

REPORT OF THE ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD AT 11.24 AM ON WEDNESDAY 17 AUGUST 2005 IN THE MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.

PRESENT: Councillor B Woods (Chair), Mayor K Heays, Councillor J Diver, S Thomas, M McChesney, B Seddon, J Macphail, M Pablecheque.

IN ATTENDANCE: S Grant (Chief Executive Officer), L Copping (Executive Officer), D Laughton (Building Inspector) S van Aswegen (District Planner), M Hoggard (Planning Officer), R Vaughan (Planning Officer), J Denton (Monitoring/Biodiversity Officer), I Challenger (Environment Development Officer), T Rasmussen (Food & Health).

1. ENVIRONMENTAL SERVICES REPORTS

a) Building

The Building Inspector presented the report advising 18 building consents with a combined construction value of \$817,372.00 were issued for the month of July 2005. 12 Land Information Memorandums and 28 Code Compliance Certificates were also issued.

b) Resource Planning

The Planning Officer presented his report advising 14 new resource consents had been received for the period 12 July to 10 August 2005.

He advised progress of publicly notified resource consents noting Kaikoura Adventure Safaris were now working with Transit New Zealand to resolve traffic issues.

The Planning Officer advised development interest in Kaikoura remained strong. He advised an increasing number of notified and selectively notified applications were being received which was associated with an increase in appeals.

c) Biodiversity/Monitoring

The Monitoring/Biodiversity Officer presented her report and recalled that at the Council meeting of 15 September 2004 Council had resolved to allocate \$15,000 per year for three years to the Biodiversity Contestable Fund. She advised at that time she was asked to put together an application form and suggestions for the management of that fund. A draft application form and suggestions for the management of the fund were included in the agenda.

Councillor Diver noted the decision making process and suggested an Elected Member should also be on the management panel.

The Chief Executive Officer advised Council had two options, as follows

- 1) allow the management panel to make decisions, however if Council did not like the decisions then it could review;
- 2) Appoint a Councillor to be on the panel.

He advised Environment Canterbury had a similar type fund, as did Huruni District Council.

Councillor Seddon advised he felt the management panel needed to have a Councillor on it since the funds were coming from reserve contributions and not rates. He further noted that it was rather pleasing that Kaikoura District Council was the first Council to take the fund outside of its District plan.

Moved by Councillor Seddon, seconded by Councillor Woods and resolved that the following three individuals form the panel to hear and make decisions on applications received for the Biodiversity Contestable Fund.

- *Don Cameron*
- *Takahanga Representative*
- *Paul McGahan*

Moved by Councillor Seddon, seconded by Councillor Woods and resolved that Council appoint four individuals including one Elected Member, to administer the Biodiversity Contestable Fund.

Moved by Councillor Seddon, seconded by Councillor Diver and resolved that the Chairperson of the Environmental Services Committee be appointed to the Biodiversity Contestable Fund.

d) District Planning

The District Planner presented her report. She advised drafting of preliminary decision made by the Planning Committee on the Proposed Plan was ongoing and progressing well, with draft decisions on the first 12 sections of the Proposed Plan completed and the Proposed Plan amended accordingly.

e) Environmental Development

The Environmental Development Officer presented the report.

Green Globe 21 Certification Audit

Auditors from Prescott Horn Ltd and Avteq visited Kaikoura on 1 August to assess the community's continued improvement toward sustainability.

It was found that several areas relating to legal compliance needed improvement and the community was given until January to improve them prior to the next surveillance visit.

The Environmental Development Officer advised he anticipated audits would become increasingly difficult as the auditors sought to raise the

bar on the community's performance, meaning the community must continually improve its performance.

Volunteer Events

BTCV – The Environmental Development Officer advised due to low numbers the scheduled visit due to take place in September/October had been cancelled.

International Student Volunteers – The Environmental Development officer advised this was another organisation with an interest in international volunteers working on local projects for the benefit of local people. Like the BTCV group, they had 11 volunteers and a leader and would stay in accommodation such as a Marae and work on local projects for up to two weeks paying their own food and accommodation.

