

**MINUTES OF THE COUNCIL MEETING HELD
FOLLOWING THE FINANCE AND POLICY COMMITTEE
AT 10.30AM ON WEDNESDAY 21 DECEMBER 2005 IN
MEMORIAL HALL SUPPER ROOM, ESPLANADE,
KAIKOURA**

PRESENT: Mayor Heays (Chair), Councillors B Seddon, B Woods, J Diver, J Macphail, S Thomas, M Pablecheque, M McChesney.

IN ATTENDANCE: S Grant (Chief Executive Officer), L Copping (Executive Officer).

1. MATTERS TO BE RAISED AS URGENT BUSINESS:

1. Kaikoura Airport Councillor Diver

2. CONFIRMATION OF MINUTES

Council 16/11/2005

Moved by Councillor Woods, seconded by Councillor McChesney and resolved that the minutes of the Council meeting held on 16 November 2005 be confirmed as a true and accurate record.

3. ADOPTION OF REPORTS

a. Works and Services Committee 16/11/2005

Moved by Councillor Pablecheque, seconded by Councillor Seddon and resolved that the report of the Works and Services Committee meeting held on 16 November 2005 be adopted.

b. Environmental Services Committee 16/11/2005

Moved by Councillor Woods, seconded by Councillor Macphail and resolved that the report of the Environmental Services Committee meeting held 16 November 2005 be adopted.

c. Finance and Policy Committee 16/11/2005

Moved by Councillor Macphail, seconded by Councillor Pablecheque and resolved that the report of the Finance and Policy Committee meeting held on 16 November 2005 be adopted.

d. Social Services Committee 09/11/2005

Moved by Councillor McChesney, seconded by Councillor Thomas and resolved that the report of the Social Services Committee meeting held on 09 November 2005 be adopted.

4. MINUTES TO BE RECEIVED

Hearings & Applications Committee 15/11/2005 & 28/11/2005

Moved by Councillor Diver, seconded by Mayor Heays and resolved that the minutes of the Hearings & Applications Committee meetings held on 15 November 2005 and 28 November 2005 be received.

5. MATTERS ARISING FROM MINUTES OF CONFIRMED MINUTES

South Bay Commercial Boat Park

It was suggested Council look into reviewing rental rates for the South Bay Commercial Boat Park.

6. MINUTES ACTION LIST

Transit Speed Zone – Oaro

The Chief Executive Officer advised Land Transport New Zealand had automatically objected to Transit's proposed speed zone as two other objections had been received by Transit. As a result Transit were now required to go through full consultative procedure.

Meeting with St John

Councillor Woods advised herself and the Mayor had recently met with St Johns and as a result a list of people and organizations were being sent correspondence from the Mayor hi-lighting the lack of volunteers in the district. She noted two Council staff members were currently members of St John which was a very good contribution.

7. ALCOHOL BAN IN KAIKOURA DISTRICT

Sergeant R Smith entered the meeting at 10.30am.

Sergeant Smith advised Kaikoura had a large number of licensed premises situated in the Central Business District comprising the West End, Esplanade, Torquay Street and Beach Road and within these areas an increasing number of members of the public were found drinking alcohol on the streets. A regular flow of complaints from owners of nearby businesses regarding people urinating, defecating and vomiting in shop entries or elsewhere in public areas had indicated that the problems caused by excessive alcohol consumption had become an issue for the district. Sergeant Smith noted the number of reported offences and their seriousness was directly proportionate to the hour of the night, being the later the hour the more incidences and seriousness.

Sergeant Smith advised those associated with alcohol were broken down into three groups - Youth, Overseas Tourists and Locals/Domestic Travellers.

Youth

Kaikoura Youth were generally compliant with rules and intentions of the Sale of Liquor Act however they were frequently found carrying quantities of alcohol on their way to parties. Large quantities of alcohol was also frequently found in youth motor vehicles.

Overseas Tourists

Overseas tourists were generally well behaved and caused few problems. Mature tourists tended to visit licensed premises earlier in the evening and chose not to be out late. Younger back-pack type tourists tended to go out in groups, consumed alcohol heavily but not usually cause any trouble.

