

**KAIKOURA DISTRICT COUNCIL MEETING FOLLOWING THE  
FINANCE AND POLICY COMMITTEE MEETING ON WEDNESDAY  
15 NOVEMBER 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 18/10/2006*

*page 61*

■ *Special Council to Adopt Annual Report 2005/06 27/10/2006*

*page 68*

**Reports to be Adopted:**

■ *Works & Services Committee 18/10/2006*

*page 69*

■ *Environmental Services Committee 18/10/2006*

*page 71*

■ *Finance and Policy Committee 18/10/2006*

*page 74*

■ *Social Services Committee 01/11/2006*

*page 76*

**Minutes to be received**

■ *Hearings and Applications Committee 17/10/2006*

*page 84*

*4. Matters arising from Confirmed minutes*

*5. Minutes Action List Update*

<b>MEETING</b>	<b>ACTION REQUIRED</b>	<b>BY</b>	<b>DATE ACTIONED</b>
	<b>15 MARCH 2006</b>		
Council	Proceed with plans and resource consent for new wharf	Stuart	In Progress
	<b>20 SEPTEMBER 2006</b>		
Council	Provide a report on how many signs required for freedom camping and full cost	N Sherriff	In Progress
Council	Research where funding could come from for implementation of monitoring of freedom camping, including level of funding available from key stakeholders	N Sherriff	In Progress

	<b>18 OCTOBER 2006</b>		
Council	Present draft Public Places Bylaw to Council at November meeting	N Sherriff	In Progress

6. *Dog Control Bylaw* *page 85*
7. *Amendment to Canterbury Triennial Agreement* *page 86*
8. *Request for Naming of Small Meeting Room – Memorial Hall* *page 92*
9. *Draft Reserve Management Plan – Kekenok Park* *page 95*
10. *Representation Review 2006* *page 110*
11. *Committee Updates*
12. *Mayor’s Report* *page 117*
13. *Urgent Business*
14. *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 18/10/2006*

*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:*

<b>General subject of each to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds of the Act under which this resolution is made</b>
Minutes of the Council Public Excluded meeting held on 18 October 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.	<b>Section 48(1)(a) and 7(2)(b)</b>

## **Dog Control Bylaw**

### **Background:**

The Kaikoura District Council Dog Control Bylaw was reviewed after changes to the Dog Control Policy were made after changes to the Dog Control Act 1996 were introduced.

The Draft Kaikoura District Council Dog Control Bylaw 2006 had previously been adopted by Council for public consultation. Submissions on the bylaw were able to be made up until 4pm on Wednesday the 1<sup>st</sup> of November 2006. No submissions were received.

### **Objectives:**

To ensure Council meets its obligations as required by changes to the Dog Control Act 1996.

### **Recommendation:**

*That Council adopt the Kaikoura District Dog Control Bylaw 2006 with the bylaw to come into force on the 24<sup>th</sup> of November 2006 and the previous bylaw be repealed.*

## **Naming of Small Meeting Room, Memorial Hall**

Attached is a request from the Lions Club of Seaward Kaikoura Inc. for naming rights of the small meeting room at the front of the Memorial Hall next to the Plunket Room, which was considered by Council at its meeting of 16 August 2006.

Council decided before this request could be approved there needed to be investigations undertaken on other groups that had donated time and money towards the hall and therefore resolved to write to the RSA, Seaward Kaikoura Lions and to the Friends of the Hall Committee seeking their feedback on the request before Council made its decision.

Letters were subsequently written to the RSA, Seaward Kaikoura Lions and the Friends of the Hall Committee and a response has been received from the RSA (attached) advising they do not support the request as they feel it may infer the room belongs to the Lions Club of Seaward Kaikoura and not available to any other organisation.

While the Lions Club of Seaward Kaikoura Inc. have contributed some \$17,250 toward the Memorial Hall, they are not the only organisation to have done so.

The major fundraisers have been the Friends of the Memorial Hall Committee and it would be inappropriate to single out any one organisation for naming rights.

### **Recommendation**

***It is recommended that the request from the Lions Club of Seaward Kaikoura Inc. for naming rights of the small meeting room within the Memorial Hall be declined.***

## Report to Council

# Draft Reserve Management Plan – Kekeno Park

---

Attached is a draft Reserve Management Plan for the park currently named Kekeno Park being the reserve area at the entrance to the Ocean Ridge subdivision. This park effectively incorporates four lots of land including Part Section 9 Block 10 Mt Fyffe which is already a recreation reserve and gazetted in 1982. The balance of the reserve will be vested in Council as part of the subdivision of this site.

