Jim Thomson (Chair), Cr Jim Hopkins (Deputy Chair), Cr Courtney Linwood, Cr Guy Percival, and Mayor Gary Kircher (via Zoom)

An apology was received from Cr Tim Blackler

Also in attendance: Cr John McCone; Cr Brent Cowles; Director Roger Cook and other officers (David Campbell, Katrina Clark, Max Crowe, Shannon Barlow), and the Governance Advisor

The Chair reconvened the meeting at 1.00pm and welcomed everyone present. He explained who was present in the Council Chamber; that the Mayor was participating via Zoom; and that Cr John McCone, while proposed as a new Member of the Sub-Committee, was still not a Sub-Committee Member because his appointment had yet to be confirmed by Council. Therefore, he could not be participating in any voting at this meeting.

1 APOLOGIES

RESOLVED DPRSC 2023/085

Moved: Cr Jim Hopkins

Seconded: Cr Courtney Linwood

That the apology for absence received from Cr Tim Blackler be accepted.

CARRIED

Comments from the Chair

The Chair took the opportunity to speak about two recent matters that had drawn comments from the wider community. First, he noted there had been some social media comment on discussions held a couple of DPRSC meetings prior, where Members were referred to as “an old boys’ club”. He did not believe that Cr Linwood fits that criteria. He assured those watching that no Member of the DPRSC belonged to any such club.

On the second matter, he recalled that, at the same meeting, Cr Hopkins had moved a motion to remove SNA 12 from the mapping overlay, and that vote was carried. Some concerns had been raised about a potential conflict of interest in relation to that decision on the basis that it may have been on the property of a Council Controlled Organisation Director. He now assured everyone that SNA 12 was not on that person’s property; the Director’s property is SNA 44. Therefore, the Chair advised that any inference that had been drawn by commentators that the Sub-Committee had been duplicitous in some way is “totally incorrect”. The Chair then apologised, on behalf of the Sub-Committee and staff, to the CCO Director who had been caught up in this matter when they were not at all involved with the property under reference.

Returning to the maps discussion

The Chair confirmed that the Sub-Committee had worked through Maps 1-39 at the previous meeting.

One Member asked if it was possible to go back to maps already covered, to clarify points about which they had previously been unaware. Another Member believed it was “up to us at our discretion”. The Chair asked for further detail on the specific concern.

The Member asked for Maps 29 and 32 to be transferred to Column 2 (where questions could be raised) from Column 1 (there were no questions).

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The Chair raised his concern about the integrity of the process. He understood that a member of the public had allegedly raised issues with a Councillor and therefore could possibly be attempting to influence the process that had been agreed by the Sub-Committee.

Another Member commented that this is the democratic process. They felt it was perfectly reasonable for a member of the public to look at these matters and comment on them.

Director Roger Cook said he fully supported the democratic process. The issue he suggested Members consider is the decision to refuse public forum at these meetings. If the conversation was held before the meeting or subsequent to it based on what the person heard, and that is influencing the Elected Member's decision, that is where the risk to the organisation occurs. If Elected Members are comfortable with that risk, then that's fine, and you make the decision about how you proceed.

Cr Hopkins thanked Mr Cook for his comments and said it was entirely appropriate for this matter to be raised for discussion. From a process point of view, the DPRSC is a Sub-Committee of Council. Any recommendation made by the Sub-Committee to Council will be subject to consideration and scrutiny and Council Meetings generally speaking have a public forum as of right before them so concerns could be raised at that stage. The Chair of the Sub-Committee has determined not to have a public forum at these Sub-Committee meetings which is an appropriate thing to have done. However, it has led to some communication that might have been provided at a forum coming through emails. Cr Hopkins believed that the key point remains – the DPRSC is not deciding the matter, because it cannot; we are making a recommendation to Council which we cannot presuppose will be agreed, and that probably covers sub-Committee Members from the risk that has been raised.

The Chair said he was comfortable enough with the readjustment, and to that end, he asked for Map 37 to be revisited as well.

The Chair ruled that Maps 29, 32, and 37 are to be moved from Column 2 to Column 1.

ACTION: Governance Advisor

The Chair ruled that there would be no further discussion on the first 39 maps, and directed the discussion on to Maps 40 to 59.

Cr Cowles joined the meeting, and the Chair advised him that, like Cr McCone, he was welcome to comment but he could not vote. Cr Cowles confirmed his understanding of that as his status as a non-Member of the Sub-Committee.

The results of the map assessment process that ensued are shown below.

| | |
|------------------------------|------------------------------|
| Map 40 – no questions; col 1 | Map 50 – no questions; col 1 |
| Map 41 – JH – col 2. | Map 51 – no questions; col 1 |
| Map 42 – no questions; col 1 | Map 52 – no questions; col 1 |
| Map 43 – JT (col 2) | Map 53 – no questions; col 1 |
| Map 44 – no questions; col 1 | Map 54 – JH (col 2) |
| Map 45 – JM (col 2) | Map 55 – no questions; col 1 |
| Map 46 – no questions; col 1 | Map 56 – no questions; col 1 |
| Map 47 – no questions; col 1 | Map 57 – no questions; col 1 |
| Map 48 – no questions; col 1 | Map 58 – no questions; col 1 |
| Map 49 – JM (col 2) | Map 59 – no questions; col 1 |

The Chair ruled that these map assessments, as listed, were correctly recorded.

