

**MINUTES OF THE COUNCIL MEETING HELD
FOLLOWING THE FINANCE AND POLICY COMMITTEE
AT 11.33AM ON WEDNESDAY 21 JUNE 2006 IN
MEMORIAL HALL SUPPER ROOM, ESPLANADE,
KAIKOURA**

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

IN ATTENDANCE: S Grant (Chief Executive Officer)L Copping (Executive Officer), J
Smith (Prime Pine).

LEAVE OF ABSENCE: Councillors J Diver and S Thomas

1. MATTERS OF IMPORTANCE TO BE RAISED AS URGENT BUSINESS

1. Omihī Camping. *Councillor McChesney*

2. CONFIRMATION OF MINUTES

Council 17/05/2006

*Moved by Councillor Macphail, seconded by Councillor McChesney
and resolved that the minutes of the Council meeting held on 17 May
2006 be confirmed as a true and accurate record.*

3. ADOPTION OF REPORTS

a. Works and Services Committee 17/5/5006

*Moved by Councillor Pablecheque, seconded by Councillor
McChesney and resolved that the report of the Works and Services
Committee meeting held on 17 May 2006 be adopted.*

b. Environmental Services Committee 17/05/2006

*Moved by Councillor Pablecheque, seconded by Councillor McChesney
and resolved that the report of the Environmental Services Committee
meeting held on 17 May 2006 be adopted.*

c. Finance and Policy Committee 17/05/2006

*Moved by Councillor Macphail, seconded by Councillor Pablecheque
and resolved that the report of the Finance and Policy Committee
meeting held on 17 May 2006 be adopted.*

d. Social Services Committee 10/05/2006

*Moved by Councillor McChesney, seconded by Mayor Heays and
resolved that the report of the Social Services Committee meeting held
on 10 May 2006 be adopted.*

e. Tourism & Development Committee 10/05/2006

Moved by Councillor Macphail, seconded by Mayor Heays and resolved that the report of the Tourism & Development Committee meeting held on 10 May 2006 be adopted.

4. MINUTES TO BE RECEIVED

Hearings and Application Committee 02/05/06 & 31/05/2006

Moved by Councillor Pablecheque, seconded by Councillor McChesney and resolved that the minutes of the Hearings & Applications Committee meeting held on 2 May 2006 and 31 May 2006 be received.

5. MATTERS ARISING FROM CONFIRMED MINUTES

Request for Naming of Roads – Ocean Ridge

Councillor Seddon expressed concern and confusion as to why Council had adopted the following road names for the Ocean Ridge development:

- Ocean Ridge Boulevard/Drive
- Caverhill Way
- Clemett Court
- McRae Gardens
- Syncombe Place
- Fitzherbert Lane
- Kersage Drive
- Ludley Drive
- Fidele Lane

Councillor Seddon believed Council had strayed a little and reminded Council it had asked staff to prepare a report on flora and fauna names which he now felt may have been a waste of time. He advised Council had received two previous requests for road naming and had refused the names requested by each of the developers in favour of names from the flora and fauna list

Councillor Seddon tabled A J Sherrard's book of Kaikoura history and noted the report given to Council from Ocean Ridge outlining the historical value of the requested names were in some cases incorrect.

Councillor Seddon requested Council redress this matter because of inaccuracy and because of information supplied by Ocean Ridge being incorrect, further noting if plaques were to be erected, as requested in the Council resolution, they would be incorrect.

Councillor Woods advised she supported Councillor Seddon in the matter being revisited and noted she was personally not in favour of Council's already formulated methodology for road naming not being used in this instance.

The Chief Executive Officer advised dealing with matters arising from confirmed minutes was not about debating the merits of a decision made. If Councillor Seddon wished to review the decision made by Council

previously it would need to be done by way of a notice of motion, with the support of three elected members and would need to be included on an agenda. He advised Councillor Seddon a notice of motion would need to be given in writing, signed by the mover and must be delivered to the Chief Executive Officer at least 5 working days prior to the next meeting. Councillor Seddon advised he would submit a notice of motion to the Chief Executive Officer.

