

KAIKOURA DISTRICT COUNCIL MEETING HELD AT 9.00AM ON WEDNESDAY 18 NOVEMBER 2009, IN MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.

AGENDA

1. *Apologies*
2. *Matters of Importance to be raised as Urgent Business*
3. *Open Forum – Session for members of the public wishing to comment on items included in this agenda.*

The Council Meeting will adjourn following this item and will resume following the Finance and Policy Committee meeting.

4. **Minutes to be Confirmed:**
 - *Council 21/10/2009* *page 40*
 - *Extraordinary Council 28/10/2009* *page 45*

Reports to be Adopted:

- *Works & Services Committee 21/10/2009* *page 47*
- *Environmental Services Committee 21/10/2009* *page 50*
- *Finance and Policy Committee 21/10/2009* *page 53*
- *Tourism & Development Committee 14/10/2009* *page 55*

5. *Matters arising from Confirmed minutes*

6. *Minutes Action List Update*

MEETING	ACTION REQUIRED	BY	DATE ACTIONED
	18 FEBRUARY 2009		
Council	Inform Council when submissions are due on Environment Canterbury's 1080 Resource Consent	District Planner	Resource Consent application not yet lodged.
	15 JULY 2009		
Council	Investigate future management of drains in the Kaikoura District	Asset Manager	In Progress
	21 OCTOBER 2009		
Council	Compile a photographic record of the Pynes building.	Monitoring Officer	Completed

7. *11.00am Quotable Value*

- A presentation will be given by Brendan Bodger of Quotable Value on the recent District wide revaluation

8. *11.30am NZ Police Update*

- An update from Kaikoura Police will be provided in Public Excluded

9. *Public Forum*

<i>TIME</i>	<i>NAME</i>	<i>SUBJECT</i>
-	-	-

10. *1.00pm Youth Council*

- A representative from the Youth Council will be in attendance

11. *Appointment of Electoral Officer* *page 59*

12. *1080 in the Kaikoura Community* *page 60*

13. *Delegations in Terms of the Resource Management Act* *page 62*

14. *Canterbury Regional Council Regional Policy Statement Review* *page 83*

15. *Committee Updates*

16. *Mayor's Report*

- Mayor Heays will provide a verbal report at the meeting.

17. *Urgent Business*

18. *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 21/10/2009

b. Adoption of Tourism and Development Public Excluded meeting report 14/10/2009

c. New Zealand Police Update

d. Development Contributions Review Committee Report

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 21/10/2009	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)(ii), 7(2)(c)(ii)
Tourism and Development Report 14/10/2009	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	Section 48(1)(a) and 7(2)(a)

	decision or recommendation.	
New Zealand Police update	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)(c)(ii)
Development Contributions Review Committee Report	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)(ii)

Appointment of Electoral Officer

In terms of the Local Electoral Act 2001, Council is required to appoint an Electoral Officer. That position is currently held by Warwick Lampp of Electionz.com who was appointed to the position at the 17 September 2003 Council meeting.

Recommendation

It is recommended that Warwick Lampp of Electionz.com be appointed as Electoral Officer for the Kaikoura District Council.

1080 and the Kaikoura Community

Background:

As you will recall, Council meetings of March & April we hosted presentations from Pro-1080 users and stakeholders and from anti-1080 campaigners.

This was a result of a request from a group of campaigners & to keep a balance of opinion, both groups were offered the opportunity to present to council. These were intended as educative presentations and no particular action was required or offered at the time.

The general discussion was that when Consent applications from E-can etc were made regarding the discharge of 1080 within our District, then Council would seek advice and take an active part in those applications.

The recent changes E-Can's & AHB procedures triggered discussion within our community, to the point where I was approached by individuals and groups to advocate on their behalf to engage council in a pro-active stance on the issue of 1080 usage within our District.

This advocacy was highlighted at the November council meeting, where I gave notice of a possible recommendation for Council to consider being agenda'd at the ensuing December meeting.

And here we are.....

I believe there is an increase in community support for councils around the country to make a particular stand when considering 1080 usage.

Whether that stand be;

- *to support the use as is currently administered,*
- *make adjustments to current practices,*
- *support the non-usage of 1080 completely or partially*
- *promote a change in geographical & terrain application areas of 1080*
- *endorse and sponsor alternative methods of pest control*
- *or any combination of these.*

To be able to respond to any call by our community I believe it has again been necessary for us as elected councillors to be au fait and familiar with the 1080 issues -consequently, informal, but in depth workshops have been organized and attended by some councillors

Below is a recommendation that I believe in the first instance, is necessary to ascertain the wishes of our community and helps address the concerns many of those living in the Kaikoura district have, regarding how we as a council can effectively be involved in the 1080 & Pest control debate.

My rationale for this recommendation is simply:

That a community group of stakeholders and community representatives could be formed and given a brief of gathering information, sifting and presenting that information and perhaps mapping a route that Council and the community of Kaikoura could take with the 1080 usage issue.

Any desire from that group to advocate for a change in process and/or Community Plan outcomes could then be properly assessed as to legality, appropriateness and common sense. An appropriate staff member could be seconded to assist with this.

In-put from all “camps” would be necessary to determine a balance and this would be attainable via such a group.

We as elected members are required to listen to and act on behalf of, our community. We are obliged to, at the least, allow the “headwork” to be done and be informed of the issues brought to us. We then need to be able to make an informed, appropriate decision when asked to.

I therefore recommend:

That the Kaikoura District Council agree to form a community-based working party to investigate and accumulate appropriate information regarding the Pest control within our district, and to report back to council with, at the least, guidelines from which Council may follow to address the concerns of the community regarding this activity throughout the district.

Mayor Kevin Heays

KAIKOURA DISTRICT COUNCIL DELEGATIONS IN TERMS OF THE RESOURCE MANAGEMENT ACT 1991

1.0 Introduction

The Kaikoura District Council currently has a delegations policy for the Resource Management Act 1991 which retains certain functions with “The Council” and delegates other functions to:

- Environmental Services Committee
- Environmental Services Subcommittee
- Hearing and Applications Committee
- Planning Committee
- Council Officers
- Hearing and Applications Subcommittee

The delegations were last amended on 15th July 2009. Since this time the Resource Management (Simplifying and Streamlining) Amendment Act 2009 has come into force on 1st October 2009 and the delegations now require updating.

2.0 Issues

In addressing the suggested changes to delegation it is important to consider the thrust of the Act being Simplifying and Streamlining, it is therefore considered that the following matters be considered by Council when looking at each of the amendments:

- Ensuring regulatory services required by the Act are provided in a timely and cost effective manner with minimal costs and delays to ratepayers and applicants.
- Ensuring that decisions made are appropriate transparent and that the risk of appeal to the Environment Court or High Court is minimised.
- Ensuring that Councillors are aware and fully informed of the decision being made by Council, Committees or Staff.

It is therefore important to achieve a balance to ensure that matters are dealt with in a timely manner while ensuring that Council has input into decisions.

