

**MINUTES OF THE COUNCIL MEETING HELD
FOLLOWING THE FINANCE & POLICY COMMITTEE
MEETING AT 1.05PM ON WEDNESDAY 20 JUNE 2007 IN
MEMORIAL HALL SUPPER ROOM, ESPLANADE,
KAIKOURA.**

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

IN ATTENDANCE: S Grant (Chief Executive Officer), L Copping (Executive Officer), M Pfeifer (Community Development Officer).

1. CONFIRMATION OF MINUTES

Council 16/05/2007

Moved by Councillor Macphail, seconded by Councillor Pablecheque and resolved that the minutes of the Council meeting held on 16 May 2007 be confirmed as a true and accurate record.

2. ADOPTION OF REPORTS

a. Works & Services Committee 16/05/2007

Moved by Councillor Pablecheque, seconded by Councillor Diver and resolved that the report of the Works & Services Committee meeting held on 16 May 2007 be adopted.

b. Environmental Services Committee 16/05/2007

Moved by Councillor Woods, seconded by Councillor Macphail and resolved that the report of the Environmental Services Committee meeting held on 16 May 2007 be adopted.

c. Finance & Policy Committee 16/05/2007

Moved by Councillor Thomas, seconded by Councillor Pablecheque and resolved that the report of the Finance & Policy Committee meeting held on 16 May 2007 be adopted.

d. Social Services Committee 06/06/2007

Moved by McChesney, seconded by Mayor Heays and resolved that the report of the Social Services Committee meeting held on 06 June 2007 be adopted.

e. Tourism & Development Committee 09/05/2007

Moved by Councillor Macphail, seconded by Mayor Heays and resolved that the report of the Tourism & Development Committee meeting held on 09 May 2007 be adopted.

3. MINUTES TO BE RECEIVED

Hearings & Applications Committee 24/05/2007,15/05/2007 & 10/05/2007

Moved by Councillor Diver, seconded by Councillor Woods and resolved that the minutes of the Hearings & Applications Committee meetings held on 24 May 2007, 15 May 2007 and 10 May 2007 be received.

4. MATTERS ARISING FROM CONFIRMED MINUTES

Councillor Woods referred to the recently held Climate Change conference and advised she did not recall saying what was stated in the minutes as she believed carbon trading was a farce.

5. MINUTES ACTION LIST UPDATE

Bunding at Old Wharf Site

The Chief Executive Officer advised a possible remedy had been found after working with users and feedback was currently being sought from Department of Conservation.

6. KAIKOURA PONY CLUB LEASE

Included in the agenda was the draft Kaikoura Pony Club lease of land on Rorrison's road following public consultation.

Moved by Councillor Seddon, seconded by Councillor Woods and resolved that the Kaikoura Pony Club lease of recreation reserve land on Rorrison's Road comprising approximately 2.8012 hectares on Lot 1 DPI408 Block X Mt Fyffe Survey District Rorrison's Road be approved.

7. SEAWARD LIONS PROPOSED CLOCK

The Community Development Officer, along with members of the Seaward Lions Club of Kaikoura were in attendance to speak to Council. A competition was currently running for the design of the clock and the group advised they had been working with Council staff on locating a site to erect the clock. Three possible sites had been considered by the group however the preferred site was the grassed area by the Lydia Washington walkway opposite the I-Site building.

The Community Development Officer advised issues that needed to be taken into consideration were lighting and height and there appeared to be no issues with these. Consultation had been undertaken with the local Runanga who had no issues with the site but would monitor any digging in the area and had expressed a desire to be involved with the design. The Seaward Lions Club advised they would like the option to landscape the whole area and asked Council to consider removing the existing power pole currently on the site. The Community Development Officer advised the cost to remove the powerpole from the site would be approximately \$15,000 or \$40,000 to underground cabling. The Chief Executive Officer advised while there were no works planned immediately for this site, the aim was to eventually have all cables through the West End underground. It was noted removal of the powerpole would be for beautification purposes.

Councillor McChesney requested an update on the other suggested sites. The Community Development Officer advised there was a site between the I-Site building and public toilets in the carpark which was thought to be a perfect site however they had been advised this site may be subject to changes in the future.

Councillor Woods suggested Council undertake further discussion later in the day on this matter since it was not entirely clearcut.