Councillor Macphail advised he was concerned that Ocean Ridge had been advised of the adopted names already and may have spent money on them.

Councillor Seddon advised Ocean Ridge had not provided the correct information with the names requested.

The Chief Executive Officer advised if there was concern as to historical accuracy then Council could certainly contact Ocean Ridge in the interim to see if they wished to reinvestigate their accuracy but if Councillor Seddon wished to revisit all of the names then he would need to be very clear in the notice of motion as to what Council would be debating.

Mayor Heays suggested it may be good manners to notify Ocean Ridge in the meantime.

6. MINUTES ACTION LIST UPDATE

New Wharf

The Chief Executive Officer advised Ocel Consulting were making application to Environment Canterbury, on behalf of Council, for resource consent.

7. DRAFT CONTROL OF LIQUOR & LIQUOR BAN BY-LAW

Included in the agenda was the draft Control of Liquor & Liquor Ban By-Law 2006, along with three submission received during the public consultation process which closed on Friday 2nd June 2006. Two submitters had advised they wished to be heard in support of their submission, however only one submitter was present

Mr P Harnett spoke on behalf of Community and Public Health and advised he was responsible for Hurunui, Kaikoura and Selwyn districts in terms of overseeing liquor licensing matters and also represented the Medical Officer of Health.

P Harnett advised the aim of Community and Public Health was to reduce harm from alcohol and to assure the health and wellbeing of the community was protected from those over indulging at public events. He advised a liquor ban was seen as a tool to reduce sales to underage consumers, and if introduced would need to be enforced.

P Harnett advised Community and Public Health had also addressed their support of the Liquor Ban through Council's Long Term Council Community Plan and if regularly monitored and enforced would help to make the Kaikoura community a safer place.

Councillor Woods noted she was very pleased to see Community & Public Health and Council supporting each other. Councillor Seddon advised he felt having only received three submissions meant Council had the support of the community.

Moved by Councillor Pablecheque, seconded by Councillor Macphail and resolved that Council adopt the draft Control of Liquor & Liquor Ban By-Law 2006.

The motion was put and carried.

8. KAIKOURA DISTRICT COUNCIL DOG BY-LAW

The Chief Executive Officer advised Council was now required to adopt a Dog By-law following the adoption of the Dog Control Policy at its meeting of 17 May 2006.

Moved by Councillor Macphail, seconded by Councillor Pablecheque and resolved that Council adopt the Kaikoura District Council Dog Control By-Law 2006.

9. SUBMISSION TO ENVIRONMENT CANTERBURY RESOURCE CONSENT – PRIME PINE KAIKOURA LTD.

Mayor Heays advised he believed there was a lot of confusion around the community regarding this notified consent and felt it was important for Council to have a full briefing on it. A jointly prepared report and submission by Council's Asset Manager and Planning Officer were included in the agenda and J Smith of Prime Pine Kaikoura Ltd had requested to come along to speak to Council and was in attendance.

The Asset Manager and Planning Officer entered the meeting at 11.37am.

J Smith of Prime Pine Ltd advised he wished to make it clear that their resource consent application was simply a variation to an existing consent and that Prime Pine Ltd would not be undertaking any change of use on the site. He advised today's market required more treated timber to be dried for house framing and in addition to this export opportunities were being lost due to the company's inability to dry more than 600cubic metres annually.

J Smith advised he wished to bring the following points to the attention of Council for consideration:

- No other mill within New Zealand was required to have a consent to dry timber, nor were they required to report the volume of timber dried.
- Condition 2C – Discharge from kiln vents horizontally. This was a technicality as emissions came out vertically if vents were open and horizontally if vents were closed which was in breach of the existing consent and therefore a change was sought.
- Condition 9B – Currently restricted to purchasing chemicals from one supplier. As there were three suppliers, do not wish to be restricted to purchasing from just one.

The Chief Executive Officer enquired if timber framing had to now be treated as a result of government changes to the Building Act. J Smith advised previously 80-90% of timber used for framing houses was untreated however all timber framing had to now be treated as a result of the leaky house syndrome.

Councillor McChesney noted J Smith's comment that no other mills within New Zealand were required to report the volume of timber dried and asked if any of the other mills were situated in a residential zone. J Smith advised he believed there were more mills in residential areas than not.