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The Planning Manager reminded the Chair that Cr Blackler had provided a list of map numbers where he had questions he wanted to raise. They included Maps 45-54, and Maps 56 and 57.

Accordingly, the **revised list of map assessments** was recorded, as follows:

| | |
|---|---|
| Map 40 – no questions; col 1 | Map 50 – TB (col 2) no questions; col 1 |
| Map 41 – JH – col 2 | Map 51 – TB (col 2) no questions; col 1 |
| Map 42 – no questions; col 1 | Map 52 – TB (col 2) no questions; col 1 |
| Map 43 – JT (col 2) | Map 53 – TB (col 2) no questions; col 1 |
| Map 44 – no questions; col 1 | Map 54 – JH, TB (col 2) |
| Map 45 – JM, TB (col 2) | Map 55 – no questions; col 1 |
| Map 46 – TB (col 2) no questions; col 1 | Map 56 – TB (col 2) no questions; col 1 |
| Map 47 – TB (col 2) no questions; col 1 | Map 57 – TB (col 2) no questions; col 1 |
| Map 48 – TB (col 2) no questions; col 1 | Map 58 – no questions; col 1 |
| Map 49 – JM, TB (col 2) | Map 59 – no questions; col 1 |

The Chair ruled that these changes were correctly recorded.

After further discussion, the remaining maps were assessed as follows:

| | |
|------------------------------|------------------------------|
| Map 60 – TB, JH (col 2) | Map 70 – no questions; col 1 |
| Map 61 – TB (col 2) | Map 71 – no questions; col 1 |
| Map 62 – JM, JH (col 2) | Map 72 – no questions; col 1 |
| Map 63 – TB (col 2) | Map 73 – no questions; col 1 |
| Map 64 – TB (col 2) | Map 74 – TB (col 2) |
| Map 65 – JM, TB (col 2) | Map 75 – TB (col 2) |
| Map 66 – TB (col 2) | Map 76 – TB (col 2) |
| Map 67 – no questions; col 1 | Map 77 – TB (col 2) |
| Map 68 – TB (col 2) | |
| Map 69 – no questions; col 1 | |

The Chair ruled that these assessments, as listed, were correctly recorded.

Additional discussion about communications from residents

With the leave of the Chair, Cr Hopkins sought to discuss the matter of communication from residents that had been raised earlier in the meeting, on which he wanted to make several points. First, he noted that some of the communications received had been measured and considered about documents or engagements, whilst other communications had alleged failure on the part of Council to consult or engage fully. He felt that those in the latter group were making submissions to the Sub-Committee seemed to be saying that 'we are residents and ratepayers and you should listen to us'. The problem he had with that is that this is not a political process; it is a quasi-legislative process and we are governed by Acts that are rigorously policed by well-funded and very legally-aware agencies, and any suggestion of predetermination or taking sides based on the fact that we have got to listen to our residents exposes us to challenge and potential litigation, particularly if it is discoverable. Cr Hopkins felt it was important for the Sub-Committee to say that your concerns and objections need to have a foundation in planning.

Cr Hopkins said that the net result of the communications, in his view, was that it did seem possible that there has been actual or perceived shortcomings in engagement or communications or responses. And he sought to move three recommendations, which are set out below.

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MOTION

That the District Plan Review Sub-Committee recommends:

That Council:

1. Removes from its draft District Plan maps any overlays showing on properties where an objection to the character or extent of those overlays has been raised by the property owner or owner's agent on or before 18 April 2024 or where the property owner or owner's agent can demonstrate that the engagement undertaken by Council was either inadequate or did not formally respond to objections raised by the property owner or their agent; and
2. Agrees that reconsideration of the character or extent of any overlays removed would become a matter upon which Council planners could submit during the notification process; and
3. Acknowledges that the removal of the overlays identified in recommendation 1 arises from procedural concerns only and cannot be considered as a judgment on the planning merits of the original inclusion of those overlays in the draft DP maps.

Cr Guy Percival agreed to second the motion.

Discussion on the motion

Cr Jim Hopkins explained his reasoning for putting forward the motion.

Discussion also highlighted the need for consistency (and a question over what to do with any correspondence that might arrive tomorrow, for instance); the need to protect the integrity of the process.

Asked to respond, the Planning Manager noted that he could only do so 'on the fly' because he has not had a chance to consider the implications of the proposed motion. This was acknowledged by the Chair. Mr Campbell provided an overview of what had occurred since the end of 2021 when the former Council had approved the draft plan for informal consultation, through to the current day. He highlighted that the process had been extensive, and the plan was never going to be 100% which is why there is a Proposed Plan and a submissions process under the legislation. He suggested that much of the frustration from those who are sending in communications is that, aside from the agenda papers, there was no full plan for people to see what the outcomes are from the process thus far. But, once it was notified, there would be one coherent document and an ePlan which would be a lot easier to search. The longer it took to get to that stage, then people have come back and forth to request links to maps, rules etc and the planning team had tried to help them understand what all the changes have meant.