Local & Domestic Tourists

Sergeant Smith advised this was the group that caused the most problems with the exception of older New Zealand tourists who, like overseas tourists, were not usually involved in drunken behaviour.

Generally it was younger locals and New Zealand tourists up to 45 years of age that consumed large amounts of alcohol, visited more than one licensed premises per night, drank on route, and until closing time.

Sergeant Smith advised several licensed premises had been approached in relation to patrons leaving premises carrying alcoholic drinks which was in contravention of the conditions of their liquor licence. He advised bar staff and managers had advised they were having difficulty in preventing bottles of alcohol being removed from their premises, especially when patrons left in groups.

Sergeant Smith concluded a liquor ban would hold the transgressing patron directly accountable, and would provide Police with a proven effective tool to control incidences of drunken members of the public consuming alcohol in public places. He advised other Councils had undertaken various actions including a complete alcohol ban, a ban from 7.00pm to 7.00am in Nelson, a ban from 9.00pm to 9.00am, and in Mt Maunganui for the summer period only, and suggested Kaikoura enforce a complete alcohol ban 24 hours a day, seven days a week for simplicity and consistency and to educate the public a lot quicker.

Benefits reported from other districts were a reduction in crime, reduction in litter, and a reduction in driver related incidents.

Councillor McChesney asked if a wild party was held on the beach outside of the ban, could the bylaw be used for moving party goes on. Sergeant Smith advised no, however there were sufficient laws and enactments such as disorderly behaviour that could be enforced, noting the whole idea of a liquor ban was a proactive preventative action.

Sergeant Smith advised it would be great to have a bylaw in place for Seafest 2006.

The Chief Executive Officer advised Council could look at sourcing other Local Authority bylaws, which could then be adapted for use in Kaikoura.

Sergeant Smith left the meeting at 11.09am.

Moved by Councillor Macphail, seconded by M McChesney and resolved that Council investigate an alcohol ban in the district.

Mayor Heays advised it would be appropriate that the Liquor Licensing Committee be on the working party to investigate this matter further and suggested there were probably members of the community also interested in joining. Council agreed that Councillors on the Liquor Licensing Committee investigate the matter.

Moved by Mayor Heays, seconded by Councillor Seddon and resolved that Councillors on the Liquor Licensing Committee, being

- ***Councillor Pablecheque***
- ***Councillor McChesney***
- ***Councillor Macphail***

along with invited interested parties form a working party to pursue the possibility of an alcohol ban in the district.

The motion was put and carried.

Discussion

The Chief Executive Officer suggested Council could investigate the feasibility of introducing a bylaw for placing an alcohol ban in the district. If looking at a bylaw, one of the tasks would be to collate other Council's bylaws to see what has and hasn't worked and try and incorporate all the best things.

Councillor Diver advised he thought there was already a law prohibiting drinking in public places. The Chief Executive Officer advised there were laws in terms of disorderly behaviour and a number of enactments that could be used to control people, however an alcohol bylaw was an entirely different tool.

Chairperson Councillor Pablecheque asked each Councillor whether they supported the introduction of an alcohol bylaw. All Councillors indicated verbally that they supported an alcohol bylaw.

Councillor Diver requested the Chief Executive Officer consult with M Hunt on the present legal powers of the Police and report back to Council.

8. LACK OF TOILET FACILITIES AT MANGAMAUNU BEACH

D Kerei Keepa, P McGahan, Dr C Henry, D Lewis and C Edwards entered the meeting at 1.00pm.

A letter was read by D Kerei Keepa, on behalf of B Cowan requesting a public toilet facility in the Mangamaunu area. He advised in 2003 an organization called Coastal Race Against Pollution had presented to Council regarding the increase in human faeces and lack of toilet facilities in the area. The group presenting itself today were now

actively pursuing the matter as the number of tourists to the district had increased considerably.

