

**KAIKOURA DISTRICT COUNCIL MEETING FOLLOWING THE FINANCE
AND POLICY COMMITTEE MEETING ON WEDNESDAY 20
SEPTEMBER 2006, IN MEMORIAL HALL SUPPER ROOM,
ESPLANADE, KAIKOURA.**

AGENDA

1. Apologies

2. Matters of Importance to be raised as Urgent Business

3. Minutes to be Confirmed:

- *Council 16/08/2006* *page 59*
- *Special Freedom Camping Hearing 23/06/2006* *page 65*

Reports to be Adopted:

- *Works & Services Committee 16/08/2006* *page 80*
- *Environmental Services Committee 16/08/2006* *page 84*
- *Finance and Policy Committee 16/08/2006* *page 87*
- *Social Services Committee 06/09/2006* *page 89*
- *Tourism & Development Committee 15/08/2006* *page 94*

Minutes to be received

- *Hearings and Applications Committee 22/08/2006* *page 99*

4. Matters arising from Confirmed minutes

5. Minutes Action List Update

MEETING	ACTION REQUIRED	BY	DATE ACTIONED
	15 MARCH 2006		
Council	Proceed with plans and resource consent for new wharf	Stuart	In Progress
	20 JULY 2006		
Council	Forward a reminder notice to all camp grounds of the regulations and the process required if relocatable homes/permanent caravans on site.	D Laughton	In Progress
	16 AUGUST 2006		
Council	Include a copy of Rates Rebate Handbook in September Agenda	Suzanne	Item 6 Page 107
Council	Provide a copy of plans for the new wharf	Linda	Item 8 Page 170

6. Rates Rebate Scheme Handbook For Information	<i>page 107</i>
7. Canterbury Regional Council Regional Policy Statement Review	<i>page 139</i>
8. New Wharf Plans	<i>page 170</i>
9. Committee Updates	
10. Mayor's Report	<i>page 172</i>
11. Urgent Business	
12. Council Public Excluded Session	

Moved, seconded 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 16/08/2006*
- b. Confirmation of Minutes of Works & Services Public Excluded meeting on 16/08/2006*
- c. Confirmation of Minutes of Finance & Policy Public Excluded meeting on 16/08/2006*

The general subject 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(1) and 7(2)(i) of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each to be considered	Reason for passing this resolution in relation to each matter	Grounds of the Act under which this resolution is made
Minutes of the Council Public Excluded meeting held on 16 August 2006.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	Section 48(1)(a) and 7(2)(b)
Minutes of the Works & Services Public Excluded meeting held on 16 August 2006.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	Section 48(1)(a) and 7(2)(b)
Minutes of the Finance & Policy Public Excluded meeting held on 16 August 2006.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	Section 48(1)(a) and 7(2)(b)

Canterbury Regional Council Regional Policy Statement Review

Issue

On 10 August 2006, the Canterbury Regional Council released a scoping document on the review of the Canterbury Regional Policy Statement. A consultation meeting on the scoping report was attended by Council staff on 22 August 2006. The meeting outlined the following items:

- Process for Feedback
- Triennial Agreement - a proposed minor amendment to the Triennial agreement held between the Regional and District Councils.
- The issues in the review
- An intended work program for the review of the Canterbury Regional Policy Statement

The purpose of the scoping report is to provide information on the proposed scope of the review and to seek feedback on issues to be addressed, priorities and process.

Discussion

Process for Feedback

As stated above, staff attended a presentation on the scoping report on 22 August. The presentation was also given to the Canterbury Mayoral Forum 21 August. The feedback date for formal comments is set for **15 September 2006**, attached is the feedback of formal comments prepared by Council staff on the review of the Canterbury Regional Policy Statement. Please note, given the timeframes, this document has already been lodged with Environment Canterbury.