To assist in addressing these options delegations have been split into four areas:

- 1) Current delegations requiring no change.
- 2) Delegation requiring deletion as a result of changes to the Act or suggested changes to delegations.
- 3) New delegations added as a result of changes to the Act.
- 4) Minor amendments to make delegations easier to understand.

All Current Delegation:

The following section is as per the current delegation, last approved by Council on 15th July 2009:

“This instrument is prepared in accordance with Section 34 of the Resource Management Act 1991 and under Section 32 of the Local Government Act 2002.

This instrument came into force on 15th July 2009.

If no delegation is made through the schedule, then a decision is required to be made by full Council.

It is recommended that the authors of reports do not sign off their own reports.

There are a number of provisions within the Act that enable amendments to be made to planning documents “without further formality”. No specific delegation is required for these changes to be made under the Act, however, it has been recognised that there is a need for such changes to be formally documented. In such cases, it is recommended the amendments are to be reported to the Council, for information.

Where a delegation is shown in the schedule to a specified party it may be referred upwards to a more senior party, committee or council if the delegated party is uncomfortable or unwilling to make a decision.

Schedule of Delegations

Key

- C** = **Full Council**
- CM** = **Council Member**
- ESC** = **Environmental Services Committee**
- ESSC**= **Environmental Services Sub-Committee** (comprising Chair Environmental Services Committee, CEO, DP)
- HA** = **Hearing and Applications Committee**
- HAS** = **Hearing and Applications Sub Committee** (comprising CHA, one other member of the HA and the CEO or DP)
- CHA** = **Chair Hearing and Applications Committee**
- PC** = **Planning Committee**
- CPC** = **Chair Planning Committee**
- M** = **Mayor**
- CEO** = **Chief Executive Office**
- CEO*** = **CEO as Principal Administrative Officer**
- DP** = **District Planner**
- PO** = **Planning Officer**
- AME** = **Asset Manager Engineering**
- AE** = **Assistant Engineer**
- SBO** = **Senior Building Control Officer**
- BO** = **Building Control Officer**
- EHO** = **Environmental Health Officer**
- NCO** = **Noise Control Officer**
- +** = **And** (requiring two or more parties to reach agreement)
- ,** = **Either** (requiring only one of the listed parties)
- ()** = **One or other of the bracketed parties.**

The following existing delegations do not require altering.

Section of Resource Management Act 1991	General description of the function, power or duty to be delegated.	Delegation	Delegated Council Meeting
PART 3 9-23	DUTIES AND RESTRICTIONS		
9	<i>Restrictions on use of land – Resource consent required for any activity which contravenes a rule in the district plan</i>	CEO, DP, or PO + DP	21/11/2007
10	<i>Certain existing uses in relation to land protected – determination of existing uses and the ability to grant extensions</i>	CEO, DP, or PO + DP	21/11/2007
10A	<i>Certain existing uses in relation to surface of</i>	CEO, DP, or	21/11/2007

	<i>lakes and rivers protected - determination of existing uses.</i>	PO + DP	
10B	<i>Certain existing building works allowed - determination of existing uses.</i>	CEO, DP, or PO + DP	21/11/2007
22	<i>Duty to give certain information – ability for an enforcement officer to direct a person to:</i> a) <i>Give his or her name and address; and</i> b) <i>Give the name and address and whereabouts of any other person on whose behalf the person is breaching the Act.</i>	Persons issued with warrants under section 38(5) of the Act.	21/11/2007
PART 4 24-42A	FUNCTIONS, POWERS, AND DUTIES OF CENTRAL AND LOCAL GOVERNMENT		
33	<i>The ability for Council to transfer some of its functions to other agencies</i>	C	21/11/2007
36(5)	<i>A local authority may, in any particular case and in its absolute discretion, remit the whole or any part of any charge of a kind referred to in this section which would otherwise be payable</i>	CEO	21/11/2007
37	<i>Power of waiver and extension of time limits</i>	CEO, DP, PO	21/11/2007
37A	<i>Requirements for waivers and extensions of time</i>	CEO, DP, PO	21/11/2007
38	<i>The ability to appoint enforcement officers</i>	CEO	21/11/2007
PART 5 43-86	STANDARDS, POLICY STATEMENTS, AND PLANS		
73(1A), 73(3)	<i>The ability to change provisions of the District Plan (after receiving recommendations from the District Plan Committee)</i>	C	21/11/2007
76	<i>The ability to formulate District Rules</i>	PC	21/11/2007
86	<i>The ability to acquire land in accordance with the Public Works Act 1981 in order to terminate or prevent any non-complying or prohibited activity or to facilitate an activity on that land which is in accordance with the objectives and policies of the plan</i>	C	21/11/2007
PART 6 87AA-139	RESOURCE CONSENTS		
91	<i>Deferral pending application for additional consents from notification until application made for additional consents</i>	DP	21/11/2007
92	<i>The ability to request further information or to commission a report to assess a consent application.</i>	CEO, DP, PO	21/11/2007
98	<i>Advice of submissions to applicant</i>	CEO, DP, PO	21/11/2007
99(1)-(3)	<i>Pre-hearing meetings – invite or require parties to attend</i>	CEO, DP, PO	21/11/2007
99(4)	<i>Pre-hearing meetings – allowing decision maker to attend and participate in meeting.</i>	CEO + DP	21/11/2007
99(8)	<i>Ability to decline application or submission if parties do not attend pre-hearing meeting</i>	As per delegations for sections 104A-C of the Act	21/11/2007
99A	<i>Referring application and submitters to</i>	CEO + DP +	21/11/2007

	<i>mediation</i>	CHA	
100	<i>Obligation to hold a hearing – decisions regarding whether hearing should be held</i>	(CEO, PO, DP) + CHA	21/11/2007
101	<i>Hearing date and notice</i>	(CEO, PO, DP) + CHA	21/11/2007
102	<i>Determining when joint hearings are not required</i>	(CEO, PO, DP) + CHA	21/11/2007
103	<i>Combined hearings in respect of 2 or more applications</i>	CEO, DP, PO	21/11/2007
104A	<i>Determination of applications for controlled activities.</i>	CEO, DP or PO + CHA	21/11/2007
104B	<i>Determination of applications for discretionary and non-complying activities – except non-notified discretionary land use activities which exceed bulk and location performance by less than 20% and building within a flood hazard area. Note delegation does not apply if hearings commissioner(s) appointed.</i>	HA	21/11/2007
104B	<i>Determination of applications for discretionary land use activities which exceed bulk and location performance by less than 20% - Note delegation does not apply if hearings commissioner(s) appointed or the activity status is non-compliant.</i>	(CEO, DP, PO) + CHA	15/07/09
104B	<i>Determination of applications for land use activities to exceed bulk and location performance standards by less than 20% – Note delegation does not apply if hearings commissioner(s) appointed or the activity status is non-compliant.</i>	(CEO, DP, PO) + CHA	15/07/09
104B	<i>Determination of applications for discretionary land use activities related to visitor accommodation given the following conditions are met:</i> <ol style="list-style-type: none"> 1. Affected Party approval has been obtained and 2. No more than 2 guest per bedroom 3. No more than 4 guests in total are proposed 	(CEO, DP, PO) + CHA	15/07/09
104B	<i>Determination of applications for building within a flood hazard area - Note delegation does not apply if hearings commissioner(s) appointed</i>	(CEO, DP, PO) + CHA	21/11/2007
104B	<i>Determination of applications for non-notified subdivisions which comply with all performance standards except flooding - Note delegation does not apply if hearings commissioner(s) appointed</i>	(CEO, DP, PO) + CHA	21/11/2007
104C	<i>Determination of applications for discretionary and non-complying activities – Note delegation does not apply if hearings commissioner(s) appointed.</i>	As per delegations for 104B	21/11/2007

