

**MINUTES OF THE COUNCIL MEETING HELD AT  
9.00AM ON WEDNESDAY 19 OCTOBER 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**

Ralph Hogan was in attendance to speak in the open forum.

**Scarborough Street Speed Signs**

R Hogan noted he had suggested two signs be erected in the west bound direction on Scarborough Street and not three as had been reported in the minutes. He noted there had been an additional sign erected by 'Room with a View'.

**Te Korowai Kaikoura Marine Strategy**

R Hogan noted the Strategy was currently open for public and council submission. He was concerned not enough attention was being paid to off shore drilling and fracking. He noted a number of permits had already been issued in New Zealand for off shore drilling with some twice as deep as the drilling associated with the Deepwater Horizon oil spill. He noted permission had been given without the proper public submission process and some of the same mistakes had already been made in Tauranga. R Hogan suggested Council pay special attention to these issues.

*The meeting adjourned at 9.10am and resumed at 10.45am.*

**2. MATTERS OF IMPORTANCE TO BE RAISED AS URGENT BUSINESS**

1. Enlarged Rural Fire District (Councillor Morgan)
2. Liquor Ban Signs (Councillor Macphail)

**3. CONFIRMATION OF MINUTES**

**Council 21/09/2011**

*Moved by Councillor Morgan, seconded by Councillor Macphail and resolved that the minutes of the Council meeting held on 21 September 2011 be confirmed as a true and accurate record.*

**4. ADOPTION OF REPORTS**

**Works and Services Committee 21/09/2011**

*Moved by Councillor Holmes, seconded by Councillor Diver and resolved that the report of the Works and Services meeting held on 21 September 2011 be adopted.*

**Environmental Services Committee 21/09/2011**

*Moved by Councillor Burrows, seconded by Mayor Gray and resolved that the report of the Environmental Services meeting held on 21 September 2011 be adopted.*

**Finance & Policy Committee 21/09/2011**

*Moved by Councillor Harmon, seconded by Councillor Macphail and resolved that the report of the Finance and Policy Committee meeting held on 21 September 2011 be adopted.*

**Tourism and Development Committee 14/09/2011**

*Moved by Councillor Harmon, seconded by Councillor Macphail and resolved that the report of the Tourism and Development Committee meeting held on 14 September 2011 be adopted.*

**Social Services Committee 05/10/2011**

*Moved by Councillor Morgan, seconded by Councillor Burrows and resolved that the report of the Social Services Committee meeting held on 5 October 2011 be adopted.*

**5. MINUTES TO BE RECEIVED**

**Hearings and Applications Committee 26/07/2011**

*Moved by Councillor Diver, seconded by Councillor Burrows and resolved that the minutes of the Hearings and Applications Committee meeting held on 26 July 2011 be received.*

**Hearings and Applications Committee 09/08/2011**

*Moved by Councillor Diver, seconded by Councillor Burrows and resolved that the minutes of the Hearings and Applications Committee meeting held on 09 August 2011 be received.*

**Hearings and Applications Committee 31/08/2011**

*Moved by Councillor Diver, seconded by Councillor Burrows and resolved that the minutes of the Hearings and Applications Committee meeting held on 31 August 2011 be received.*

**6. MATTERS ARISING FROM CONFIRMED MINUTES**

**Enhancement of South Bay Hill**

Mayor Gray felt the tree removal he was proposing for the South Bay hill would have little effect on the Innovate Waste site. It was suggested a site visit be conducted at a later meeting so Councillors could see what was being proposed.

**Esplanade Foreshore Protection**

Councillor Morgan enquired if this was an issue the community was raising or was it ideas that Councillors had. Councillor Harmon felt everyone would like to see some work done on the Esplanade. The Chief Executive Officer advised if issues had arisen which were going to effect infrastructure then there could be some protection work required. Beautification type work was most likely covered in the Coastal

Management Strategy which was consulted on many years ago. He noted if the work was minor then public consultation was not required if the work required a major change then Council would look at receiving public comment and if the concept was new it would be included in the draft Long Term Plan.

#### **7. APPOINTMENT OF REPRESENTATIVES TO SOCIAL SERVICES COMMITTEE**

Te Tai o Marokura had advised their nominated representatives for the Social Services Committee.

