

KAIKOURA DISTRICT COUNCIL MEETING HELD AT 9.00AM ON WEDNESDAY 20 JULY 2011, IN MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.

AGENDA

1. *Apologies*
2. *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.

3. *Matters of Importance to be raised as Urgent Business*

4. **Minutes to be Confirmed:**

- *Council 15/6/2011* *page 67*
- *Extraordinary Meeting 20/6/2011* *page 73*
- *Extraordinary Meeting 29/6/2011* *page 84*

Reports to be Adopted:

- *Works & Services Committee 15/6/2011* *page 100*
- *Environmental Services Committee 15/6/2011* *page 103*
- *Finance and Policy Committee 15/6/2011* *page 105*
- *Social Services Committee 6/07/2011* *page 107*
- *Tourism & Development Committee 8/6/2011* *page 111*

5. *Matters arising from Confirmed minutes*

6. *11.30am NZ Police Update*

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

7. *Public Forum*

TIME	NAME	SUBJECT
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8. *Youth Council*

- **A representative of the Youth Council will be in attendance at 1.00pm to present this item.**

9. *Environment Canterbury Update*

- **K Heays from Environment Canterbury will be in attendance at 1.15pm to present this item.**

10. *Regional Policy Statement*

- **A representative from Environment Canterbury will be in attendance at 1.30pm to present this item.**

11. *Review of Representation Arrangements* *page 118*
12. *Proposed Changes to the Kaikoura District Sign Bylaw* *page 123*
13. *Tourism and Development Committee Strategic Plan 2011-2016* *page 159*
- At their meeting of 13 July 2011 the Tourism and Development Committee resolved that the Tourism and Development Committee Strategic Plan 2011-2016 be put to Council for approval.
It is recommended Council approve the Tourism and Development Committee Strategic Plan 2011-2016.
14. *Basketball Half Court* *page 162*
15. *Draft Stock Control Bylaw and Policy on Underpasses, Stock Crossing and Races on Road Reserve* *page 165*
16. *Committee Updates*
17. *Mayor's Report* *page 207*
18. *Urgent Business*
19. *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 15/6/2011*
- b. Confirmation of Minutes of Extraordinary Public Excluded meeting on 29/6/2011*
- c. New Zealand Police Update*

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 15/06/2011	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 holding the information to carry out without prejudice or disadvantage, commercial activities.	Section 48(1)(a) and 7(2)(h)
Minutes of the public excluded Extraordinary meeting 29/06/2011	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to protect the privacy of natural persons, including that of deceased natural persons; to enable the local authority holding the information to carry out without prejudice or	Section 48(1)(a) and 7(2)(a), 7(2)(h)

	disadvantage, commercial activities.	
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 protect information which is subject to an obligation of confidence or which a person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.	Section 48(1)(a) and 7(2)(c)(ii)

Review of Representation Arrangements for Elections of Territorial Authorities

In 2011, the Council is requested to undertake a review of the representation arrangements for the upcoming Triennial Election in 2012.

Section 19H of the Local Electoral Act 2001 states:

19H Review of representation arrangements for elections of territorial authorities –

- (1) A territorial authority must determine by resolution, and in accordance with this Part, -
 - (a) whether the members of the territorial authority (other than the mayor) are proposed to be elected
 - (i) by the electors of the district as a whole; or
 - (ii) by the electors of 2 or more wards; or
 - (iii) in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
 - (b) in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
 - (c) in any case to which paragraph (a)(iii) applies, -
 - (i) the proposed number of members to be elected by the electors of the district as a whole; and
 - (ii) the proposed number of members to be elected by the wards of the district; and
 - (d) in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies, -
 - (i) the proposed name and the proposed boundaries of each ward; and
 - (ii) the number of members proposed to be elected by the electors of each ward.
- (2) The determination required by subsection (1) must be made by a territorial authority, -
 - (a) on the first occasion, either in 2003 or in 2006; and
 - (b) subsequently, at least once in every period of 6 years after the first determination.
- (3) This section must be read in conjunction with section 19ZH and Schedule 1A

Section 19(L) goes on to say that:

19L Distribution of copies of resolution

If a territorial authority or regional Council makes a resolution under section 19H or section 19I or 19J, that territorial authority or region Council must, as soon as practicable after making that resolution, -

- (a) send a copy of that resolution to –

- (i) the Commission, and
 - (ii) the Surveyor-General; and
 - (iii) The Government Statistician; and
 - (iv) The Higher Salaries Commission or the Remuneration Authority.
- (b) In the case of a resolution made by a regional Council, send a copy of that resolution to every territorial authority whose district or a part of whose district is within the region; and
- (c) in the case of a resolution made by a territorial authority, send a copy of that resolution to any regional Council for a region in which the district of the territorial authority or any part of that district is situated.