Change to the Triennial agreement

The first change to be considered is the proposed change to the Triennial agreement. The local authorities within each region entered into a triennial agreement containing protocols for communication amongst them during the period until the next triennial general election of members. The Regional Council proposes a modification to the Triennial agreement for the review of the Regional Policy Statement. The modification proposed is to comply with the consultation requirements as outlined in the first schedule of the Resource Management Act. The modification of the existing Triennial Agreement is the addition of a clause which confirms that the existing principles for consultation shall apply to any changes, variation or review of the Canterbury Regional Policy Statement. Formal adoption of the modification to the Triennial agreement is required as this agreement is between elected members. In my opinion, the Council should endorse this change to the Canterbury Regional Policy Statement as it ensures full and robust consultation to any changes as a result of the review of the Canterbury Regional Policy Statement.

Issues

Urban Development Strategy – it is proposed that the Urban Development Strategy for the Greater Christchurch Area is incorporated into the Regional Policy Statement through a plan change when the Development Strategy is complete. As there may be consequential amendments to the settlement and transport sections, in my opinion, it would prudent for the Kaikoura District Council to review the Urban Development Strategy and proposed amendments to the Policies of the Canterbury Regional Policy Statement that may effect the District. I have therefore made a comment on this matter in the feedback.

Water – no substantive changes until decisions are made in other national and regional processes.

Wintertime Air Quality – no substantive changes are proposed in the scoping report until decisions are made on Proposed NRRP.

Strategic Integration of Infrastructure with Land Use – the Scoping report states that this will be partly covered in settlement and transport policies or will come out of Urban Development Strategy. Provision for new energy infrastructure in Canterbury Regional Policy Statement and not urgent and can be delayed pending further discussion. In my opinion, the infrastructure around the district is well established, and any changes to the infrastructure provisions will have a minor impact on the District. The Regional Council must, however, consider the environmental and social impact of regional and national infrastructure on small Districts and Communities. In addition, the adverse effects of any discharges from any regional and national infrastructure should be considered. Therefore, a comment on this is included in the feedback, and recommendation of an advisory group to assess the social and environmental impacts of new policies on small districts prior to being introduced to the Canterbury Regional Policy Statement.

Landscape – The scoping report recommends that the landscape provisions of the Canterbury Regional Policy Statement be strengthened. Options for this to be further investigated. In my opinion, what is currently in the Canterbury Regional Policy Statement does not add value to District Plan provisions, and regional landscape rules need to be considered in the context of supporting District Plan provisions. The feedback will include this issue.

Biodiversity – that biodiversity be reviewed to increase effectiveness. Development of Policy options in conjunction with the regional biodiversity strategy. Jodie Denton is part of the Canterbury Regional Biodiversity Strategy Advisory Group and once a satisfactory strategy is formulated, a change to the Canterbury Regional Policy Statement will incorporate the Biodiversity Strategy. At this stage, I am confident that the advisory group consists of quality representatives that will ensure an effective and useful strategy is formulated.

Response to Climate Change – The scoping report recommends that a short study be done to overview the likely impacts and appropriate responses with a view to incorporating this into policy changes for the relevant chapters of the Canterbury Regional Policy Statement. In my opinion, A short study on a regional level may not identify the specific issues facing each district given the diversity of land types through the region. A more extensive study into how climate change may impact each district would be more useful and any policy change to the relevant chapters of the Canterbury Regional Policy Statement should be a result of this study. The feedback has included this comment.

Versatile Soils – The scoping report recommends the review of versatile soils policies in the Canterbury Regional Policy Statement. The review needs to make a choice on either to strengthen the versatile solids policy to make it effective and relevant, or remove the versatile soils policies from the Canterbury Regional Policy Statement. Protection of versatile soils has been identified as a regional issue worthy of identification in the Canterbury Regional Policy Statement. The view seemed generally that the Canterbury Regional Policy Statement needs to retain some reference to productive use of soils as there is little incentive to retain productive use of soils and land. Given that the versatile soil provisions of the Canterbury Regional Policy Statement have not been consistently upheld by the Environment Court, that land use is generally considered to be a District Council responsibility and that retention of productive soils a Town and Country Planning Act relic, it is difficult to consider the practical application or even the use of this chapter when reviewing District Plans. The feedback lodged reflects this thought and also comments that any review of the chapter needs to be in conjunction with District Councils and affected parties. A similar approach to the development of the biodiversity strategy would be prudent, that is develop an advisory group for the review.