It was noted a good amount of funding was lined up and the group were planning on applying to Canterbury Community Trust for additional funding.

8. REVIEW OF GAMBLING VENUE POLICY

A summary of submissions on the draft Gambling Venue Policy was included in the agenda. The Community Development Officer advised it had since come to her attention that Council's cap was not based on the number of machines in the district but rather the number of machines on licenses and noted the district had licenses for 63 gaming machines in total and recommended that Council change its policy limit to 63 in order to be within the cap but that it go down to 60 as a venue ceased operating.

The Community Development Officer advised consent had been given to Robbie's Bar & Bistro for 6 machines, which was in line with the policy, however the Department of Internal Affairs had in fact granted them a license for 9 machines. Department of Internal Affairs had been unable to advise why this had happened and it appeared to be an error on their part.

Councillor Diver advised when Council first prepared the policy, it knew there were more than 60 machines in the district and the idea was by capping it at 60 natural attrition would reduce it to 60.

The Community Development Officer advised case law had nothing to do with capping and related entirely to the positioning of gaming machines in an outdoor area.

Councillor Seddon advised he did not believe it was the job of the Council to decide venues could not have machines. It was only a policy and policy was not law and could be challenged. He advised there was no proven study results to say how many gamblers were in Kaikoura and it was not the business of the Council to knock new businesses coming into the district as it was a business advantage over other businesses to have machines whereas it should be an even playing field.

Moved by Councillor Seddon, seconded by Councillor Macphail and resolved that Council retain the current policy limits on its Gambling Venue Policy but keep a close watch on issues raised by all submitters looking towards another review in 2010.

Councillor Diver advised he believed section 3.1 of the policy should include the wording “subject to section 4.1” and suggested each alteration on the policy be dealt with individually.

The motion was withdrawn

Moved by Councillor Woods, seconded by Councillor Diver and resolved that the proposed amendments to the Gambling Venue Policy be accepted subject to the policy stating that clause 3.1 is subject to clause 4.1, and that the cap remain at 60, and that the word “pokie” be changed to “gaming”.

*Against: Councillor S Thomas
Councillor B Seddon*

9. COMMITTEE UPDATES

Regional Land Transport Committee

Councillor Seddon advised he was unable to attend these meetings as they fell on the same day as Council meetings and he was disappointed they had ignored his requested to change the date as no one from Kaikoura was ever able to attend.

Canterbury District Health Board

Councillor McChesney advised the first of many open panel meetings had been held in the Memorial Hall Supper Room which included Health Board officials and local stakeholders to discuss Kaikoura health services and hospital. Mayor Heays advised one thing that seemed almost certain was that Kaikoura would receive some sort of new hospital facility as it had been agreed that the physical Kaikoura Hospital building was definitely inadequate and needed to be replaced.

Strengthening Families Coordinator

R Te Ua was recently appointed to the role of Strengthening Families Co-Ordinator.

Marlborough Forestry

Councillor Diver attended a meeting earlier in the week and advised once loans were paid back approximately \$900,000 working capital would remain to keep forestry going. The price of logs had recently dropped on the export market. He advised there was a problem getting logs out of Shakespear Bay due to trouble being experienced with fumigation.

Tourism & Development Committee

Councillor Macphail advised the recent Tourism & Development workshop had been cancelled. A Business Discussion Group meeting was scheduled for later in the day at 7.00pm.

International Student Volunteers

Mayor Heays advised a group of volunteers had just left the district after completing a lot of volunteer work and encouraged Councillors to get

involved with the volunteer student groups as they came to the district as they were a lot of fun and gave willingly of their time.

10. KIWA ROAD TOILET FACILITY

The Environmental Development Officer presented a report advising a workshop was held involving the full Council and the Mangamaunu Toilet Working Group on Wednesday 6th June 2007 following the revocation of the motion of 21 March 2007 and the request for Council to reinvestigate the specific location of a public toilet on Kiwa Road.

A number of criteria was considered in the reinvestigation, being:

- The location must be accessible for trucks to empty and clean the toilet,
- The facility must be visually discrete,
- The facility must be conveniently located for the identified users (surfers)
- The facility must be outside regional councils coastal hazard zones,
- The holding tank must be appropriate in relation to the depth of the water table and discharge,
- Ownership of the land must be clear.