Councillor Macphail asked J Smith if he envisaged there would be much more activity in terms of machinery and noise. J Smith advised there would no additional noise or machinery as it was just a change of mix, i.e. the wood currently being processed and sold would be sold as a different product.

The meeting adjourned for lunch at 12.12pm and resumed at 1.05pm.

Mayor Heays asked the Council if they wished to put in a submission to Environment Canterbury.

The Chief Executive Officer advised the draft submission provided in the agenda jointly prepared by Council's Asset Manager and Planning Officer neither supported nor opposed the application, and set out the reasons why and what Environment Canterbury should be looking at.

Councillor McChesney advised she was in support of Council lodging a submission and supported the draft submission. She asked as she had personally lodged a submission was she still able to have voting rights on this matter. The Chief Executive officer advised Councillor McChesney if she had already put in a submission with a particular view then she should withdraw.

Councillor McChesney declared an interest and withdrew from discussion and voting on the issue.

Mayor Heays advised he was happy to support the draft submission provided by Council staff.

Moved by Councillor Macphail, seconded by Councillor Woods and resolved that Council make the following submission to Environment Canterbury.

1. The Kaikoura District Council neither supports nor opposes the application for a change of conditions by Prime Pine Kaikoura.

2. The Kaikoura District Council's reasons for making the submission are as follows:

- The Kaikoura District Council has made a commitment to a number of non regulatory organizations. It is a Green Globe Certificated Community and a member of Community for Climate Protection. Both these organisations are working towards minimising greenhouse gas emissions.*
- The Kaikoura District Council has a function under the Resource Management Act to control any actual or potential effects of the use and development of land.*
- The Kaikoura District Council understands that the application is for a change of existing consent conditions. The application is for changes to a discharge to air application.*
- The application does not increase overall timber production, however allows for more of the current timber being produced to be treated.*
- The existing discharge permit has been based on modeled data and not real data samples. Given that drying of treated timber is presently occurring it is reasonable for the assessment of effects to be based on real data, rather than assumed data put into a model. Concerns exist that data could become skewed and it may not recognise existing background levels of contaminants if model data is used. These background levels could be affected by surrounding activities such as household fires.*
- If the maximum volume of dried treated timber is to be removed from the consent conditions the assessment of effects should be based on the maximum amount of dried treated timber that can be produced by Prime Pine. Doing so allows for the potential of cumulative effects to be more accurately addressed.*
- Different branded treatment chemical may contain the same active ingredients however the ratio of these ingredients may differ.*

3. The Kaikoura District Council wish the consent authority to make the following decision.

- To ensure any decision requires contaminants generated from the drying of treated timber to remain within national guidelines and standards.*
- To seek additional information including using actual measurements to determine potential effects rather than using assumed modeled data. Thus allowing for background levels of contaminants to be included within the assessment.*
- To determine the effects of no maximum volume of timber including recognising that cumulative effects may exist with increased operation, and to evaluate the potential of cumulative effects based on the maximum of dried treated timber which can be produced by Prime Pine Kaikoura.*
- To ensure that if the drying of a certain volume of treated timber results in discharges above national guidelines and standards that conditions are imposed so that only a less volume of treated timber can be dried. In which case monitoring shall be established for this volume of timber.*

- *To ensure that all brands of timber treatment chemicals are assessed by Environment Canterbury to ensuring no additional effects beyond what is currently permitted by the existing brands.*
- *To ensure that the decision take into account the past Environment Court Decision C53/2004 which relates to the operation of the kilns.*
- *Ensure that appropriate conditions exist to allow effective monitoring of the consent activity*

4. The Kaikoura District Council wish to be heard in support of this decision.

10. COASTAL RE-VEGETATION PLAN

Included in the agenda was a report from the Environmental Development Officer along with an amended Coastal Re-vegetation Concept Plan for the coastal strip between the Kowhai River and the South Bay turnoff.