*Moved by Mayor Gray, seconded by Councillor Burrows and resolved that B Elkins and L Kahu be appointed as the Te Tai o Marokura representatives on the Social Services Committee.*

#### **8. COMMITTEE UPDATES**

##### **Kaikoura Youth Forum**

Councillor Harmon advised he had attended the Kaikoura Youth Forum. Approximately 40 people had attended the Forum. Group discussions were held on topics which included education, health and crime. A steering committee was being set up following the Forum.

##### **Chairing Meetings Course**

Councillor Pablecheque and Holmes had attended a Local Government Know How course about Chairing Meetings. Approximately 15 people had attended the course. Councillor Pablecheque noted agenda item five, 'matters arising from confirmed minutes', was technically not supposed to be an agenda item. Kaikoura was one of the only Council's which had this on their agenda. Other Council representatives had felt the open forum was a good idea.

##### **Pensioner Flat Allocation Meeting**

Councillor Morgan advised a pensioner flat allocation meeting had been held with the first two applicants chosen deciding they did not wish to move into the flat. Councillor Burrows noted there were very few category one applicants. There were a lot of people from outside of Kaikoura keen to move into the flats but very few local people.

#### **9. MAYOR'S REPORT**

##### **Rugby World Cup**

Mayor Gray enquired if any feedback had been received from business regarding the Rugby World Cup. Councillor Pablecheque advised there had been more domestic visitors and a few international visitors but not as many as had been expected. Councillor Diver advised a business person from Nelson had advised even with games being held there the effect of the Rugby World Cup had not been as big as they had hoped.

##### **Men's Shed**

Mayor Gray had attended the opening of the Men's Shed at Innovative Waste the previous Wednesday. The Men's Shed was a place for men of all ages to get together and share skills and mentor youth.

## **10. URGENT BUSINESS**

### **1) Enlarged Rural Fire District**

Councillor Morgan advised the Enlarged Rural Fire District proposal talked about a mandate for public consultation and she was not confident the process had happened in Kaikoura. The Chief Executive Officer advised the Enlarged Rural Fire District had been included in the Annual Plan which had been subject to public submission. Prior to that local volunteers had been consulted via a meeting with representatives in attendance from each group in the district. In Marlborough a meeting had also been held with Federated Farmers which Kaikoura was a part of.

The Chief Executive Officer advised the formal proposal had now been advertised for submission and was being dealt with by the National Rural Fire Authority. He advised assuming the process went to the end and was gazetted, a Principal Rural Fire Officer would be appointed for the enlarged district. That Officer would work with the transitional committee to investigate various issues with the aim of the Enlarged Rural Fire District coming into effect from July next year.

### **2) Liquor Ban Signs**

Councillor Macphail advised a debrief following Seafest had revealed that the Liquor Ban Signs were not well read or ignored and comments had been they were hard to see. He was raising the issue early so signage could be improved for the following year even if temporary signs were used.

Councillor Harmon suggested the Police could have amnesty bin areas set up for collecting alcohol. Councillor Macphail noted in the past bins had tended to tie up staff and security personnel who would rather be roving. Councillor Pablecheque suggested if more signs needed to be put up they should be consistent with other signs through out New Zealand so people knew what they were. It was noted the liquor ban was a tool for Police to use.

## **11. COUNCIL PUBLIC EXCLUDED**

*Moved by Mayor Gray, 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 21/09/2011*
- b. New Zealand Police Update*
- c. Possible Forestry Investment Options*

*The meeting adjourned at 12.01pm and resumed at 1.00pm.*

## **12. ENVIRONMENT CANTERBURY UPDATE**

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

K Heays advised of the proposed Dumping Strategy which was being compiled to try and reduce illegal dumping of rubbish in the district. A meeting of various organisations including Department of Conservation, Kaikoura High School, Forest and Bird, New Zealand Transport Agency, Kiwirail and Council had been held and another meeting was planned for the following week.

A database of dumping areas had been compiled. It was noted dumping sites were everywhere in the Kowhai River bush and around other rivers in the district. 49% of rubbish found was household rubbish with the majority being animal remains and vegetation however dumping of household rubbish was increasing. Dumping of vehicles had lessened because there was now money in vehicle parts.

K Heays advised there was an ability to prosecute under the Litter Act through the District Council.