In consideration of the above criteria, the following points were clarified by the working party as they believed they allowed for the legal and safe placement of a fully contained toilet facility.

- Cleaning and maintenance of a fully contained toilet requires vehicle access to a maximum of five metres away from the facility.
- Toilet structures are commonly not any higher than 2.5 metres. Through landscaping a facility can be reasonably hidden from view from the road.
- The site is in close proximity to the main surf break, Meatworks, which attracts the majority of surfers to the area.
- The site is outside the Coastal Hazard Zone, as identified by Environment Canterbury; removing impacts associated with high tide events (Figure 2).
- A fully contained facility does not require discharge consent from the Regional Council and the depth of the water table shall be considered during the installation of an appropriate holding tank.
- The site is legally known as Kaikoura District Council.Road Reserve.
- The site does not have (and does not require) access to water supply or electricity.

In considering Site B during the reinvestigation, it was considered to be too far away from the main surf break at Meatworks making it inconvenient for the main user groups and that a toilet located at Site B would primarily be convenient for overnight campers, thus sending conflicting messages to the public as freedom camping on Road Reserves was an illegal activity and not encouraged by Council.

Included in the agenda was a recommendation that Council officers proceed with the installation of a toilet on the Road Reserve at Kiwa Road within Site A.

Councillor Diver advised the toilet was not just for the surfing community and noted a toilet had been requested from lots of conservation groups over the years. He advised there had been a number of conservation groups requesting toilets along the coastline and Council must not just focus on the surfers as a group but the wider community.

Councillor Pablecheque advised he had discussed with the Mayor his dissatisfaction with the conducting of the workshop held on 6th June and noted an opportunity had not been provided to visit the site. He advised at the workshop a certain person had been identified as not wanting a toilet opposite their property however they had not been invited to attend the workshop.

Councillor Pablecheque advised he was seeking legal advice from his solicitor regarding how Council conducted its minutes and meetings and also from the Auditor General and that he could not go along with the recommendation for Site A until a site visit had been undertaken.

Councillor Diver concurred with Councillor Pablecheque that a site visit was needed. He advised he had personally visited the site 2-3 times and found the sea was very close to site A at high tide. As a full Council he believed there was a need to have a site visit in order to get the full picture.

The recommendation was a two part recommendation, as follows:
“That Council receive the information contained in this report and recommend the following:

1. *Council officers proceed with the installation of a toilet on the Road Reserve at Kiwa Road within Site A.*
 - a. *Consultation with relevant professionals and Kiwa Road residents shall determine the exact location of the toilet within Site A.*
2. *Council officers work with community members and to develop a management plan to reduce environmental and cultural impacts at Mangamaunu and Kiwa Road while ensuring the enhancement of recreational opportunities.”*

The Environmental Development Officer advised part 2 of the recommendation was there to recognize that the area was a high use recreational area and by developing a management plan the best place for the placement of walking tracks and another toilet facility could be ascertained.

Councillor McChesney advised she agreed with part one of the recommendation however she disagreed with part two of the recommendation and for that reason she would be voting against the

motion as a whole as she believed the two parts to the recommendation were too big to tie together.

The Chief Executive Officer advised if that was the case then they could be voted on separately.

Mayor Heays tabled a petition he had received from a group of users and read the opening statement of the petition being:

“ This petition is to support toilets being build at Mangamaunu /Meatworks surf break. We believe that toilets will help keep the environment safe. Your signature may help council consider their recent decision to decline toilets being provided, due to one land owner opposition, as their land is on the market”.

Mayor Heays advised he had received the petition from a group of users of the Meatworks surfing area who supported a toilet being built there. Councillor Woods noted Council had not denied a toilet but had requested an investigation.

Councillor Seddon advised he had chaired the workshop meeting and believed the meeting could have become very nasty if he had allowed it. Progress was needed and the outcome from the meeting was to go back to the working party group to decide. The Environmental Development Officer advised the adjacent land owner had not been invited as they had not been part of the working party that had been working on the matter for some 18 months.