104C	<i>Determination of applications for restricted discretionary activities – Note delegation does not apply if hearings commissioner(s) appointed.</i>	As per delegations for 104B	15/07/09
104C	<i>Determination of applications for restricted discretionary land use activities for temporary activities- Note delegation does not apply if hearings commissioner(s) are appointed.</i>	(CEO, DP, PO) + CHA	15/07/09
106	<i>Consent authority may refuse subdivision consent in certain circumstances</i>	HA	21/11/2007
107A	<i>Restrictions on grant of resource consents that will, or is likely to, have a significant adverse effect on a recognised customary activity</i>	HA	21/11/2007
108	<i>Ability to impose conditions on resource consents</i>	As per delegations for sections 104-107 of the Act.	21/11/2007
109(3)	<i>Ascertaining whether work has been completed to the satisfaction of the consent authority</i>	CEO, DP, PO, AME, SBO, BO	21/11/2007
109(4)	<i>Use of bonds to complete works</i>	CEO + (DP, PO, AME, SBO, BO)	21/11/2007
110	<i>Refund of money and return of land where activity does not proceed</i>	CEO	21/11/2007
114	<i>Notification of decisions</i>	CEO, DP, PO	21/11/2007
124(2)(e)	<i>Discretion to allow a consent holder to continue to exercise resource consent which has expired while applying for a new consent.</i>	CEO, DP or PO + DP	21/11/2007
125	<i>Lapsing of consent – ability to extend the period the consent lapses</i>	CEO, DP or PO + DP	21/11/2007
126	<i>Cancellation of consent – ability to cancel consent which have not been exercised.</i>	CEO, DP or PO + DP	21/11/2007
127(3)	<i>Determination of change or cancellation of consent conditions on application by consent holder. For the purpose of the delegation, activity status is to be determined by the activity status that results from the requested change or cancellation as per the standards of the Kaikoura District Plan.</i>	As per delegations for section 104-107 of the Act	15/07/09
127(4)	<i>Determination of who is adversely affected by the change or cancellation</i>	As per delegations for sections 91 - 114 of the Act	21/11/2007
128	<i>Review of consent conditions- by consent authority</i>	CEO +, (PO+DP)	21/11/2007
129	<i>Service of notice of review of consent conditions</i>	CEO PO + DP	21/11/2007
132(1)	<i>Decisions on review of consent conditions under Section 128</i>	CEO PO + DP	21/11/2007
132(4)	<i>Decision on review / cancelation of resource</i>	HA	21/11/2007

	<i>consents due to inaccuracies within application.</i>		
133A	<i>A consent authority that grants a resource consent may, within 15 working days of the grant, issue an amended consent that corrects minor mistakes or defects in the consent</i>	(DP, PO)	15/07/09
138(2)	<i>Refusal to accept the surrender of part of a resource consent.</i>	CEO + DP	21/11/2007
139	<i>Consent authorities to grant certificates of compliance</i>	CEO, PO + DP	21/11/2007
139A	<i>Consent authorities to issue existing use certificates</i>	CEO, PO + DP	21/11/2007
143	<i>Local authority obligations for matters called in by Minister.</i>	CEO, DP, PO	21/11/2007
PART 8 166-198	DESIGNATIONS AND HERITAGE ORDERS		
168A(1)	<i>Where territorial authority proposes to issue a notice of a requirement for a designation.</i>	AME or CEO	21/11/2007
170	<i>Discretion to include a requirement in plan.</i>	PC or Commissioner (34(1))	21/11/2007
171	<i>Recommendation by territorial authority on a requirement to designate land. To confirm; modify; impose conditions; withdraw.</i>	PC or Commissioner (34(1))	21/11/2007
172	<i>Decision of requiring authority</i>	C	21/11/2007
173	<i>Ensuring that copies of decisions made by requiring authorities are served to the correct people and notified.</i>	CEO, DP, PO	21/11/2007
174	<i>Appeals to Environment Court against a decision of a requiring authority.(Appeal to be lodged within 15 working days)</i>	CPC + (CEO, DP)	21/11/2007
176A(1) (2)(4)	<i>The ability to waive the requirement to provide an outline plan and to request changes to an outline plan</i>	CEO, DP, PO + DP	21/11/2007
176A(5)	<i>The ability to appeal against a decision by a requiring authority to a request for changes to an outline plan</i>	CPC + (CEO, DP)	21/11/2007
181(3)	<i>Alteration of designation – Minor Alteration</i>	CPC + (CEO, DP)	21/11/2007
181(4)	<i>Alteration of designation section to apply to Territorial authorities own designations</i>	PC	21/11/2007
182(5)	<i>Removal of designation – consideration to remove</i>	PC	21/11/2007
184	<i>Lapsing of designations which have not been given effect to – discretion to extend</i>	CEO, DP	21/11/2007
184A	<i>Lapsing of designations of territorial authorities which have not been given effect to.</i>	PC or Commissioner (34(1))	21/11/2007
191	<i>Recommendation by territorial authority in respect to heritage orders</i>	PC	21/11/2007
PART 10	SUBDIVISION AND RECLAMATION		
220	<i>The ability to impose conditions on subdivision consent applications</i>	As per delegations for sections	21/11/2007

		104A-C of the Act	
221(1)(2)	<i>Territorial authority to issue a consent notice</i>	CEO*, DP, PO	21/11/2007
221(3)	<i>Ability to review conditions imposed in a consent notice</i>	As per delegations for sections 104A-C of the Act If decision by commissioner CEO, (DP + CHA)	21/11/2007
222	<i>Completion certificates</i>	CEO, DP, PO, SBO	21/11/2007
223	<i>Approval of survey plan by territorial authority – note subject to section 243(b)</i>	CEO, DP, PO	21/11/2007
224(c)(e)	<i>Restrictions upon deposit of survey plan – conditions completed to the satisfaction of the territorial authority</i>	CEO, DP, PO	21/11/2007
224(f)	<i>Restrictions upon deposit of survey plan – cross lease, company lease, unit plan.</i>	SBO + (CEO, DP, PO)	21/11/2007
226(e)	<i>Provision of certificate to confirm proposal in accordance with Plan (no subdivision consent required)</i>	CEO, DP, PO	21/11/2007
232	<i>Creation of esplanade strips</i>	CEO, DP, PO+DP	21/11/2007
234(3)	<i>Variation or cancellation of esplanade strips – territorial authority initiate change.</i>	CEO, DP, PO	21/11/2007
234(4)	<i>Variation or cancellation of esplanade strips – processing of changes initiated by registered proprietor.</i>	As per delegations for sections 127-132 of the Act.	21/11/2007
234(5)(6)	<i>Variation or cancellation of esplanade strips – decisions</i>	As per delegations for sections 104A-C of the Act.	21/11/2007
235	<i>Creation of esplanade strips by agreement</i>	CEO, + (DP, PO, AME, AE)	21/11/2007
237	<i>Approval of survey plans where esplanade reserves or strips are required and approval of separate survey plans showing esplanade reserves or strips</i>	CEO, DP, PO	21/11/2007
237B	<i>Access strips – acquiring by agreement</i>	CEO, DP, PO, AME	21/11/2007
237C	<i>Closure of strips to public in certain circumstances.</i>	CEO, DP, PO, AME	21/11/2007
237E(2)	<i>Compensation for taking of esplanade reserves or strips on allotments of less than 4 hectares when reserves greater than 20m are required.</i>	CEO, DP	21/11/2007

