

**MINUTES OF THE COUNCIL MEETING HELD
FOLLOWING THE FINANCE & POLICY COMMITTEE
MEETING AT 2.00PM ON WEDNESDAY 19 SEPTEMBER
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).

1. CONFIRMATION OF MINUTES

Council 15/08/2007

Moved by Councillor McChesney, seconded by Councillor Pablecheque and resolved that the minutes of the Council meeting held on 15 August 2007 be confirmed as a true and accurate record.

2. ADOPTION OF REPORTS

a. Works & Services Committee 15/08/2007

Moved by Councillor Pablecheque, seconded by Councillor Woods and resolved that the report of the Works & Services Committee meeting held on 15 August 2007 be adopted.

b. Environmental Services Committee 15/08/2007

Moved by Councillor Woods, seconded by Councillor Seddon and resolved that the report of the Environmental Services Committee meeting held on 15 August 2007 be adopted.

c. Finance & Policy Committee 15/08/2007

Moved by Councillor Thomas, seconded by Councillor Pablecheque and resolved that the report of the Finance & Policy Committee meeting held on 15 August 2007 be adopted.

d. Social Services Committee 05/09/2007

Moved by Councillor McChesney, seconded by Councillor Macphail and resolved that the report of the Social Services Committee meeting held on 05 September 2007 be adopted.

3. MINUTES TO BE RECEIVED

Hearings & Applications Committee 02/08/2007, 14/08/2007 & 23/08/2007

Moved by Councillor Diver, seconded by Councillor Woods and resolved that the minutes of the Hearings & Applications Committee meetings held on 02 August 2007, 14 August 2007 and 23 August 2007 be received.

4. MINUTES ACTION LIST UPDATE

It was requested that the setting up of a sub-committee for driving a Sister City relationship be placed on the Minutes Action List.

Kate Valley

The Chief Executive Officer advised a letter had been sent and a response was awaited.

5. TE KOROWAI O TE TAI O MAROKURA PRESENTATION

M Manawatu and B Dunnett of Te Korowai o Te Tai O Marokura, Kaikoura Coastal Guardians, presented to Council. M Manawatu advised many years ago there had been a proposal for the Kaikoura peninsula to be turned into a marine reserve. Initially the local Runanga had been in support of a marine reserve however over time they had changed their view and no longer supported it. A community Hui was held with approximately 50 people attending, and every person attending had felt there was a need for something to be done to protect Kaikoura's marine environment. The Kaikoura Coastal Guardians group was made up of the following organizations: recreational fishermen, Paua 3, Tourism operators, Forest & Bird, Kaikoura Boat Club, Runanga, Marine & Coastal Protection Society, and had been meeting regularly for the past 2 years and as a result a characterization report had been compiled for the area from the Conway River to Clarence.

A request was made to Council for funding to print the Characterization Report. M Manawatu advised \$5,000 had been donated from the Ministry for the Environment and it was hoped that the rest of the costs could be shared between Council, Department of Conservation and Environment Canterbury, which would mean \$1,000 per agency to print 300 copies. B Dunnett advised they were currently in the process of becoming an incorporated society.

M Manawatu advised Council's Chief Executive Officer had been a big part of the process, as had Environmental Development Officer, N Sherriff. The Chief Executive Officer advised it had been a great exercise in give and take and collaboration.

Moved by Councillor Pablecheque, seconded by Councillor Macphail that \$1,000 be given to Te Korowai o Te Tai o Marokura for printing of the Characterization Report.

6. REGIONAL COASTAL ENVIRONMENT PLAN FOR THE CANTERBURY REGION

It was agreed that this item be carried over to the next Council meeting.

7. BUILDING ACT DELEGATIONS

Included in the agenda was an updated delegations register for Council's approval in order to ensure all delegations were up to date and included in the new building manuals.