Councillor Seddon advised it was irrelevant whether a site visit was undertaken as before a peg identifying the exact location within site A engineers would be required to examine the site which should allay any fears. The Environmental Development advised the first step was for engineers to go on site and also the type of toilet needed to be chosen. Councillor Diver advised the Runanga also needed to be consulted with and noted having a person from the Mangamaunu Marae did not constitute approval from the Runanga.

Councillor Woods advised she would like to be invited to the site. While she could see from the map where the site was, it did not tell her a lot until there was a peg in the ground.

Moved by Councillor Thomas, seconded by Councillor Macphail that Council officers proceed with the installation of a toilet on the Road Reserve at Kiwa Road within Site A subject to:

a) consultation with relevant professionals and Kiwa Road residents to determine the exact location of the toilet within Site A.

For:
Councillor Seddon
Councillor Thomas
Councillor Macphail
Mayor Heays

Against: ***Councillor Pablecheque***
 Councillor Diver
 Councillor Woods
 Councillor McChesney

The Chief Executive Officer advised the status quo remained if the vote was even.

Moved by Councillor Thomas, seconded by Mayor Heays that Council officers work with community members to develop a management plan to reduce environmental and cultural impacts at Mangamaunu and Kiwa Road while ensuring the enhancement of recreational opportunities.

For: ***Councillor Seddon***
 Mayor Heays
 Councillor Macphail
 Councillor Thomas

Against: ***Councillor McChesney***
 Councillor Woods
 Councillor Diver
 Councillor Pablecheque

Mayor Heays noted part 2 of the motion should not have been back on the agenda for voting as it had already been dealt with at the March meeting and was not included in the rescinding of the motion at the April meeting.

Councillor Seddon expressed disappointment advising he felt very sorry for Councillors that volunteered to go onto a subcommittee then Councillors that hadn't been involved on that subcommittee held up progress.

Councillor McChesney advised she was against the wording that Council would consult with Kiwa Road residents as she believed Council should be making the decision.

The Chief Executive Officer advised if there was a problem with wording of the motion then that issue should have been raised before the motion was put to the vote in order for appropriate wording to be discussed. At the moment Council had decided to proceed with nothing.

Councillor Diver suggested Council go up to the site at 9.00am at the next Council meeting, with relevant staff, excluding public, and have a good look and vote on it at the next Council meeting. He advised the Environmental Development Officer would then have one month to discuss the matter with engineers.

Councillor Macphail suggested the people that actually used the area should decide on the site. Councillor Seddon concurred with Councillor Macphail advising the actual work was still to be done with professionals

such as engineers and it would be a waste of time for the Council to go on site.

Moved by Councillor Seddon, seconded by Councillor McChesney that Council officers proceed with the installation of a toilet on the Road Reserve at Kiwa Road within Site A subject to:

- a) Further consultation with relevant professionals and Kiwa Road residents shall determine the exact location of the toilet within Site A.***
- b) That after research and recommendations from professionals such as engineers, that those professionals identify an exact spot within Site A and report back to Council for approval.***

For: Councillor Seddon
Councillor McChesney
Councillor Thomas
Mayor Heays
Councillor Macphail

Against: Councillor Diver
Councillor Pablecheque

Abstained: Councillor Woods

The motion was put and carried.

11. MAYOR'S REPORT

The Mayor's report was presented by Mayor Heays.

Moved by Councillor Woods, seconded by Councillor Seddon and resolved that the Mayor's Report be received.

Moved by Councillor Thomas, seconded by Councillor Woods and resolved 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 16/05/2007***
- b. Confirmation of Minutes of Environmental Services Public Excluded meeting on 16/05/2007***
- c. Receipt of Minutes of Development Contributions Sub-Committee meetings on 04/10/2006, 14/02/2007 and 30/04/2007***
- d. Receipt of Minutes of Hearings & Applications Committee Public Excluded on 26/04/2007, 10/05/2007, & 24/05/2007***
- e. Merrill & Ring report on options for Clarence Bridge Forest lease***
- f. Lease at 94-96 West End***
- g. QEII National Trust Landscape Protection Agreement***
- h. Naming of Cemetery Track***
- i. Kaikoura Physical Activity Strategy***
- j. Costs against E Parker***

As the business of the day had not been concluded, the meeting was adjourned to 3.30pm on Friday 29th June 1007 to consider the balance of the unfinished business.