

**MINUTES OF THE COUNCIL MEETING HELD AT
9.00AM ON WEDNESDAY 16 DECEMBER 2009 IN
MEMORIAL HALL SUPPER ROOM, ESPLANADE,
KAIKOURA.**

PRESENT: Deputy Mayor B Woods (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).

APOLOGIES: Mayor K Heays.

Moved by Councillor McChesney, seconded by Councillor Holmes and resolved that apologies be accepted.

1. OPEN FORUM

No members of the public wished to be heard in the open forum.

The Council meeting adjourned at 9.01am and resumed at 10.47am

2. CONFIRMATION OF MINUTES

Council 18/11/2009

Moved by Councillor Macphail, seconded by Councillor Pablecheque and resolved that the minutes of the Council meeting held on 18 November 2009 be confirmed as a true and accurate record.

3. ADOPTION OF REPORTS

Works and Services Committee 18/11/2009

Moved by Councillor Holmes, seconded by Councillor McChesney and resolved that the report of the Works and Services meeting held on 18 November 2009 be adopted.

Environmental Services Committee 18/11/2009

Moved by Councillor Macphail, seconded by Councillor Ransley and resolved that the report of the Environmental Services meeting held on 18 November 2009 be adopted.

Finance & Policy Committee 18/11/2009

Moved by Councillor Pablecheque, seconded by Councillor Macphail and resolved that the report of the Finance and Policy Committee meeting held on 18 November 2009 be adopted.

Social Services Committee 2/12/2009

Moved by Councillor McChesney, seconded by Councillor Pablecheque and resolved that the report of the Social Services Committee meeting held on 2 December 2009 be adopted.

Tourism & Development Committee 11/11/2009

Moved by Councillor Macphail, seconded by Councillor Pablecheque and resolved that the report of the Tourism and Development meeting held on 11 November 2009 be adopted.

4. MATTERS ARISING FROM CONFIRMED MINUTES

District Revaluation

Councillor Macphail advised he was surprised at how low some property values were following the district wide revaluation especially when the average change in valuation had been 7% for capital value and 9% for land value. The Chief Executive Officer advised this was the district average however there would be areas where the percentage change would be higher. He advised there were some commercial properties which had seen an increase in value. He further advised as a result when setting rates in the coming year, even if Council did not require much more money, some properties would have increases and some would have decreases in rates.

5. COMMITTEE UPDATES

Mayfair Theatre

Councillor McChesney advised the Dell Girls would be performing at the Theatre on the 5th of March. The Dell Girls were a three piece eclectic band. A bachelor auction would be held on Valentines weekend.

Tasman Regional Sport Trust

Councillor Diver advised the Tasman Regional Sport Trust would hold a meeting in Kaikoura in October 2010.

Creative Arts Council

The Creative Arts Council funding round had closed and money had been allocated to Donegal House Irish Dancers to go towards costumes and the Maori Creative Arts Project.

Canterbury Economic Development Company

Councillor Macphail advised the company had decided on projects they would be supporting however the Government advised the company needed to change their priorities.

6. BUILDING DELEGATIONS

The Senior Building Control Officer advised two amendments to the building delegations had been made following changes to the Building Act. He advised the two major changes in the Act were Project Information Memorandums would become voluntary and developers could have plans approved for construction by the Department of Building and Housing. Council would still issue the consent on these plans but would have no input into the plans unless there was an amendment made.

Moved by Councillor McChesney, seconded by Councillor Ransley and resolved that Council adopt the following delegations;

SCHEDULE OF DELEGATED AUTHORITIES.
Dave Laughton / Tony Jeal / Steve Dale - Building Control Officers

This schedule for Warrant identifies that the holder is authorised and appointed by the Kaikoura District Council 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 its functions powers and duties for the Building Act 2004 as listed in the following schedule:

Sections of the Building Act 2004	General description of the function, power or duty to be delegated
	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
34 (1)	Issue project information memoranda
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
35	Decide what information needs to be included in a project information memorandum
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
	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
48	Process building consent applications and have regard to any New Zealand Fire Service Commission 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
50	Determine whether to refuse any building consent and give written notice of the refusal and the reasons
51	Issue building consents
52	Determine applications for extension of time in which to commence building work
54	Advise a building consent applicant of the amount of the levy for a building consent
67	Determine whether a building consent is granted subject to a waiver or modification of the building code and impose any conditions considered appropriate
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.
74	Determine if any hazardous land entry on a certificate of title is no longer required
75/77	Issue and authenticate a certificate imposing a section 75(2) condition on a building consent
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
90 (1)	<p>Inspections by building consent authorities:-</p> <p>Every building consent is subject to the condition that agents authorised by the building consent authority for the purposes of this section are entitled, at all times during normal working hours or while building work is being done, to inspect:-</p> <ul style="list-style-type: none"> a) land on which building work is being or is proposed to be carried out: and b) building work that has been or is being carried out on or off the building site: and c) any building.

