

KAIKOURA DISTRICT COUNCIL MEETING HELD AT 9.00AM ON WEDNESDAY 19 OCTOBER 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 21/09/2011* *page 57*

Reports to be Adopted:

■ *Works & Services Committee 21/09/2011* *page 63*

■ *Environmental Services Committee 21/09/2011* *page 67*

■ *Finance and Policy Committee 21/09/2011* *page 69*

■ *Tourism & Development Committee 14/09/2011* *page 70*

■ *Social Services Committee 05/10/2011* *page 74*

Minutes to be received

■ *Hearings and Applications Committee 26/07/2011* *page 78*

■ *Hearings and Applications Committee 09/08/2011* *page 83*

■ *Hearings and Applications Committee 31/08/2011* *page 89*

5. *Matters arising from Confirmed Minutes*

6. *Minutes Action List Update*

MEETING	ACTION REQUIRED	BY	DATE ACTIONED
	21 SEPTEMBER 2011		
Council	Investigate artificial seawall protection along the Esplanade for inclusion in the Long Term Plan	Asset Manager	In Progress

7. *11.30am NZ Police Update*

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

8. *Public Forum*

TIME	NAME	SUBJECT
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9. *Youth Council*
- A representative of the Youth Council will be in attendance at 1.00pm to present this item.
10. *Environment Canterbury Update*
- K Heays from Environment Canterbury will be in attendance at 1.15pm to present this item.
11. *Application for Road Stopping – Hapuku Road* *page 91*
- Brian Sumner will be in attendance at 1.30pm to speak to this item.
12. *Hearing of Submissions to the Proposed Change to the Kaikoura Signs Bylaw* *page 98*
- Two submitters will be heard from 2.00pm
13. *Appointment of Representatives to Social Services Committee* *page 110*
14. *Committee Updates*
15. *Mayor’s Report* *page 111*
16. *Urgent Business*
17. *Council Public Excluded Session*

Moved, seconded that the public be excluded from the following parts of the proceedings of this meeting, namely

- a. Confirmation of Minutes of Council Public Excluded meeting on 21/09/2011*
- b. New Zealand Police Update*
- c. Possible Forestry Investment Options*

The general subject matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) and 7(2)(i) of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each to be considered	Reason for passing this resolution in relation to each matter	Grounds of the Act under which this resolution is made
Minutes of the Council Public Excluded meeting 21/09/2011	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 48(1)(a) and 7(2)(b)(ii)
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)

Possible Forestry Investment Options	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)
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Application for Road Stopping – Hapuku Road

A request has been received from Mr Brian Sumner on behalf of Mr G Boyd for an area of 1.39hectares of unformed road at the end of Hapuku Road to be stopped and sold to Mr Boyd. The request is attached.

The area in question is located at the northern end of Hapuku Road and is shown on the attached map. Mr G Boyd owns the adjoining land to the west of the unformed road while the land on the seaward side is owned by the Department of Conservation. If Mr Boyd acquired the land he would then apply for subdivision consent to subdivide two hectares from the entire block which includes the portion with the unformed road running through it. The purpose of the subdivision is to create one building block for a new dwelling. The remaining area of 19.29hectares would be grazed farmland.

In order to progress any road stopping, the area has to be legally surveyed, a survey plan has to be lodged and approved by Land Information New Zealand (LINZ), Council must pass a resolution to instigate the road closing procedure and having done that Council must then follow the statutory process as set out in the Local Government Act. Plans need to be prepared, advertised, be available for public inspection and allow persons to object to the proposal. Notices must also be served on any occupiers of land adjoining the road proposed to be stopped.

If no objections are received Council may, by public notice, declare the road to be stopped and the declaration then takes effect once two copies of this public notice, together with the survey plan, is received by the Chief Surveyor at Land Information New Zealand. A new Certificate of Title for the land comprising the stopped road would then be issued. If any objections are received, these may be sent along with the survey plan, including the proposed alteration, to the Environment Court which would then consider the plan, proposals and any objections. The Act provides that Council may then either sell that part of the closed road to the owners of any adjoining land, for a price to be fixed by a competent valuer, or grant a lease of that part to the owners of any adjoining land.

Planning Comments

Council should consider a number of matters before making a decision to support the road stopping process these include:

Marine and Coastal Area (Takutai Moana) Act 2011

Section 15(2) of this Act states:

“If a road in the marine and coastal area is stopped under the Local Government Act 1974 or the Public Works Act 1981, the former road becomes or, as the case requires, continues to be, part of the common marine and coastal area.”

Marine and Coastal area means *“the marine area that is bounded,—*

- *(i) on the landward side by the line of mean high water springs; and*
- *(ii) on the seaward side, by the outer limits of the territorial sea; ... ”*

The Council therefore has no ability to close any paper road which exists below the mean high water spring. Parts of the road are below mean high water spring.