The draft plan provides a guide for future management by Council of this area over the next few years and should Council be happy with the proposed draft then Council should proceed to publicly notify that the draft plan is available and request written objections or suggestions to the plan before it is finally adopted.

Before preparing a management plan for any one or more reserves under its control, the administering body shall give public notice of its intention to do so and invite persons interested to send to the administering body written suggestions on the proposed plan within the time specified in the notice. However, the above shall not apply where the administering body, i.e. the Council, has by resolution determined that written suggestions on the proposed plan would not materially assist in its preparation. It had always been envisaged that this recreation reserve would be vested in the Council upon completion of the subdivision and that the reserve would be developed primarily by the developer. Council therefore needs to resolve that written suggestions on the proposed plan would not materially assist in its preparation.

***It is therefore recommended that Council resolve that written suggestions on the proposed plan would not materially assist in its preparation.***

Having resolved the above and having considered the paper now in front of Council, Council should determine whether this proposal is in a form that it believes can go out as a draft plan for public submissions. If it agrees that this is the case then Council needs to give public notice calling upon persons or organizations interested to lodge with the Council written objections or suggestions on the draft plan and at least two months notice must be given.

***It is therefore recommended that this proposed draft plan be advertised, calling for public objections and submissions, and that Council consider those objections and submissions at its meeting on 21 February 2007.***

---

# Kekeno Park

[Ocean Ridge Subdivision, Kaikoura]

## Draft Reserve Management Plan

---

7th September 2006

Prepared for Kaikoura District Council on behalf of  
R. D. Hughes Developments Ltd by

# Contents

Contents .....	2
1. Introduction .....	8
2. Location .....	8
3. Legal Description .....	8
4. Classification (Reserves Act 1977) .....	9
5. Zoning (Kaikoura District Plan) .....	9
6. Historical Background .....	10
7. Natural Physical Features .....	10
8. Landscape Modification .....	10
9. Uses/leases .....	10
10. Reserve Maintenance .....	<b>Error! Bookmark not defined.</b>
11. Future Development .....	11
12. Development Controls .....	11
13. Reserve promotions/ Signage/ Branding .....	12
14. Reserve Management.....	<b>Error! Bookmark not defined.</b>
15. Review Procedures .....	13
16. Roding .....	<b>Error! Bookmark not defined.</b>
17. Objectives and Policies .....	13
MAPS.....	10

**FIGURE 1: LOCATION PLAN**

**FIGURE 2: OCEAN RIDGE SUBDIVISION PROPOSAL PLAN**

**FIGURE 3: KEKENO PARK CONCEPT PLAN**

**FIGURE 4: KEKENO PARK PLANTING PLAN**

## 1. INTRODUCTION

This Reserve Management Plan provides a guide for future Council management of Kekeno Park. Preparation of the plan is a statutory requirement under the Reserves Act 1977. The plan provides a general direction for expenditure by Council during the next 5 years, but implementation is adapted through ongoing consultation with the reserve advisory committee of the Kaikoura District Council.

The plan review process provides an opportunity for the people of Kaikoura District to have a say in the management of the park/reserve by making submissions to the preparation and development of this plan. Communities and individuals can also support initiatives outlined in the management plan by making submissions during the Annual Plan process.

## 2. LOCATION

Situated within the Ocean Ridge Comprehensive Living Zone of the Kaikoura District Plan, Kekeno Park is located at the entrance to the Ocean Ridge Subdivision Development with access from State Highway 1. The reserve fronts onto State Highway 1 and is bordered by Ocean Ridge Boulevard to the West and Kersage Drive to the North with residential lots bordering the Northeastern corner. The reserve occupies some 4.4 hectares and consists of open space area, golf course, amenity planting and lake environment including a beach and picnic area. The reserve connects to the Kaikoura Golf Club to the West and the coastal walkway and dune/beach environment to the South.

A plan showing the location and context of the development and park is attached at the back of this document as Figure 1: Location Plan.

## 3. LEGAL DESCRIPTION

Kekeno Park is comprised of the following parcels of land;

<u>Lots</u>	<u>Size</u>	<u>Description</u>
Lot 297 DP 372025	1.5080 ha	Recreation Reserve to vest
Lot 296 DP 372025	6633m <sup>2</sup>	Road to vest
Sec 1 SO 349144	4131 m <sup>2</sup>	Recreation Reserve
Pt Sec 9 Blk X Mt Fyffe	1.8460ha	Recreation Reserve NZ Gaz 1982 p3

Lot 296 includes all the main roadways within the development and is located on the Western side of Kekeno Park. The main access road 'Ocean Ridge Boulevard' cuts through this lot and this section of road will be vested to Kaikoura Council as road reserve.

