

**KAIKOURA DISTRICT COUNCIL MEETING FOLLOWING THE FINANCE AND POLICY COMMITTEE MEETING ON THURSDAY 20 APRIL 2006, IN MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.**

**AGENDA**

1. *Apologies*

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

3. **Minutes to be Confirmed:**

    ■ *Council 15/03/2006* *page 66*

**Reports to be Adopted:**

    ■ *Works & Services Committee 15/03/2006* *page 74*

    ■ *Environmental Services Committee 15/03/2006* *page 80*

    ■ *Finance and Policy Committee 15/03/2006* *page 83*

    ■ *Social Services Committee 08/03/2006* *page 86*

**Minutes to be received**

    ■ *Hearings and Applications Committee 14/03/06 & 21/03/06* *page 91*

4. *Matters arising from Confirmed minutes*

5. *Minutes Action List Update*

<b>MEETING</b>	<b>ACTION REQUIRED</b>	<b>BY</b>	<b>DATE ACTIONED</b>
	<b>21 DECEMBER 2005</b>		
Council	Form a working party and investigate an alcohol ban in the district	Councillors Pablecheque, McChesney, and Macphail.	Draft Policy Item No. 7 Page 115
	<b>15 FEBRUARY 2006</b>		
Council	Develop a Freedom camping policy	Nicole/Annie	Item No. 8 Page 120
	<b>15 MARCH 2006</b>		
Council	Proceed with plans and resource consent for new wharf	Stuart	In Progress

6. *Regional Physical Activity Strategy Report* *page 97*  
     ▪ **For Adoption**

7. *Draft Control of Liquor & Liquor Ban Bylaw 2006* *page 115*

**Recommendation**

**It is recommended that the Draft Control of Liquor & Liquor Ban**

**Bylaw 2006 be adopted by Council**

8. *Draft Freedom Camping Policy* *page 120*  
Recommendation

**It is recommended that the Draft Freedom Camping Policy 2006 be adopted by Council**

9. *Ocean Ridge Development*  
*2pm – presentation from RD Hughes*

10. *Committee Updates* *page 122*  
*Report from Airport Committee*

11. *Mayor’s Report* *page 124*

12. *Urgent Business*

13. *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 15/03/2006*
- b. Confirmation of Minutes of Works & Services Public Excluded meeting on 15/03/2006*
- c. Receipt of Hearings & Applications Public Excluded meeting on 14/03/2006*
- d. CEO Performance Review*

*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 held on 15 March 2006.	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 to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Minutes of the Works & Services Public Excluded meeting held on 15 March 2006.	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 to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Minutes of the Hearings & Applications Public Excluded meeting held on 14 March 2006.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local	<b>Section 48(1)(a) and 7(2)(b)</b>

	Authority to deliberate in private on its decision or recommendation.	
CEO Performance Review	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 to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>

# **DRAFT CONTROL OF LIQUOR & LIQUOR BAN BYLAW 2006**

The Kaikoura District Council in pursuance of the powers contained in the Local Government Act 2002 (and particular Section 147 of that Act), the Bylaws Act 1910 and any other authority enabling the Council in this behalf hereby makes the following Bylaw.

## **1.0 Title and Commencement**

- (i) This Bylaw shall be known as the Control of Liquor & Liquor Ban Bylaw 2006.
- (ii) The Bylaw shall come into effect on the **1<sup>st</sup> August 2006**

## **2.0 Interpretation**

**Act** – means the Local Government Act 2002.

**Council** – means Kaikoura District Council.

**Enforcement Officer** – means any Police Officer or any person appointed by the Council pursuant to Section 177 of the Local Government Act 2002 to exercise the powers of an Enforcement Officer in relation to offences against these Bylaws.

**Liquor** – means “any fermented, distilled, or spiritous liquor (including sprits, wine, ale beer, porter, honeymead, stout, cider and perry) that is found on analysis to contain 1.15 percent or more alcohol by volume”. Note: This is the meaning given to liquor in the Sale of Liquor Act 1989.

**Offence** – means an offence under Section 239 of the Act and includes the offences in clause 3 of this Bylaw.

**Public Place** – means a place –

- (i) That is under the control of the Council; and
- (ii) That is open to, or being used by, the public, whether or not there is a charge for admission;  
and includes
  - (i) A road, whether or not the road is under the control of a territorial authority; and
  - (ii) Any part of a public place.

**Specified Period** – means a permanent 24 hour period where the liquor ban is in force and any additional period that may be determined by the council by resolution from time to time and publicly notified in accordance with clause 4 of this Bylaw.

**Specified Public Place** – means a public space defined or listed in the attached schedule and such additional place as may be defined by the council by resolution from time to time and publicly notified in accordance with clause 4 of this Bylaw.