Moved by Councillor Woods, seconded by Councillor Pablecheque and resolved that pursuant to Section 232 of the Building Act 2004 and Clause 32 of Schedule 7 of the Local Government Act 2002 the Council

delegate all of its functions, powers and duties for the Building Act 2004 as listed in the following schedule:

Key

CEO = Chief Executive Officer
 SBO = Senior Building Officer
 BO = Building Officer
 BAO = Building Technical Administration Officer
 OM = Office Manager
 CP = Consent Planner
 SP = Senior Planner
 DP = District Planner

Sections of the Building Act 2004	General description of the function, power or duty to be delegated	Delegated Officer
	PROJECT INFORMATION MEMORANDA	
33	Determine the adequacy of information received with an application for a project information memorandum and require further information on an application	SBO BO BTAO
34 (1)	Issue project information memoranda	SBO BO BTAO
34 (4)	Determine if any project information memorandum already issued contains an error or omission, or determine if any information received affects that project information memorandum, and reissue the project information memorandum	SBO BO BTAO
35	Decide what information needs to be included in a project information memorandum	SBO BO BTAO
36	Determine if a development contribution is payable in relation to proposed building work and attach a development contribution notice to the project information memorandum relation to that work	OM
37	Determine whether a resource consent will or may materially affect proposed building work and attach a resource consent certificate to the project information memorandum relating to that work	DP SP
	BUILDING CONSENTS	
45/48 (2)	Determine the adequacy of information received with a building consent application or an application for an amended building consent, and require further information on the application	SBO BO
48	Process building consent applications and have regard to any New Zealand Fire Service Commission	SBO BO

	memorandum and whether any warning or ban applies to any building method or product that will or may be used in relation to any application	
49	Determine whether the provisions of the building code would be met if building work were properly completed in accordance with a building consent application, and grant building consents	SBO BO
50	Determine whether to refuse any building consent and give written notice of the refusal and the reasons	SBO BO
51	Issue building consents	SBO BO BTAO
52	Determine applications for extension of time in which to commence building work	SBO BO
54	Advise a building consent applicant of the amount of the levy for a building consent	SBO BO BAO BTAO
62	Recover unpaid levies and interest as a debt due from the building consent application	CEO OM
67	Determine whether a building consent is granted subject to a waiver or modification of the building code and impose any conditions considered appropriate	SBO BO
71-73	Determine all matters relating to the grant or refusal of a building consent for the construction of a building, or major alterations to a building on land subject to natural hazards, including granting any waiver or modification of the building code in respect of the hazard concerned and imposing any conditions on the grant of the consent.	SBO BO
74	Determine if any hazardous land entry on a certificate of title is no longer required	SBO BO
75/77	Issue and authenticate a certificate imposing a section 75(2) condition on a building consent	SBO BO
83	Determine if any entry on a certificate of title relating to a building on 2 or more allotments is no longer required and issue and authenticate a certificate approving any removal of the entry	SBO BO
	CODE COMPLIANCE CERTIFICATES	
91	Agree to issue a code compliance certificate in relation to a building consent granted/issued by another building consent authority, where that authority is unable or refuses to issue the code compliance certificate	SBO BO BTAO
93-95	Determine all matters relating to whether a code	SBO

	compliance certificate will be issued, including requiring further information, and issue code compliance certificates	BO BTAO
	CERTIFICATE OF ACCEPTANCE	
96/98	Determine whether to grant or refuse an application for a certificate of acceptance and issue certificate of acceptance	SBO BO
98 (2)	Require further information on an application for a certificate of acceptance	SBO BO
99	Determine whether any qualification should be made and make any such qualification on any certificate of acceptance	SBO BO
	COMPLIANCE SCHEDULES AND BUILDING WARRANTS OF FITNESS	
102	Issue a compliance schedule	SBO BO
103	Determine the content of a compliance schedule	SBO BO
106	Determine application to amend a compliance schedule and give written notice to the owner of the decision to amend and attach a copy of an amended compliance schedule to the notice or give written notice of any refusal to amend a compliance schedule and the reasons for that refusal	SBO BO
107	Determine whether an amendment to a compliance schedule is required and advise the owner and consider any submissions made by the owner in relation to the proposed amendment. Give written notice to the owner of any decision to amend and attach a copy of an amended compliance schedule to the notice	SBO BO
109	Consider and determine a licensed building practitioner's recommendation to amend a compliance schedule, advise the owner and consider any submissions made by the owner in relation to the recommendation. Give written notice to the owner of any decision to amend the compliance schedule	SBO BO
110	Require production of annual written reports	SBO BTAO
	ALTERATIONS/CHANGE OF USE, ETC	
112	Determine all matters in relation to alterations to an existing building, including whether or not to grant a building consent for an alteration to an existing building that will not comply fully with the relevant provisions of the building code	SBO BO
113	Determine conditions and grant building consents for	SBO