Pt Sec 9 Blk X Mt Fyffe is a triangular parcel of land along the front boundary of the development, which forms part of the reserve and contains the first section of the main entrance road and entrance gateway.

#### **4. CLASSIFICATION (RESERVES ACT 1977)**

Kekeno Park has been vested to council as a Recreation Reserve but is yet to be classified as such under the terms of the provisions of the Reserves Act 1977.

A management plan sets out the principles governing the management of an area in a way which will be readily understood by those whose actions or interests will be affected by the plan.

The Management Plan relates to use, enjoyment, protection, maintenance and development of the Reserve, and the purpose of its classification under the Reserves Act 1977. The District Plan prepared under the Resource Management Act 1991 also applies to the Reserve.

#### **5. ZONING (KAIKOURA DISTRICT PLAN)**

Kekeno Park is zoned as Community and Recreational Use Area (Park Reserve) within the Ocean Ridge Comprehensive Living Zone of the Kaikoura District Plan.

<u>Lots</u>	<u>Zoning</u>
Lot 297 DP 372025	Recreation Reserve
Lot 296 DP 372025	Road Reserve
Sec 1 SO 349144	Recreation Reserve
Pt Sec 9 Blk X Mt Fyffe	Recreation Reserve NZ Gaz 1982 p3

*Ocean Ridge Comprehensive Living Zone: The main objective is to enable the establishment of residential activities and other associated buildings and uses that in terms of number, location and scale, sustain the conservation, landscape and amenity values experienced by locals and visitors to this part of the Kaikoura District.*

The specific policies that relate to Kekeno Reserve within this zone include;

- Policy 24.2.2. 4 To recognise the positive contribution that the establishment of native restoration plantings and open space would make to the development and the surrounding environment.
- Policy 24.2.2. 6 To ensure defined areas of native restoration plantings and open space areas are maintained and those areas are subsequently free of residential and other development, which would otherwise compromise natural, landscape and amenity values.
- Policy 24.2.2. 8 To enable the establishment of community and recreation activities, visitor accommodation, and small-scale restaurant, office and retail sales, including the provision of convenience goods, in defined areas in order to provide services that are of a nature and scale appropriate to the comprehensive living environment.

Kekeno Reserves lies within the Community and Recreational Use Area (Park Reserve) of the Ocean Ridge Comprehensive Living Zone. The permitted activities within this zone are described by definitions set out in the Kaikoura District Plan relating to Community Activity and Recreational Activity.

*Community Activity means the use of land and buildings for the primary purpose of health, welfare, care, safety, education, research, culture and/or spiritual well-being, but excludes recreational activities. A community activity includes schools, hospitals and rest homes and doctors surgeries and other health professionals, churches, marae, halls, libraries, community centres, police stations, fire stations, court houses, probation and detention centres.*

*Recreational Activity means the use of land and/or buildings for the primary purpose of recreation and or entertainment which is not commercial and includes the sale of food and beverage for consumption on the site, provided it is ancillary to the recreational activity. Recreational activities include sport clubs, art, craft and hobby clubs (ie. Painting, pottery, bridge, chess, photography clubs) and outdoor recreation pursuits, but excludes any recreational activity within the meaning of residential activity.*

## **6. HISTORICAL BACKGROUND**

Kekeno Park, at the entrance to the Ocean Ridge Subdivision, is part of the former rural Kaikoura landscape initially thought to have been settled by the Waitaha, followed by the Ngati Mamoe and then the Ngai Tahu tribes <sup>1</sup> Close by in South Bay, several whaling stations were established in the mid 1800's running for some 50 years until the decline of whale numbers led to the introduction of sheep and goats and beginning a long history of farming in the district.

Lot 297 was owned partly by the Kaikoura Golf Club and mostly by RG Fearnley until 2005 when R.D Hughes Developments purchased the land from RG Fearnley and carried out a boundary adjustment with the Golf Club to acquire the land required for the entrance.

Kekeno Park will eventually be vested to the Kaikoura District Council as part of the development reserve contribution.

## **7. NATURAL PHYSICAL FEATURES**

Figure 2 (Subdivision Proposal Plan) illustrates some of the existing natural features of Kekeno Park. The reserve occupies a prime location at the entrance to the Ocean Ridge Development.