222 (1)	<p>Inspections by territorial authorities:-</p> <p>An authorised officer is entitled at all times during normal working hours or while building work is being carried out :-</p> <ul style="list-style-type: none"> a) to inspect – <ul style="list-style-type: none"> i) land on which building work is or is proposed to be carried out; and ii) building work that has been or is being carried out on or off the building site; and iii) any building: and b) to enter premises for – <ul style="list-style-type: none"> i) the purpose of inspecting the building; or ii) the purpose of determining whether the building is dangerous, earthquake prone, or insanitary within the meaning of subpart 6 of Part 2.
	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
93-95	Determine all matters relating to whether a code compliance certificate will be issued, including requiring further information, and issue code compliance certificates
	CERTIFICATE OF ACCEPTANCE
96/98	Determine whether to grant or refuse an application for a certificate of acceptance and issue certificate of acceptance
98 (2)	Require further information on an application for a certificate of acceptance
99	Determine whether any qualification should be made and make any such qualification on any certificate of acceptance

	COMPLIANCE SCHEDULES AND BUILDING WARRANTS OF FITNESS
102	Issue a compliance schedule
103	Determine the content of a compliance schedule
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
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
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
110	Require production of annual written reports
	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
113	Determine conditions and grant building consents for buildings with specified intended lives
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
116	Determine whether to permit the extension of life of a building with a specified intended life

116 (A)	Determine whether to give effect to a subdivision that affects a building
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	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
126	Apply to the District Court for an order to carry out work and recover costs from the owner
	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
165	Determine the content of any notices to fix
167 (1)	Inspect, or arrange for an authorized agent to inspect, the building work to which any notice to fix relate
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
	MATTERS RELATING TO DETERMINATIONS
177	Apply to the Chief Executive of Department of Building & Housing for a determination
180	Withdraw any application for a determination
	Make a submission on or appear at any determination hearing
189	Apply for the clarification of a determination

	INFRINGEMENT NOTICES
372	Determine whether any of the circumstances in s373(1) apply and issue infringement notices
373	Determine the content of any Infringement Notices
Clause K Schedule 1	Exempt building work

7. PROPOSED BUILDING CONSENT FEE INCREASE 2010

The Senior Building Control Officer advised a fee increase of 20% had been proposed the previous year however it was felt this increase was too large in one year. An increase of 10% had been applied the previous year and it was proposed an increase of 10% be applied effective 1 January 2010. The fee for a Project Information Memorandum would not change.

'Risk Pool' Council's insurers had increased the annual premium by \$35,000 due to the "Leaky Homes Syndrome". The Chief Executive Officer advised Council had been paying between \$18,000- \$20,000 per year but it was expected the increased amount could be payable for the next five years. There would still be a shortfall within the building department finances however the increased fees would cover some of the shortfall.

The Senior Building Control Officer advised from 1 February 2009 Project Information Memorandums would become voluntary. Council was planning to introduce a 'Planning and Building Site Assessment' for those people not wanting a Project Information Memorandum. This would be charged on a cost recovery basis with a \$200 deposit payable on application.

Moved by Councillor Pablecheque, seconded by Councillor Macphail and resolved that Council adopt the Building Control Fees as per the schedule below and the fees come into effect on 1 January 2010.