237F	<i>Compensation for taking of esplanade reserves or strips on allotments of 4 hectares or more.</i>	CEO DP	21/11/2007
240(3)	<i>Signing of covenant against transfer of allotments.</i>	CEO, DP, PO	21/11/2007
240(4),(5)	<i>Cancellation of whole or part of covenant against transfer of allotments.</i>	CEO, DP, PO	21/11/2007
241(2),(3), (4)	<i>Amalgamation of allotments, cancellation of whole or part of the amalgamation and preparation of certificate.</i>	CEO*, DP, PO.	21/11/2007
243(a)	<i>Provision of written consent to surrender, merge or variation of easements.</i>	CEO, DP, PO	21/11/2007
243(e)	<i>Revoking of easement conditions</i>	CEO, DP, PO	21/11/2007
243(f)	<i>Provision of memorandum or certificates cancellation whole or in part of easements</i>	CEO, DP, PO	21/11/2007
PART 11 247-308	ENVIRONMENT COURT		
267(2)	<i>Any party may request an Environment Judge to convene a conference</i>	CEO	21/11/2007
268	<i>Ability to agree to alternative dispute resolution</i>	CEO	21/11/2007
271	<i>Agreement to hold hearing at non local venues</i>	CEO	21/11/2007
274	<i>Representation at proceedings (notice to parties to given within 30 days after the notice of appeal).</i>	CEO, DP, PO, EHO SBO, AME	21/11/2007
276A	<i>Evidence of documents – extracts from plans and policy statements to be certified as true copy.</i>	CEO*, DP, PO	21/11/2007
280	<i>Applying for leave to the Environment Court in relation to a request by an Environment Commissioner</i>	CEO	21/11/2007
281	<i>Wavers and directions – application to Environment Court for waiver of requirements or directions</i>	CEO.	21/11/2007
281B	<i>Applying to the Environment Court in relation to matters imposed by a Registrar.</i>	CEO.	21/11/2007
289	<i>Reply to appeal or request for inquiry</i>	CEO.	21/11/2007
294(2)	<i>Review of decisions by Environment Court – allowing parties to apply to Environment Court for a regearing based on new and important evidence.</i>	CEO.	21/11/2007
299 -301	<i>Appeal to High Court on a questions of law.</i>	M + CEO note appeals must be filed within 15 working days from date of decision.	21/11/2007
305	<i>Additional appeals on points of law.</i>	C	21/11/2007
PART 12 309-343D	DECLARATIONS, ENFORCEMENT, AND ANCILLARY POWERS		
311	<i>Application for declaration from Environment Court</i>	ESSC	21/11/2007

315(2)	<i>Compliance with order – ability to make application to the Court to undertake remedial works</i>	Persons issued with warrants under section 38(5) of the Act.	21/11/2007
316	<i>Applications for enforcement order – ability to apply to Environment Court for an enforcement order</i>	CEO + Persons issued with warrants under section 38(5) of the Act.	21/11/2007
320	<i>Interim enforcement orders – application for determination of an interim enforcement order.</i>	CEO + DP	21/11/2007
321	<i>Application for change or cancellation of enforcement order</i>	Persons issued with warrants under section 38(5) of the Act.	21/11/2007
322	<i>Scope of abatement notice - ability to issue abatement notices – The Act requires reasonable grounds for believing offences exist to issue abatement notices. – Consultation with CEO recommended.</i>	Persons issued with warrants under section 38(5) of the Act.	21/11/2007
323	<i>Compliance with abatement notice – the ability to enter a place to reduce noise levels.</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
325A(2)	<i>Cancellation of abatement notice – ability to cancel notices no longer required.</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
325A(5)	<i>Cancellation of abatement notice – considering requests to change or cancel abatement notices. To avoid conflict - original officer should not be directly involved in decision making process, avoiding matters to be seen as personal</i>	CEO + Persons issued with warrants under section 38(5) of the Act	21/11/2007
327	<i>Issue and effect of excessive noise direction</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
328	<i>Compliance with an excessive noise direction – ability to remove a noise source (accompanied</i>	Persons issued with	21/11/2007

	<i>by a constable)</i>	warrants under section 38(5) of the Act	
330	<i>Emergency works and powers to take preventive or remedial action.</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
331	<i>Reimbursement or compensation for emergency works – seeking reimbursement for undertaking works on behalf of another party, and ability to seek enforcement order for costs not paid</i>	CEO	21/11/2007
332	<i>Power of entry for inspection - the ability for enforcement officers to enter premises for inspections (except dwelling houses)</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
333	<i>Power of entry for survey - The ability for enforcement officers to enter premises for investigations or surveys.</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
334	<i>Application for warrant for entry or search – marking application for warrant to district court</i>	Persons issued with warrants under section 38(5) of the Act.	21/11/2007
336	<i>Return of property seized under section 323 and 328 – ability to return property seized.</i>	CEO	21/11/2007
338(4)	<i>Ability to lay information at any time within 6 months after the time when the offence giving rise to the information first became known</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
343C	<i>Infringement notices – ability to issue an infringement notice</i>	Persons issued with warrants under section 38(5) of the Act	21/11/2007
PART 14 352-367	MISCELLANEOUS PROVISIONS		
357	<i>Right of objection to local authorities against certain decisions- (a) section 10(2) (which relates to existing uses of land): (b) section 88(1), in respect of a determination</i>	ESC	21/11/2007