The site is made up of several parcels of grassed land of relatively flat contour with an existing natural basin. This low point on the site has been developed into a feature lake and stormwater detention basin, approximately half a hectare in size.

## **8. LANDSCAPE MODIFICATION**

The land was modified in 2005 to establish a lake from the existing basin and sub surface water to create a focal point for the development and provide visual amenity. The land has been modified to create roadways and pathways around the site and through the reserve. Some contouring of the land around the lake has been implemented to establish viewing and planted areas.

## **9. USES/LEASES**

The reserve will provide for a range of informal recreation pursuits and community functions. Informal activities are predicted to be walking, jogging, cycling, childrens play, dog walking, picnicking and community gatherings. The open space in the South eastern corner of the reserve allows for informal rugby and soccer play.

---

<sup>1</sup> Reference from Virtual Kaikoura [www.virtual-kaikoura.com/history/history.htm](http://www.virtual-kaikoura.com/history/history.htm)

There are no formal activities or leases on the site that are existing or proposed.

## **10. RESERVE MAINTENANCE**

Initially maintenance of the reserve will be undertaken by R D Hughes Developments as part of its agreement with the Kaikoura District Council for development of the adjoining land for residential subdivision. Following a period of 2 years, all reserve maintenance will be the responsibility of the Kaikoura District Council.

## **11. FUTURE DEVELOPMENT**

Works required for establishment of the reserve will be undertaken by the developer for the adjoining residential land, in accordance with Council agreements.

These works do not extend to or contemplate any future developments or works that may be required to accommodate or implement community activities on the reserve.

As the adjoining residential development becomes established it is possible that the community may need or request for new, additional or more formal activities to be provided for, within the reserve such as tennis courts or additional play facilities. In considering future activities Council will have regard to the objectives and policies of this management plan to guide its decision-making on the appropriateness of the proposal. If required, the management plan can be reviewed and up-dated to reflect changing community needs over time.

Any future developments should be in keeping with the original design of the reserve;

### Reserve Design

*Kekeno Park is conceived as an amenity reserve at the entrance to Ocean Ridge Subdivision. The reserve has two distinct character areas, the lake area which is dominated by the lake and associated structures and the large open space area to the east, bordering the nearby residential lots. It is intended that the lake area is a clustering of amenity structures and facilities around the feature lake and the open space area as a safe guarded flat area of grass large enough to fit a playing field.*

## **12. DEVELOPMENT CONTROLS**

Development of the reserve must be considered within the context of the overall character of the adjoining residential development and the reserve's strategic location in relation to the proposed entry road.

Characteristics of the locality, which should be considered and reflected through appropriate controls, are;

- The coastal location of the reserve at a strategic point along the Kaikoura coastline
- The rural residential context
- The cultural significance of the area
- The close proximity of the Kaikoura Golf Club
- The main road access way which cuts through the reserve

Future development proposals should recognise these special features and characteristics of the area.

Accordingly, any proposal for development within the reserve must be carefully evaluated within the context of the overall Kaikoura locality, the objectives and policies of this management plan and the provisions of the Kaikoura District Plan.

In order to ensure a suitable standard of quality and unity in the future development of the reserve, the following are guidelines for development of the reserve:

#### Design Guidelines

- Buildings /Structures

New buildings or structures should be of limited scale consistent with the surrounding area and be of a discrete nature while enhancing the overall 'lake reserve' character. Extensions to buildings or structures should be clustered to prevent the spread of built development across the reserve and are to be restricted to that part of the reserve where community facilities are located.

- Landscape

The planting concept for the reserve aims at providing a cohesive structure to the reserve to connect it with the wider landscape. Planting and landscape works should reflect the coastal character and the lake environment. Native planting consistent with the lake edge and restoration of native environments in the subdivision should be enhanced with additional native planting.

### **13. RESERVE PROMOTIONS/SIGNAGE/BRANDING**

Kekeno Park is in a very prominent location and as such will provide its own branding and promotion.

The park will have clear identification signage at the main pedestrian entrances in the Southern corner and closest to State Highway 1 and in the Northeastern corner. Signs will provide an identity to the reserve.

Consideration will be given to the requirements and standards of the District Plan and Council by-laws for signage.

### **14. RESERVE MANAGEMENT**

Overall management of the reserve rests with the Kaikoura District Council. Resolutions of the Council are implemented by the Parks Officer.