Building Control Fees

These prices include processing, set inspections, and Code Compliance Certificate unless otherwise stated. Extra inspections required will be charged out at \$132.00 per inspection. (Prices includes GST). Building Consent Category A1 to D1 are **Deposit Only** with any extra costs invoiced to the client. Building Consent Category E1 to M1 and including W1, 2, 3, 4 will be subject to extra processing costs if these category's are processed by outside **Building Consultants**. (PBA – Planning/Building Assessment)

			Total Price	P.B.A	Proc/insp	Makeup of price
A1	Com/Ind	>\$500,000	\$3,630.00 (deposit)	\$285.00		
B1	Com/Ind	<\$500,000	\$2,302.00 (deposit)	\$190.00	\$2,112.00	(2hr PBA/ 4hr processing/11insp/cc)
B2	Com/Ind	Medium	\$1,642.00 (deposit)	\$190.00	\$1,452.00	(2hr PBA/ 3hr processing/7 insp/cc)
B3	Com/Ind	Small with PBA	\$1,019.00.00 (dept)	\$95.00	\$924.00	(1hr PBA/ 2hr processing/4 insp/cc)
B4	Com/Ind	Small without PBA	\$660.00 (deposit)		\$660.00	(no PBA/ 2hr processing/ 2insp/cc)
C1	Com Accom	>9 occupants	\$3,585.00 (dept)	\$285.00	\$3,300.00	(3hr PBA/ 10hrs processing/14 insp/cc)
D1	Com Accom	<9 occupants	\$3,009.00 (deposit)	\$237.00	\$2,772.00	(2 ¹ / ₂ PBA/ 7hrs processing/13 insp/cc)
E1	Res dwelling	> 250m ²	\$2,698.00	\$190.00	\$2,508.00	(2hr PBA/ 8hrs processing/ 10 insp/cc)
F1	Res dwelling	<250m ²	\$2,302.00	\$190.00	\$2,112.00	(2hrs PBA/ 7hrs processing/ 8 insp/cc)
F2	2 flats one PBA		\$3,182.00	\$190.00	\$2,992.00	(2hrs PBA/7hr processing/ 16 insp/cc)
NON DWELLING ALTERATIONS						
F3	Building Alter – Large	(non dwelling)	\$2,038.00	\$190.00	\$1,848.00	(2hrs PBA/ 6hr processing/ 7 insp/cc)
FA	Building Alter – Medium	(non dwelling)	\$1,547.00	\$95.00	\$1,452.00	(1hr PBA/ 4 hrs processing/6 insp/cc)

FB Building Alter - Small PBA 5 inspections inspec/ccc)	\$1,151.50	\$95.00	\$1,056.00	(1hr PBA/2hr processing/5
FC Building Alter - Small no PBA/5insp inspec/ccc)	\$1,056.00		\$1,056.00	(no PBA/2hr processing/5
FD Building Alter - Small PBA 4 inspections insp/ccc)	\$1,019.00	\$95.00	\$924.00	(1hr PBA/2hr processing /4
FE Building Alter - Small no PBA/4 inspections inspec/ccc)	\$924.00		\$924.00	(no PBA/ 2hr processing/4
FF Building Alter – Small PBA 3 inspections inspec/ccc)	\$887.00	\$95.00	\$792.00	(1hr PBA/2hr processing/3
FG Building Alter - Small No PBA 3 inspections inspec/ccc)	\$792.00		\$792.00	(no PBA/2hr processing/3
FH Building Alter – Small PBA/2 inspec inspec/ccc)	\$755.00	\$95.00	\$660.00	(1hr PBA/2hr processing/2
FI Building Alter - Small no PBA/2 inspec inspec/ccc)	\$660.00		\$660.00	(no PBA /2hr processing/ 2
DWELLING ALTERATIONS				
G1 Dwelling Alter – Large insp/ccc)	\$1,906.00	\$190.00	\$1,716.00	(2hrs PBA/5 hrs processing/7
H1 Dwelling Alter – Medium insp/ccc)	\$1,547.00	\$95.00	\$1,452.00	(1hr PBA/ 4 hrs processing/6
H4 Dwelling Alter Small PBA 5 inspections inspec/ccc)	\$1,151.00	\$95.00	\$1,056.00	(1hr PBA/2hr processing/5
H8 Dwelling Alter - Small No PBA/5 inspects inspec/ccc)	\$1,056.00		\$1,056.00	(no PBA/2hr processing/5
H2 Dwelling Alter - Small PBA 4 inspections insp/ccc)	\$1,019.00	\$95.00	\$924.00	(1hr PBA/2hr processing /4
H6 Dwelling Alter Small <i>no PBA</i> /4 inspections inspec/ccc)	\$924.00		\$924.00	(no PBA/ 2hr processing/4
H7 Dwelling Alter – small PBA 3 inspections inspec/ccc)	\$887.00	\$95.00	\$792.00	(1hr PBA/2hr processing/3
H3 Dwelling Alter -Small <i>No PBA</i> 3 inspections inspec/ccc)	\$792.00		\$792.00	(no PBA/2hr processing/3