	<p><i>made under section 88(3) (which relates to whether a resource consent application is complete.</i></p> <p><i>(c) section 182(1) (which relates to the refusal of a territorial authority to remove the whole or a part of a designation.</i></p> <p><i>(d) section 184(1) (which relates to the lapsing of a designation).</i></p>		
357(2)	<p><i>Right of objection to local authorities by (2) a submitter whose submission is struck out under section 41C(7).</i></p>	HAS	21/11/2007
357A(1)(a)	<p><i>The ability to hear objections to Council decisions made on:</i></p> <p><i>(i) section 124(2) (which relates to the exercise of a resource consent while applying for a new resource consent):</i></p> <p><i>(ii) section 125(1)(b) (which relates to the lapsing of consents):</i></p> <p><i>(iii) section 126(2)(b) (which relates to the cancellation of consents):</i></p> <p><i>(iv) section 139 (which relates to certificates of compliance):</i></p> <p><i>(v) section 139A (which relates to existing use certificates):</i></p>	ESC	21/11/2007
357A(1)(b)-(c)	<p><i>The ability to hear objections to Council decisions made on:</i></p> <p><i>(b) in respect of a request to provide further information, for a person who has been so requested by a consent authority under section 92(1).</i></p> <p><i>(c) in respect of a request to consent to the commissioning of a report, for a person who has been so requested under section 92(2)(b).</i></p>	HSC	21/11/2007
357A(1)(d)-(e)	<p><i>The ability to hear objections to Council decisions made on:</i></p> <p><i>(d) in respect of an application or a submission that a consent authority declines to process or to consider, as provided for by section 99(8), for the person who made the application or submission:</i></p> <p><i>(e) in respect of a consent authority's decision on an application or review of a kind referred to in subsection (2), for an applicant or consent holder if—</i></p> <p><i>(i) the application or review was not notified or notice of the application or review was not served (in accordance with section 93, section 94, section 127(3), or section 130); or</i></p> <p><i>(ii) the application or review was notified or served and—</i></p> <p><i>(A) no submissions were received; or</i></p> <p><i>(B) any submissions received were withdrawn</i></p> <p><i>Note S357A(2) & (3) are also relevant</i></p>	ESC	21/11/2007

357B	<i>The ability to hear objections to Council in relation to imposition of additional charges or recovery of costs</i>	CEO	21/11/2007
Schedule 1	PREPARATION, CHANGE, AND REVIEW OF POLICY STATEMENTS AND PLANS		
Clause 1(2)	<i>Extend time limit as per section 37</i>	DP	21/11/2007
Clause 2	<i>Preparation of proposed plan</i>	DP	21/11/2007
Clause 3	<i>Consultation for the preparation of a proposed plan. Consultation in accordance with section 82 of the LGA 2002.</i>	DP	21/11/2007
Clause 4	<i>Requirement to be inserted prior to notification of proposed district plans - Invitation to requiring authorities to include designations in District Plan</i>	DP	21/11/2007
Clause 5	<i>Public Notice and provision of document to public bodies – service of documents of proposed policy statements and plans.</i>	DP	21/11/2007
Clause 6	<i>Making submissions – on proposed policy statement or plan</i>	CEO, DP, PO	21/11/2007
Clause 7	<i>Public notification of submissions – notification of summary of submissions</i>	DP	21/11/2007
Clause 8	<i>Further submissions – ability to make further submissions on a policy statement or plan</i>	CEO, DP, PO	21/11/2007
Clause 8AA	<i>Deciding to undertake disputes resolution relating to a policy statement or plan – Mediation to be facilitated by an independent mediator.</i>	CEO + DP	21/11/2007
Clause 8B	<i>Hearing by Local Authority – ability to holding hearing on submissions made to proposed plans or policy statements.</i>	PC	21/11/2007
Clause 8C	<i>Hearing not needed - Consideration of submission when hearing not needed</i>	PC	21/11/2007
Clause 8D	<i>Withdrawal of proposed policy statements and plan. (with prior consultation with District Plan Committee)</i>	C	21/11/2007
Clause 9	<i>Recommendations and decisions on requirements - Ability to make recommendation and decisions on requirements.</i>	PC	21/11/2007
Clause 10	<i>Decision of local authority - The ability to make decisions accepting or rejecting submissions on a proposed policy statement or plan.</i>	PC	21/11/2007
Clause 11	<i>Notification of decision – provision of decisions to submitters, landowners and public places.</i>	DP	21/11/2007
Clause 13	<i>Decision of requiring authority or heritage protection authority – Notification of acceptance or rejection of recommendations for requiring authority and heritage protection authority and modification to district plan as necessary.</i>	DP	21/11/2007
Clause 14	<i>Reference of decision on submissions and requirements to the Environment Court - Appealing to Environment Court against requiring authorities or heritage protection</i>	PC	21/11/2007

	<i>authorities decisions.</i>		
Clause 16	<i>Local authority to make amendments to proposed policy statement or plan to give effect to any national policy statement, direction of Environment Court, alteration of minor effects or to correct minor errors</i>	DP	21/11/2007
Clause 16A	<i>Variation of proposed policy statement or plan - Deciding to initiate variations on proposed policy statement or plan</i>	PC	21/11/2007
Clause 16B	<i>Merger with proposed policy statement or plan – requirement to merge variations with plan at same procedural stage</i>	DP	21/11/2007
Clause 17	<i>Final approval of proposed policy statement or plan by affixing the Seal of the Kaikoura District Council.</i>	C	21/11/2007
Clause 20	<i>Operative date - Provision of copies of plan before operative date.</i>	DP	21/11/2007
Clause 20A	<i>Corrections of minor errors regarding operative policy statements or plans</i>	DP	21/11/2007
Clause 23	<i>Ability to require further information for plan changes</i>	DP	21/11/2007
Clause 24	<i>Modification of request -ability to adopt, accept, modify or reject requests for a plan change</i>	PC	21/11/2007
Clause 25 (1)-(4)	<i>Local authority to consider request - Ability to make decision on requests for a plan change</i>	PC	21/11/2007
Clause 25	<i>Local authority to consider request- notification of parties of decision</i>	DP	21/11/2007
Clause 26	<i>Notification timeframes – preparation of policy statements and plans</i>	DP	21/11/2007
Clause 28	<i>Withdrawal of requests – provision of notice to withdraw requests when “reasonable grounds” show parties no longer wish to continue.</i>	DP	21/11/2007
Clause 29	<i>Procedure under this Part- sending copies of submissions and decisions etc</i>	DP	21/11/2007

Other Matters

The existing delegation from Council has a general section (Section (g) which provides for a variety of functions, some of which overlap with the Resource Management Act. The opportunity has been taken to update these aspects are well.

It is noted that a number of delegations are more wide ranging than simply the Resource Management Act. However, there are matters related to the Resource Management Act, for example Court proceedings; these areas have been included in the suggested delegation as “*Indirect delegation to CEO.*”

FUNCTION	Delegation	Delegated Council Meeting
Prosecutions for any breach of any Act, Regulation of Bylaw in any matter relating to the Committee’s field of activity.	<i>CEO, Environmental Services Committee - Unless delegated under Resource Management Act Delegations</i>	21/11/2007
Writing off outstanding accounts where the amount in respect of each account exceeds the	<i>CEO - Unless delegated under Resource Management</i>	21/11/2007

limits of an officer delegation and the remission of fees and charges of a similar sum.	<i>Act Delegations</i>	
Settlement of uninsured claims for compensation or damage where the amount exceeds \$300 but does not exceed \$5000.	<i>CEO</i>	21/11/2007
Hearing deputations on matters delegated to the Committee	<i>ESC</i>	21/11/2007
Approval of right of way plans pursuant to s348 of the Local Government Act 1974.	<i>CEO, DP, PO</i>	21/11/2007
Exemption from Legal Road Frontage pursuant to s321 of the Local Government Act 1974.	<i>Repealed – Now addressed by Section 106 Resource Management Act.</i>	21/11/2007
Certificates under the Lands Settlement Promotion and Land Acquisition Act 1952 Section 35H (a), (aa) and (b).	<i>CEO</i>	21/11/2007
Certificates with respect to the Sale of Liquor Act 1989.	<i>Secretary Kaikoura District Licensing Agency</i>	21/11/2007
Proceeding in train before the Courts. Power to determine Council's response to given circumstances (eg consent orders, withdrawal of appeal, right top appeal, modification of conditions etc)	<i>Refer comment below.</i>	

Environment Court Matters

For those resource consent appeals which result in only the conditions being amended from the original Council decision, then the ability to sign consent orders may be made by a District Planner or Council's solicitor provided consultation has occurred with the Chief Executive Officer. It is recommended that any changes to conditions shall be reported to the Environment Services Committee for information.