Section 19A Membership of territorial authorities states:

Every governing body of a territorial authority is to consist of not fewer than 6 members nor more than 30 members, including the mayor, who are the members of the territorial authority.

Section 19C Basis of election of members of territorial authority sets out that:

- (1) A district of a territorial authority may be divided into wards for electoral purposes.
- (2) If a district is divided into wards, some of the members of the territorial authority may be elected by the electors of the district as a whole, but, in that case, the other members of the territorial authority must be elected by the electors of each ward of the district.
- (3) Each ward must elect at least 1 member of the territorial authority.
- (4) If a district is not divided into wards, the members of the territorial authority must be elected by the electors of the district as a whole.
- (5) If a district is divided into wards, each member of the territorial authority representing a ward must be elected by the electors of that ward.

Since its formation, the Kaikoura District Council has had its members elected at large, i.e. by the district as a whole. Prior to its formation, the former Kaikoura County Council had elections by Ward. The district currently has only 2636 residential electors on its role therefore it is difficult to justify the district being split into wards. We currently have 1 Mayor and 7 Councillors elected at large.

If Council must resolve the basis of the 2012 election then it must give public notice of the proposals and call for submissions and distribute copies of the resolution.

The review must be carried out in 2011 and the notice of the proposal advertised prior to 8 September 2011.

In undertaking the review as set out in 19H, Council must ensure it takes account of Sections 19T and 19V of the Act. These sections are set out below:

19T Requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities

In determining the matters specified in paragraphs (a) to (d) of section 19H(1), the territorial authority and, where appropriate, the Commission must ensure –

- (a) that the election of members of the territorial authority (other than the mayor), in 1 of the ways specified in subparagraphs (i) to (iii) of section 19H(1)(a), will provide effective representation of communities of interest within the district; and
- (b) that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and
- (c) that, so far as is practicable, ward boundaries coincide with community boundaries.

19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.
- (2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).
- (3) Despite subsection (2), -
 - (a) If the territorial authority or the Commission considers that the effective representation or communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of a community may be defined and membership distributed between them in a way that does not comply with subsection (2):

The Local Government Commission has produced a set of guidelines for local authorities to use in undertaking their representation review. There is no legal requirement of Councils to comply with the guidelines however Councils are required to have regard to those guidelines.

Section 4 of the Local Electoral Act 2001 sets out the principles of the Act which are as follows:

- (1) The principles that this Act is designed to implement are the following:
 - (a) fair and effective representation for individuals and communities;
 - (b) all qualified persons have a reasonable and equal opportunity to –
 - (i) cast an informed vote;
 - (ii) nominate 1 or more candidates;
 - (iii) accept nomination as a candidate.
 - (c) public confidence in, and public understanding of, local electoral processes through –

- (i) the provision of a regular election cycle;
 - (ii) the provision of elections that are managed independently from the elected body;
 - (iii) protection of the freedom of choice of voters and the secrecy of the vote;
 - (iv) the provision of transparent electoral systems and voting methods and the adoption of procedures that produce certainty in electoral outcomes;
 - (v) the provision of impartial mechanisms for resolving disputed elections and polls.
- (2) Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), so far as is practicable in the circumstances.
- (3) This section does not override any other provision in this Act or any other enactment.

Section 3 of the Local Government Act 2002 provides that:

The purpose of this Act is to provide for democratic and effective local government that recognizes the diversity of New Zealand communities; and to that end, this Act –

- (a) states the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) promotes the accountability of local authorities to their communities; and
- (d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

In determining representation issues, Council needs to consider 3 factors:

- Community of interest
- Effective representation, and
- Fair representation

Do we have any specific communities of interest that should be clearly represented?

Does the number of elected members we have and how they are elected provide effective representation?

Finally, does the existing election at large provide fair representation?

In terms of the Kaikoura District, the whole district has 2636 on its electoral role. This equates to 377 electors per elected Councillor.

Specific communities of interest in the Kaikoura District could be identified as Oaro, Goose Bay, Puketa, Kaikoura Urban, Hapuku, Rakautara, Clarence, and Kekerengu. Each of these specific areas would generally have permanent populations ranging from tens to less than 200.