This shall include the following areas:

- Beach Road from Hawthorne Street to Brighton Street
- Ludstone Road from DOC Building to West End

- Davidson Terrace
- Whaleway Station Road to West End, including carpark & walkways
- Corner Churchill Street/Scarborough Street to West End
- Deal Street including Churchill Park
- Esplanade from West End to Brighton Street
- Torquay Street from Killarney Street to Brighton Street
- Upper Killarney Street to Scarborough Street/Churchill Street corner
- Takahanga Terrace
- Killarney Street
- Yarmouth Street
- Brighton Street
- Including the beach and foreshore of the above areas, reserve areas, sports grounds, camp areas and car parks).

### **3.0 Offences**

3.1 It shall be an offence under this Bylaw to:

- Bring liquor into,
- Possess liquor in, or
- Consume liquor in

any Specified Public Place during any Specified Period.

### **4.0 Addition of Specified Periods and Specified Public Places**

4.1 The Council may from time to time by resolution specify additional periods during which the bringing of liquor into a public place and the possession or consumption of liquor in a public place may be prohibited and (in conjunction with such a prohibition) the presence or use of vehicles may be regulated or controlled. The council may make such a resolution in relation to any planned public event, function or social gathering to be held in a public place or in relation to a period when the congregation of a large number of people in a public place is anticipated.

4.2 The Council may from time to time by resolution specify additional public places that are to be defined as Specified Public Places and in relation to which the provisions of the Bylaw relating to the prohibition, regulation or control of liquor and vehicles may apply during a Specified Period.

4.3 Every resolution made pursuant to Clause 4.1 of clause 4.2 above shall be publicly notified at least 14 days before it shall take effect.

### **5.0 Exemptions**

5.1 This Bylaw does not prohibit, in the case of liquor in an unopened bottle or other unopened container –

- (a) The transport of that liquor from premises that adjoin a public place during any period when, under the Sale of Liquor Act 1989, it is lawful to sell liquor on those premises for consumption off the premises, provided the liquor is promptly removed from the public place.
- (b) The transport of that liquor from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of liquor under the Sale of Liquor Act 1989.

- (c) The transport of the liquor from outside a public place to premises that adjoin a public place:
  - (i) by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or
  - (ii) from those premises to a place outside the public place by a resident of those premises, provided the liquor is promptly removed from the public place.

5.2 This Bylaw does not apply to any area that is the subject of a special licence issued pursuant to the Sale of Liquor Act 1989.

## **6.0 Powers of Arrest Search and Seizure**

6.1 In accordance with Section 169 & 170 of the Act a member of the Police may, without warrant,

- (a) for the purpose of ascertaining whether liquor is present, search -
  - (i) a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place:
- (b) seize and remove liquor and its container if the liquor is in a public place in breach of a bylaw:
- (c) arrest a person whom the member of the police finds committing an offence against this bylaw.
- (d) arrest a person who has refused to comply with a request by a member of the police -
  - (i) to leave the public place; or
  - (ii) to surrender to a member of the police the liquor that, in breach of a bylaw, is in that person's possession.

6.2 Before a member of the police may exercise the power of search in Clause 6.1 the Council must –

- (a) specify the public place where, this power may be exercised by the Police by public notice given at least 14 days in advance of the ban taking effect:
- (b) indicate the location of the public place by 1 or more clearly legible notices affixed in 1 or more conspicuous places on, or adjacent to, the place to which the notice relates, unless it is impracticable or unreasonable to do so.

6.3 If the council has not so specified a place and indicated its location under Clause 6.2, then before exercising the power of search under Clause 6.1 in relation to a container or a vehicle, a member of the police must –

- (a) inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and
- (b) provide the person with a reasonable opportunity to remove the liquor or the vehicle, as the case may be, from the public place.

6.4 In accordance with Section 169 of the Act, liquor or a container seized under clause 6.1 is forfeited to the Crown if the person from whom the liquor or container is seized is convicted of breaching the bylaw.

**7.0 Breach of Bylaw and Penalty**

7.1 Any person who commits any offence listed in clause 3 of this Bylaw or acts in breach of any provision of this Bylaw commits an offence and on summary conviction is liable to the penalty set out in Section 242(a) of the Act (a fine not exceeding \$20,000).

**EXPLANATORY NOTES**

1. The Council has considered this Bylaw in relation to the Bill of Rights Act 1990 and deemed it not to be contrary to the provisions of the Act.
2. This Bylaw shall be reviewed within five years of the day from which the bylaw is made.

# **DRAFT KAIKOURA DISTRICT COUNCIL FREEDOM CAMPING POLICY 2006**

## **Introduction**

Following and referring to the report submitted to Council in January 2006, the following policy sets a path forward in managing Freedom Camping throughout the Kaikoura District.

Council may wish to adopt the following policy while considering the following core principles:

- That the protection of the natural environment is of paramount importance
- That the health and safety of all users is protected
- To promote awareness regarding the cultural importance of the coastline including its use for food gathering
- That the opportunity for all users to interact with and enjoy the natural environment should be maximised.