For those resource consent appeals where the Council's decision is being reversed, then the ability to sign consent orders may be made by a District Planner or Council's solicitor provided consultation has occurred with the Chair of the relevant planning committee (Hearing and Applications Committee or District Plan Committee) and the Chief Executive Officer. It is recommended that any amendments to decisions shall be reported to the Environmental Services Committee for information.

On references to policy statements and plans, consent orders may only be signed off by the District Planner or Council's solicitor in consultation with the Planning Committee chair and the Chief Executive Officer. In such cases, it is recommended the amendments are to be reported to the Planning Committee, for information.

Resource Consent Applications for the Councils Activities and Projects

It is essential that the Council has in place practices and procedures that ensure that it is, and is seen to be fair, impartial and accountable in the way that it treats resource consent applications from itself and from those organisations in which it has a pecuniary interest.

Currently regardless of the applicant for resource consent (Council or individual) all applications are dealt with by the parties delegated to do so. It is possible that in some cases the Council may have a pecuniary interest in the application. It is therefore recommended that the delegations be updated to ensure that the process is even more transparent when dealing within Kaikoura District Council applications.

It is therefore recommend that for Council applications (and those organisations in which it has a pecuniary interest), decisions on whether to notify resource consent applications are to be decided by

the Chief Executive Officer and the District Planner. A Hearings Commissioner or Commissioners should hear and decide any resource consent application from a Council Department or body in which the Council has a pecuniary interest which is notified and where a formal hearing is held.

Hearings Commissioners may also be used to hear and decide other resource consent applications where a specific request to do so comes from any applicant.

Delegation Requiring Deletion As Result of Changes to the Act:

The following table contains existing delegation. It is suggested these are deleted as a result of the changes to the Act. The reasons for the deletions are outlined in the right hand column.

Section of Resource Management Act 1991	General description of the function, power or duty to be delegated.	Delegation	Delegated Council Meeting	Reason for Deletion
19	<i>Activities controlled by a new rule in a Proposed District Plan are permitted where they were previously permitted and there are no submissions or appeals on the new rule</i>	CEO, DP	21/11/2007	Repealed. Matter now addressed by section 86B, 86D(2), 86F.
93(1)	<i>Determining when public notification of consent applications is required</i>	CEO, DP, PO – agreement between two required	21/11/2007	Repealed. Replaced by section 95A-F
93(2)	<i>Undertaking of public notification</i>	DP, PO	21/11/2007	Repealed. Replaced by section 95A-F
94	<i>When public notification of consent applications is not required</i>	DP, PO	21/11/2007	Repealed. Replaced by section 95A -F
94C	<i>Public notification if applicant requests or if special circumstances exist</i>	CEO, DP or PO + DP	21/11/2007	Repealed. Replaced by section 95A-F
94D	<i>When public notification and service requirements may be varied</i>	CEO, DP or PO + DP	21/11/2007	Repealed. Replaced by section 95A-F
168A(3),(4) & (5)	<i>Consideration of notice of requirement and submissions, to confirm; modify; impose conditions; withdraw.</i>	PC or Commissioner (34(1))	21/11/2007	Repealed. Replaced by section 168A(1A)

New Delegations Added Resulting From Changes to Act:

The following table contains delegations. It is suggested these be added as a result of the Resource Management (Simplifying and Streamlining) Amendment Act 2009. Where possible, reasons for the delegation have been given.

Section of Resource Management Act 1991	General description of the function, power or duty to be delegated.	Delegation	Reason for delegation
34(1)	<i>The ability to delegate to any committee of the local authority any of its functions, powers, or</i>	C	Clarifies that this responsibility

	<i>duties under this Act</i>		remains with Council
36(1)(aa-ad)	<i>Estimating changes and determining changes payable when a request is made under Section 100A</i>	CEO + DP, or CEO + PO	Section 100A is a new section of the Act which allows for the submitter or the applicant to request a hearing to be undertaken by an independent commissioner.
40(3)	<i>To determine that it is fair and reasonable to proceed with a hearing even though the applicant or a submitter who wished to be heard has failed to appear at the hearing.</i>	CHA, CPC, or hearings commissioner (34A)	The Act is now clear that if a person does not appear at a hearing a determination can be made to proceed with the hearing. It is logical that this is delegated to the persons hearing the matter.
77A	<i>The power to make rules to apply to classes of activities and specify conditions</i>	PC	This section allows the rules in a proposed district plan to be made. Although these rules will be drafted by the DP it is sensible for the PC to have final input prior to notification.
77D	<i>Rules specifying activities for which consent applications must be notified or are precluded from being notified</i>	PC	This section allows for rules which specify if the application will be notified or not notified. Although these rules will be drafted by the DP it is sensible for the PC to have final input prior to notification.
79(2)	<i>Review of policy statements and plans determining that the plan requires alteration.</i>	C	Clarifies that this responsibility remains with Council.
79(4)	<i>Commence a full review of the district plan</i>	PC	Ensures that the PC is involved with the any full review of the District Plan.
80	<i>Combined regional and district documents (considering the preparation of appropriate combined documents)</i>	PC	This is a new ability allowing joint plans to be formulated. It is considered appropriate for the matter to be addressed by the Planning Committee.
86B	<i>When rules in proposed plans and changes have</i>	CEO + DP	Changes effectively

	<i>legal effect.</i>		replace Section 19 and requires a resolution that rules now have legal effect.
86D(2)	<i>Applications to Environment Court for a rule to have legal effect from a date other than the date on which the decision on submissions related to the rule is made and publicly notified.</i>	CEO + DP	Changes effectively replace Section 19.
86F	<i>When rule in proposed plans must be treated as operative (and any previous rule as inoperative).</i>	CEO, DP	Changes effectively replaces Section 19
87B	<i>Determining certain activities to be treated as discretionary activities or prohibited activities</i>	DP, PO	
87E	<i>Determining requests for applications to go directly to the Environment Court</i>	(CEO, PO, DP) +CHA	Provides for sending applications directly to Environment Court at applicants request.
87F	<i>Preparation of reports to the Environment Court where the applicant has requested direct referral to the Environment Court.</i>	DP, PO	Section requires that planning reports must be submitted to the Environment Court where matters are directly referred to the Court by the Council at the request of an applicant.
87I	<i>Determining of applications where a report has been provided under section 87F but a notice of motions has not been lodged with the Environment Court.</i>	As per delegations for sections 104A-C of the Act	This section allows for Councils to make decisions on applications when the matter has been referred to the Environment Court and all the required information has not been lodged with the Environment Court.
88(3)	<i>Determining a resource consent application is incomplete and returning of that application with written reasons for the determination.</i>	DP, PO	This section allows for resource consent applications to be rejected, effectively meaning the working day clock does not start. This matter is subject to an objection under 357
92A(2)	<i>Setting a reasonable time frame within which the applicant must provide information and telling the applicant by which the applicant must provide the information.</i>	DP, PO	Existing section of the Act however not currently delegated. Allows staff to set a time frame on when information must be supplied to the Council. Failure to supply information may result in an application being declined.