### ***13. APPLICATION FOR ROAD STOPPING – HAPUKU ROAD***

***Mayor Gray declared an interest and exited the meeting at 1.30pm.  
Deputy Mayor Pablecheque chaired this section of the meeting.***

The proposal was for Council to stop the seaward paper road at the end of Hapuku Road and sell the closed road to Mr. G Boyd who would amalgamate this with his existing title. One two hectares block for building would be subdivided and the remaining 19.29 would be grazed farmland.

Brian Sumner and the District Planner were in attendance to speak to this item.

B Sumner advised the major objections made in the Officer's report regarding the proposed road stopping were because the road could be used for a cycle trail and also flooding of the paper road area. B Sumner advised there was no legal access to the paper road in question and the legal road was closed in 1970 and there was a 30 year lease on the land which was leased by Mr. Boyd. Also there was another perfectly formed road 30 metres away which linked with the formed road and was accessible.

B Sumner advised the block of land was one of the driest in the area due to the nature of the soil. He noted an Environment Canterbury map did show the bulk of the land was considered to be in a flood plain area and Environment Canterbury recommended higher foundations for building in the area.

The District Planner advised there were a number of issues Council needed to make themselves aware of. Photo's showed where the sea had come onto the paper road at the northern end. Council was unable to close an area of road which was subject to inundation. Council needed to

be aware of and prepare for coastal change and the impact of a rise in sea level. Also to be considered was public access to the beach.

The District Planner advised the New Zealand Coastal Policy Statement needed to be taken into consideration. He advised if taking a long term view Council should be looking at protection of the area. In order to recommend closing the road there would need to be a benefit to the public rather than a private benefit.

B Sumner advised the piece of paper road in questions was a 20m strip through the middle of the paddock and the southern access to the block was owned by Department of Conservation. He noted there were three areas on the site which could be built on and he was proposing to build opposite the property at the end of Hapuku Road. Mr. Sumner advised he had spoken to neighbors and none of them had been concerned about the closing of the paper road but would not like to see the existing access road changed.

The Chief Executive Officer advised this was the first application for road closing, staff had opposed in the last ten years. He advised based on views of the staff and changes to legislation along with the latest Environment Courts decision on closing paper roads staff could not support the application. He advised the Environment Court were not interested in existing use of the property. If there was potential for it to be used by the public long term it should not be closed.

B Sumner advised the closure of the road was not required to go ahead with the proposed subdivision however this would leave a very narrow strip of land and building could only take place in the first 35-40 meters. The District Planner advised the seaward side of the paper road was crown land and the sea was eroding the bank. Councillor Macphail enquired if it would be more achievable to close the inland road over the coastal one. The Chief Executive Officer advised based on Environment Court decisions Council were going to be struggling to stop any of the roads. The District Planner advised the view was if there was the ability for public use in the future then it should not be taken away. He advised the area with the highest value was the coastal road.

Councillor Morgan advised she felt because there were two road options the closing of one could be explored a little further. Councillor Harmon wished to view the site.

***Moved by Councillor Diver, seconded by Councillor Macphail and resolved that Council not proceed with the stopping and disposal of the unformed road at the northern end of Hapuku Road.***

***Against: Councillors Harmon, Morgan and Pablecheque.***

***Mayor Gray reentered the meeting at 2.08pm.***

## ***14. HEARING OF SUBMISSIONS TO THE PROPOSED CHANGES TO THE KAIKOURA SIGNS BYLAW***

### **Ralph Hogan**

R Hogan advised he would like to correct some of the interpretation of his report. He noted he was not against direction signage and he did not mean to imply signage across the district should not increase. He also did not think it was necessarily for the reporting officer to say whether some one was for or against proposals. He felt much of the discontent regarding signage may stem from inconsistent enforcement.

R Hogan advised in the officer's report section 22.A it was implied this section would be more restrictive than the current Bylaw however 22.A.1 only allowed one sign and already restricted this to a site. He felt the current rule allowed ample signage without cluttering the footpath. With regard to signs on buildings he did not feel there was anything impractical about limiting a sign to 15m<sup>2</sup> on a large building. He enquired how larger signs did not impact on surrounding amenity and he believed the current standards were quite liberal.