Mr Campbell also noted that staff could only make correctional-type submissions on the plan. They could not submit on its merits, because they are Officers of the Council and they have to be careful with regard to the requirements of their professional role and affiliations. Unless officers own a property that they wanted to submit on, it was difficult to make a submission. There was a need to keep that objective approach in order for officers to advise the hearings panel further down the process line. He would need more time to consider those matters as they were drafted in the proposed recommendations. Asked for more detail on the last point, Mr Campbell noted that staff and/or experts are there to advise the hearings panel and elected members as part of this process going forward. That restricts their ability to submit as an individual property owner submitting on something that directly affected their interests. That could go against some of the professional body affiliations and their codes of conduct about what they could do as professionals. There was also the employment relationship with Council that needed to be considered.

Cr Hopkins felt that the resolutions, if passed, explicitly invited officers to submit and comment, and he felt that would exempt officers from the kind of conflict that he acknowledged Mr Campbell would need to consider.

Mr Campbell advised that the confusion came from the mechanism. The wording of discussions in previous meetings had been that staff or a landscape architect could submit on a change proposed by the Sub-Committee if they did not agree with it or wanted to counter it. That is different to providing

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4 APRIL 2024

advice to the Council, the Sub-Committee, or a subsequent hearings panels as an Officer of the Council. Likewise, a consultant planner or expert could give the same advice to their clients, landowners, organisations. Officers are not submitting as professionals in their own right; they are giving advice to the organisation or client that were representing, which was different to a submission that a landowner might make.

MOTION Amendment

Cr Hopkins suggested an amendment to his motion to address the matters raised by the Planning Manager. He proposed some different wording in point 2 (as shown in red below):

"That reconsideration of the character or extent of any overlays removed would become a matter **which could be submitted** upon during the notification process; and

Cr Guy Percival agreed to second it after requesting and hearing the two motions (original and amended) read out again. It was noted that the specific reference to "Council Planners" had been removed in the amended motion.

Discussion on the motion

Invited to comment, Mr Cook sought Mr Campbell's comments on a particular scenario involving a continuous overlay and where a concern had been raised by a property in the middle of that overlay, and the implications of that (eg would the overlay have to stop and start around that property, which would present an unusual picture in a plan; it could be difficult to justify either having it in or removing it; and it could be confusing to a number of property owners who might be affected by it).

Mr Cook also highlighted that he would need to seek legal advice on this motion if it was passed because he needed to ensure that the integrity of the process is maintained.

Mr Campbell discussed the implications of the scenario that Mr Cook had put forward.

Mr Cook also noted that, in the context of the scenario outlined, the property boundaries would become the overlay boundaries which went against the principle of construction of overlays because they were not necessarily defined by property boundaries, especially if looking at flood risk areas.

After further discussion, the Chair noted that there was a current motion on the table and that he was obliged to put it to the meeting unless the mover wished to withdraw it. He added that, if it was withdrawn, he would not preclude the member from coming back with an alternative. On that basis, Cr Hopkins withdrew his motion.

The meeting was adjourned at 2.13pm so that the Sub-Committee could discuss separately the need for and the wording of a potential alternative motion. They were accompanied by Mr Cook and Mr Campbell, and the Mayor joined the conversation via phone.

The Chair reconvened the meeting at 2.33pm.

He advised that it is the will of this Sub-Committee to try and have an equitable solution for everyone involved. So, we have crafted a request to staff that hopefully will address some of the issues that have been raised both by ratepayers and their agents over the last few weeks.

NEW MOTION

Cr Hopkins moved:

"That the District Plan Review Sub-Committee requests officers to propose an appropriate response to property owners who either raised issues of inadequate consultation regarding the extent or character of overlays on their properties in their own names or through an agent between 1.00pm on 18 December 2023 and 1.00pm on 18 April 2024 and advise on appropriate steps to resolve their issues and confirm or modify the overlays as shown on the Draft District Plan maps."

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Motion amendment

When the Governance Advisor advised that the start time of the 18 December 2023 meeting had been 1.30pm, not 1.00pm, Cr Hopkins agreed to amend the time in the motion from 1.00pm on 18 December 2023 to 1.30pm on that day.

Cr Courtney Linwood agreed to second the amended new motion.

The Chair advised that he was going to formalise the voting process for this motion. He would be asking Members to vote by a show of hands which would allow the Mayor, who was online, to vote using the 'raise hand' function on that platform. All Members agreed to that approach.

The Chair then asked Members of the Sub-Committee to raise their hand if in favour of the motion. He declared the motion passed on that voting method.

RESOLVED DPRSC 2024/086

Moved: Cr Jim Hopkins
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee requests officers to propose an appropriate response to property owners who either raised issues of inadequate consultation regarding the extent or character of overlays on their properties in their own names or through an agent between 1.00pm on 18 December 2023 and 1.00pm on 18 April 2024 and advise on appropriate steps to resolve their issues and confirm or modify the overlays as shown on the Draft District Plan maps.

CARRIED

The Chair hoped that this resolution would bring a fair and equitable solution the process that had been unfolding in the last few weeks.

He asked Members to forward any questions/concerns they had about specific maps that had been identified during the earlier mapping discussion via mail to Mr Campbell. It was suggested by Mr Campbell, and then instructed by the Chair, that Sub-Committee members copied their questions to all Sub-Committee members so that everyone had the same information – questions and responses
ACTION: Elected Members, with Planning Manager

The Chair acknowledged that the Sub-Committee had given staff clear instruction, and that Members would entrust that process to the Planning department.