95A	<i>Public notification of consent application at consent authority's discretion.</i>	CEO, DP, PO – agreement between two required	Replaces Sections 93 – 94D
95B	<i>Limited notification of consent application.</i>	CEO, DP, PO – agreement between two required	Replaces Sections 93 – 94D
95C	<i>Public notification of consent application after request for further information or report.</i>	CEO, DP, PO – agreement between two required	Replaces Sections 93 – 94D
95D	<i>Consent authority decides if adverse effects likely to be more than minor.</i>	CEO, DP, PO – agreement between two required	Replaces Sections 93 – 94D
95E	<i>Consent authority decides if person is affected person.</i>	CEO, DP, PO – agreement between two required	Replaces Sections 93 – 94D
95F	<i>Consent authority decides if person is affected order holder</i>	CEO, DP, PO – agreement between two required	Replaces Sections 93 – 94D
100A(4)	<i>Hearing by commissioner if requested by applicant or submitter</i>	As per delegation for section 35A	Section of the Act allows for the submitter or the applicant to request a hearing to be undertaken by an independent commissioner. Once a request is made the Council must delegate its responsibility to a hearing commissioner however it still has the ability to determine which commissioner should be used.
104(6)	<i>Declining an application on the grounds that it has inadequate information to determine the application.</i>	HA	As the decision results in application being declined it is considered that this is in line with current delegation which only provides for the HA committee to decline applications.
108A	<i>Bonds – requiring a bond and setting specified period of the bond</i>	As per delegations for sections 104-107 of the Act.	This delegation places the control of requiring bonds with the parties who make decisions on the application.

142	<i>Request for Minister to call in matter that is or is part of proposal of national significance.</i>	C	Clarifies that this responsibility remains with Council.
149I	<i>Withdrawal of change or variation which has been notified</i>	PC	Allows the PC to be fully involved with the withdraw of a Plan Change, the decision must be made within 5 working days of the last day on which further submissions made be made.
149ZD(1)	<i>Local authority may recover from an applicant the actual and reasonable costs incurred</i>	As per delegation S36(5)	Clarifies that recover of costs remains with the delegation as per section 36(5).
168A(1A)	<i>Decision to notify a notice of requirement submitted by the territorial authority</i>	PC or Commissioner (34(1))	Replaces sections 168A(3)(4) & (5).
189A(2)	<i>Decision to notify a heritage order submitted by the territorial authority</i>	PC or Commissioner (34(1))	Result in same delegation as for designations being applied to heritage orders.
193A(2)	<i>Withholding consent for works on a site with a heritage order where the land is subject to an earlier order of designation</i>	CEO, DP + AME	This matter related to land which is subject to an existing heritage order or designation. It provides the ability for the Council to prevent work from occur it that work would prevent or hinder the intend use of the site. This would typically apply where Council has a designation land for a specific purpose.
195A(3)	<i>Alteration of a heritage order where:</i> i) <i>No more than minor changes to effects</i> ii) <i>Only minor changes to the or adjustments to the boundaries</i>	PC	As this result in a change to the District Plan it is considered important to keep the PC involved in the process.
198C	<i>Determining requests by requiring authority or heritage protection authority to go directly to the Environment Court</i>	(CEO, PO) + CPC	This matter is subject to object to the ESC therefore it is considered appropriate to address at a staff and single councillor level.
198D	<i>Preparation of reports to the Environment Court where the requiring authority or heritage protection authority requested direct referral to</i>	DP	Section requires that planning reports must be submitted to the Environment Court

	<i>the Environment Court.</i>		were matters are directly referred to the Court by the Council at the request of an applicant.
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Minor Amendments to Delegation

Section of Resource Management Act 1991	General description of the function, power or duty to be delegated.	Delegation	Reason for amendment
34A	<i>Delegation of powers and functions, to employees and other persons – Specifically the power to delegate to hearings commissioners or commissioners appointed by the local authority to make the decision on a resource consent application and the making of a recommendation of a requirement for a designation.</i>	CEO + CHA + (Consultation with DP)	Making description of duty clearer – no change to delegation aspect.
40	<i>Ability to stop excessive repetition at a hearing.</i>	CHA, CPC, or hearings commissioner (34A)	Making description of duty clearer – Delegation changed to reflect changes from 34(1) to 34A, context of delegation has not changed.
41	<i>Provisions relating to hearings – ability to apply provision of the Commission of Inquiry Act 1908 – order, evidence, witness, summons etc.</i>	CHA, CPC, or hearings commissioner (34A)	Delegation changed to reflect changes from 34(1) to 34A, context of delegation has not changed.
41A	<i>Control of hearings</i>	CHA, CPC, or hearings commissioner (34A)	Delegation changed to reflect changes from 34(1) to 34A, context of delegation has not changed.
41B	<i>Directions to provide evidence</i>	CHA, CPC, or hearings commissioner (34A)	Delegation changed to reflect changes from 34(1) to 34A, context of delegation has not changed.
41C	<i>Directions or requests before or at Hearings</i>	CHA, CPC, or hearings commissioner (34A)	Delegation changed to reflect changes from 34(1) to 34A, context of delegation has not changed.
42	<i>Ability to make an order to protect sensitive information.</i>	C, PC, HA, or hearings commissioner (34A)	Making description of duty clearer – no change to delegation aspect.
169(1)	<i>Decision to notify a notice of requirement.</i>	CEO + DP	Making description of duty clearer – no change to delegation aspect.
189A(1)	<i>Notice of requirement by territorial authority for a heritage order within its own district.</i>	CEO, DP	Making description of duty clearer – no change to delegation aspect.
190	<i>Decision to notify a heritage order.</i>	CEO + DP.	Making description of

			duty clearer –context of delegation has not changed.
334	<i>Application for warrant for entry or search – marking application for warrant to district court.</i>	Persons issued with warrants under section 38(5) of the Act.	Correction of typo.
357	<p><i>Right of objection to local authorities against certain decisions-</i></p> <p><i>(1) A person whose application to a territorial authority is not granted under section 10(2) has a right of objection to the territorial authority.</i></p> <p><i>3) A person whose application to a consent authority is determined to be incomplete under section 88(3) has a right of objection to the consent authority.</i></p> <p><i>(4) A person whose application or submission is declined to be processed or considered by a board of inquiry exercising the powers of a consent authority under section 99(8) has a right of objection to the board.</i></p> <p><i>(6) A requiring authority whose notice to a territorial authority is declined under section 182(5) has a right of objection to the territorial authority.</i></p> <p><i>(7) A requiring authority whose application to a territorial authority is not granted under section 184 has a right of objection to the territorial authority.</i></p> <p><i>(8) A requiring authority or heritage protection authority whose request to a territorial authority is not granted under section 198C(4) or (5) has a right of objection to the territorial authority.</i></p>	ESC	Update reflects changes to Act.