H9	Dwelling Alter - Small PBA/2 inspec inspec/ccc)		\$755.00	\$95.00	\$660.00	(1 hr PBA/2hr processing/2
H5	Dwelling Alter Small <i>no PBA</i> /2 inspec inspec/ccc)		\$660.00		\$660.00	(no PBA /2hr processing/ 2
I1	Dwelling reloc Foundation & services inspec/ccc)		\$1,378.00	\$190.00	\$1,188.00	(2hr PBA/4hr processing/4
J1	Garage with plumbing inspec/ccc)		\$1019.00	\$95.00	\$924.00	(1hr PBA/ 2hr processing/4
J2	Awning etc 2 inspect/PBA processing/2insp/incl ccc)		\$623.00	\$95.00	\$528.00	(1hr PBA/2hr
K1	Garage/farm bg 2 inspects/PBA inspec/ incl ccc)		\$623.00	\$95.00	\$528.00	(1hr PBA/2hr processing/ 2
K2	Garage reloc foundations & stormwater processing/1spec/incl ccc)		\$491.00	\$95.00	\$396.00	(1hr PBA/ 2 hr
K3	Garage existing PBA processing/2insec/incl ccc)		\$528.00		\$528.00	(no PBA/ 2hr
K4	2 garages/farm 2 garages with 1 PBA inspec/ incl ccc)		\$887.00	\$95.00	\$792.00	(1hr PBA/2hr processing/4
K6	Garage + 1 Garage extra inspection inspec/ incl ccc)		\$755.00	\$95.00	\$660.00	(1hr PBA/2hr processing/3
L1	Sleepout no plumbing inspec/ccc)		\$887.00	\$95.00	\$792.00	(1hr PBA/2hr processing/3
M1	Sleepout with plumbing inspec/ccc)		\$1,019.00	\$95.00	\$924.00	(1 hr PBA/2hr processing/4
N1	Demol/Repl Residential or Commercial inspec incl ccc)		\$623.00	\$95.00	\$528.00	(1hr PBA/2hr processing/ 2
O1	Septic tank/drain New or replacement inspec inclccc)		\$425.00	\$95.00	\$330.00	(1hr PBA/1 ¹ / ₂ hr processing/1
O2	Plumbing Minor plumbing/drainage needed)		\$132.00		\$132.00	(1 inspec only – no processing
P1	Minor work Minor alterations (1 inspec) processing/1inspec incl ccc)		\$264.00		\$264.00	(no PBA/1 hr
P2	Minor work Minor alterations + extra inspe		\$396.00		\$396.00	(no PBA/1hr process/2 inspec

incl ccc)						
R1	Solid Fuel Heaters	Freestanding	\$133.65		\$133.65	(special rate free standing)
S1	Solid Fuel Heaters	Inbuilt	\$222.75		\$222.75	(special rate inbuilt)
T1	Masts & Misc	Specific Design	\$491.00	\$95.00	\$396.00	(1hr PBA/1 hr processing/1 inspec/ccc)
T2	Masts & Misc	no PBA	\$660.00		\$660.00	(1 hr processing/3 inspec/ccc)
T3	Small Signs		\$132.00		\$132.00	(1 inspection cover proc & inspec)
T4	Marquee over 50m ²		\$66.00		\$66	
T5	Marquee over 50m ²	more than 1	\$99.00		\$99.00	
U1	Rectification work		\$132.00		\$132.00	
	PBA only	Commercial >\$500,000	\$285.00			
	PBA only	Commercial Accom >9	\$285.00			
	PBA only	Commercial Accom <9	\$237.00			
	PBA only	Com/Residential/relocation	\$190.00			
	PBA only	Med/Small/garage	\$95.00			
W1	Dwelling Existing	PBA	\$2,112.00			
W2	Large Dwelling Existing	PBA	\$2,508.00			
W3	Large Alterations Existing	PBA	\$1,848.00			
W4	Med alterations existing	PBA	\$1,452.00			
X1	Work No Fees					
B.O.W. Audit Section 108 BA04 - \$132 per hour						
	Compliance Schedule/or amendments		\$132.00 + costs			<u>Building Compliance Levy</u>
	Notice to fix		\$130.00 + costs			.4% of value of building work up to \$20,000 or
	Section 37 (RMA Matters)		\$132.00 per hour			.13% of value of building work \$20,000 and over
	Section 52 (Lapse of Building Consent)		\$132.000 plus costs			
	Certificate of Acceptance (Sec 99) Application fee		\$550.0 +			
	Building Consent fee, levies if applicable plus any Cost of Legal Review.					
	Brnz Fee		.1% of value of building work over \$20,000	DBH		.197 of value of building work over \$20,000