Then, at 2.44pm on 18 April 2024, the Chair declared the 18 December 2023 District Plan Review Sub-Committee Meeting closed.

TO BE CONFIRMED at the District Plan Review Sub-Committee Meeting to be held on Thursday 12 December 2024.

.....
CHAIRPERSON

**L.5 UNCONFIRMED DECISIONS ONLY DOCUMENT OF THE DISTRICT PLAN REVIEW
SUB-COMMITTEE MEETING HELD ON 20 JUNE 2024**

Author: Ainslee Hooper, Governance and Policy Advisor

Authoriser: Lisa Baillie, Director Community Engagement and Experience

Attachments: 1. DPRSC Decisions Only Document of the meeting held on 20 June 2024

RECOMMENDATION

That the District Plan Review Sub-Committee:

1. Confirms the Unconfirmed Decisions Only Document of the District Plan Review Sub-Committee Meeting held on 20 June 2024, as circulated, as a true and correct record of the decisions made during that 20 June 2024 meeting; and
2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair, to make any further minor amendments to the Decisions Only Document, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website.

DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING **UNCONFIRMED DECISIONS ONLY DOCUMENT**

20 JUNE 2024

UNCONFIRMED DECISIONS ONLY DOCUMENT

OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR,
OFFICE OF THE WAITAKI DISTRICT COUNCIL, 20 THAMES STREET, OAMARU
AND VIA ZOOM VIDEO CONFERENCE
ON THURSDAY, 20 JUNE 2024 AT 10.02AM

PRESENT: Cr Jim Thomson (Chair), Cr Jim Hopkins (Deputy Chair), Cr Tim Blackler, Cr Courtney Linwood, Cr John McCone, Cr Guy Percival, and Mayor Gary Kircher

IN ATTENDANCE: Cr Brent Cowles (via Zoom)
Roger Cook (Heritage, Environment and Regulatory Group Manager)
David Campbell (Heritage and Planning Manager)
Katrina Clark, Senior Planner (District Plan Review) (via Zoom)
Max Crowe (Biodiversity Advisor and Natural Environment Policy Officer)
Ainslee Hooper (Governance and Policy Advisor)
Zara Murphy (Regulatory Administrator Planning)

MEETING OPEN

The Chair declared the meeting open at 10.02am and welcomed everyone present.

1 APOLOGIES

There were no apologies.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 DECISION REPORTS

3.1 CONSIDERATION OF VARIOUS COUNCIL AND DISTRICT PLAN REVIEW SUB-COMMITTEE RESOLUTIONS

The report, as circulated, sought a recommendation from the Sub-Committee to Council about how to respond to feedback received from landowners between 1.30pm on 18 December 2023 and 1.00pm on 18 April 2024 and to reconsider previous decisions/resolutions of the Sub-Committee (DPRSC) where further advice / information has been / is being provided and where updated/revised wording has been put forward.

RESOLVED DPRSC 2024/087

Moved: Cr Jim Hopkins
Seconded: Cr John McCone

That the District Plan Review Sub-Committee requests officers to advise on the feasibility of notifying the Proposed District Plan excluding certain chapters, for example, chapters relating to ONLs, ONFs, SNAs, and sites and areas of significance to Maori, along with the associated mapping.

CARRIED

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RESOLVED DPRSC 2024/088

Moved: Cr Jim Hopkins
Seconded: Cr John McCone

Following the presenting of the advice requested from officers in resolution DPRSC 2024/087 above, that the DPRSC further requests officers to prepare draft objectives, policies and rules for the Proposed District Plan that may more closely reflect the Government's RMA intentions as signalled in current Ministerial statements and speeches.

CARRIED

RESOLVED DPRSC 2024/089

Moved: Cr Jim Hopkins
Seconded: Mayor Gary Kircher

That the District Plan Review Sub-Committee:

1. (a) Receives and acknowledges the feedback from landowners accepted between 1.30pm on 18 December 2023 and 1.00pm on 18 April 2024 (Attachment 1), and
(b) In response to the feedback received under 1(a) above, recommends to Council that the Chief Executive is directed to respond to those landowners who provided feedback during that specified timeframe to raise their concerns through the submission process once the Proposed District Plan is publicly notified; and
2. (a) Receives and notes the additional feedback that was received outside of the specified timeframe (Attachment 2); and
(b) In response to the feedback received under 2(a) above, recommends to Council that the Chief Executive is directed to respond to those landowners who provided feedback during that specified timeframe to raise their concerns through the submission process once the Proposed District Plan is publicly notified.

CARRIED

RESOLVED DPRSC 2024/090

Moved: Cr Jim Hopkins
Seconded: Cr Tim Blackler

3. (a) Pursuant to the request in resolution DPRSC 2023/081 point 2 (discussed in this report) in response to Associate Minister Hoggard's letter sent via email on 3 April 2024 to the Mayor of Waitaki entitled "Update on work to cease implementation of Significant Natural Areas" and the Resource Management (Freshwater and Other Matters) Amendment Bill to amend the National Policy Statement – Indigenous Biodiversity (NPS-IB), receives and acknowledges officer advice that the most appropriate response to that letter at this time is for the Sub-Committee to recommend to Council to retain the previous resolution already in place (DPRSC 2023/042 decided at the DPRSC Meeting held on 18 December 2023); and
(b) Recommends that Council accepts Schedule 6 (Significant Natural Areas).