## **15. REVIEW PROCEDURES**

In accordance with the Reserve Act 1977, the Council is required to keep this management plan under continuous review. A full revision of the plan is required at such times when the plan no longer reflects the desired management direction of the Reserve.

## **16. ROADING**

The Ocean Ridge Boulevard will pass through this lot and will be formed as a road. 'Pt Sec 9 Blk X Mt Fyffe' lot will remain in the control of the Council and will form part of the Park. Lot 296 DP 372025 is to be vested with the Kaikoura District Council on deposit of the Stage 1 survey plan. This road links from the State Highway to a residential subdivision and the park proper.

- 'Pt Sec 9 Blk X Mt Fyffe' lot is a strip of existing recreation reserve land owned by the Crown and administered by the Council that is located at the entrance to the Ocean Ridge Subdivision and runs parallel to State Highway 1.

## **17. OBJECTIVES AND POLICIES**

### Objective 1 Recreation Use

To provide for a range of recreation uses within Kekeno Park to meet the needs, and for the enjoyment of, the community.

### Policies

- 1) To recognise Kekeno Park as an important part of the network of recreational facilities in the Ocean Ridge Comprehensive Living Zone.
- 2) To manage development of the reserve in accordance with community needs of the Ocean Ridge area and the wider community.
- 3) To provide opportunity for a range of recreational facilities and activities within the reserve, having regard to the passive and active recreation needs of the community.
- 4) To ensure that any structures and facilities approved for construction on the reserve will wherever possible, be capable of multiple use to meet a range of community and recreation needs.
- 5) To provide signage throughout the Kekeno Park that will assist and inform users of access to, and location of, facilities within the reserve and to inform users of any relevant Council by-laws.

- 6) To implement dog control measures to minimise conflict between dogs and their owners and other recreational users of the Kekeno Park.

#### Objective 2 Landscape Values

To protect and enhance the aesthetic and landscape values of Kekeno Park.

#### Policies

- 1) To recognise Kekeno Park as an important public open space on State Highway 1 and adjacent to the Kaikoura coastline.
- 2) To limit built development on the reserve to areas where buildings can be clustered to avoid loss of open space.
- 3) To have regard to guidelines for buildings, structures and landscape treatment as set out in this Management Plan.

#### Objective 3 Environmental and Natural Values

To recognise and enhance the environmental quality and natural values of Kekeno Park.

#### Policies

- 1) To maintain areas of open space.
- 2) To promote and maintain indigenous planting throughout the reserve, including riparian edges of any water features.
- 3) To implement effective pest and weed control as required.

#### Objective 4 Future Activities

To provide for future activities and one-off events, including those requiring concessions, leases and licences.

- 1) Any commercial or public utility activities; or any individual or community related events on the Kekeno Park such as fairs, galas, Christmas carols or similar; will be considered by Council having regard to:
  - the requirements of the Reserves Act 1977;
  - the purpose of the reserve;
  - the impact on other reserve users and neighbours to the reserve;
  - the impacts on the landscape and environmental values of the reserve
  - the duration and time of the activity
  - any effects on the safety or efficiency of the road network
- 2) The Kaikoura District Council will consult with reserve users and the community in relation to new activities, facilities or options for the long-term development of Kekeno Park.

## **Maps**

**Figure 1: Location Plan**

**Figure 2: Ocean Ridge Subdivision Proposal Plan**

**Figure 3: Kekenno Park Concept Plan**

**Figure 4: Kekenno Park Planting Plan**

## **REPRESENTATION REVIEW 2006**

Attached is the Representation Review 2006 Appeal Against Decision of Canterbury Regional Council. It appears that the Regional Council in its representation review process took no account of the strongly argued position of the combined Canterbury Territorial Authorities. As a consequence, the Territorial Authorities have to appeal Environment Canterbury's decision in this regard.,

*It is therefore recommended that Council support the attached appeal document to be put forward to the Local Government Commission,*

# REPRESENTATION REVIEW 2006

## Appeal Against Decision of Canterbury Regional Council

### SUBMISSION OF:

Ashburton District Council  
Christchurch City Council  
Hurunui District Council  
Kaikoura District Council  
MacKenzie District Council

Selwyn District Council  
Timaru District Council  
Waimakariri District Council  
Waimate District Council  
Waitaki District Council

*(the combined Councils)*

1. This appeal and submission in support of the appeal are made pursuant to Section 190 of the Local Electoral Act 2001.
2. The grounds for this appeal are that the final proposal is wrong and that is not an accurate or reasonable outcome of the participative process in which the parties engaged.