Input had been sought from Councillors and the following items had been suggested and included into the amended concept plan:

- Public toilet facility
- Playground facility
- Reduction in size of pockets of remaining pine trees

Councillor McChesney asked if Council would be putting money into the plan or if it would be fully financed by R D Hughes. The Chief Executive Officer advised Council currently had a coastal management strategy down to the Caves Restaurant so it would always be looking at funding this type of activity although at this stage it was too early to know what level of financial commitment was required from Council until a final concept plan was available. He advised it would also need to go out for public consultation.

Councillor Seddon believed it was a plus for the district as it would be undertaken with a partner and was in keeping with Council policy.

Councillor Woods advised she felt the pine trees were a major concern of the public and the reality of it was that the pine trees were public property.

Moved by Councillor Pablecheque, seconded by Councillor Seddon and resolved that Council approve the amended Coastal Re-vegetation Concept Plan for the coastal strip between the Kowhai River and the South Bay turnoff subject to funding and management being agreed to by RD Hughes and Council.

The motion was put and carried.

11. MAINPOWER TRUST OWNERSHIP REVIEW

The Chief Executive Officer presented a report on the Ownership Review and Proposed Capital Distribution of Mainpower Trust. Two options were presented, one being to remain with the status quo, the other was a 60% distribution of shares.

Moved by Councillor Woods, seconded by Councillor McChesney and resolved that Council endorse the status quo and not support a share giveaway.

The motion was put and carried.

12. REVIEW OF ELECTOR REPRESENTATION

The Chief Executive Officer advised that under the Local Government Act 2001 Council was required to review its membership and basis for election every three years. This must be completed 15 months prior to the election. i.e. by end of August. Council needed to decide what its basis of election should be and its membership levels, it would be required to be advertised, submissions to be called for; then after the submissions were reviewed, Council would make its final decision. Any person not happy with the final decision could make an objection to the Local Government Commission who would come down if need be and listen to debates or arguments and make a final decision.

He advised the initial part of the process was that Council needed to decide if it wanted to maintain the same number of members, and then if it wanted an election at large or to cut the district up into wards.

Moved by Councillor Woods, seconded by Councillor Pablecheque and resolved that pursuant to section 19H of the Local Electoral Act 2001, for the 2007 and 2010 local body elections of the Kaikoura District Council:

- 1) The election of members continue to be made on an at large basis, and*
- 2) The number of members continue to be 1 Mayor plus 7 Members (Councillors).*

13. AMENDMENT TO MODEL STANDING ORDERS

The Chief Executive Officer advised the revision of Council's Standing Orders had been necessitated by amendments made in 2004 to the Local Government Act 2002 and the Local Government Official Information and Meeting Act 1987. He advised in essence Council had been using model standing orders for the past 4-5 years, and prior to that it had adopted model standing orders with amendments specific to Kaikoura District Council.

The Chief Executive Officer advised he believed the amended Model Standing Orders were more than adequate and noted Council was fortunate enough in only having to make very rare references to Standing Orders in the conducting of its business.

Moved by Councillor Pablecheque, seconded by Councillor Macphail and resolved that Council adopt New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Board incorporating Amendment No.1 to replace NZ9202:2003.

The motion was put and carried.

14. OUTDOOR WALKING ACCESS – CONSULTATION DOCUMENT

For Information. Mayor Heays asked if Council would like to make a submission to the Outdoor Walking Access consultation document. He advised copies of the document had been forwarded to relevant Council staff and to the ECCO Group of Kaikoura.

The Chief Executive Officer advised it was a national issue and there would be a lot of submissions from Councils whereas the Prime Pine Kaikoura submission issue was a local issue with a possible direct impact on the community.

The Chief Executive Officer advised if there were issues of concern deemed to be worth following up with then something could be done however if nobody had any concerns there were plenty of other matters for staff to work on.

Councillor McChesney advised she believed this matter was equally as important at the Prime Pine submission and she did not want Council to miss the boat.

The Chief Executive Officer advised if Council believed it needed to put in a submission but did not yet know what that submission could contain then it could nominate a working party with 3-4 members to work with Council's Environmental Development Officer. Councillor McChesney agreed but advised she could not offer to be on the working party.