CARRIED

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RESOLVED DPRSC 2024/091

Moved: Cr Jim Hopkins
Seconded: Cr Guy Percival

4. That resolution DPRSC 2023/068 (Remove SNA12 from schedule and mapping) decided at the reconvened DPRSC Meeting held on 7 March 2024 stands.

CARRIED

ABSTAINED: MAYOR GARY KIRCHER

RESOLVED DPRSC 2024/092

Moved: Cr Jim Thomson
Seconded: Cr Guy Percival

5. That resolution DPRSC 2023/069 (Review all SNAs where there are QEII covenants in place and remove these from SCHED6 where they provide equivalent protection) decided at the reconvened DPRSC Meeting held on 7 March 2024 stands.

CARRIED

RESOLVED DPRSC 2024/093

Moved: Cr Jim Hopkins
Seconded: Cr John McCone

6. That resolution DPRSC 2023/070 (Removal of all cultivated land including any other elements or features required for modified pastoral agricultural use or industrial use from ONL) decided at the reconvened DPRSC Meeting held on 7 March 2024 be reviewed.

CARRIED

RESOLVED DPRSC 2024/094

Moved: Cr Tim Blackler
Seconded: Cr Courtney Linwood

7. That resolution DPRSC 2023/082 (Council amends the ONF maps to remove the areas identified as ONF53 in the vicinity of the Waitaki River and also the areas identified as ONF within the boundaries of the Parkside Quarry, Conlan Farm and McCulloch Farm...) as decided at the reconvened DPRSC Meeting held on 4 April 2024 be revoked and to retain the previous resolutions already in place being DPRSC 2023/072 (Schedule 9 Significant Natural Features) decided at the DPRSC Meeting held on 7 March 2024, and DPRSC 2023/083 (Schedule 8 Outstanding Natural Features) decided at the DPRSC Meeting held on 4 April 2024.

CARRIED

ABSTAINED: MAYOR GARY KIRCHER

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RESOLVED DPRSC 2024/095

Moved: Cr Tim Blackler
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee recommends:

That Council:

8. Revokes part 3 of resolution WDC 2024/027 (3. Pursuant to resolution DPRSC 2024/063, removes any property currently listed in Schedule 2 of the Proposed District Plan for which the property owner's consent has not been given for inclusion, and that any such property will be subject to submission from the owner and other parties in the notification process prior to inclusion in the schedule, (as decided at the DPRSC Meeting reconvened on 13 February 2024) and replaces it with the following text:

"That officers remind owners of Category B heritage items listed in Schedule 2 that are not already listed in the Operative District Plan, that if they are opposed to a listing (within 20 working days of being notified), then Council would only consider listing their heritage item when the item has received funding from Council's Waitaki Heritage Fund."

CARRIED

The meeting was adjourned at this point and was reconvened at 2.03pm.

3.2 CONSIDERATION OF PLANNING MAPS

Set out below is a summary of discussions during various meetings on which maps were approved for recommendation to Council (known as "Column 1 maps") and which ones were set aside with questions to be discussed later (known as "Column 2 maps").

DPRSC Meeting on 4 April 2024 (discussion on map sets 1-19; 20-28; and 29-39)

Column 1 maps in the first and second sets of maps (from 01 – 19; 20 – 39) were initially: Maps 4, 6, 8, 9, 10, 11, 12, 14, 19, 20, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37.

**Therefore, approved maps at the end of the 4 April 2024 meeting were:
Maps 4, 6, 8, 9, 10, 11, 12, 14, 19, 20, 24, 27, 28, 30, 31, 33, 34, 36.**

- **No resolution was made at the end of the 4 April 2024 meeting.**

DPRSC Meeting on 18 April 2024 – some Column 1 maps reallocated to Column 2:

Maps 29, 32, and 37 (as highlighted in red in the 4 April list of approved maps above) were moved out of Column 1 and reallocated to Column 2.

DPRSC Meeting on 18 April 2024 (continued on map set 40-59):

Maps 40, 42, 44, 46, 47, 48, 50, 51, 52, 53, 55, 56, 57, 58, 59 were initially allocated to Column 1.

Then Cr Blackler's queried maps were identified as: Maps 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, and 57 (highlighted in red in the list above. They were allocated to Column 2.

Cr Hopkins' queried maps in this set (41, 54), Cr McCone's queried maps (45, 49), and Cr Thomson's queried map (41) were also allocated to Column 2.

Maps initially allocated to Column 1 on 18 April were amongst those queried by Cr Blackler and reallocated to Column 2; they are highlighted in red in the list for Column 1 above.

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DPRSC Meeting on 18 April 2024 (continued on final map set 60-77):

Maps 67, 69, 70, 71, 72, 73 were allocated to Column 1.

Cr Blackler's queried maps in this set were 61, 63, 64, 66, 68, 74, 75, 76, 77.

Cr Hopkins' queried maps in this set (60, 62), Cr McCone's queried maps (62, 65) were also allocated to Column 2.

