

MINUTES OF THE COUNCIL MEETING HELD AT 9.00AM ON WEDNESDAY 16 MARCH 2011 IN MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.

PRESENT: Mayor W Gray (Chair), Councillors S Burrows, J Diver, G Harmon, D Holmes, J Macphail, D Morgan, N Pablecheque.

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

1. OPEN FORUM

Peninsula Water Tank Mural – Basking Shark

Paul Turner was in attendance. He advised he had visited the site and had spoken to visitors about how they felt about the Basking Shark on the mural. He advised all the people he had spoken to had said the Basking Shark on the mural was not offensive and it would not stop them from swimming in the water. On the day he had visited there had only been 11 people but he had asked them to put their comments in writing.

P Turner advised he did not know where tourism operators were getting their information from and he did not believe they were giving tourists any credit. He advised in Cornwall people went swimming with Basking Sharks and if the Basking Sharks ever came back here he guaranteed there would be people swimming with them. He noted Basking Sharks were third on the endangered species list. He also noted there were already dolphins on the water tank.

P Turner advised he would not like to see too many plants in the area as these could intrude on the view but he noted there was a lot of glass up at the site. He advised he was concerned about all of the money which was now available from organisations for projects and noted there had been no money when some people had wanted to get a tourist tax going. He felt Council had to find money to carry on with projects other people started and he would rather see money spent on youth, crime fighting and footpaths. He felt money should be put in to trees and shrubs when everything else was right.

The meeting adjourned at 9.06am and resumed at 10.38am

2. CONFIRMATION OF MINUTES

Council 16/02/2011

Moved by Councillor Pablecheque, seconded by Councillor Harmon and resolved that the minutes of the Council meeting held on 16 February 2011 be confirmed as a true and accurate record.

3. ADOPTION OF REPORTS

Works and Services Committee 16/02/2011

Moved by Councillor Holmes, seconded by Councillor Pablecheque and resolved that the report of the Works and Services meeting held on 16 February 2011 be adopted.

Environmental Services Committee 16/02/2011

Moved by Councillor Burrows, seconded by Councillor Morgan and resolved that the report of the Environmental Services meeting held on 16 February 2011 be adopted.

Finance & Policy Committee 16/02/2011

Moved by Councillor Pablecheque, seconded by Councillor Harmon and resolved that the report of the Finance and Policy Committee meeting held on 16 February 2011 be adopted.

Social Services Committee 02/03/2011

Moved by Councillor Morgan, seconded by Mayor Gray and resolved that the report of the Social Services Committee meeting held on 2 March 2011 be adopted.

Tourism and Development Committee 09/02/2011

Moved by Councillor Harmon, seconded by Councillor Macphail and resolved that the report of the Tourism and Development Committee meeting held on 9 February 2011 be adopted.

5. MINUTES TO BE RECEIVED

Hearings and Applications Committee 10/02/2011

Moved by Councillor Diver, seconded by Councillor Pablecheque and resolved that the minutes of the Hearings and Applications Committee meeting held on 10 February 2011 be received.

5. MATTERS ARISING FROM CONFIRMED MINUTES

Enlarged Rural Fire District

The Chief Executive Officer advised a meeting had been held the previous evening and volunteers had been informed about the concept of an Enlarged Rural Fire District. Representatives from Goose Bay, Kaikoura and the Clarence fire teams had attended the meeting. He advised there had been uncertainty and questions as to the need for an Enlarged Rural Fire District and how it would affect those on the ground.

Councillor Burrows noted all the volunteers wanted to do was go and fight fires without politics. The Chief Executive Officer advised there should be no change in terms of volunteers on the ground. Councillor Holmes advised he would like to hear the opinion of the volunteers.

6. PLAN CHANGE 1 & 2

The District Planner was in attendance to present this item. She advised Plan Change 1 involved a change to Ocean Ridge with a reduction in some residential areas and an increase in other areas as well as increased lifestyle blocks. The decision on the Plan Change was made by the District Planning Committee. Plan Change 2 was minor corrections to the District Plan to make it clearer for users.

A resolution that the Plan was approved by Council was required.

Moved by Councillor Macphail, seconded by Councillor Pablecheque and resolved that the Kaikoura District Plan, Plan Changes 1 and 2 are approved by the Kaikoura District Council and deemed to be operative in accordance with Clause 20, First Schedule of the Resource Management Act, 1991. The common seal of the Kaikoura District Council was affixed on the 16th day of March 2011.

7. PENINSULA WATER TANK MURAL

Moved by Councillor Diver, seconded by Councillor Holmes that Council consider the beautification of the peninsula water tank area but reconfirms its resolution of 16 September 2009 where in Council declined the request to remove the Basking Shark and that it reconsider such a request if a substantial adverse economic impact was demonstrated and proven to be affecting local Kaikoura businesses.