## **Recommended Policy**

It is recommended that Council adopt the following policy relating to freedom camping in the district, after which consultation and implementation of the policy shall take place.

In the Kaikoura District freedom camping on public lands shall be permitted in consideration of the following:

1. A maximum stay of two nights be permitted.
2. Use of the local commercial campgrounds be encouraged.
3. Use of public facilities (dump stations and toilets) be encouraged.
4. Self contained campervans (those with toilet facilities) are not discouraged from overnighting in the district- unless an area is designated as 'no camping' (i.e. Esplanade through to the Seal Colony).
5. Vehicles without toilet facilities shall be encouraged to stay at locations with facilities (i.e. South Bay Domain and potentially Mangamaunu providing toilet facilities are adequate).
6. A partnership between KDC and other stakeholders and affected parties work on promoting an education campaign that highlights the use of suitable locations, Kaikoura's environmental policies and philosophies and the four core principles mentioned above.

## **Process from here**

Once KDC have agreed upon the content of a Freedom Camping Policy, consultation will take place with stakeholders to ensure their commitment to the same policy and its implementation throughout the District.

*Stakeholders and landowners include KDC, Ngai Tahu, DOC, Transit and community members*

We envisage the implementation will involve consultation with stakeholders to determine:

- sites that are appropriate and inappropriate for overnight stays,
- suitability of and funding for signage at locations that are not appropriate,
- effectiveness of placing signage showing locations of toilets, dump stations, resource recovery centre etc,
- development of educational material and distribution processes,
- investigate placing honesty boxes for revenue generation,
- determine appropriate management process (i.e. funding a summer education position and/or or volunteer wardens),

## **Report to Council from Airport Committee**

On Friday 7<sup>th</sup> April the committee adopted the Airport Development Plan, subject to getting CAA approval.

Background to the proposal:

Gallo imposed different scenario's onto the site plan. We looked at having all the development to the north and all to south. With all the CAA rules in place, we only had a small building area to work with. A 10meter no build zone along the side of road way boundary  
A no build zone from the edge of the two run ways strip at a 1:5 angle also took another 20 metres.  
A no build zone to the north and south at the end of the run ways at.

With the demand for hanger space from two known commercial operators and an application from a private pilot and with the possibility of more applicants, it became obvious that there could be conflict between commercial and private operators.

We then developed the idea of splitting the two into different areas as can be seen in the plan. There is an aircraft parking area 50 metres north of the Taxi way, then two 30m x 20m hangers with a third 30m x 20m area for a helicopter landing pad. Thus leaving enough room around the fuelling station and if a parachute operator starts up again the area to north of the fuel station could be used for its landing area. Note – no bus parking around helipad.

There will be an access way to these hangers for service vehicles and passengers to walk ways in the 10m no build zone along side the roadway.

To the south of the Aero Club this area be for the private operators. Highlighted on the plan we show car parking and four 20m x 30m hanger spaces and a grass taxi way linking up with the sealed taxi way.

The Aero Club have agreed to the possible use of their access way for the southern hanger areas.

The Development Plan was first shown to the Airport Committee for comment. A week later we had another workshop meeting which included the committee and an extended aero club membership and Dave Armstrong and John Levy (applicant who would like to build a private hanger). The workshop was full of lively debate. During this workshop a few small problems with operators at the airport were highlighted.

The Airport Committee is now seeking Council approval for the development plan. Seeking final approval from Ngai Tahu for the leasing of the ground to the south. Also look into the controlling of the car park area.

## Mayor's Report

- The request for support from Mayor John O'Neill of MacKenzie District, that was distributed for any comment has not had a response – so I take it that a response from my Office (which is of support for all issues) does not receive any objection.
- An indication of interest in attending the LGNZ Annual Conference 16-19 July along with our CEO and myself is required at this month's meeting, as bookings need to be done.
- As the formalized remits for the LGNZ AGM come to hand, I will distribute them to council for an indication on our voting requirements
- After conversations with ECan councilor Robert Johnstone regarding progress (or lack of it) with the Resource Consent for the South Bay Boat Park Protection work, it seems that ECan are working through section 92 (further information). The final stages of which are in process now – that is, contact with the South Bay Ratepayers Association, who may have received some misguided information, leading to confusion about what is actually proposed to happen. A decision has yet to be made by ECan whether the need is there to publicly notify the consent.
- Our Chief Executive Officers' annual performance review is due for completion.

Some points to note and discuss during Public Excluded are:

- The regularity that these reviews are completed.
- The process we elect to use.
- The personnel who undertake the review.
- The input that council as a whole or as a part has into the process / the review / the reporting.
- Performance and Pay partnerships
- Future pathways for regular, relevant reviews.

More information is attached in Public Excluded agenda.