### **Background**

3. In our submission to the Regional Council's first proposal we requested:

*"That there be 14 members elected from 6 constituencies.*

*The 6 constituencies reflect the following identified communities of interest –*

<i>North Canterbury</i>	<i>Kaikoura, Hurunui and Waimakariri District Council areas</i>
<i>Christchurch City</i>	<i>Christchurch City – 1 constituency (including Banks Peninsula – by popular vote part of the city)</i>
<i>Selwyn</i>	<i>Selwyn District Council area</i>
<i>Ashburton</i>	<i>Ashburton District Council area</i>
<i>South Canterbury</i>	<i>Timaru District Council area</i>
<i>Waitaki</i>	<i>Waimate, MacKenzie, Waitaki (part) District Council area</i>

*The population each member will represent is as follows –*

	<i>Members</i>	<i>Population per member</i>
<i>Christchurch City</i>	<i>8</i>	<i>44,051</i>
<i>North Canterbury</i>	<i>2</i>	<i>27,650</i>
<i>Selwyn</i>	<i>1</i>	<i>30,800</i>
<i>Ashburton</i>	<i>1</i>	<i>26,700</i>
<i>South Canterbury</i>	<i>1</i>	<i>43,100</i>
<i>Waitaki</i>	<i>1</i>	<i>12,300</i>

The submission provided comprehensive argument in support based on the legislative requirements, the Local Government Commission guidelines, and the Local Government Commission legal opinion.

Representatives of the combined Councils spoke in support of this alternative proposal at subsequent hearings conducted by the Regional Council in both Christchurch and Timaru.

4. In making its final proposal for representation arrangements, the Regional Council did not accept the alternative proposal, nor include any of the suggested changes in its determination.

### **Our Position**

5. Specifically the combined Councils accept and agree with the following parts of the final proposal –

- (a) Council to comprise 14 members
- (b) the definition of the communities of interest of South Canterbury and Waitaki.

6. We disagree with the following parts –

- (a) 9 constituencies – as opposed to 6 in our proposal.
- (b) The definition of the communities of interest of the constituencies of –

#### North Canterbury

- includes 18,000 Christchurch City Council residents (24%)
- ignores the significant natural boundary of the Waimakariri River

#### Christchurch City Council

- split over 4 wards
- 4 wards different from Christchurch City Council's own wards (7)
- includes combination with North Canterbury ward
- includes combination with Selwyn Ward
- appears not to accept Banks Peninsula residents' decision that they see themselves as aligned with the City as also agreed by the Commission.

#### Selwyn / Banks Peninsula

- includes 8310 Christchurch City Council residents
- excludes Ellesmere ward (which houses the Selwyn District Council's headquarters)

#### Rakaia

- includes Ellesmere ward and the Ashburton District Council area.

- (c) The naming of the former Selwyn and Ashburton constituencies as Selwyn / Banks Peninsula and Rakaia.

7. Although the Regional Council has purported to publish reasons for rejecting "*matters raised in objections*" it has not addressed the arguments raised in the submission of the combined Councils. Further, the Regional Council has not formally notified the combined Councils of its reasons for rejecting the submission.

8. Specifically those arguments were –

- i. that the Regional Council proposed constituencies do not correspond with, nor adequately represent, established communities of interest.
- ii. that consequently the communities of interest are not fairly represented.

In support of this contention we point to the following:

## COMMUNITIES OF INTEREST

- Section 19U(C) of the Act provides that “*so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.*” It seems logical that the use of ward boundaries should be reserved for the division of very large or very concentrated authorities such as Christchurch City but that every effort should be made to use territorial boundaries wherever possible.
- As can be seen from the array of options presented internally throughout the Regional Council’s deliberations, they are all based on the recognition that communities of interest centre on Christchurch City, North Canterbury, Selwyn, Ashburton and South Canterbury / Waitaki, each bounded by their longstanding and well understood local authority boundaries.
- The Regional Council proposed the departure from the +/- 10% formula in the case of the South Canterbury and Waitaki constituencies because “*it was justified by community of interest considerations.*” We agree with that conclusion, point out that the constituencies concerned have been separated using local authority boundaries and submit that the same rationale should be followed across the region. The +/- 10% rule should be balanced against the desirability of properly bounded constituencies based on established communities of interest.
- The non adherence to the +/- 10% formula is implicitly available by virtue of S19V(3)(b) of the Act –
  - “if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2)”
- The Local Government Commission is required by section 19Z1 of the Act to produce guidelines for regional councils to take into account in making their determinations.
- The guidelines reinforce the discretion available at page 11, para 3
  - “In the context of a regional council’s representation review, a territorial authority boundary might be considered as a first reference point to determine communities of interest in a regional sense, however, such a boundary may not necessarily reflect communities of interest from a regional perspective, and the council would need to remain open to considering alternatives.
  - Section 19U(c) of the Act provides that, **so far as is practicable**, constituency boundaries must coincide with the boundaries of one or more territorial authority districts or the boundaries of wards. It may not be practicable to achieve such compliance in order to provide effective representation for communities of interest, or to achieve fair representation.”
- The communities of interest identified in the proposal of the combined Councils have the following defining characteristics –
  - (1) each is easily determined by district and city boundaries.
  - (2) All have a sense of identity and belonging that would be diminished by cross boundary affiliations.
  - (3) All have clearly defined rating boundaries, pest districts, groundwater management, irrigation schemes, topographical features.

- (4) Rural constituencies have support networks, civil defence networks, educational institutions, medical centres, hospitals and sports facilities and place no reliance on their neighbouring district – acknowledging that Christchurch is the nucleus of the region.

The proposed boundaries (other than South Canterbury and Waitaki) will all have the effect of splitting communities, particularly in a civil defence emergency, leading to the loss of a sense of solidarity and belonging.

### **Fair Representation**

The Regional Council has proposed that there be 14 councillors, of which 8 will be from Christchurch City, and 6 from the balance of the region. This gives an average representation of –

1 : 40284 for Christchurch City, and 1 : 33062 for the balance of the region.

The proposed representation for South Canterbury is consistent with the balance of the region when considered as a combined area, but varies when split into two wards to ensure effective representation.

The arguments behind these departures from the +/- 10% rule are reasonable and supported by the combined Councils.

However, notwithstanding its willingness to vary the +/- 10% formula in these two instances, the Regional Council has gone on to emphasise adherence to the +/- 10% factor in rationalising its decision in respect of the North Canterbury, Selwyn and Ashburton constituencies. This is in spite of the legislation giving regional councils more leeway than territorial authorities to vary from this factor in order to provide effective representation as discussed above, and the legal opinion provided by the Local Government Commission (Messrs Phillips Fox – 15/04/05).

It is our submission that in doing this the Regional Council has demonstrated inconsistency in its decision making.

### **General Comments**

1. Submissions to the preliminary proposal were heard in Christchurch and Timaru and then considered by the Regional Council on 6 October 2006. The minutes record that submissions on

*Maori Representation*

*Number of councillors at 9 or 13*

*One councillor per constituency*

*Two councillors for Waitaki and two councillors for South Canterbury constituencies*

*No separate Waitaki constituency*

*Combined Waitaki and South Canterbury constituency*

*Combined Waitaki, South Canterbury and Ashburton constituency*

were considered an accurate list of submissions which differed from the initial proposal and the meeting proceeded to work through each point noting acceptance / rejection of the point and the reasons for the decision.

The minutes are significant in that they make no mention of the submission made by the combined Councils which raised possibly the most important point of communities of interest being bounded by territorial authority boundaries.

At its subsequent meeting of 10 October, 2006, although the combined Councils' proposal was considered (and rejected) there was still no indication that the community of interest issue had been considered other than the provision of a table which weighed relevant community of interest elements in the initial proposal against three options, one of those being Option E1 (Territorial Authorities)

<i>Proposal</i>	<i>Territorial Authorities</i>	<i>Public Transport</i>	<i>Water</i>	<i>Pests</i>	<i>Air Sheds</i>	<i>Civil Defence</i>	<i>Navigation Safety</i>	<i>Rununga</i>
Initial	+	○	+	○	+	○	+	○
Option E1 (TAs)	++	++	+	+	++	++	++	++
F2 (paper 2)	+	○	+	○	+	○	+	○
F1 (paper 3)	+	○	+	○	+	○	+	○

++ highly compatible    + compatible    ○ reasonably compatible

Extraordinarily, notwithstanding the overwhelming support for the combined Councils' proposition reflected in this table (prepared by the Regional Council), no discussion appears to have ensued other than on process and again there is no record of consideration of the submission or reasons for its rejection.