Councillor Harmon felt the officer's report regarding the mural was a bit mischievous and was making wrong statements. He advised Encounter Kaikoura had asked for the shark to be removed and the operators would cover the costs. He noted the report said it was understood the operators had not been adversely affected but the operators perceived their business had been affected and he felt to ask them to open their books was outrageous. He further advised the businesses who signed the original letter probably employ 150 people and there were two businesses who believed the mural did have an effect on them and he did not think Council could say it did not. He felt it was unreasonable and impossible to quantify.

Councillor Harmon advised part of the Tourism and Development Committee mission statement was to support local business but there was nothing in it about supporting an itinerant artist. He advised Dolphin Encounter and Whale Watch were a big part of the town and he felt Council should show them some respect.

Councillor Diver advised people at the youth hostel had been asked about the mural and none of them had been put off by the mural on the water tank. Councillor Harmon advised Basking Sharks were not iconic for Kaikoura he felt it was something an artist had wanted on the tank and it had turned into a media circus.

Councillor Burrows advised after receiving a letter from Mr. Buurman the previous year he had spent a weekend in October surveying people. He did not talk to them until they had got back to their car. He advised over half of those spoken to had never noticed the mural and only one person had said that it could be appropriate to have whales and dolphins on the tank. He further advised back in the 1930's, 40's and 50's Basking Sharks had been plentiful in Kaikoura but they had basically been slaughtered. He believed the Basking Shark was part of Kaikoura and felt maybe the time to readdress the mural was when it had faded or the new tank was installed. Both Councillor Holmes and Burrows felt

people should not be walking on top of water tanks and felt this needed to be addressed when the new tank was installed.

Councillor Morgan advised there was no clear indication that the mural was to include a Basking Shark and she noted economic impact does not feature in previously recorded comments. She felt if Council was not prepared to consider minor concerns then how could they expect to achieve the outcome of community involvement in planning in the future and managing the present which was specially about improving consistent and transparent local governance, encourage dialogue about change, obtain broad direction and benefit from the maximum application of local knowledge and expertise. She believed Council had the opportunity to look beyond what was a side show issue and look at what was really important which was coming together as a community, developing and strengthening relationships, listening to what people were saying and making decisions that looked at the bigger picture and desired outcomes. She advised she was against the recommendation.

Mayor Gray advised he had received a letter regarding the mural and his personal view was he would rather not see a Basking Shark on the mural. Mayor Gray felt through the debate it had become a them and us attitude and he felt Kaikoura was about whales and dolphins and he felt the letter from Encounter Kaikoura was genuine.

The Chief Executive Officer advised Council had listened to views on both sides and they had been polarized and the rationale was if it was not broken then don't fix it. He advised the letter from Encounter Kaikoura did not mention economic impact therefore there was no justification for Council to change their view.

The motion was put and lost.

Against: Mayor Gray, Councillors Harmon, Pablecheque, Macphail, Morgan and Burrows.

Councillor Harmon suggested the Basking Shark be removed from the tank and that businesses who were concerned be given the opportunity to pay for the removal and any remedial work that was to be undertaken. He advised if they do not wish to pay then it shouldn't be done.

Councillor Diver believed he matter should go back to the community for feedback as it was a community asset. Councillor Morgan noted there was no initial consultation about what was going on the mural and wondered if there was room for some compromise. She advised if people were able to swim with sharks perhaps the mural could be adjusted to reflect that better.

Moved by Councillor Harmon, seconded by Councillor Pablecheque and resolved that the Tourism and Development Committee recommendation remain on the table and Encounter Kaikoura be asked to present a draft design for the mural at the next Council meeting.

Against: Councillor Diver

8. COUNCIL PUBLIC EXCLUDED

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

- a. New Zealand Police Update*
- b. Confirmation of Minutes 16/02/2011*
- c. Forestry*

The meeting adjourned at 12.00pm for lunch and resumed at 1.00pm.

9. YOUTH COUNCIL

A Priddle and the Community Development Officer were in attendance to present this item.

A Priddle advised there were currently 15 active Youth Council members. Current activities for the Youth Council were;

- Mayfair Theatre – trying to get more revenue for the theatre
- Youth Community Space – looking at moving to the Scout Hall as a permanent space
- Website – a face book page and an independent website where people could advertise had been set up
- NZ Creative Communities – two members had attended a meeting and were part of the decision making process
- Earthquake Appeal – Youth Council had raised \$1500 towards the Christchurch Earthquake
- Beach Volleyball was being held on Sunday 27th March
- Painting of the swimming pool wall
- Revisit of the half basket ball court at Churchill Park.

Councillor Morgan entered the meeting at 1.03pm.

Mayor Gray congratulated Youth Council on their fundraising efforts for the Christchurch Earthquake appeal.

10. ENVIRONMENT CANTERBURY UPDATE

K Heays from Environment Canterbury was in attendance to present this item.

K Heays provided an update on Environment Canterbury's operational capacity and locations following the Christchurch earthquake. He noted there were currently a number of people in Christchurch working from home. He advised Bill Bayfield had been appointed as Chief Executive Officer of Environment Canterbury and would start in June.