Tangata Whenua provisions – Council's feedback on this matter is limited to ensuring our local runanga has been considered during the review process. The scoping report states that updating the chapter to take account of various documents including two new iwi management Plans. The support of Kaikoura

District Council for the consideration of Te Runanga o Kaikoura Environmental Management Plan is given.

Contaminated Sites – the scoping report states government policy is to implement remediation or management programs for all high risk contaminated sites by December 2015. The recommendation in the scoping report is that the Canterbury Regional Policy Statement is reviewed in light of the new functions specified in the Act, current practice and any outcomes from the National Environmental Standard process. While I generally support the approach taken, the functions under the Act are currently limited to investigation and monitoring. In my opinion, this could be extended during the review to create policies that may put an onerous burden on landowners and District Councils in respect to mediation of contaminated sites. Therefore, in my opinion, the feedback needs to reflect that any review considers the burden on landowners who inherit these sites, and stick within the investigative and monitoring functions of Section 30(1)(ca) of the Act. In addition, District Councils be consulted during the review to consider the implication of new policies.

Wetlands Beds of Rivers Lakes and their Margins – The scoping report recommends that no substantive changes be made for Chapter 10 of the Canterbury Regional Policy Statement or the wetland provisions in Chapter 8 at this point. In my opinion, as hearings are the NRRP are yet to be completed, it is prudent to include in the feedback that any outcomes of the NRRP process that prove to be inconsistent with the current policies of the Canterbury Regional Policy Statement be reviewed and updated.

Heritage – The provisions in Chapter 8 relating to Heritage are not particularly onerous as heritage values are already recognized in the District Plan. The methods discuss identification of regionally important heritage items, this matter will be done in conjunction with the Historic Places Trust as doesn't particularly impact on the District Plan. In the future, the Kaikoura District Plan will require updating to incorporate recent investigation into the District's heritage items, but no further action is required in terms of the Canterbury Regional Policy Statement.

Coastal Environment – The scoping report states there is no urgency to review this chapter until review of the New Zealand Coastal Policy Statement is completed. The planning committee gave an undertaking to review the coastal provisions in our own District Plan, at this stage the Regional Coastal Policy Statement is operative and not particularly onerous, therefore there are no issues with the Canterbury Regional Policy Statement.

Air quality – The scoping report recommends the following changes be considered following the release of decisions on the NRRP Chapter 3, Air:

- Review Policy 2 (emissions from carbon based fuels) and Policy 6 (emissions from landfills)
- Remove Objective 3 and related provisions.

In my opinion, these Objectives and Policies still have relevance but could be written to better reflect the current focus of the RMA and sustainable development. Policy 2 would be better worded to consider the effect of emissions of Carbon based fuels on Districts and Communities that are located along the regional and national roading network. In addition, the adverse effects of any discharges from any regional and national infrastructure should be considered. Policy 6 and Objective 3 should be reviewed to encourage landfill operators to re-use and recycle methane and other contaminants from landfill or any waste treatment plants. Review of the Policy in this respect would better reflect the focus of the RMA which is now on having particular regard to: the efficiency of the end use of energy; the effects of climate change; and the benefits to be derived from the use and development of renewable energy. The feedback reflects the comments made above.

Energy – The Scoping report recommends a review of the energy chapter to consider the respective roles of the Regional Council, District Councils and others in addressing these energy issues. Work is currently

being undertaken to develop a Regional Energy Strategy. In my opinion, this recommendation is sound, and comments in the feedback should include consultation with District Councils in development of a Regional Energy Strategy.

