

**KAIKOURA DISTRICT COUNCIL MEETING HELD AT 9.00AM ON  
WEDNESDAY 16 DECEMBER 2015 AT 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. Canterbury Economic Development Company Shareholder Resolution** *page 36*

**5. Reserve Act Approval** *page 57*

**6. Public Forum**

<b>TIME</b>	<b>NAME</b>	<b>SUBJECT</b>
1.00pm	<i>Dennis Buurman</i>	<i>Erosion on the Esplanade</i>
1.15pm	<i>Gerard Nolan</i>	<i>Camping - refer page 61</i>
1.30pm	<i>Paul Stemmer</i>	<i>Civic Building</i>

**7. Committee Updates**

**8. Mayor's Report** *page 65*

**9. Minutes to be Confirmed:**

■ **Council 18/11/2015** *page 66*

**10. Reports to be Adopted:**

■ **Works & Services Committee 18/11/2015** *page 71*

■ **Environmental Services Committee 18/11/2015** *page 73*

■ **Finance and Policy Committee 18/11/2015** *page 74*

**11. Minutes to be Received:**

■ **Hearings and Applications Committee 27/10/2015** *page 75*

**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 18/11/2015**

**b. Appointment of representatives to the Road Naming Subcommittee**

**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 18/11/2015	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 protect information where the making available of that information would likely unreasonably to prejudice the commercial position of the person who supplied the information or who is the subject of the information.	<b>Section 48(1)(a) and 7(2)(b)(ii)</b>
Appointment of representatives to the Road Naming Subcommittee and the Kaikoura Zone Water Committee.	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to protect the privacy of natural persons.	<b>Section 48(1)(a) and 7(2)(a)</b>

## Canterbury Economic Development Company Shareholder Resolution

Council is one of ten shareholders in the Canterbury Economic Development Company which is a Council Controlled Organisation. The company was formed in October 2008 with the core purpose and mission to act as a promoter for transformational economic development projects that will benefit Canterbury and to utilise the Canterbury Regional Economic Development Strategy to coordinate strategic economic development initiatives.

The Company has not traded during the year and so to save shareholders' time and money it is proposed that in lieu of holding an Annual Meeting the attached resolution is signed by the shareholders in accordance with clause 12.4(d) of the constitution of the company. The Annual Report for the company is also attached.

A meeting of directors is to be called shortly to enable the directors to discuss the future of the company.

***Recommendation:***

- 1. That the Canterbury Economic Development Company Limited Annual Report, including Auditors Report for the year 30 June 2015 is adopted.***
- 2. The Auditor General is reappointed as auditor for the year ended 30 June 2016.***

Author: Executive Officer  
Endorsed by the Chief Executive Officer

## **Reserve Act Approval**

The report below is based on the template from Reserve Act guide produced by Local Government New Zealand and Department of Conservation.

The report deals with the creation of an easement over local purpose reserve. As the reserve land (Lot 11 DP 7341) is vested in the Council as opposed to vested in the Crown the ability to provide for an easement has been delegated from the Minister of Conservation to the Kaikoura District Council. The Council is therefore acting as the Minister of Conservation as provided by the delegation.

The easement A and B as shown on the plan is over land vested within the Crown and as such is beyond Council's delegation. Separate approval by way of concession has been provided by the Department of Conservation for these easements. This report only deals with Easement C."

### **LOCAL AUTHORITY VESTED RESERVE – MINISTER OF CONSERVATION CONSENT TO GRANTING EASEMENT/LEASES/LICENCES**

Ref: 10.1.30

To: Minister of Conservation Delegated Authority Kaikoura District Council

#### **Overview**

Territorial Authorities have been given powers of delegation under the Reserves Act 1977. The powers require the Kaikoura District Council to make decisions under the Reserves Act 1977. This report provides for the creation of an easement to allow for legal access across local purpose reserve.