K Heays advised he was now a qualified Oil Spill Responder after completing a weeks course with Maritime New Zealand. He advised

there was some response gear in Kaikoura and also a direct line to the Canterbury and Marlborough response team leaders and their equipment.

K Heays advised of a number of initiatives he was currently involved with and he hoped would include council staff, these included; the stage one planting of the St Pauls Restoration Project, an information meeting had been scheduled with the Harbour Master and the Kaikoura owners / users of swing moorings within the Kaikoura Harbour to establish the current location and ownership of our moorings.

K Heays advised Dame Margaret had raised the subject of the possibility of all major rivers becoming river rated like the Kowhai River. He explained all people who lived along a river would be rated specifically for flood protection and/or maintenance works in the river. It was noted Peketa residents had declined the offer to be river rated. He further advised if an area decided not to be river rated they could not really blame anyone if something went wrong.

11. NEW ZEALAND WALKING ACCESS COMMISSION

C Tonkin and R Cullinane were in attendance to present this item. R Cullinane advised the objective of the Walking Access Commission was to negotiate, enhance and maintain walking access for the public but they did not have any cohesive powers. He advised they had been operating since October the previous year and they had created an access code which was generic and common sense. The Walking Access Commission had created a mapping programme, which provided dependable information for landowner and the public and it was free to everyone.

The Walking Access Commission had a fund of approximately \$200,000 per year which granted money for projects which would create or secure access. It was noted the fund closed on the 15th of April.

R Cullinane advised a lot of issues the Commission was involved with related to unformed legal road. He advised the Commission mainly worked with District Councils and private landowners and a lot of what they were dealing with was queries about legality and negotiating access over private land. The aims for the next year included retention of their operational focus an example being a signage project with farmers, promotion of the outdoor access code and implementing the mapping system. R Cullinane advised where the Access Commission was able to work with Council staff things generally worked out well with minimal drama.

12. EARTHQUAKE UPDATE – CIVIL DEFENCE

The District Emergency Management Officer provided an overview of the process from first receiving the message from Civil Defence regarding the February Christchurch Earthquake. A Civil Defence meeting had been held at 7pm that night and a discussion had been held about whether to declare a state of emergency for Kaikoura. Information known was that accommodation was getting tight, the Marae had opened

and fuel supplies were getting low. It was arranged that if supplies were getting low then organisations would contact Civil Defence. Although local supermarkets had experienced panic buying it was decided not to declare an emergency because fuel, food and accommodation were still available. A list of available resources was sent to Christchurch.

The District Emergency Management Officer advised Heartlands had been inundated with people requiring the civil defence package and the 'Drop In Centre' had required assistance in the form of mental health counselors.

The District Emergency Management Officer advised the Japan event had been monitored with the advisory being that there was a marine threat not a land threat to Kaikoura. He advised recent events and predictions had made people aware and hopefully confirmed the need to be prepared to look after themselves.

13. STOCK CONTROL BYLAW 2011

The Asset Manager advised the existing Stock Control Bylaw was no longer valid and a new draft bylaw had been developed. The main objective of the draft bylaw was to control the management and movement of stock on roads within the district, in order to protect people, traffic and stock, while safeguarding the condition of the road. This generally applied to all roads under the care, control and management of Council.

Moved by Councillor Macphail, seconded by Councillor Burrows and resolved that Council adopt the draft Stock Control Bylaw 2011 for consultation and that Council formally consider its adoption after considering and deliberating on submissions received.

The Asset Manager advised the draft Bylaw included a clause which required farmers to clean the roadway of matter brought onto the road way by stock and there was also a penalty clause. Councillor Harmon felt there should be a gypsy day exemption because the problem areas were where farmers went over the same area each day.

14. COMMITTEE UPDATES

Creative New Zealand

Councillor Morgan advised she had attended a Creative New Zealand meeting. The decision had been made to support two groups. One was Tutu's on Tours and the second was dance workshops for students.

Mayfair Theatre

Councillor Morgan advised she had attended the Mayfair Theatre committee meeting. New officer's had been appointed and there were also two youth on the Committee. She advised the new Committee was optimistic they could get some positive things happening at the theatre. It was noted the theatre finances were very glum and accounts were paid as money was received. Councillor Morgan advised the Committee would be looking at more advertising opportunities, tightening up the

shop and also the possibly of decreasing wages. She advised there was talk of Youth Council running the Theatre on one night so the manager did not have to be in attendance.

15. MAYOR'S REPORT

Mayor Gray advised he had attended the Rural Sector meeting on the 17th and 18th of February. Items discussed included;

- The Ministry of Social Development contract mapping system. The system provided an indication of Ministry of Social Development spend in individual areas. He advised the system was still being developed and future development would be to overlay socio-economic and demographic data.
- The Building Act Review. Mayor Gray advised comments made were that the government did not seem to be hearing concerns raised by the sector regarding changes to the Building Act.

There being no further business the meeting closed at 3.20pm.