Councillor Seddon advised he believed Council did not need to make a submission as it was at a national level where there were many many bodies much larger than this Council participating in the debate. Councillor Woods agreed with Councillor Seddon and noted she believed Council would be very well represented.

Councillor McChesney advised she would be making an individual submission.

15. KAIKOURA DISTRICT COUNCIL EARTHQUAKE PRONE, DANGEROUS & INSANITARY BUILDINGS POLICY 2006

The Building Inspector advised Council staff had worked with the New Zealand Fire Service who were now satisfied their objectives had been met within the amended policy document and had since withdrawn their

submission. The draft policy was included in the agenda with amendments highlighted.

Moved by Councillor McChesney, seconded by Councillor Woods and resolved that Council adopt the draft Earthquake Prone, Dangerous & Insanitary Buildings Policy 2006.

16. COMMITTEE UPDATES

Creative New Zealand

Councillor Woods advised two applications had been passed for Creative New Zealand funding however 3-4 had failed due to lack of information.

Councillor Woods advised the Creative New Zealand committee were charged with allocating public money to promote the arts within the district and noted more committee members were needed.

Social Services Committee

a) Strengthening Families

Councillor McChesney advised M Burdon had resigned from her position as Strengthening Families Coordinator.

b) Change of Meeting Time

Councillor McChesney advised meeting dates of the Social Services Committee had changed to the first Wednesday of each month and would be held bi-monthly at Takahanga Marae.

Enhancement Trust

Councillor Macphail advised the offices of Innovative Waste Kaikoura had been shifted onto the site and the nursery was about to be developed.

17. MAYOR'S REPORT

Community Recognition Event

Mayor Heays presented the report advising he had been working with Mayors Taskforce for Jobs and the Social Services Committee to initiate a "Kaikoura Community Recognition Awards Evening" and sought the support of Council for it to be a Council lead initiative. Councillor Woods suggested such an award be held bi-annually.

Moved by Mayor Heays, seconded by Councillor McChesney and resolved that Council agree to the pursuance by the Social Services Committee of investigating and, if acceptable, the presenting of (at the least bi-annual)a Kaikoura District Council driven Community Recognition Awards evening.

Easter Sunday Trading Bill

Mayor Heays advised the opportunity had arisen for Council to make a submission to the Easter Sunday Trading Bill. He advised there was presently an exempt list containing both Tauranga and Wanaka districts who were listed as exempt for "Tourism" reasons.

Moved by Councillor Seddon, seconded by Councillor Macphail and resolved that Council agree for Mayor Heays to submit to the Easter Sunday Trading Bill indicating the Kaikoura Community's support for the bill and at the least try to get the Kaikoura district on the exemption list.

Councillor McChesney abstained.

The motion was put and carried.

18. URGENT BUSINESS

Omihi Camping

Councillor McChesney expressed great concern at the permanent camping occurring on the coastline at Omihi noting there was now another permanent camper at the site and further noting one of the permanent caravans had a Real Estate "for sale" sign on it.

The Chief Executive Officer advised essentially they were covered by the camping ground regulations however staff were looking closely into the matter to see if in fact there was any role for Council to be involved, if the campers were in breach of conditions and how Council could manage there being no permanent camping.

Councillor Macphail recalled the matter being discussed in the past where it had been advised permission had been granted from Ngai Tahu.

The Chief Executive Officer advised a report would be provided to Council from Building Inspector N Burnby including information on whether the camping ground was rateable and an update on what was occurring around other parts of the country in terms of permanent camping.

Councillor Seddon advised he felt it would be well worth investigating as it could get completely out of hand. The Chief Executive Officer noted in a lot of camping grounds around the country there were permanent dwellings being bought and sold.

19. COUNCIL PUBLIC EXCLUDED SESSION

Moved by Councillor Pablecheque, seconded by Councillor Seddon 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 17/05/2006*
- b. Confirmation of Minutes of Environmental Services Committee Public Excluded Meeting on 17/05/2006*

- c. Purpose Built Building – Beach Road*
- d. Expiration of Lease – Fishermen’s Lockers*
- e. CEO Performance Review 2004-2005*
- f. CEO Salary Review 2005-2006*

There being no further business the meeting closed at 4.38pm.