

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

PRESENT: Mayor K Heays (Chair), Councillors J Diver, J Macphail, D Holmes, N Pablecheque, B Woods, J Ransley, M McChesney.

IN ATTENDANCE: S Grant (Chief Executive Officer), S Syme (Executive Officer).

1. OPEN FORUM

1080 in the Kaikoura Community

Ted and Ailsa Howard were in attendance and wished to speak regarding 1080 in the Kaikoura Community. T Howard advised he was speaking in support of the motion included in the agenda and would love to see 1080 stopped but advised there had to be a mechanism as controlling as 1080 was currently. He further advised he would like to see 1080 stopped once an alternative method was in place and funding approved.

T Howard advised he would like to see the working group include a wide variety of people and he would like to be a part of the group. Councillor Woods advised this was the broadest minded presentation on the issue Council had seen to date. A Howard advised Kaikoura was a specific issue with so much inaccessible country side. Areas that did not have pest control acted like a seeding area and pest then went back into controlled areas. T Howard felt that perhaps Kaikoura may be able to acquire funding for a trapping programme due to its size. A Howard advised a solution would come from people looking for solutions.

The meeting adjourned at 9.11am and resumed at 10.45am

2. CONFIRMATION OF MINUTES

Council 21/10/2009

Moved by Councillor Woods, seconded by Councillor Diver and resolved that the minutes of the Council meeting held on 21 October 2009 be confirmed as a true and accurate record.

Extraordinary Council 28/10/2009

Moved by Councillor Diver, seconded by Councillor Woods and resolved that the minutes of the Extraordinary Council meeting held on 28 October 2009 be confirmed as a true and accurate record.

3. ADOPTION OF REPORTS

Works and Services Committee 21/10/2009

Moved by Councillor Holmes, seconded by Councillor Ransley and resolved that the report of the Works and Services meeting held on 21 October 2009 be adopted.

Environmental Services Committee 21/10/2009

Moved by Councillor Diver, seconded by Councillor Macphail and resolved that the report of the Environmental Services meeting held on 21 October 2009 be adopted.

Finance & Policy Committee 21/10/2009

Moved by Councillor Pablecheque, seconded by Councillor Macphail and resolved that the report of the Finance and Policy Committee meeting held on 21 October 2009 be adopted.

Tourism & Development Committee 14/10/2009

Moved by Councillor Macphail, seconded by Councillor McChesney and resolved that the report of the Tourism and Development meeting held on 14 October 2009 be adopted.

4. MATTERS ARISING FROM CONFIRMED MINUTES

‘Catch the Day’ Domestic Marketing Campaign

Councillor Macphail advised the campaign had launched and billboards were on display in Christchurch. A report would be presented at the next Tourism and Development Committee meeting on the number of hits the website had received. He advised some bookings had been made through the website already.

5. MINUTES ACTION LIST UPDATE

The Chief Executive Officer advised the Asset Manager was liaising with R Vesey from Environment Canterbury regarding the management of drains in the Kaikoura District.

6. QUOTABLE VALUE

B Bodger of Quotable Value was in attendance to present this item. B Bodger advised Quotable Value had just completed the district wide revaluation. He advised the revaluation had been very interesting and not typical of other revaluation in the South Island. The revaluation date was 1 September 2009 and revaluations were currently undertaken every three years. He further advised the Kaikoura market had very few sales and tended to be quite volatile.

The results of the revaluation showed an overall decrease in capital value of 7% and 9% in land value. Commercial properties had seen an increase in capital value of 3% and 1% in land value. The biggest decrease in value was in the residential sector with a 13% reduction in capital value and a 15% reduction in land value. B Bodger advised apartments and waterfront property had taken a real hit all over the South Island and in Kaikoura these types of properties were a larger percentage of the market. He further advised the number of sections available in the district had doubled.

Values would be available on the Quotable Value website for free.

7. APPOINTMENT OF ELECTORAL OFFICER

Council was required to appoint an Electoral Officer in terms of the Local Government Act 2001. The position was currently held by Warwick Lamp of Elctionz.com. The Chief Executive Officer advised W Lampp had been the Electoral Officer for Council since 2003. Prior to that the Chief Executive Officer had held the position however new regulations meant the Chief Executive Officer could no longer be the Electoral Officer.

Moved by Councillor Diver, seconded by Councillor McChesney and resolved that Warwick Lampp of Electionz.com be appointed as Electoral Officer for the Kaikoura District Council.

8. MAYOR'S REPORT

Mayor Heays advised he had spent some time with journalists from Tourism New Zealand and a reporter from the Daily Telegraph regarding the Whale Watch award. He believed this had received a lot of media coverage.

Mayor Heays had also attended a hui at the Marae, the focus of this was a four year study on uses for sludge from sewerage ponds. The Chief Executive Officer advised this project was being undertaken by Landcare and the University of Canterbury in conjunction with the forestry department and they were investigating what to do with biosolids in smaller communities. A proposal had been put together to investigate Taupo and Kaikoura and it would cost around \$7 million to complete.