Final Summary of Approved Maps at end of 18 April 2024 meeting, taking accounts of discussions at the 4 and 18 April 2024 meetings and subject to decision at this 20 June 2024 DPRSC meeting (refer resolution below):

- **Maps 4, 6, 8, 9, 10, 11, 12, 14, 19, 20, 24, 27, 28, 30, 31, 33, 34, 36.**
- **Maps 40, 42, 44, 55, 58, 59, 67, 69, 70, 71, 72, 73.**

RESOLVED DPRSC 2024/096

Moved: Cr Jim Thomson

Seconded: Cr Jim Hopkins

That the District Plan Review Sub-Committee recommends:

That Council approves an identified number of maps as listed below, following final confirmation by the Chair and the Governance Advisor, as a result of discussions at this reconvened meeting:

- **Maps 4, 6, 8, 9, 10, 11, 12, 14, 19, 20, 24, 27, 28, 30, 31, 33, 34, 36, 40, 42, 44, 55, 58, 59, 67, 69, 70, 71, 72, and 73.**

CARRIED

AGAINST: CR JOHN MCCONE

Subsequent discussion on maps and related Chair rulings:

Cr McCone: Only when I see the fine line will I support this exercise. That relates to every map against which my initials are listed.

Cr Blackler: Many of my questions no longer stand because of the advice received last week – that Members cannot have any influence over where the lines are drawn. He then withdrew all his questions.

Chair rulings:

- (a) Move all maps queried by Cr Blackler, where only he had questions, to Column 1.
- (b) Move all maps queried by Cr McCone on a principled stand which is not specific.

ACTION: Governance Advisor (refer follow up action taken summarised below)

Action taken: Identify maps queried by Cr Blackler and Cr McCone, where they are the sole member with questions or there are maps with only both of them with queries, to Column 1.

Exclude from the action above maps where others had questions as well, which were: 45 and 54 (Cr Hopkins as well), and 49 (Cr McCone as well) (highlighted in red in list above), and maps that have other initials against them.

The Chair then ruled that, unless there are specific questions/queries on maps, then remaining maps will be transferred to Column 1. He called the remaining maps one by one and asked the Member/s who had initials allocated to them to advise whether their questions still stand, or to confirm that the specific map they had queried could be moved to Column 1 for an approval decision at the end of this session.

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During the discussion a separate motion was resolved with regard to flood mapping, as recorded. This resolution relates to a number of maps which were not all identified specifically at the meeting. There was reference to Maps 50, 51, 53, and 54 for the Oamaru north area, and Map 47 for Ngapara.

RESOLVED DPRSC 2024/097

Moved: Cr Jim Hopkins
Seconded: Cr Jim Thomson

That the District Plan Review Sub-Committee requests officers to, in turn, request the Otago Regional Council to reconsider its flood plains and identified areas including the north end of Oamaru and the Waihemo catchment, and Ngapara.

CARRIED

As a result of the those discussions, the Chair ruled that the following maps were to be moved to Column 1:

- Maps 1, 2, 3, 5, 7, 13, 15, 16, 17, 18, 21, 22, 23, 25, 29, 38, 39, along with 45 and 49 which only Cr McCone had querieded.

ACTION: Governance Advisor

It was clarified with Cr Percival that Map 29 could also be added to that list, so it was added to the final resolution recorded below. It is highlighted in red above as that late addition to the list called by the Chair.

Member request: Leave out Map 26 from the approved list until such time as a response had been received from the Otago Regional Chair.

Chair ruling – Agreed. Do not include Map 26 in the final list of approved maps at this meeting.

ACTION: Governance Advisor [completed]

RESOLVED DPRSC 2024/098

Moved: Cr Jim Thomson
Seconded: Cr Jim Hopkins

That the District Plan Review Sub-Committee recommends:

That Council approves the proposed mapping available via the links included in this report, subject to final minor amendments/corrections, for notification in a Proposed District Plan.

Adoption of the maps (as moved from col 2 to column 1 at this meeting)

List 1, 2, 3, 5, 7, 13, 15, 16, 17, 18, 21, 22, 23, 25, 29, 38 and 39; and 45 and 49.

CARRIED

The Chair thanked members of the Sub-Committee and officers for their diligence during the meeting, and for any members of the public who were watching the livestream.

The Chair asked Councillors to go through their map lists and to create an email trail with him with any questions they have for officers on the maps remaining so that the future meeting could be as short and effective as possible in seeking answers or clarifications and then making a decision to recommend the maps to Council for approval.

ACTION: DPRSC Members (required; via email trail with Chair)

4 MEETING CLOSE

At 3.00pm, the Chair declared the meeting closed, and advised that another meeting would be convened as soon as practicable so that the Sub-Committee could consider the last tranche of maps.

TO BE CONFIRMED at the District Plan Review Sub-Committee Meeting to be held on Thursday, 12 December 2024.

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CHAIRPERSON

UNCONFIRMED Decisions Only Document

**L.6 UNCONFIRMED DECISIONS ONLY DOCUMENT OF THE DISTRICT PLAN REVIEW
SUB-COMMITTEE MEETING HELD ON 5 DECEMBER 2024**

Author: Ainslee Hooper, Governance and Policy Advisor

Authoriser: Lisa Baillie, Director Community Engagement and Experience

Attachments: 1. Unconfirmed Decisions Only Document for DPRSC Meeting held on
5 December 2024

RECOMMENDATION

That the District Plan Review Sub-Committee:

1. Confirms the Unconfirmed Decisions Only Document of the District Plan Review Sub-Committee Meeting held on 5 December 2024, as circulated, as a true and correct record of the decisions made during that 5 December 2024 meeting; and
2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair, to make any further minor amendments to the Decisions Only Document, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website.