Natural Hazards – The Scoping report recommends that this chapter be extensively reviewed. The changes to be considered include more precise policies to guide risk managements, a clear delineation of the responsibilities between District and Regional Councils, the inclusion of a section on Climate change and guidance on the balance between risk reduction measures and any adverse effects from these measure. In my opinion, extensive consultation is required as recognition of a variety of hazards across a variety of Districts and the disparity that may exist between Districts. The comments in the feedback reflect this.

Hazardous Substances – The scoping report recommends that this chapter be updated, including clarification of the respective roles and responsibilities of the regional and district council in relation to Hazardous Substances. In my opinion, current roles are defined and the Canterbury Regional Policy Statement requires updating to be in accordance with the RMA.

Solid and Hazardous Waste Management – The Scoping report recommends that this chapter be reviewed to focus on the 5 R's (reduce, recycle, reuse, recover, residual) and that specific reference to landfills be removed. The regional Council has a key role to play in establishing co-ordination of waste management for the region. On this basis and the fact that the impact of new landfill operations requires consideration, in my opinion it is prudent to include comments in the feedback. The consideration of effects of new landfill operations could be included in the infrastructure chapter, but the Canterbury Regional Policy Statement requires policies to consider these matters. In addition the Canterbury Regional Policy Statement should show some recognition of Districts with good waste management practices and focus should be on District's where more input into the 5 R's is required.

Co-ordination and Cross Boundary Concerns – The recommendation from the scoping report is that distinct districts do not have separate chapters, this is because the purpose of the Canterbury Regional Policy Statement is to provide for the integrated management of the natural and physical resources of the whole region (Section 59 of the RMA). In my opinion, the unique aspects of some of Districts within the region are not recognized at regional level and still require consideration as a regional resource management issue. Feedback reflects this comment.

Regional Significance – The recommendation in the scoping report is that Section 20.4 be reviewed in the context of specific resource and this section removed if possible. In my opinion, this is required as under the RMA, none of the issues, objectives and policies should be included in the Canterbury Regional Policy Statement unless they are a regional significant issue. Feedback reflects that full review of all issues, objectives and policies of the CRPS is required to ensure they meet the test as a regional significant issue.

Anticipated Environmental Results and Indicators – the Scoping report outlines that these matters be reviewed with the work programs required to effectively monitor the outcomes of the Canterbury Regional Policy Statement. In my opinion, this needs to be extended to ensure a thorough audit of the environmental results and indicators. An audit is necessary to ensure these matters are consistent with the directives for the Regional Policy Statement under the Act and do not unduly compromise District initiatives. Feedback reflects that a thorough review of the matters is required as part of the work programs.

Language – The Environment Court has indicated the need to have clear and direct language if the Canterbury Regional Policy Statement is to have any legal effect. In my opinion, the language throughout the document be reviewed and where necessary make changes.

Recommendation

With due consideration of the above, it is recommended that the Council make the following determinations:

1. Triennial Agreement

That Council should endorse the addition of the wording to the Triennial agreement of to read *This Triennial Agreement will apply to the review of the Canterbury Regional Policy Statement.*

2. Discussion

That Council receive the information outlined in this report.

3. Feedback

That Council endorse the feedback of formal comments on the scoping report for the review of the Canterbury Regional Policy Statement.