	buildings with specified intended lives	BO
115	Determine whether to permit the change of use of a building, and give written notice to the owner if satisfied of the matters in section 115	SBO BO
116	Determine whether to permit the extension of life of a building with a specified intended life	SBO BO
116 (A)	Determine whether to give effect to a subdivision that affects a building	SBO BO
	DANGEROUS, EARTHQUAKE-PRONE, AND INSANITARY BUILDINGS	
124/125	Determine whether building is dangerous, earthquake-prone or insanitary and determine whether to put up hoarding/fences and/or attach a notice and/or give written notice in accordance with section 125	SBO BO
126	Apply to the District Court for an order to carry out work and recover costs from the owner	CEO SBO
129	Recover costs from the owner	CEO OM
130	Apply to the District Court for the confirmation of any chief executive's warrant issued under section 129(2)	CEO or designate
	NOTICE TO FIX	
164	Determine whether any of the circumstances in s164(1) apply and issue notices to fix. Determine whether another authority should issue a notice to fix and notify and give reasons to the other authority	SBO BO
165	Determine the content of any notices to fix	SBO BO
167 (1)	Inspect, or arrange for an authorized agent to inspect, the building work to which any notice to fix relate	SBO BO
167 (2) (4)	Confirm or refuse that any notice to fix has been complied with. Give written reasons where a notice to fix is not confirmed and issue further notices to fix	SBO BO
	MATTERS RELATING TO DETERMINATIONS	
177	Apply to the Chief Executive of Department of Building & Housing for a determination	SBO BO
180	Withdraw any application for a determination	SBO
	Make a submission on or appear at any determination hearing	SBO
189	Apply for the clarification of a determination	SBO
190	Enforce any direction as to costs made in a determination in the District Court	CEO OM
208	Appeal to the District Court against determination of	CEO

	Chief Executive of Department of Building & Housing	
	OTHER	
90, 111, 222-228	The power to authorize officers or agents to carry out inspections and enter land, and apply to the District Court for authorization to enter land	CEO
213	Make arrangements with other building consent authorities	CEO
219	Impose any fees and charges in relation to building consents and for the performance of any other function or service under the Act	Council
220	Give notice to any person requiring building work to be carried out and of the intention to apply to the District Court. Apply to the District Court for an order authorizing the Council to carry out building work on default. Recover costs of carry out any building work from the owner	CEO
221	Destroy, sell or otherwise dispose of materials resulting from the carrying out of any work by default, and apply proceeds of any sale to the amount payable to the Council, and any surplus amount (if any) to th4 owner	CEO
233-236	Transfer functions to another territorial authority	CEO
229	The power to authorize enforcement officers	CEO or his designate
Clause K Schedule 1	Exempt building work	SBO

8. DELEGATIONS UNDER THE RESOURCE MANAGEMENT ACT DURING ELECTION PERIOD

In terms of section 116(a) of the Local Electoral Act 2001, elected members leave office when the newly elected members come into office, which is when the results are declared. Although the newly elected members will officially be in office, it is not anticipated that any Council or Council committee meetings will take place until such time as new elected members are sworn in and their respective roles defined.

It was recommended that interim delegation be given to the Chief Executive Officer in combination with any one of the following: John Diver, Kevin Heays, Darcia Solomon, Raewyn Solomon and Barbara Woods. Councillor Diver noted Pam Sigglekow had been omitted from the list and requested she be added.