Council needs to consider whether effective representation for those communities would be best provided by an at large system, as at present:

- A ward system, as per pre 1989, or
- A mixed system with election partly at large and partly by ward.

With only 2636 electors in the district as a whole, it seems unreasonable to consider changing the existing election at large system. If wards were reintroduced then from a representation perspective each elected member would need to represent an area with similar number of residents, generally + or – 10%. It does not appear to be warranted in Kaikoura’s case due to the existing level of representation per resident.

The existing system and number of elected members appears to work well and has done so since 1989. Any change now would appear to be change for change sake rather than a mechanism to genuinely improve on representation.

In light of the above, it is recommended that for the 2012 and 2015 local body elections for the Kaikoura District Council:

- ***The election of members continue to be made on an at large basis, and***
- ***The number of members continue to be 1 Mayor plus 7 members.***

Proposed Changes to the Kaikoura District Sign Bylaw

The Kaikoura Signs Bylaw was made operative on January 2009. In the last 2 years, through application of the new bylaw, it has become apparent that changes are needed to ensure the bylaw is practical in its application.

Proposed Changes to the Bylaw-

All additions to the bylaw are underlined. All deletions are noted in strikethrough.

1. Directional Signs

Directional Signs are yellow fingerboard signs. This suggested change is to allow more than three signs addresses in situations where more than three signs can be accommodated and not compromise driver safety or amenity such as T-junctions like the intersection of the Esplanade and Yarmouth Street.

Recommended changes to text of the bylaw:

Section 20.D

DIRECTIONAL SIGNS: STANDARDS (excluding signs on the State Highway)

1. Any sign for which a permit is granted to provide directions to any commercial activity, industrial zone or public facility shall be:

- a. Coloured to a recognised international standard; and*
- b. 225mm by 1.2m in dimension; and*
- c. Contain only the name of the facility to which it relates.*
- d. Not exceed three directional signs per post or location except at the absolute discretion of the Council's Asset Manager.*

2. Sandwich Boards in Certain Residential Areas

The suggested change to allow sandwich boards in the residential zones along Beach Road, Churchill Street and the Esplanade is to recognise that these areas have a different amenity than other areas of the residential zone. These areas have the amenity influenced by the State Highway and are high traffic areas adjacent to business zones.

Recommended changes to text of the bylaw:

4. PURPOSE

Signs located on footpaths have the potential to impede pedestrian access. In particular, signs located on footpaths in the West End commercial area have the potential to have adverse effects on pedestrian safety due to the number of businesses and the number of people using the footpaths in this area. An issue was also raised with safety for sight impaired pedestrians. For this reason A-frame or sandwich board signs require a permit under the Signs Bylaw ~~and are not permitted in the residential areas.~~

18. PROHIBITED SIGNS

- a. ~~Sandwich boards outside of any business zone or the Kaikoura Peninsula Tourism Zone~~*

22.B.A. RESIDENTIAL ZONES: ELIGIBILITY

One permit may be issued for a sign to be displayed on any site in a residential zone if it complies with the relevant standards prescribed in Clause 22.B. 1-5 and one separate permit may be issued for a sandwich board which complies with clause 22.B.

Clause 22.B.

- a. The sandwich board shall:*

- b. Not be illuminated.
- c. Have a maximum height of 800mm and width of 600 mm
- d. Be located against the curb edge and perpendicular to the curb
- e. Not be closer than 2m from any utility including telephone boxes, power poles, post office boxes.
- f. Provide at least 1.4m clear passage on footpaths from the kerb, where there is no footpath, the sign shall be located so as to allow clear pedestrian passage without the need to enter the carriageway.
- g. Comply with Clause 20.A if located along the State Highway.
- h. The site is located on Beach Road, Churchill Street or the Esplanade.

3. Definitions

It is recommended to remove all references to the word free standing in relation to flags to capture all flags such as those attached to buildings used for advertising in the district.

The change to the sandwich board definition supports the recommendation above.

Recommended changes to text of the bylaw:

Freestanding-Flag means a sign intended for the purposes of advertising or to attract attention but which is usually mounted on a flagpole or similar device and which is usually made from fabric, textile or cloth. National flags are not considered ~~freestanding~~ flags for the purpose of this by-law.

Remove all other references in the bylaw to *freestanding* in front of the word flag in the bylaw.