Rachel Vaughan
PLANNING OFFICER

Issue	Reason	Outcome
<u>Change to the Triennial agreement</u>	the Council should endorse this change to the Canterbury Regional Policy Statement as it ensures full and robust consultation to any changes as a result of the review of the Canterbury Regional Policy Statement.	Add the wording as proposed to the Triennial agreement
<u>Urban Development Strategy for the Greater Christchurch Area is incorporated into the Regional Policy Statement through a plan change when the Development Strategy is complete</u>	There may be consequential amendments to the settlement and transport sections that affect the Kaikoura District	That the Urban Development Strategy for the Greater Christchurch Area is presented to outlying District Councils and any proposed amendments to the Policy Statement is robustly discussed with other District Councils prior to a plan change
<u>Strategic Integration of Infrastructure with Land Use</u>	The Regional Council must consider the environmental and social impact of regional and national infrastructure on small Districts and Communities. In addition, the adverse effects of any discharges from any regional and national infrastructure should be considered.	An advisory group to assess the social and environmental impacts of new policies on small districts prior to being introduced to the Canterbury Regional Policy Statement.
<u>Landscape</u>	The current provisions in the Canterbury Regional Policy Statement do not add value to District Plan provisions.	Regional landscape Policies need to be considered in the context of supporting District Plan provisions
<u>Biodiversity</u>	That the Biodiversity policies be reviewed from the outcome of the Regional Biodiversity Strategy	That the views and provisions from the Canterbury Regional Biodiversity Strategy Advisory Group by incorporated into the Canterbury Regional Policy Statement
<u>Response to Climate Change</u>	A short study on a regional level may not identify the specific issues facing each district given the diversity of land types through the region.	A more extensive study into how climate change may impact each district would be more useful and any policy change to the relevant chapters of the Canterbury Regional Policy Statement should be a result of this study
<u>Versatile Soils</u>	Given that the versatile soil provisions of the Canterbury Regional Policy Statement	Any review of the chapter needs to be in conjunction with District Councils and

	<p>have not been consistently upheld by the Environment Court, that land use is generally considered to be a District Council responsibility and that retention of productive soils a Town and Country Planning Act relic, it is difficult to consider the practical application or even the use of this chapter when reviewing District Plans.</p>	<p>affected parties. A similar approach to the development of the biodiversity strategy would be prudent, that is developing an advisory group for the review.</p>
<p><u>Tangata Whenua</u></p>	<p>Review of Tangata Whenua provisions give specific consideration to the matters in Te Runanga o Kaikoura Environmental Management Plan</p>	<p>Inclusion of the provisions outlined in Te Runanga o Kaikoura Environmental Management Plan</p>
<p><u>Contaminated Sites</u></p>	<p>The responsibilities outlined in Section 30 of the RMA could be extended during this review to create policies that may put an onerous burden on landowners and District Councils in respect to mediation of contaminated sites</p>	<p>Any review considers the burden on landowners who inherit these sites, and stick within the investigative and monitoring functions of Section 30(1)(ca) of the Act. In addition, District Councils be consulted during the review to consider the implication of new policies.</p>
<p><u>Wetlands Beds of Rivers Lakes and their Margins</u></p>	<p>Hearings on the NRRP are not yet completed.</p>	<p>Any outcomes of the NRRP process that prove to be inconsistent with the current policies of the Canterbury Regional Policy Statement be reviewed and updated</p>
<p><u>Air</u></p>	<p>These Objectives and Policies still have relevance but could be written to better reflect the current focus of the RMA and sustainable development.</p>	<p>Policy 2 would be better worded to consider the effect of emissions of Carbon based fuels on Districts and Communities that are located along the regional and national roading network. In addition, the adverse effects of any discharges from any regional and national infrastructure should be considered. Policy 6 and Objective 3 should be reviewed to encourage landfill operators to re-use and recycle methane and other contaminants from landfill or any waste treatment plants.</p>

		Review of the Policy in this respect would better reflect the focus of the RMA which is now on having particular regard to: the efficiency of the end use of energy; the effects of climate change; and the benefits to be derived from the use and development of renewable energy. The feedback reflects the comments made above.
<u>Energy</u>	Develop a Regional Energy Strategy.	This recommendation is sound, and should include consultation with District Councils in development of a <u>Regional Energy Strategy</u> .
<u>Natural Hazards</u>	Extensive consultation is required as recognition of a variety of hazards across a variety of Districts and the disparity that may exist between Districts	Extensive consultation with Districts to assess District risks.
<u>Waste Management</u>	The regional Council has a key role to play in establishing co-ordination of waste management for the region. In addition the environmental impact of landfill operations requires consideration	The consideration of effects of new landfill operations could be included in the infrastructure chapter, but the Canterbury Regional Policy Statement requires policies to consider these matters. In addition the Canterbury Regional Policy Statement should show some recognition of Districts with good waste management practices and focus should be on District's where more input into the 5 R's is required.
<u>Co-ordination and Cross Boundary Concerns</u>	The unique aspects of some of Districts within the region are not recognized at regional level and still require consideration as a regional resource management issue.	Recognition of certain Districts within the region at regional level and consideration these unique aspects as a regional resource management issue.
<u>Regional Significance</u>	None of the issues, objectives and policies should be included in the Canterbury Regional Policy Statement unless they are a regional significant issue.	Full review of all issues, objectives and policies of the CRPS is required to ensure they meet the test as a regional significant issue.
<u>Anticipated Environmental</u>	Extended to ensure a thorough	A thorough review of the