Moved by Councillor Seddon, seconded by Councillor Macphail and resolved that Council delegate the powers and duties in terms of the Resource Management Act (subject to the provisions set out in section 34(A)(1)) to the Chief Executive Officer and a combination of any one of the following independent commissioners .

- *John Diver*
- *Kevin Heays*
- *Darcia Solomon*
- *Raewyn Solomon*
- *Barbara Woods*
- *Pam Sigglelow*

For the period 12 October until new elected member are sworn in and their respective roles and committees are defined.

9. DELEGATIONS UNDER THE RESOURCE MANAGEMENT ACT – APPOINTMENT OF COMMISSIONER

The Chief Executive Officer advised current planning delegations were required to be amended once the Proposed District Plan became operative and minor amendments were required for clarification in relation to current delegation.

Moved by Councillor Woods, seconded by Councillor Pablecheque and resolved that

1. *The existing delegations in respect to the appointment of commissioners are revoked.*
2. *Kaikoura District Council delegates the powers and duties in terms of the Resource Management Act (subject to the provisions set out in section 34(A)(1)) to the Chief Executive Officer and the Chairman of the Hearing and Applications Committee (in consultation with the District Planner) the ability to decide if an independent commissioner is required and if required to appoint an independent commissioner.*

10. PROPOSED ROAD STOPPING

A request was received for a portion of Waiautoa Road, Clarence, to be stopped and sold to the adjacent landowner to be incorporated into his existing title.

The Chief Executive Officer advised Council firstly had to decide if it wished to initiate the road stopping process and having decided that it would then need to look at going through the road closing process, which included public consultation. It was expected the process would take some months.

Moved by Councillor Seddon, seconded by Councillor Diver and resolved that Council agree to initiate the road closing process on a portion of Waiautoa Road consisting of approximately 3.18 hectares.

11. USE OF FORMER DIVE SHOP BUILDING – WEST END

Included in the agenda was a report from the Chief Executive Officer outlining four options available to Council for utilization of the empty Dive shop adjacent to the Library, owned by Council.

In terms of option 3, the Chief Executive Officer advised he preferred Council staff to stay in the existing building, notwithstanding the conditions, in order to keep the team together. Splitting Council up would require additional administration staff and the costs would increase quite sharply.

Also included in the agenda were concept drawings provided by architect, I Krause, as requested by the Chief Executive Officer, which included a greenfields option and an option of being able to utilize the existing building using the same footprint as was used for the Scarborough Street site for the housing of the Library, Council Offices and Museum. The architect had advised there may be an issue with car parking, in terms of the District Plan, however it was noted the site had a 10 metre platform at the back coming off onto Deal Street.

Councillor Seddon advised he believed the site had a certain amount of appeal for the function of Library, Council Offices and Museum.

Moved by Councillor Seddon, seconded by Councillor Macphail that the proposed redevelopment concept plans for the Library Site be received and that Council's architectural consultants be asked to prepare more visual concepts taking in the Library, Council Offices and Museum.

The motion was put and carried.

Discussion

The Chief Executive Officer advised if Council wished to pursue the concept of the Library, Council Offices and Museum moving into the West End it would need to consult with the public as it was not currently mentioned in Council's Long Term Council Community Plan.

12. CAPITAL FUNDING FEASIBILITY STUDY

It was felt the SGL Report no longer needed to be public excluded, so therefore it was requested it be received by Council and that it be made available to the public.

Moved by Councillor Diver, seconded by Councillor Woods and resolved that the SGL Capital Funding Feasibility Study be received.

Councillor Seddon advised he believed there was urgency as a home was needed for the Museum, Library and Council Chambers, and the other items such as swimming pool and gymnasium were a long way away because of the affordability of running them with such a small population base.

The Chief Executive Officer advised in terms of the Long Term Council Community Plan, if Council wanted to do something different than what was in the plan, then that would be what it had to go out to the public with. Council was at the stage of getting visual concept drawings for the

library site, and once that was completed, the new Council would need to debate the issue of rejecting it or not.