DISTRICT PLAN REVIEW SUB-COMMITTEE
MEETING **UNCONFIRMED DECISIONS ONLY DOCUMENT**

5 DECEMBER 2024

UNCONFIRMED DECISIONS ONLY DOCUMENT

OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER, THIRD FLOOR,
OFFICE OF THE WAITAKI DISTRICT COUNCIL, 20 THAMES STREET, OAMARU
ON THURSDAY, 5 DECEMBER 2024 AT 9.00AM

PRESENT: Cr Jim Thomson (Chair), Cr Jim Hopkins (Deputy Chair), Cr Tim Blackler,
Cr Courtney Linwood, Cr Guy Percival, and Cr John McCone

IN ATTENDANCE: Alex Parmley (Chief Executive) – from 9.04am.
Roger Cook (Heritage, Environment and Regulatory Group Manager)
David Campbell (Heritage and Planning Manager)
Katrina Clark (Senior Planner – District Plan Review) (via Zoom)
Ainslee Hooper (Governance and Policy Advisor)
Zara Murphy (Regulatory Administrator – Planning)

MEETING OPEN

The Chair declared the meeting open at 9.00am and welcomed everyone present.

1 APOLOGIES

RESOLVED DPRSC 2024/107

Moved: Cr Jim Thomson
Seconded: Cr Tim Blackler

That the apology received from Mayor Gary Kircher be accepted.

CARRIED

3 DECISION REPORTS

3.1 SITES AND AREAS OF SIGNIFICANCE TO MĀORI (SASM) PROVISIONS OPTIONS

RESOLVED DPRSC 2024/108

Moved: Cr Jim Hopkins
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee recommends:

That Council:

1. Amends the definition of **Rakatirataka** to read as follows:

In the context of resource management, the mana or authority to exercise the relationship between Kāi Tahu and **their** ancestral lands and resources. It includes the active involvement of mana whenua in resource management decision making processes that affect these **ancestral** lands and resources.

CARRIED

AGAINST: CR GUY PERCIVAL AND CR JOHN MCCONE

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RESOLVED DPRSC 2024/109

Moved: Cr Jim Hopkins
Seconded: Cr Courtney Linwood

That the DPRSC recommends:

That Council amends the Sites and Areas of Significance to Maori chapter chapter Objective 1 to read that:

"The **Rakatirataka** of manu whenua over their significant sites and areas is recognised and they are able to exercise kaitiakitaka within the SASM overlay with the proviso that, where access is required for this purpose, it will be by agreement with landowners.

CARRIED

AGAINST: CR JIM THOMSON

ABSTAINED: CR TIM BLACKLER

RESOLVED DPRSC 2024/110

Moved: Cr Jim Hopkins
Seconded: Cr John McCone

That the DPRSC recommends:

That Council amends SASM Chapter Objective 5 to read:

"Manu Whenua are able to access wahi tupuna for customary purposes and are able to use mahika kai resources in accordance with tikaka as provided for in Treaty Settlements and otherwise by mutual agreement with property owners.

CARRIED

AGAINST: CR JIM THOMSON

ABSTAINED: CR TIM BLACKLER

RESOLVED DPRSC 2024/111

Moved: Cr Jim Hopkins
Seconded: Cr John McCone

That the District Plan Review Sub-Committee recommends:

That Council amends the SASM chapter Rule 4 to read:

"That the requirement to invoke iwi consultation in relation to earthworks on residential and settlement **subdivisions** within the SASM overlay is triggered if the earthworks exceed 1,000 sq m and/or a 3 metre cut and the work involves land on a slope greater than 35 degrees.

CARRIED

AGAINST: CR BLACKLER AND CR THOMSON

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3.2 CONFIRMATION OF MINUTES OVERVIEW REPORT

RESOLVED DPRSC 2024/112

Moved: Cr Jim Thomson
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee:

1. Receives and notes the information;
2. Uses the information contained herein to assist and guide the review of the Unconfirmed Minutes alongside the tracked changes of previously approved chapters in the Proposed District Plan, with particular regard for the additional officer proposals for amendments that require a Sub-Committee decision as part of the confirmation of Minutes report recommendations.

CARRIED UNANIMOUSLY

**3.3 PUBLIC MINUTES OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD ON 21 NOVEMBER 2023**

RESOLVED DPRSC 2024/113

Moved: Cr Jim Thomson
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee:

1. Confirms the Public Minutes of the District Plan Review Sub-Committee Meeting held on 21 November 2023, as circulated, as a true and correct record of that meeting; and
2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair to make any further minor amendments to the Minutes, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website.