R Hogan felt when there were more signs less could be read. He also felt the town was more inviting without the footpath covered in signs. He noted there were a lot of prohibited signs going up in the town.

R Hogan advised there were a number of grammatical errors in the Bylaw which he hoped would be corrected.

### **Simon Pharazyn**

S Pharazyn advised when he had written his submission he had a business on Beach Road. This was no longer the case so he had no personal agenda.

S Pharazyn advised he believed signs fell into five separate categories. These were transit signage, directional signage, building identification, sandwich boards and specific signage.

With regard to building identification S Pharazyn felt the proposed rules were a step in the right direction and one sandwich board per business was a practical tool. S Pharazyn advised specific signage included flags which were taken down and put up every day. He felt flags went a long way to brightening the town up and he felt they were a tool business operators should be able to use. He advised Geraldine had flags out with plenty of information and this gave a vibrant atmosphere and the town appeared to be thriving. He enquired whether it was necessary to restrict businesses to one flag. If a town looked like it was thriving people stopped and spent money and if businesses owners were restricted with signage it would show in the wealth and appearance of the town.

### **Deliberation of Submissions**

Councillor Diver requested a diagram of where sandwich boards should be located on the footpath be included in the Signs Bylaw.

The Planning Officer advised changes could only be made to those parts of the Bylaw which were part of the proposed change. She advised Council may like to look at increasing the number of signs in future but they could not do it as part of these proposed changes. She advised people with Resource Consent for signs had existing use rights and that was why sometimes it appeared the Signs Bylaw was not equal for all businesses.

## **1. Directional Signage**

***Moved by Councillor Diver, seconded by Councillor Macphail and resolved that the Signs Bylaw section 20.D be changed to read as follows;***

### **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.**

## **2. Sandwich Boards**

The Planning Officer clarified the change would not make for less clutter than there currently was. The change was for people who had small businesses in the residential zones.

***Moved by Councillor Diver, seconded by Mayor Gray and resolved that the Signs Bylaw be changed to read as follows;***

### **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.*

### **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 1.0m<sup>2</sup> unless the site is located along State Highway 1 whereas the maximum shall be 2.0m<sup>2</sup> 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.*

**3. Definitions and Prohibited Signs**

A picture of the locations of sandwich boards on the footpath would be included in the definitions;

***Moved by Councillor Burrows, seconded by Councillor Diver and resolved that the Signs Bylaw be changed to read as follows;***

***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 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 a two-sided sign that is self-supporting and portable. They are also called footpath signs.***

**18.3 Prohibited Signs**

- a. *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. *Noise signs.*

**4. Minimum sizes for signs on buildings in the business zone**

***Moved by Councillor Diver, seconded by Councillor Harmon and resolved that the Signs Bylaw be changed to read as follows;***

**A. ADVERTISING FACE AREA: STANDARDS**

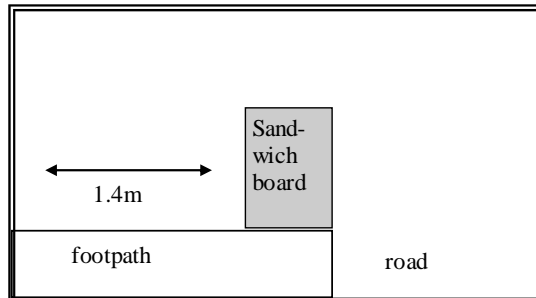
***Please refer to definition of advertising face area in section 5.1***

- 1. *In the Business A, Business B, Business C, Kaikoura Airfield, Business Park and Mixed Use Area of the Ocean Ridge Comprehensive Living Zone the sign area of the Primary Face shall not exceed:*
  - a. *15% of the advertising face area or a minimum size of 1m<sup>2</sup> 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.*
- 2. *The sign area of each Secondary Face shall not exceed 10% of the advertising face are.*
- 3. *If more than one business shares a building, each business shall receive a share of 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 1m<sup>2</sup> along the primary advertising face area.*

**4. DETERMINING THE MEASUREMENTS OF ALL SIGNS**

**8. Placement of Sandwich Boards on Footpath**



*Cross section of the placement of a sandwich board on a footpath.*

A discussion was held regarding monitoring of signage, the amount of signage businesses were allowed and the number of complaints received.

***There being no further business the meeting closed at 3.00pm.***