The Chief Executive Officer advised he wished to clarify an issue raised that Council could build on the fire station site. He advised if the Fire Station was ever to move then the site would go back to Ngai Tahu and they would need to decide what they wanted to do with the site.

A report from the Chief Executive Officer on the SGL Capital Funding Feasibility Study was also included in the agenda which included a number of options open to Council.

Moved by Councillor Diver, seconded by Councillor Woods and resolved that Council

1. Receive the SGL Capital Funding Feasibility Study Report.

Moved by Councillor Diver, seconded by Councillor Pablecheque and resolved that Council adopt the following options:

- 7. Initiate discussions with the Historical Society on its preferred option;***
- 8. Initiate discussions with KITI on its future directions***
- 9. Bring together the community steering group, advise them of the recommendations in the SGL Report and debate the merits of the Scarborough Street site;***
- 13. Investigate the siting of the Library, Museum and Council Offices on an alternate site;***
- 14. Continue investigating an Aquatic Centre and Indoor Sports Complex by establishing a joint Community-Council working party to investigate the operating costs of an aquatic facility and agree not to proceed with an Indoor Sports Complex.***
- 15. Reaffirm that Council will not support the construction of an Aquatic Centre on Takahanga Domain.***

The following options were not supported by Council for the following reasons:

Impossible

- 2. Undertake all recommendations as put forward in the report (i.e. Council Offices in Beach Road; Pool & Fitness Centre and possibly Library at Takahanga Domain; Museum joining the Information Centre and upgrade the school gymnasium.**

Not viable at this point in time as investigating other options

- 3. All of the above except Council offices being built on Scarborough Street.**
- 4. All of the above except Council Offices and Library being built on Scarborough Street.**
- 5. Undertake the original proposal of everything on Scarborough Street but staged over time.**

6. Undertake the original proposal of everything on Scarborough Street but done in one stage.
10. Establish a community based project steering group, not to debate options but to drive the project at a location or locations already decided.

Unable to do until Council knows what it is doing

11. Establish a Trust for fundraising purposes.

Not an option

12. Do nothing.

13. COMMITTEE UPDATES

Mayfair Theatre

Councillor McChesney advised the Mayfair Theatre had recently been burgled.

Innovative Waste Kaikoura

A Directors meeting was scheduled for Thursday 20th September.

Marlborough Forestry

A forestry meeting was scheduled for the following week – one of the topics of discussion would be whether Council would be able to continue fumigating logs on Picton Wharf.

Physical Activity Facilitation

Workshops were held earlier in the week by a visiting facilitator with various groups in the community to gather information for the development of a strategy for Kaikoura.

Exercise Pandora

Councillors Woods & Diver advised they had participated in the recent civil defence exercise.

Airport Committee

Councillor Macphail advised that Council did not have a lease for the land south of the airport, for a hangar.

Youth Council

Mayor Heays advised the Youth Council was on the verge of becoming an incorporated society. He advised the Youth Council were looking at getting a time slot for a representative to attend future Council meetings.

14. MAYOR'S REPORT

Mayor Heays presented his report.

Moved by Councillor Woods, seconded by Councillor McChesney and resolved that Council support the introduction of Container Deposit Legislation for the recovery and recycling of beverage containers.

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

15. COUNCIL PUBLIC EXCLUDED SESSION

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

- a. Confirmation of Minutes of Council Public Excluded meeting on*
- b. Confirmation of Minutes of Environmental Services Public Excluded meeting on 15/08/2007*
- c. Confirmation of Minutes of Works & Services Public Excluded meeting on 15/08/2007*
- d. Request for Renewal of Lease*
- e. New Wharf*

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 15 August 2007.	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 Environmental Services Public Excluded meeting held on 15 August 2007	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 15 August 2007.	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)
Request for Renewal of Lease	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)
New Wharf	The exclusion of the public from the	Section 48(1)(a)

	<p>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.</p>	<p>and 7(2)(b)</p>
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There being no further business the meeting closed at 4.11pm.

Confirmed on day of2007

*by Kevin J Heays
(Mayor)*

*And S Grant
(Chief Executive Officer)*