

# KAIKOURA DISTRICT COUNCIL MEETING HELD AT 9.00AM ON WEDNESDAY 16 NOVEMBER 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 19/10/2011* *page 52*
- *Extraordinary Council 1/11/2011* *page 63*

**Reports to be Adopted:**

- *Works & Services Committee 19/10/2011* *page 64*
- *Environmental Services Committee 19/10/2011* *page 66*
- *Finance and Policy Committee 19/10/2011* *page 68*
- *Tourism & Development Committee 12/10/2011* *page 70*

5. *Matters arising from Confirmed minutes*

6. *Minutes Action List Update*

MEETING	ACTION REQUIRED	BY	DATE ACTIONED
	<b>21 SEPTEMBER 2011</b>		
Council	Investigate artificial seawall protection along the Esplanade for inclusion in the Long Term Plan	Asset Manager	In Progress
	<b>19 OCTOBER 2011</b>		
Council	Ensure Liquor Ban Signage can be seen	Asset Manager	A request has been made for footpath signs to be repainted and to ensure all other signs are in place.

7. *11.30am NZ Police Update*

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

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. Public Forum**

<b>TIME</b>	<b>NAME</b>	<b>SUBJECT</b>
1.30pm	Sam Leary	“The Kaikoura District Council Rural Fire Authority – An endangered species?”

**11. Memorandum of Understanding to Establish the Marlborough-Kaikoura Rural Fire District - Included for Information** *page 74*

**12. Proposed Changes to the Kaikoura Signs Bylaw** *page 87*

**13. Freedom Camping Act** *page 90*

**14. Committee Updates**

**15. Mayor’s Report** *page 92*

**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*

- Confirmation of Minutes of Council Public Excluded meeting on 19/10/2011*
- 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:*

<b>General subject of each to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds of the Act under which this resolution is made</b>
Minutes of the Council Public Excluded meeting 19/10/2011	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, to enable any local authority holding information to carry out, without prejudice or disadvantage, commercial activities	<b>Section 48(1)(a) and 7(2)(c)(i), 7(2)(h)</b>
New Zealand Police Update	The exclusion of the public from the whole or the relevant part of the	<b>Section 48(1)(a) and 7(2)(c)(i).</b>

	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.	
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# Proposed Changes to the Kaikoura Signs Bylaw

This report is a list of the changes to the Kaikoura District Signs Bylaw as approved by Council at the Council meeting on the 19th of October 2011.

## Approved 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.

### 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

4. 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:

- 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**

**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 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**

**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*
- ~~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**

**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 15m<sup>2</sup> whichever is less 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. or 10m<sup>2</sup> for each face whichever is less.~~

2. The sign area of each Secondary Face shall not exceed 10% of the advertising face area.

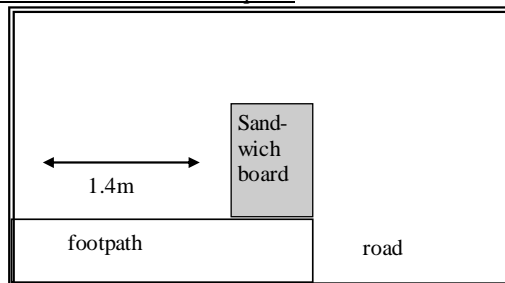
3. If more than one business shares a building, each business shall receive a share of advertising face area proportional to the public area that the business occupies within the building.

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.

~~3. 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 5m<sup>2</sup> whichever is less.~~

#### 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

#### **Recommendation:**

***That Council approve the changes to the Kaikoura Signs Bylaw to come into effect on the 17th of November 2011.***

# Freedom Camping Act

## Issue

The Government has adopted the Freedom Camping Act (The Act) which received Royal assent on 29 August 2011. The Act seeks to regulate freedom camping on land controlled or managed by local authorities (city, district and regional councils); and on land controlled or managed by the Department of Conservation. The powers of the regulation under the Act do not allow for freedom camping to be prohibited on all land controlled or managed by a particular local authority or on all land controlled or managed by the Department.

The method in which the Act regulates freedom camping may mean the Kaikoura District Council may wish to introduce a Bylaw.

## Introduction



In 2006 Council decided a strategy for camping in the district was implemented rather than a policy with an information sheet and guidelines available for distribution to campers and campervan hire companies. The guidelines outlined that the town area wasn't suitable for freedom campers, and Council's Traffic Warden distributed fliers to campers that were parked in the prohibited areas, or campers that didn't meet the guidelines outlined below:

### Welcome to the Kaikoura District

We are part of the *LoveNZ* recycling network which gives you the opportunity to recycle while you are on the road. This means you can help the Kaikoura community to protect our amazing environment.

**Please follow these guidelines:**

- 1 Look out for LoveNZ recycling bins in our town centre to recycle your empty beverage cans, drink bottles and packaging or glass bottles.
- 2 Use designated public spaces, camping areas or camping grounds. See the local i-SITE Visitor Centre, local Council or other camping guides if unsure of camping sites in the area.
- 3 Respect our environment – leave the site clear of all rubbish, waste and damage. Understand that dumping of waste and litter is an offence and will result in instant fines or prosecution.
- 4 Act responsibly and respect the access and enjoyment rights of other public space users.
- 5 Ensure you have access to a toilet or have an on-board toilet, wastewater collection and rubbish disposal facilities. Do not leave your waste in the environment.
- 6 Freedom camping is generally considered to be limited to two days, unless you are otherwise informed.