Sandwich board means ~~is a two-sided sign that is a self-supporting and portable sign. They are also called footpath signs. Sandwich boards are only allowed in the business zones and the Kaikoura Peninsula Tourism Zone.~~

4. Prohibited signs

There are several changes recommended. Noise signs are prohibited in the definitions chapter but are not listed. The changes to sandwich boards support the change recommended above and better clarifies sandwich board use.

Recommended changes to text of the bylaw:

- i. More than one sandwich board per 100 metres or part thereof **per business frontage**, displayed on any footpath or business if no footpath is present
- ~~o. Sandwich boards outside of any business zone or the Kaikoura Peninsula Tourism Zone~~
- o. Noise signs.

5. Minimum sizes for signs on buildings in the business zones

This change is recommended as it has been proven to be impractical for a building with more than one business to erect adequately sized signs under the current bylaw. The change also reflects the impracticality of the bylaw in relation to large buildings which can accommodate larger signs without impacting surrounding amenity. This allows them to have a similarly proportioned sign as the rest of the building in the business zones.

Recommended changes to text of the bylaw:

A. ADVERTISING FACE AREA: STANDARDS

Please refer to definition of advertising face area in section 5.1

1. *In the ~~Business A, Business B, Business C, Kaikoura Airfield, Business Park and Mixed Use Area of the Ocean Ridge Comprehensive Living Zone~~ with the exception of the business a zone located between Avoca Street, The Esplanade and Wakatu Quay including the wharf area, the sign area of the Primary Face shall not exceed:
 - a. 15% of the advertising face area or 15m² whichever is less. All signs may be a minimum size of 1m² regardless of the size of the building.
 - b. *If the building is located on a corner, each advertising face area parallel to the road may have a maximum combined area of 20% of the area of the combined face areas with either side having no more than 15% of the area of its particular face. or 10m² for each face whichever is less.**
2. *The sign area of each Secondary Face shall not exceed 15% of the advertising face area or 5m² whichever is less.*
3. *If more than one business shares a building, each business frontage shall receive a share of advertising face area proportional to the area that the business occupies within that advertising face area. Each business may have a sign with a minimum area of 1m² regardless of the size of the building.*
4. *~~In the Business A and Mixed Use Area of the Ocean Ridge Comprehensive Living Zone and the business b zone located on Avoca Street, The Esplanade and Wakatu Quay including the wharf area, the sign area of any primary and secondary face of a building shall not exceed 15% of the advertising face area or 5m² whichever is less.~~*

Process of amendment

Council may resolve to undergo the process of amending the Kaikoura District Signs Bylaw 2009 under Sec 86 and 156 of the Local Government Act 2002.

Recommendation

The Council under section 86 and 156 of the Local Government Act 2002 undertake special consultation to amend the Kaikoura Signs Bylaw 2009 as per the recommendations above.

Kaikoura Tourism & Development Committee Strategic Plan 2011-2016



Our Purpose Statement

To drive sustainable economic growth for Kaikoura by promoting our town as a “must visit” tourism and events destination, encouraging responsible investment and development while supporting our local business community.

Our Strategic Priorities:

- To drive both domestic and international visitor growth to Kaikoura.

- To support the development of events in Kaikoura.

- To encourage and support investment, development and economic success.

- To provide strategic advice to KDC on tourism and development in Kaikoura.

Our Strategic Objectives:

- To develop the profile of Kaikoura with strong and consistent messaging which reflects our region's unique features.
- To undertake promotional activity that grows the awareness of destination Kaikoura.
- To create and implement an online strategy for the promotion of destination Kaikoura.
- To identify and develop strategic relationships that will enable us to deliver on all our priorities.
- To create and implement an events strategy to promote and support the development of events in Kaikoura.
- To identify means for facilitating regular two way communication with local businesses.
- To maintain regular communication with council pertaining to tourism and economic development in Kaikoura.

Our Strategic Aims:

To develop the profile of Kaikoura with strong and consistent messaging which reflects our region's unique features.

- Review marketing plan
 - Create key statements for promoting Kaikoura and maintain across all promotional activity
 - Create media and trade packs
 - Create media statements
 - Re-develop the Kaikoura port profile

To undertake promotional activity that grows the awareness of destination Kaikoura.

- As a holiday destination.

- As an events destination.
- As an investment and development friendly destination
- As a residential and lifestyle destination

To create and implement an online strategy for the promotion of destination Kaikoura.