Recommendation:

That the deletions, additions and minor amendments to delegation are approved as per the above report and that the in house delegation folders be updated.

Canterbury Regional Council Regional Policy Statement Review

Issue

On 19 October 2009, the Canterbury Regional Council staff met with Kaikoura District Council staff to discuss the latest draft chapters in the review of the Canterbury Regional Policy Statement. As per the delegation made by Council, the meeting was held with staff to report back to Council with comments and any issues that arose. The meeting outlined the draft chapters on the following items:

- Coastal Environment
- Biodiversity
- Natural features and landscapes

The purpose of the workshop was to give official feedback on behalf of Kaikoura District Council. The workshop meets the consultation requirements under the first schedule of the Resource Management Act for preparation of a Policy Statement.

The draft Canterbury Regional Policy Statement will now be notified in entirety, the aim is for notification mid-2010. It is important that Kaikoura District Council document their views at every stage during consultation as there will invariably be issues with the final document which will require formal submissions.

Discussion

Issues

Landscape Chapter

Kaikoura District Council staff were concerned on the revisit to of classification of landscapes within the landscape chapter. Staff are also concerned with the elevated status which appears to be given to Boffa's Landscape Study Review. It was agreed to explore a suggestion that a joint approach may be possible in terms of funding and staff to refine the landscape area. Further suggested that it be appropriate to look at a Memorandum of Understanding to agree on what would be covered when refining the landscape areas, who will do what and how the cost of these refinement will be met.

In terms of other changes made to the chapter the following specific comments were made:

- Introduction – Inclusion of “It is also acknowledged that the action of landowners, through activities such as covenanting, can often lead to the protection of landscape values.”
- The suggested removal of specific court cases which may date the document.
- Expansion of terms using acronyms.
- Policy 1 Method 4:
The move from 5 years to 10 years to consider when considering a review of a district plan.
The inclusion of “Areas may be refined following further analysis, and other areas included which may be of value at a local level.”
- Policy 5(f) removal of Hapuku and Kahutara – given the nature of these rivers and the temporary nature of any lagoons.
- Redrafting of Policy 6 method 3 to the matters are addressed at a district plan level, but to avoid an expectation that lists and rules must be created.

Biodiversity:

The greatest issue with the Biodiversity chapter was the move from a non-regulatory to a regulatory approach. This was thought to be outside the general scope of the Biodiversity Strategy and the intention with which stakeholders participated in that process.

Issue	Comment	Outcome from Meeting
Split Biodiversity and SNA's	Format of chapter still confusing	Understand further redrafting to be undertaken Reformatted to give same look as Change 1
Policy 1	To recognise Biodiversity Strategy Feedback to be sought on biodiversity strategy for wider group consultation.	Policy 1 would be removed Method moved to Policy 4
	Explanation to Policy 1 - Last paragraph not necessary?	Policy 1 would be removed Method moved to Policy 4
Policy 2	Policy poorly drafted – seeks a priority list Methods under Policy 2 – do not achieve the policy as drafted, the policy seeks to outline a priority list.	Policies and methods addressed during redrafting. Special note made of policy wording
Policy 3	Policy 3 is the same as policy 2, were going to be and/or policy. Very wordy and not that useful	First paragraph to Policy 3 to be reviewed for effectiveness.
Policy 3	Method 7 to Policy 3 is contradictory, states Protection must be afforded, then states voluntary permanent protection Sought removal of wordy first part of policy	Words to be re-ordered in method
Policy 5		River and lake beds to be reviewed in terms of s62. To check if allocation of responsibility to Regional Councils does this mean that Territorial Authorities cannot have rules? Rachel to report back on functions KDC may wish to have for control of the use of land to control indigenous biodiversity.
Policy 6	Sought removal of offset policy. Change to limitation Policy	Policy to be reviewed

The Coastal chapter has been previously commented on, and the formal feedback is to include Kaikoura Harbour as a recognized infrastructural asset.

Matter	Comment	Outcome Sought
<i>include Kaikoura Harbour as a recognized infrastructural asset</i>	Kaikoura Harbour is not recognised as a asset	List Kaikoura Harbour in the following places: 11.1 Features Kaikoura Harbour is essential to the Region's economic wellbeing as a commercial fishing harbour and tourism harbour. Issue 11.2 Recognise the Kaikoura Harbour as strategic coastal infrastructure and service. Recognise

		<p>the historic nature of Kaikoura Harbour as a traditional working harbour.</p> <p>Objective 11.1 List in h) Kaikoura Harbour</p> <p>Policy 11.1 List in h) Kaikoura Harbour</p> <p>Policy 11.6 List Kaikoura Harbour as strategic coastal infrastructure</p> <p>Methods to Policy 11.6 1(a) providing for normal port <i>and harbour</i> activities...</p> <p>1(e) recognising that port, <i>harbour</i> and network utility infrastructure...</p> <p>1(f) recognising that the port, <i>harbour</i> and network utility ...</p> <p>Method 3</p> <p>(a) ...ports of Timaru and Lyttelton, <i>and Kaikoura harbour</i>, and other...</p> <p>(b) ...of the ports of Timaru and Lyttelton, <i>and Kaikoura harbour</i> in situations where the adverse health...</p>
11.1 Features	Protection of road and rail infrastructure along the coastline may compromise the natural character of the coastline	State at end of paragraph 4 of coastal features that: <i>Protection of road and rail infrastructure along the coastline may compromise the natural character of the coastline.</i>
Issue 11.1	Protection works can adversely affect values in the coastal environment – often these works are done under designations or blanket consents	Add (h) Protection works to protect road and rail infrastructure
Objective 11.2	Historical working areas in the coastal environment should be protected as these areas define the character of a community and provide essential income	Add in Explanation to objective 11.2: Historical working areas in the coastal environment should be protected as these areas define the character of a community and provide essential income for the Community.

General

The issues outlined form the formal feedback on the reviewed chapters of the draft Canterbury Regional Policy Statement. The draft Canterbury Regional Policy Statement will now be notified as a complete document mid-2010. It is important that Kaikoura District Council document their views at every stage during consultation as there will invariably be issues with the final document which will require formal submissions. These comments are the formal feedback from the Kaikoura District

Council and were formulated following internal staff consultation from staff consultation with Waimakariri and Hurunui District Councils.

Recommendation

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

1. Discussion

That Council receives the information outlined in this report.

2. Feedback

That Council endorses the formal feedback on the review of the Canterbury Regional Policy Statement.