Preparing for Coastal Change – A guide for local government in New Zealand

This document has been prepared by the Ministry for the Environment in July 2008 and states:

“We recommend that for planning and decision timeframes out to the 2090s (2090–2099):

- 1. a base value sea-level rise of 0.5 m relative to the 1980–1999 average be used, along with*
- 2. an assessment of potential consequences from a range of possible higher sea-level rise values. At the very least, all assessments should consider the consequences of a mean sea-level rise of at least 0.8 m relative to the 1980–1999 average.*

For longer planning and decision timeframes beyond the end of this century, we recommend an additional allowance for sea-level rise of 10 mm per year beyond 2100.”

This document contains no statutory requirements but signals care should be taken when looking at coastal areas. The document explains as a result of sea-level rise erosion for gravel beaches is generally <1m/yr on average but can be 2-3m/yr in more vulnerable locations.

New Zealand Coastal Policy Statement (NZCPS)

The NZCPS relates to the Resource Management 1991 and requires that Councils must give effect to the NZCPS in District Plans and when considering resource consents. Walking Access New Zealand has confirmed that the NZCPS should be considered when stopping roads.

Policies of particular relevance are:

- Policy 18 Public Open Space

This policy requires recognition of open space adjacent to the coastal marine area, for public use including active and passive recreation.

- Policy 19 Walking Access

This policy requires recognition of the public expectation for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.

The proposal in its current form does not support the New Zealand Coastal Policy Statement.

Other Planning Comments

Council's Walking and Cycling Strategy wishes to develop a series of cycling and walking trails throughout the district using existing paper roads and the seaward paper road could be used for this purpose at some stage in the future.

At a national level, emphasis is placed on the importance of preserving coastal access and preparing for sea level rise. To dispose of the paper road on the seaward side of the property is inconsistent with current policy direction and is not supported from a planning perspective.

The Environment Court's past decision have shown that Councils must look at not only a roads existing use and the requirements of adjoining neighbours but also possible future uses in the long term. Recent Environment Court cases have reinforced that for Councils to close a public road, a public benefit as opposed to a personal benefit has to exist. Environment Court 2009 Decision W 004/2009 states:

“We are not convinced that the closure of the road is needed for the development of the Carter Holt subdivision nor indeed that that is a valid reason for closing the road. Nor do we consider the retention of the unformed legal road is an improper use of the land. The key issue to be considered by the court on a road closure application is the need for the road for public use, or more specifically in this case whether or not the paper road could be used to provide feasible and practicable access in the future and should therefore retain its status as a road.”

Recommendation:

It is recommended Council not proceed with the stopping and disposal of the unformed road at the northern end of Hapuku Road.

Report in Response to Submissions to the Proposed Changes to the Kaikoura District Signs Bylaw

This report addresses the submissions on the proposed changes to the Signs Bylaw. This report does not address the issues raised in the submissions which are outside the scope of the proposed changes. While Council may wish to address these issues at a later date, no changes to the Signs Bylaw raised in these submissions outside of the scope of the publicly notified proposed changes to the Bylaw may be addressed at this time.

The Local Government Act 2002 gives local authorities the power to enact bylaws for one or more of the following purposes:

- (a) protecting the public from nuisance;
- (b) protecting, promoting, and maintaining public health and safety;
- (c) minimising the potential for offensive behaviour in public places.

Proposed Changes to the Bylaw

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

1. Directional Signs

Amendment proposed 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 discretion of the Council's Asset Manager.*

Submissions

Simon and Lynda Pharazyn – In support

- There needs to be as many directional signs as there are attractions
- The change is long over due

Ralph Hogan- In opposition

- Do not increase signage in the district
- Strengthen current bylaw

Reporting Officer Assessment

Fingerboards are a relatively non-intrusive method to direct people to attractions in the district. These signs are the same size and colour.

As long as there are no traffic concerns, allowing more than three per post allows businesses an opportunity to attract custom with minimal impact on the safety or amenity of the district.

Recommendation- Change bylaw as proposed

2. Sandwich Boards in Residential Areas

Amendment proposed to text of the bylaw:

1. 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.~~

22. A RESIDENTIAL ZONES: ELIGIBILITY

1. No more than one permit may be issued per site. A permit may be issued for either:

A sign which is compliant with the relevant standards 22.B.1-4 or for a sandwich board which complies with the relevant standards 22.B.5

- o. Subject to standards 22.B.2 Visitor accommodation in a residential zone a permits may be issued for:*
 - a. One sign which identifies the site and has a maximum area of 1.0m² unless the site is located along State Highway 1 whereas the maximum shall be 2.0m² **and***
 - b. One sign which contains the words “vacancy” or “no vacancy” and does not exceed 1m x 0.15m in dimension;*
 - c. All external light fixtures illuminating a sign shall be shielded so that the light is confined to the surface of the sign and directed away from the public roadways and residential areas.*

Clause 22.B.5

1. 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 or located on the site to which they relate.*
- g. Comply with Clause 20.A if located along the State Highway.*

Submissions

Simon and Lynda Pharazyn

- Necessary aspect of retailing
- Need to restrict for public safety and reduce congestion

Ralph Hogan- In opposition

- Do not increase signage in the district
- Strengthen current bylaw

- Bylaw already allows for signage in residential zone which can be taken in
- Signs subject to being blown over and cause cluttering of sidewalks
- Syntax error in 22.b.5.1

Reporting Officer's Assessment

Unrestricted sandwich boards located on footpaths when combined with additional signage or displays can cause congestion or clutter and therefore may affect public safety and cause a nuisance. However the proposed change restricts each site to one sign regardless of type. This will reduce the potential for clutter and nuisance. The syntax error should be corrected.