<u>Results and Indicators</u>	audit of the environmental results and indicators. An audit is necessary to ensure these matters are consistent with the directives for the Regional Policy Statement under the Act and do not unduly compromise District initiatives	matters is required as part of the work programs.
<u>Language</u>	Language is not clear or ambiguous.	The language throughout the document be reviewed and where necessary make changes

Mayor's Report

September 2006

- I attended the ZONE 5 meeting 31 August.

Interesting points from the Agenda and subsequent discussions

RATES

- At the current trends – rates **NATIONALLY AVERAGED** should from 2006 to 2016 increase by 51%. Note that 30% of this is estimated to be real and 21% inflation. Seemingly we (KKD) are at the forefront of low rates increasing, along with the many other Councils that have their infrastructure sorted.
Many others who do not- have had to raise their rates significantly.
- Again. **NATIONALLY**, research shows that 70% of Local Govts' rate takes are going to infrastructure and 18% to Community Facilities.
An imbalance that is concerning LGA & Central Govt. alike and one that I believe we as a council are addressing – because now we are able to(where many Councils cannot)
- Hence the current Central Govt. discussions and meetings reviewing Local Govt. rating, spending and income.
- A question being asked is why is there a need for a Rates Rebate Scheme when 25% of ratepayers qualify? Shouldn't the Question be: Why isn't the Govt allowing opportunities and funding to get Rates down?

FIRE & RESCUE SERVICE REVIEW

- The Minister considers the current system and legislation to be: outdated / gapped / holed / includes anomalies / inequities and contains confusion regarding roles, payers & payees,
- He has subsequently held workshops with users and actively involved members as opposed to advice from bureaucrats.(a new innovation to central Govt. apparently)
- The questions he wants answered are: Can it be done for less? Or at the least the current cost? He also wants to be assured of the current level and support of the 3rd Party – Volunteers!

GLASS CONTAINERS

- The Waste Minimisation (solids) Bill is calling for submissions and LGA has submitted to the general effect of ...*strongly endorsing Producer Responsibility Provisions within the Bill.*

- ❖ Thank you all for your support with the Community Awards Evening. I believe the concept is a good one and the community at large, have also indicated their support of it. Recognition of Council staff and their input and work to ensure the success of the event needs also to be made.
- ❖ Community Care Trustees have been contacted for confirmation of their individual membership of the trust as it regains impetus within the community.

- ❖ I chaired the first of the Café Clusters 5 Sept-instigating the opportunity for likeminded providers to get in the same room and join together for the collective good of their businesses and that of the community. Discussions included things like: Staff training, Collective Purchasing, Group / Themed Marketing Opportunities, Job Sharing, Peak and Down-Time Activities, Collective Knowledge etc. The group is very keen to meet again and prioritise issues to deal with as a collective.
- ❖ I attended the September meeting of the Te Korowai o Te Tai o Marokura – or – Coastal Guardians Group, to inform them of progress with the Freedom Camping issue within Council.
- ❖ 11 Sept I was asked to visit the Koura Farm on Mill Road to see first hand their operation and how, according to the owners, Fonterra's Waste-to-Land plan could affect them. I recommend a visit to the farm if you are unfamiliar with it as the owners are very informative, and passionate about what they are doing. A fledgling industry, that for Kaikoura could have a significant positive impact.