The Environmental Development Officer advised he had been contacted by this group with a view to establishing a partnership like the one Council presently had with BTCV. He advised projects would take place in winter and it was planned to meet with the organisers to discuss the possibility of working on a joint Kaikoura District Council/Innovative Waste/Department of Conservation project in the winter of 2006.

f) Environmental Health

The Environmental Health Officer presented the report.

Councillor McChesney expressed concern at long term camping occurring on the foreshore and asked when it was going to stop as she was personally horrified it had been allowed. She further noted there was a permanent fixture at Omihi which had been there for some time.

The Building Inspector advised there appeared to be very little that Council could do with regard to the situation at Omihi, as it was on leased Ngai Tahu land. He advised campground regulations stated that a site could not be occupied for more than 55 days per year, which was extremely hard to monitor as there appeared to be a real grey area as to how long the site must be vacated for.

The Chief Executive Officer advised he was unaware of the issue and stated it required further investigation.

Councillor Pablecheque suggested it may be worth writing to land owners Ngai Tahu.

Councillor Woods advised she had spoken with local runanga regarding this and they had advised they were unaware that Ngai Tahu had allowed such an activity to occur.

Moved by Councillor Seddon, seconded by Councillor Macphail and resolved that the Environmental Services Reports be received.

2. KAIKOURA DEVELOPMENTS Vs ENVIRONMENT COURT

Councillor Diver requested an update on progress with Kaikoura Developments.

The Chief Executive Officer advised Environment Canterbury had appealed Council's decision, with support from Kaikoura Conservation Trust for the appeal. It had then gone to mediation wherein all parties signed a Heads of Agreement for consent. A consent notice was then drawn up between the applicant and Kaikoura District Council and duly signed off by Environment Canterbury, at which point Kaikoura Conservation Trust refused to sign the document.

A teleconference took place with the Environment Court who advised they would hear the appeal from Kaikoura Conservation Trust from 31 August 2005.

The Chief Executive Officer advised as a result, and in breach of the Triennial Agreement signed by all Councils which stipulated "no surprises", Environment Canterbury joined in the appeal. He advised Council had been busy putting together evidence to be exchanged today.

On Sunday the Conservation Trust advised Environment Canterbury it wished to withdraw its appeal. Council had since been trying to work with Environment Canterbury regarding their decision to appeal and to resolve the matter.

The Chief Executive Officer advised in the interim, the consent notice, signed by the three parties, was lodged with the Environment Court, which they may reject or accept. He advised Council was now working on the basis that it would be going to the Environment Court, however it was still unaware of Environment Canterbury's rationale for the appeal. It appeared to relate to issues that were non specific to the applicant.

The Chief Executive advised he would be speaking with senior staff of Environment Canterbury on Monday following the Mayoral Forum and matters would be taken from there.

The Chief Executive Officer advised if Council was successful in defending the decision it would certainly want to go for full costs.

Mayor Heays suggested this may be a timely moment to remind Environment Canterbury about the "no surprises" clause in the agreement signed by both parties.

The Chief Executive Officer advised it would be appropriate for the Mayor to send a letter to the Chairperson of Environment Canterbury. He advised prior to lodging any appeals, Environment Canterbury should be approaching Council and advising the rationale for appealing so there is potential to resolve the matter before going to the Environment Court. Mayor Heays advised he was more than happy to write to Environment Canterbury.

3. MARLBOROUGH BRANCH HISTORIC PLACES TRUST

Moved by Councillor Woods, seconded by Councillor Seddon and resolved that Council endorse the letter written by the Marlborough Branch Historic Places Trust to Mr G Harmon (Developer) and Mr A Broughan (Contractor).

4. PUBLIC EXCLUDED SESSION

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

a. Review of Objection to Conditions of Consent
R J Jones

b. Review of Objection to Conditions of Consent
AM & C Taylor

c. Biodiversity Contestable Fund
Consideration of appointment of three individuals

There being no further business the meeting closed at 12.04pm.