Recommendation: Change Bylaw as proposed with the recommended corrections for syntax as follows:

Clause 22.B.5

1. The sandwich board shall:

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

3. Definitions and Prohibited Signs

Amendment proposed 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.

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.~~

Amendment proposed to text of the bylaw:

18.3 Prohibited Signs

- g. 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*
- ~~*e. Sandwich boards outside of any business zone or the Kaikoura Peninsula Tourism Zone*~~
- o. Noise signs.*

Submissions

Simon and Lynda Pharazyn

- Necessary aspect of retailing
- Need to be restricted for public safety and reduce congestion

Ralph Hogan- In opposition

- Do not increase signage in the district
- Strengthen current bylaw
- Bylaw already allows for signage in residential zone which can be taken in
- Signs subject to being blown over and cause cluttering of sidewalks
- Syntax error in 22.b.5.1

Reporting Officer's Assessment

Unrestricted sandwich boards located on footpaths when combined with additional signage or displays can cause congestion or clutter and therefore may effect public safety and cause a nuisance. However the proposed change restricts each site to one sign regardless of type. This will reduce the potential for clutter and nuisance.

Recommendation: Change bylaw as proposed

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

Amendment proposed 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~~ or 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.~~*

Submissions

Simon and Lynda Pharazyn – In support

- Rules appear reasonable

Ralph Hogan- In opposition

- Do not increase signage in the district
- Strengthen current bylaw
- Signage already larger than some towns for example Queenstown
- Put proposals on hold and investigate more
- 21.C.3 unclear
- Remove the words *which ever is less* as impractical

Reporting Officer's Assessment

This change was recommended to address the difficulty buildings with more than one business have in obtaining permits for 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 buildings in the business zones.

The original bylaw was changed in 2009 away from the Queenstown standard as it proved too restrictive in relation to large buildings such as Mitre 10. To put 5m² of signage on a building that is over 100m² tips the balance of effective signage and protection of amenity values and doesn't enable businesses to erect adequate signage for their buildings. The current recommendation only allows for 15% of the building to be signed on its primary face area and no more than 5m² on its secondary face.

In considering the proposed changes and submissions, to restrict the secondary face to 5m² regardless of the size of the building raises similar issues in proportionality.

Therefore I recommend that it be removed to be consistent with the rule as a whole. However it is intended that the secondary face should have less advertising than the primary face, the proportion of building coverage should be reduced to 10%.

I agree with the submitter that the wording on 21.C3 is confusing and should be amended.

Recommendation: Change bylaw as propose with the following amendments:

Change the wording of 21.C.3 to

If more than one business shares a building, each business shall receive a share of the advertising face area proportional to the public area that the business occupies within the building.

Regardless of the public area: Each business may have a sign with a minimum area of 1m² along the primary advertising face area.

Change the wording of 21.C.2 to

The sign area of each secondary face shall not exceed 10% of the advertising face area.

Appointment of Representatives to Social Services Committee

Te Tai o Marokura has advised their nominated representatives for the Social Services Committee. They are as follows;

Social Services Committee

Brenda Elkins

Lisa Kahu

Recommendation

It is recommended that the nominated Te Tai o Marokura representatives be appointed to the Social Services Committee.

Mayor's Report

The Kaikoura Zone Water Committee met on 12th October. This was a continuation of taking on board information around the Canterbury Water Management Strategy. Te Korowai gave a presentation at the meeting. As yet the Committee chairperson has not been confirmed. The Committee is moving towards specific projects around biodiversity of streams, lakes and wetlands with a time line out till 2040.

The business community have had a lift from the Rugby World Cup; to what degree is a little unknown. It is certainly great to see some vibrancy in the township. Several coach loads of French supporters plus many independent travellers appeared to have a good time in town. I watched with interest and can only imagine what it would do for our town if we could have tour buses stopping off on a regular basis.

I attended Seafest after an absence of four years. I was very impressed with the event and it was interesting to gauge how everyone seemed to be having a great time. A mature woman made a comment that, 'This is a world class event'. We know there are issues in the evening outside the venue that cause angst with some, hopefully with police support this can be minimized in the future. Full credit must go to the organizers once again.

The Men's Shed opened at Innovative Waste last Wednesday. This is a place for men of all ages to get together and share skills and mentor youth.