**LOVE NZ**  
RECYCLE WITH CARE

See map overview for public toilet facilities, effluent dump stations, public recycling facilities, and appreciate that some areas are environmentally and culturally sensitive. Some areas are not suitable for any form of freedom camping. If you camp in an unsuitable area you may be asked to move on.

New Zealand Government



### Kaikoura Environmental Guide



**Key**

- i-SITE Visitor Centre
- Public Place Recycling Bins
- Toilets
- Public Dump Station
- BP Dump Station
- Lookout
- Recycling Centre
- Areas not permitted for freedom camping

**Holiday Parks**

- 1 A1 Holiday Park
- 2 Kaikoura Top 10 Holiday Park
- 3 Alpine Pacific Holiday Park
- 4 Kaikoura Peketa Beach Holiday Park
- 5 Kaikoura Coastal Campgrounds
- 6 Waipapa Bay

### ***Discussion***

The Act outlines that Council may only enforce freedom camping restrictions or prohibition areas if those areas are identified under a bylaw. The other offences under The Act are outlined below.

Things Council can fine and issue infringement notices for:

#### ***Offences***

*(1) Every person commits an offence who—*

*(b) while freedom camping in a local authority area,—*

*(i) interferes with or damages the area, its flora or fauna, or any structure in the area;*

*or*

*(ii) deposits waste in or on the area (other than into an appropriate waste receptacle);*

*or*

*(c) makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in a bylaw made under section 11 that applies to the area; or*

*(d) deposits waste, generated while freedom camping, in or on a local authority area other than into an appropriate waste receptacle; or*

*(e) fails or refuses to leave a local authority area when required to do so by an enforcement officer acting under section 36; or*

*(2) Every person commits an offence who discharges a substance in or on a local authority area or conservation land in circumstances where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it—*

*(a) has, or is likely to have, a significant adverse effect on the environment; or*

*(b) has caused, or is likely to cause, significant concern to the community or users of the area or land.*

Therefore Council needs to make a decision on whether to create a bylaw and needs to be prepared to identify areas that are not appropriate to freedom camp, if these areas are to be enforced. Currently, as these areas are only identified on an informal basis through a strategy, it would not be legal for Council's Traffic Warden to move these people on.

The issue around freedom camping is difficult to manage. Council does not have a strict policy and the issue is divided amongst the community. Many accommodation operators in Kaikoura believe that freedom camping needs to be monitored within the urban boundaries, however other commercial operators believe that freedom camping is positive for the district and people who self cater have more money to spend on attractions.

Kaikoura District Council needs to make a decision on whether freedom camping should be restricted through a bylaw. Kaikoura District Council policies and rules do not prohibit the formulation of a Freedom Camping Bylaw. However, if a Bylaw was formulated, enforcement could be an issue. There is currently no funding for enforcement and any enforcement undertaken is done as time permits during Council's Traffic Warden current employment terms. This may result in inconsistent enforcement, or may result in enforcement not occurring when an issue arises.

### ***Conclusion***

More information should be gathered from the community on the issue of freedom camping. There seems to be a real split in opinion, and if some feedback could be obtained from the community, it would indicate a direction for the Council. That is, if a Bylaw needs to be formulated and money needs to be spent on enforcement.

### ***Recommendation***

***That Council instruct staff to prepare a consultation survey to gain feedback from the community and business owners regarding freedom camping and report to the Tourism and Development Committee on the results, and the Tourism and Development Committee make a recommendation to Council.***

## Mayor's Report

I attended the Zone 5 meeting in Christchurch on the 1<sup>st</sup> of November. Eugene Bowen, CEO LGNZ, has resigned after 8 years in the position.

Some recent gains for Local Govt NZ;

- Regular dialogue with government and reinstatement of central government / local government forum.
- Financial assistance package for leaky homes.

The next three years - opportunities;

- early re-engagement with a March forum
- constitutional recognition and formalisation of central govt /local govt relationship
- Minister of local government within Cabinet
- the roles and functions discussion to take place within Smarter Government
- government refocuses on employment.

The next three years – risks;

- government finances cannot afford transfers
- global economy cannot afford our exports
- the roles and function discussion
- the lack of long term government economic, environmental, infrastructure and social strategies –no framework for local government to engage and collaborate
- the number of local government units too great for effective engagement ,shared priority setting, consensus and collaboration
- sector unity diluting
- parochialism- in every shape and form
- external parties intervening based on perceptions of competence and failure.

Long term risk;

- predictions for population growth in next 20 years = 79% North of Taupo
- Funding of roading a major issue.

Civic Assurance presented a capital raising proposal to put them back into the insurance market. They are looking for 6.475million of new capital by way of a one for one rights issue at 90 cents per share. This will bring the capital back up to \$15 million current net tangible assets (nta). \$1.65 per share represents a 45% discount to nta. They will be looking for shareholder approval at a special general meeting on the 16<sup>th</sup> December 2011.