- Website re-development
- Implementation of Kaikoura branded social media channels via Facebook, Twitter and You Tube.
- Online promotional work.
- SEO campaigns.
- Online product and package sales.

To identify and develop strategic relationships that will enable us to deliver on all our priorities.

- Media, inbound operators, international wholesalers, I-Sites, District & Regional Tourism Organisations, government departments, associations, PR companies, advertising agencies, developers, investors, businesses, training institutions, education institutions, funding agencies, KDC, KITI, Runanga, Iwi, Department of Conservation and other community/council committees.

To support the development of events in Kaikoura.

- Development of an events strategy
 - Funding policy
 - Events supported
 - Events planning calendar
 - Attracting new events and supporting existing
 - Events coordinator

To identify means for facilitating regular two way communication with local business.

- 3 monthly news letters (4 per year) updating businesses on what T&D is doing, statistics etc.
- Allocating time within our Agenda for local businesses to simply address the committee on ideas, concerns, issues etc.
- To maintain regular two way communication with Council on tourism and economic development in Kaikoura

Basketball Half Court

The Kaikoura Youth Council has requested permission to build a half basketball court next to the children's play area in Churchill Park. A map showing the proposed location is attached.

The Youth Council had visited 16 properties in the area which included all of Deal Street and the St Paul's Church. They asked residents what they thought about having a half basketball court located in next to the playground in Churchill Park. At four of the properties there had been no one at home. Of the remaining properties 10 people had been extremely positive including St Pauls Church and two people had raised concerns.

There was concern about noise after dark. The Youth Council felt if there were no lights on the basketball court no one would be playing when it was dark. The other concern was that the playground might be vandalized. The Youth Council noted the same youth that are already in Kaikoura would be using the court and they felt that having something constructive for them to do, like playing basketball, would help to keep the playground from being vandalized.

Councils Asset Manager has advised there are no issues from an engineering perspective with locating a half basketball court next to the children's play area in Churchill Park. From a planning perspective Churchill Park is reserve vested in the Kaikoura District Council therefore Council is the administering body. There is no requirement for resource consent to put a basketball half court in the location; however the neighbours should be kept well informed. It is noted the Park is also the location of the designated helicopter pad used by the Westpac Rescue helicopter and it may be worth Youth Council checking that the basketball area does not create any hazards for this service in the proposed location.

It is therefore recommended that subject to confirmation that the half basketball court does not create a hazard for the Westpac Rescue Helicopter service that Council give permission for Youth Council to build a basketball half court in Churchill Park, the area shown on the attached map.

Draft Policy on Stock Underpasses, Crossing and Races on Road Reserve and Draft Stock Control Bylaw

As a result of the hearing and deliberation of submission to the Draft Policy on Stock Underpasses, Crossing and Races on Road Reserve and Draft Stock Control Bylaw held on the 20th of June 2011. The following draft Policy and Bylaw have been created for Councils consideration. Deletions are shown in strikethrough and additions are underlined.

Subject to Council agreeing to the changes in the Draft Bylaw and Policy, *it is recommended that Council adopt the Draft Policy on Stock Underpasses, Crossing and Races on Road Reserve and Draft Stock Control Bylaw to become operative on the 1st of August 2011.*

Mayor's Report

Last week Stuart Grant, Dave Holmes and I attended the Local Govt New Zealand AGM and Conference in Wellington. There were several speakers talking on the future of education and business in New Zealand with the increasing use of the web as a learning and business tool. It reinforces to me the need for us to continue to create a community where a quality lifestyle is important, as in the future more business people will be able to make decisions to work from those areas where they would like to live. An example would be someone commuting to Wellington or Christchurch for part of their work time but spending most of their time in Kaikoura and enjoying the lifestyle. As Council we need to foster innovation as we get the opportunity, we need to also work along side our educators to ensure they have access to the best tools available to keep pace with the continuing changes in education.

The Mayors Taskforce for Jobs held their AGM while we were there also. The goal of this taskforce is;

“That all young people under 25 years be engaged in appropriate education, training, work or other activities that contribute to their long term economic independence and well being”

Our Community is doing much of this work now with youth transition services in place, through the High School and with support from Angela Blunt at Heartlands and Susi at Council working with the community youth council arranging events like the careers expo and the community quiz. There will continue to be pressure in the youth employment area and we must remain vigilant.

The Kaikoura Water Zone Committee is underway as of the 5th July. This group has a real challenge and opportunity to chart the future water use in Kaikoura and work to enhance our waterways at the same time.