8. NATURAL RESOURCES REGIONAL PLAN

Environment Canterbury had prepared some draft plan provisions for consultation regarding the Air Plan. The matters subject to consultation were outdoor burning in residual areas and a plan change regarding emergency provisions. The closing date for formal comment had been 4 December 2009.

The District Planner had provided formal feedback to Environment Canterbury by the due date. Support was given regarding the use of non compliant indoor fires when there was a power outage or a similar emergency. The Natural Resources Regional Plan made outdoor burning an activity which required consent in the urban and residential areas. The District Planner expressed concern in settlement areas which were residential under the plan because it was unreasonable to expect transportation of green waste and untreated wood long distances when the long distance transportation may have more adverse effects on air quality than burning.

Moved by Councillor Ransley, seconded by Councillor Pablecheque and resolved that;

- 1. Council receive the information.*
- 2. Council endorse the feedback on the statutory consultation for the proposed Plan Change 1 and Variation 15 and 16 to the Natural Resources Regional Plan for Canterbury.*

9. MINISTRY FOR ECONOMIC DEVELOPMENT CROWN MINERALS SURVEY

The District Planner advised seismic survey commenced on 14 November in the Pegasus Basin. No consultation was undertaken prior to the commencement of the survey. On 23 November a meeting was organized by Crown Minerals with marine mammal operators. The District Planner attended this meeting as a Council and Te Korowai representative.

The District Planner advised little was known about the effect of Seismic Survey operations on marine mammals. Marine mammal operators were concerned about the effect the survey could have on mammals particularly over the summer months. Councillor Macphail felt Crown Minerals had been surprised by the reaction they received from Kaikoura and operators had let them know they were not happy. As a result of the meeting a greater area was excluded from the seismic survey. It was noted the survey was weather dependent but should be completed prior to Christmas.

Moved by Councillor Macphail, seconded by Councillor Woods and resolved that the Ministry for Economic Development Crown Minerals Survey be received.

10. REGIONAL LAND TRANSPORT STRATEGY COMMENTS

The District Planner advised Council had been asked to comment regarding what information should be included in the Regional Land Transport Strategy and what direction the strategy should take. The

Regional Land Transport Strategy was a 30 year strategy and submissions had closed on 9 December 2009.

The District Planner had suggested a grass roots approach needed to be taken with regard to supporting smaller towns in the region which could lead by example. He felt special regard needed to be given to the following; the importance of smaller communities, effects of climate change on existing and future networks and scarcity of natural resources when developing and promoting transport options.

Moved by Councillor Pablecheque, seconded by Councillor Woods and resolved that the submission to the Regional Land Transport Strategy be received.

11. MAYORS REPORT

The Mayor and the Chief Executive Officer had attended a meeting in Ashburton regarding Environment Canterbury's performance. Each district was allocated a time to speak frankly and confidentially regarding their issues and concerns. All concerns raised were generally similar. The Chief Executive Officer advised the review committee had planned to provide a recommendation in February.

The meeting adjourned at 12.08pm and resumed at 1.03pm.

12. YOUTH COUNCIL

E Parkinson and the Community Development Officer were in attendance to present this item. E Parkinson advised Youth Council had held meetings regarding fundraising activities. He advised the Youth Council had a lot of new members and there was now a large number of younger members.

A Mayfair Theatre fundraiser was to be held at the theatre in December. The movie would be New Moon and people would be encouraged to dress up and a sausage sizzle would be run on the night.

13. COUNCIL PUBLIC EXCLUDED

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

- a. Confirmation of Minutes 18/11/2009***
- b. Pacifica Lease***

There being no further business the meeting closed at 2.15pm.