Included in the agenda was a letter from P McGahan, Secretary of the Kaikoura Marine & Coastal Protection Society advising the installation of a toilet amenity facility at Mangamaunu was critical and needed addressing urgently.

Dr C Henry advised the lack of toilet facilities posed a significant health risk for children running around on the beach. An additional health risk was leaching into the water system and marine life, which he believed was possibly already happening.

D Kerei Keepa advised the group were eager to work together with Council to address the matter. He advised offers from builders, drainlayers and bricklayers had been received to assist in the construction of a toilet facility.

D Lewis advised he was an importer of septic tank systems and had products available that would completely address containment of effluent to Environmental Canterbury requirements and offered to provide labour at no charge and material at cost price. He advised a toilet facility was also fully supported by the South Island Surfing Association.

Councillor Thomas advised while he supported the idea of public toilets he was concerned it may encourage more freedom camping. D Kerei Keepa advised the more people using the facility would mean less people excreting on the district's beaches. He noted there may be people submitting against toilets as they may see it as people intruding on their lifestyle however the safety and the Kaikoura community were more important.

Councillor Seddon advised he was right behind a toilet facility at Mangamaunu. It was very encouraging for the group to offer free labour and suggested the group come back and quantify what they could do.

Councillor Woods advised it was long over due and noted she expected ownership of the land would have a huge bearing on resource consent issues.

The Chief Executive Officer advised finding an appropriately sized system to meet Environment Canterbury's requirements in that zone had been a key stumbling point in the past. Council could proceed on consent and site issues and once costs were known could budget for it in the coming financial year.

D Kerei Keepa advised he would need to meet and speak with land trustees of the Mangamaunu area, who were separate to the Marae in terms of ownership and suggested a working party be formed that could meet in early January 2006.

The Chief Executive Officer suggested Council's Environmental Development Officer N Sherriff, Asset Manager M Roberts-Saidy and District Planner R Vaughan be involved with the working party and that Environment Canterbury be invited to join.

Councillor Macphail asked if the Long Boarders Club was an incorporated society that had access to charity funding. D Lewis advised the Long Boarders were affiliated with the South Island Surfing Association and were able to apply for funding.

D Kerei Keepa, P McGahan, Dr C Henry, D Lewis and C Edwards left the meeting at 1.33pm.

Discussion

The Chief Executive Officer advised one of the major issues was the district was situated in a coastal marine area and Environment Canterbury were very strict on what they allowed and as such the resource consent process could be very expensive. He advised it was important that a two areas be identified in the district for toilets and suggested a possible funding mechanism could be from the Reserves Contribution Account.

Councillor Diver recalled this issue being discussed some two years ago and asked the outcome of investigations at that time. The Chief Executive Officer advised there were a number of hurdles and the most environmentally friendly toilet had been the composting toilet however one of the major issues was composting toilets had to be built well above the ground and were unable to cope with shock loading from large groups. Environmental Canterbury had not been interested in septic tanks either. Logistically it had been a huge hurdle to overcome which was one of the reasons it had not been addressed to date.

Moved by Mayor Heays, seconded by Councillor Pablecheque and resolved that Council agree to form a local working party with the Mangamaunu community with the following Kaikoura District Council Councillors and staff being part of the working party and that Environment Canterbury be invited to nominate an appropriate staff member to come up with an acceptable solution to address the situation at Mangamaunu.

- ***Councillor S Thomas***
- ***Councillor M McChesney***
- ***Councillor J Macphail***
- ***Environmental Development Officer (N Sherriff)***
- ***Planning Officer (R Vaughan)***
- ***Asset Manager (M Roberts-Saidy)***

9. KDC DOG CONTROL REPORT 2004/05

Included in the agenda was the Kaikoura District Council Dog Control Report 2004/05. The Chief Executive Officer advised Councils bylaw

was required to be amended in order to meet the requirements of the Dog Control Act 1996. Council was required to give public notice to any amendments to its existing bylaw prior to the report being brought back to Council in February 2006.