2. We note that, notwithstanding that the combined Councils' submission appears to have been given scant regard, its existence is acknowledged several times in the minutes of the meeting of 6 October 2006, where reasons for rejection of other submissions include that the point at issue "was not supported by the submission on behalf of and supported by all the Canterbury Territorial Authorities" and "does not align with territorial authority boundaries." There is an irony in that the combined Councils' submission is recognised not for what it says, but for what it does not say.
3. When considering its preliminary proposal the Regional Council promoted the "fuzzy edge" approach as a means of meeting the +/- 10% formula. This approach has carried over into the final proposal. Chairman Sir Kerry Burke partly justified this decision by pointing to the proposals drawn up by Waikato and Otago Regional Councils. These examples are not analogous to the Canterbury proposal in that they incorporate developing rural areas on the fringe of the city areas whereas Canterbury would be incorporating urban areas into rural districts. The former is arguably in accord with the establishment of a community of interest, the latter is not in that it would deposit potentially alien interests in the same constituency.
4. The "fuzzy edge" approach is at best, a poor compromise and as its name suggests, has the effect of blurring any distinction between communities of interest.
5. It is our submission that in a truly participative process a submission reflecting the collective views of every territorial authority in the region should have been of primary importance in the Regional Council's decision making process. That has not been the case in this matter. This is evidenced by the apparent lack of consideration of the submission (not discussed in the minutes, by the dismissive reported comments of the Deputy Chair of the Representation Review Committee, Cr Robert Johnstone, that the united support of the 10 local bodies was more fabricated than real (Christchurch Press – 27/9/06) and by the lack of a formal response to the submission with explanations for its absolute rejection. This lack of consideration is in direct contrast to the stated aims in Regional Council documents and its LTCCP to work in partnership with territorial authorities. By not giving recognition to the opinions of the combined Councils the Regional Council is denying the aims of its own policies and conveying the impression of merely paying lip service to the submission.

## **Summary**

It is our submission that what was essentially a simple resolution to representation issues in the region has been made unnecessarily complicated.

In its determination to comply with the +/- 10% rule (in some instances but not in others) the Regional Council has arrived at a solution that satisfies none of its territorial authorities (with the possible exception of the South Canterbury and Waitaki Councils). The law anticipated that regional councils would have unique challenges and other regional councils have developed proposals to meet their needs using the discretion provided by statute. What works for one authority will not necessarily work for another and a variety of reasonable conclusions are likely to be reached.

Canterbury is a very big region comprised of diverse but easily defined communities of interest based on territorial authority boundaries. The legislation recognises that while the use of territorial boundaries is desirable this will at times involve the bending of the +/- 10% formula. That is what we have proposed and that is what has been rejected.

The basis for fair and effective representation rests on the establishment of clear, well defined, well bounded communities of interest. There can be no stronger community of interest than the body of people within a territorial authority and if it is not necessary to disturb their boundaries, then that is what should determine the constituencies.

## Mayor's Report

Correspondence of some interest received and either attached or boxed in Mayor's office

- Fencing of Swimming Pools – As of 20 October, the administration of this Act is passed to The Department of Building and Housing from the Dept of Internal Affairs.
- Response from DOC regarding the letter of acknowledgement re The south Bay Domain project.
- Marlborough Community Law Annual Report.
- Email request for confirmation of continuance or changes to our trustee representation on Sport Tasman Trust – I have indicated on Councils behalf that the need for a change is not present and Councilor Diver has indicated his desire to continue in this role.
- *Is council willing to ratify this?*

Last week I sent a copy electronically of the Local Government Report that was presented verbally at the Zone 5 Meeting last week. I believe that a number of the issues mentioned will be of interest to each of us individually or as a Council and intend to distribute them like this each time they are presented. (quarterly?).

Some items with current issue to us in this quarters' Report for instance could be:

- Progress with the Review of Fire and Rescue Services.  
(noting the alternative regional/national models for administration and funding of services)
- Pandemic Planning – despite lesser media coverage the risk is seen as NOT diminishing, but in fact increasing insomuch as the types of birds able to carry the disease un-detected.
- Progress with the Rural Community Safety Project: in particular - its purposes and how the Kaikoura community fits into these.
- With Climatic Change and Waste Management on the list of “hot” topics at present and the various initiatives that central government are considering implementing, it may be time to reflect on our communities' efforts in this direction.

Comparing our Districts actions and the initiatives listed in the report, I believe we continue to lead the way with our positive inclusion in the many Organizations and Programmes actively dealing with these issues.

I also believe that we as a community can continue to be a leading light and benchmark in local implementation of sustainability programmes and initiatives.

Cheers - Kevin