CARRIED UNANIMOUSLY

**3.4 PUBLIC MINUTES OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD ON 27 NOVEMBER 2023**

RESOLVED DPRSC 2024/114

Moved: Cr Jim Hopkins
Seconded: Cr Courtney Linwood

That the District Plan Review Sub-Committee:

1. Confirms the Public Minutes of the District Plan Review Sub-Committee Meeting held on 27 November 2023, as circulated, as a true and correct record of that meeting, with one additional amendment proposed by officers agreed at this meeting:
 - (a) Officers are recommending that Resolution DPRSC 2023/013 is merged with DPRSC 2023/012 and should refer to 'Local Centre Zone' only and that DPRSC 2023/013 be deleted, pursuant to the explanation provided in this brief report; and

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2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair, to make any further minor amendments to the Minutes, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website.

CARRIED UNANIMOUSLY

**3.5 PUBLIC MINUTES OF THE DISTRICT PLAN REVIEW SUB-COMMITTEE MEETING
HELD ON 4 AND 5 DECEMBER 2024**

Agreed Amendments:

- (a) Discussion on the Noise chapter, paragraph 3, Member request and Officer advice – Replace the word “national” with “notional” [boundary].
- (b) Discussion on Notable Trees chapter, replace “words” with “works”
- (c) Discussion on Notable Trees chapter, replace “red woods situation” with “Redwood tree” situation [in Timaru].
- (d) Same chapter as in (c) above, next line, replace “words” with “works” .
- (e) Under discussion on subdivision chapter, last sentence: There were a number of references to “Officers will check” or “Officers will consider”, and he asked whether those points would be addressed in the final report to Council because they did not appear to be resolved in the Minutes. The Planning Manager advised that officers had checked and/or considered the matters where they were listed, and the tracked changes in the chapters will show where they have been made. If there is no change, then the matter was considered by officers made no change in response.

Cr Hopkins advised that he had some other minor typographical matters that he was happy to work through directly with the Governance Advisor. And on that basis, with those amendments and with minor grammatical amendments to be addressed with the Governance Advisor, he moved the report's recommendations. The Chair seconded the motion.

RESOLVED DPRSC 2024/115

Moved: Cr Jim Hopkins
Seconded: Cr Jim Thomson

That the District Plan Review Sub-Committee:

1. Confirms the Public Minutes of the District Plan Review Sub-Committee Meeting held on 4 and 5 December 2023, as circulated, as a true and correct record of that meeting, with amendments as agreed in this meeting today and minor grammatical amendments to be addressed with the Governance Advisor; and
2. Delegates to the Chief Executive, in consultation with the District Plan Review Sub-Committee Chair, to make any further minor amendments to the Minutes, as agreed at this meeting, before they are finalised and published to Elected Members and on Council's website.

CARRIED

Cr Blackler advised that he wanted to discuss with Mr Campbell adding to the minuted discussion on item 2 in the 18 December 2023 minutes that were in Part 2 of the agenda papers. He had discussed gradient and an additional point around more extensive agricultural setting being a continuum to ensure it is recognised that it is not one or the other. The Planning Manager recalled the discussion and offered to work with Cr Blackler to get some revised wording to the Governance Advisor for those minutes.

ACTION: Planning Manager and Cr Blackler, with the Governance Advisor

4 URGENT BUSINESS

L.1 RESOLUTION TO ACCEPT OR DEFER LATE AGENDA ITEMS

The report, as circulated, sought a formal resolution of the District Plan Review Sub-Committee (DPRSC), pursuant to legislation and Council's Standing Orders, on whether to accept or defer the late agenda item as named for consideration at this DPRSC meeting on 5 December 2024.

RESOLVED DPRSC 2024/116

Moved: Cr Jim Hopkins

Seconded: Cr John McCone

That the District Plan Review Sub-Committee decides, pursuant to the Local Government Official Information and Meetings Act 1987 (s46A (7) and Council's Standing Orders (Clause 9.12), to defer the late agenda item containing the Public Minutes of the District Plan Review Sub-Committee Meetings held on 18 and 19 December 2024 to future meeting of the Sub-Committee.

CARRIED

The Chair advised that another meeting of the DPRSC was scheduled for next Thursday, 12 December 2024. He asked members to ensure that they are aware of that requirement because a quorum of members is required in order to make decisions and time was running short.

He thanked the Senior Planner online for staying up so late to be available during the meeting. And he spoke more broadly to the wider public audience to say that, as you will no doubt realise by level of debate today, there is still a general desire from the DPRSC to ensure that we can get a plan that is both workable and acceptable to our community.

5 MEETING CLOSE

The Chair declared the meeting closed at 12.04pm.

TO BE CONFIRMED at the District Plan Review Sub-Committee Meeting to be held on Thursday 12 December 2024.

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CHAIRPERSON

2 RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48 for the passing of this resolution |
|---|--|--|
| 3.1 - Unconfirmed Decisions Only Document Public Excluded of the District Plan Review Sub-Committee Meeting of 18 December 2023, reconvened and held on 7 March 2024 (Public Excluded session) | s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons | s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7 |

3 PUBLIC EXCLUDED SECTION

4 RESOLUTION TO RETURN TO THE PUBLIC MEETING

RECOMMENDATION

That Council resumes in open meeting and decisions made in public excluded session are confirmed and made public as and when required and considered.

5 RELEASE OF PUBLIC EXCLUDED INFORMATION

In accordance with Waitaki District Council Standing Orders, and pursuant to resolutions in the public excluded session of the meeting, any previously public excluded information that the District Plan Review Sub-Committee decides to release will be included under this agenda item in the Public Minutes of this meeting.

6 MEETING CLOSE