Moved by Councillor Seddon, seconded by Councillor Woods and resolved that Council adopt the Kaikoura District Council Dog Control Report 2004/05.

10. DRAFT AMENDED DOG CONTROL POLICY

Included in the agenda was the draft amended Dog Control Policy for review. Council was required to revise its current Dog Control Policies to meet the requirements of the Dog Control Act 1996.

Moved by Councillor Seddon, seconded by Councillor Woods and resolved that Council review the draft amended Dog Control Policy and that any amendments be included in the policy for adoption at the February 2006 meeting with the view that public consultation be commenced.

11. INNOVATIVE WASTE KAIKOURA– INCREASE IN CHARGES

A report was provided by the Chief Executive Officer outlining new landfill charges that had been agreed at a recent meeting of the directors of Innovative Waste Kaikoura.

Two new categories were included in the charges to encourage an increase in diversion in material from the landfill. The Chief Executive Officer advised the proposed rates would impact minimally on those who recycled.

Councillors Woods, Macphail and Pablecheque declared an interest.

Councillors felt the rate for uncompressible commercial general refuse was too cheap and did not encourage efforts toward recycling by commercial operators.

Moved by Councillor Diver, seconded by Councillor Seddon and resolved that the Uncompressible Commercial General Refuse rate be increased to \$150.00 per tonne.

Moved by Councillor Seddon, seconded by Councillor Diver and resolved that Council agree to the new charges proposed by Innovative Waste Kaikoura Ltd as follows:

- *Black Bag* *\$2.50 per bag*
- *Large Black Bag* *\$4.00 per bag*
- *Domestic* *\$100.00 per tonne*
- *Commercial (General Refuse)* *\$110.00 per tonne*
- *Uncompressible Domestic General*

- *Refuse* *\$115.00 per tonne*
- *Uncompressible Commercial General Refuse* *\$150.00 per tonne*
- *Greenwaste* *\$30.00 per tonne*
- *Construction and Demolition material* *\$135.00 per tonne*
- *Cleanfill* *\$70.00 per tonne*
- *Truck spills & out of district refuse* *\$500.00 per tonne*

12. RECOMMENDATION FROM TOURISM & DEVELOPMENT COMMITTEE

Councillor Seddon suggested this item be held over until further costings for the Lyell Creek bridge were received.

Moved by Councillor Seddon, seconded by Councillor Pablecheque that this item be held over until further costings for the Lyell Creek bridge are received.

The Chief Executive Officer advised it would be appropriate to acknowledge the Tourism & Development Committee with a letter advising them of the bridge and Transit's proposed second lane at the West End.

13. MAYOR'S REPORT

Mayor Heays presented his report and advised a meeting that had been scheduled for Tuesday 20 December with Scenic Circle executives had not proceeded. Mayor Heays advised he had asked Scenic Circle to formally advise why they had not attended the meeting.

Mayor Heays advised a meeting had been held with Councillors Seddon, Pablecheque, Councils' Chief Executive Officer and Asset Manager and two users of the new wharf. The power cables on the wharf were identified as being extremely dangerous and as a result the Mayor suggested they be fixed as soon as possible.

Mayor Heays advised a request had been received from MP Nando Tanczos requesting Council's support for a review of the decision to cease the use of glass milk bottles.

Moved by Councillor McChesney, seconded by Councillor Woods and resolved that Kaikoura District Council, through the Mayor's Office, confirm its support of the request from MP Nando Tanczos for glass milk bottles to stay in use.

15. COUNCIL PUBLIC EXCLUDED SESSION

Moved by Councillor Woods, seconded by Councillor McChesney that the public be excluded from the following parts of the proceedings of this meeting, namely

- a. Confirmation of Minutes of Council Public Excluded meeting on 16/11/2005*
- b. Confirmation of Minutes of Works & Services Public Excluded meeting on 16/11/2005*
- c. Confirmation of Minutes of Finance & Policy Public Excluded meeting on 16/11/2005*
- d. Appointment of Tourism & Development Committee Representatives*
- e. Authority to Proceed with Rating Sate*