9. COUNCIL PUBLIC EXCLUDED

Moved by Mayor Heays, seconded by Councillor Macphail and resolved that the public be excluded from the following parts of the proceedings of this meeting, namely

- a. Confirmation of Minutes 21/10/2009***
- b. Confirmation of Tourism and Development Minutes 14/10/2009***
- c. New Zealand Police Update***
- d. Development Contributions Review Committee Report***

The meeting adjourned at 11.55am and resumed at 1.00pm

10. MAYOR'S REPORT CONTINUED

Mayor Heays advised the Kaikoura Community Facilities Charitable Trust had held two meetings. The Trustees from the first meeting had decided to look at potential sites the third meeting of the trustees would include site visits. He further advised the Trustees were keen to visit a number of new aquatic facilities in towns of a similar size.

Councillor Pablecheque entered the meeting at 1.04pm.

Mayor Heays advised in the mean time the Trustees would be collecting concept drawings. An appropriate site and general consensus of the type of complex would go out to the public at the same time.

Mayor Heays requested leave of absence from the December meeting.

Moved by Councillor Woods, seconded by Councillor McChesney and resolved that Mayor Heays be granted leave of absence from the December 2009 meeting.

11. 1080 IN THE KAIKOURA COMMUNITY

Mayor Heays believed there was an increase in community support for Council's around the country to make a particular stand when considering 1080 usage. He felt because Kaikoura was a small community and there were a lot of views on the subject and an authoritarian approach was not applicable. Mayor Heays recommended a community based working party be formed. He advised as the proposer of the recommendation he would have personal input into workshops and a mediatory chairperson would be appointed. The idea being to provide Council with guidance from the community perspective. He did not wish for this to be a long process.

Moved by Councillor Woods, seconded by Councillor Ransley and resolved that Council agree to form a community-based working party to investigate and accumulate appropriate information regarding pest control within our district, and to report back to Council with, at the least, guidelines from which Council may follow to address concerns of the community regarding this activity throughout the district.

Councillor Macphail enquired if a decision made by the community would have over reaching control over any 1080 resource consent granted. The Chief Executive Officer advised this would not be the case however it would give Council a steer on how the community should use 1080. A submission could be made on the basis of knowing what the community wanted. He further advised if Council had a view on 1080 this could be taken up at forums like the Local Government Rural Sector meeting. The view could also be incorporated in future Long Term Council Community Plans and felt it was about advocating on behalf of Kaikoura.

Councillor Diver felt the process was never going to solve the 1080 debate and believed there was always going to be people for and against 1080 and Council was not an authority on the subject. He believed if people were opposed or for the use of 1080 they should make use of the submission process. He advised Council, through Marlborough Regional Forestry, was currently involved with fumigating logs in Picton. Councillor Woods advised there were two sides to the debate and to date nobody had proved that TB in possums was transferrable to meat. Councillor Ransley felt there were broader issues which needed to be discussed including the effect on Tourism.

Against: Councillor Diver

12. DELEGATIONS IN TERMS OF THE RESOURCE MANAGEMENT ACT

The District Planner advised changes to the Resource Management Act in October had resulted in new sections being introduced to the Act and other sections repealed. The changes to the Act required the existing delegations, last amended on the 15th of July 2009, to be updated.

Moved by Councillor Diver, seconded by Mayor Heays and resolved that the following current delegations be deleted;

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)

The following delegations are added;

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 remains with Council

	<i>duties under this Act</i>		
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</i>	PC	This is a new ability

	<i>(considering the preparation of appropriate combined documents)</i>		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 legal effect.</i>	CEO + DP	Changes effectively 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 when 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 the Environment Court.</i>	DP	Section requires that planning reports must be submitted to the Environment Court were matters are directly referred to the Court by the Council at the request of an applicant.

The following delegations are amended and that the in house delegation folders updated.

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</i>	CHA, CPC, or hearings	Delegation changed to reflect changes from 34(1) to 34A, context of

	<i>Act 1908 – order, evidence, witness, summons etc.</i>	commissioner (34A)	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	<i>Right of objection to local authorities against certain decisions-</i> <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> <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> <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> <i>(6) A requiring authority whose notice to a territorial authority is declined under section</i>	ESC	Update reflects changes to Act.

	<p><i>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>		
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13. CANTERBURY REGIONAL COUNCIL REGIONAL POLICY STATEMENT REVIEW

The District Planner advised Council staff had met with Regional Council staff regarding draft chapters in the review of the Regional Policy Statement. Staff had been concerned about the new landscape chapter. The District Planner advised the Regional Council had commissioned a study without any consultation with territorial authorities. Formal feedback had been provided to the Regional Council in regard to the Landscape Chapter, Biodiversity and the Kaikoura Harbour. The draft Canterbury Regional Policy Statement would now be notified in entirety.

Moved by Councillor Woods, seconded by Councillor Macphail and resolved that the report be received and Council endorses the formal feedback on the review of the Canterbury Regional Policy Statement.

14. COMMITTEE UPDATES

Alcohol Lecture Series

Councillor Woods advised Doug Sellman had stopped in Kaikoura and provided an abridged version of his presentation to 24 people at the Catholic Hall which she had attended.

KITI Building

Councillor Macphail advised KITI had selected a local contractor to undertake the building work at the existing i-Site building. He advised the price for the project had been reduced by changing the roof line.

Seafest

Councillor Macphail advised the Seafest committee would be donating a further ten picnic tables to the Kaikoura community.

Lions Pool

Councillor Diver advised the Kaikoura Lions Pool would open for the season the following day.

There being no further business the meeting closed at 2.15pm