### **CONSENT FOR EASEMENT OVER LOT 11 DEPOSIT PLAN 7341**

#### **Proposal**

The Kaikoura District Council has recently been gifted Lot 2 DP 481901 from the Presbyterian Church Property Trustees. To ensure the property continues to have legal access a concession and easement is required. The concession relates to areas A and B shown below being the recreation reserve vested within the Crown. These concessions have been provided for by the Department of Conservation.

The ability to grant easements for Area C was provided for in general delegations given to all Council's by Hon Dr Nick Smith, then Minister of Conservation, on 12th June 2013. The delegations do not provide the power to sub delegate and any decisions made under these delegations should be exercised by the Council itself and not by Council staff. This report requires the Council to consider the granting of Ministerial consent to the Kaikoura District Council (KDC) for the granting of right of way easement to the Kaikoura District Council over Lot 11 DP 7341 pursuant to the Reserves Act 1977.

#### **Location**

The area of reserve Lot 11 DP 7341 is located on the south end of the existing racecourse reserve (Part Section 9 Block X Mt Fyffe SD). The reserve is classified as Local Purpose Reserve. Refer to the attached plan and certificate of title 706881 or more information. An easement is sought over a portion of this reserve being Area C shown on the attached plan.

## **Background**

Although Area C is currently used for physical access for the walking track through Lot 2, legal access is currently limited to the existing Department of Conservation concession as discussed above. The existing legal access is to the top of the block and given the steep terrain it is desirable to ensure legal access also exists to the bottom of the block. The easement C provided for on LT 481901 provides for the legal access at the bottom of the block.

The Kaikoura District Council requires the Ministers consent to grant a right of way easement to Kaikoura District Council for access over Lot 11 DP 7341.

## **Land and status**

The land is a rectangular block of mowed grass which has a slight slope rising away from the ocean. It contains a stock proof fence on the west of the property which adjoins the existing recreation reserve. The adjoining recreation reserve is the location of the Trotting Club and other community activities. To the east of the property is a deer fence and private property which is subject to subdivision.

The reserve was the result of a residential subdivision which occurred in 1987, DP 7341.

The local purpose reserve is presently used to provide access to a community walking track which was gifted to the Kaikoura District Council by the Presbyterian Church Property Trustees. The reserve contains no buildings or structures.

## **Statutory Policy and Criteria**

The Minister needs to ensure that the issuing of this easement is in accordance with the purposes for which the land is held. Pursuant to Section 48 of the Reserves Act 1977, the Kaikoura District Council requires the consent of the Minister of Conservation (as delegated to the District Council) to allow the easement as described above.

## **Council Technical Officer Comment**

No technical issues exist with the issue of the easement.

## **Management Planning**

No relevant management plans exist for this reserve.

## **Treaty of Waitangi and Section 4 Conservation Act 1987**

Discussion have occurred with Ngai Tahu given the Ngai Tahu Claims Settlement Act and Section 4 of the Conservation Act 1987. As a result of discussion an easement document has been structured to address Ngai Tahu concerns.

## **Consultation**

Extensive community consultation has occurred in the formation of the St Pauls, New Beginning Walkway. Consultation dates back to the March 2011 Draft Management Plan for the area, which was prepared by St Paul's Church, the Community Restoration Committee and Partners.

Support from the concept was provided by:

- Kaikoura District Council
- Department of Conservation
- Te Runanga o Kaikoura
- Kaikoura Branch of Forest and Bird

The ROW legalises the existing activity which is occurring and allows for the vision of the area to be completed. Specific discussions have also occurred with Matthew Rush, Legal Counsel, Te Runanga Group, Ngai Tahu. Amendments have been made to the easement document which ensure that perpetual access of the public at large, the right to, at all times, go over and along and otherwise use the Easement Line.

It has not been considered necessary to undertake additional consultation or additional public notification given previous community meetings and the consent which has been issued for the subdivision. Further the use of the reserve is not anticipated to change from what is presently occurring.

#### **Plans**

The attached plans show the intended easement location.

#### **Authority**

The council intends to issue an easement pursuant to Section 48(1)(b) of the Reserves Act 1977. The Minister's consent is required pursuant to Section 48(1) of the Reserves Act 1977. Council has delegated power on behalf of the Minister to provide approval.

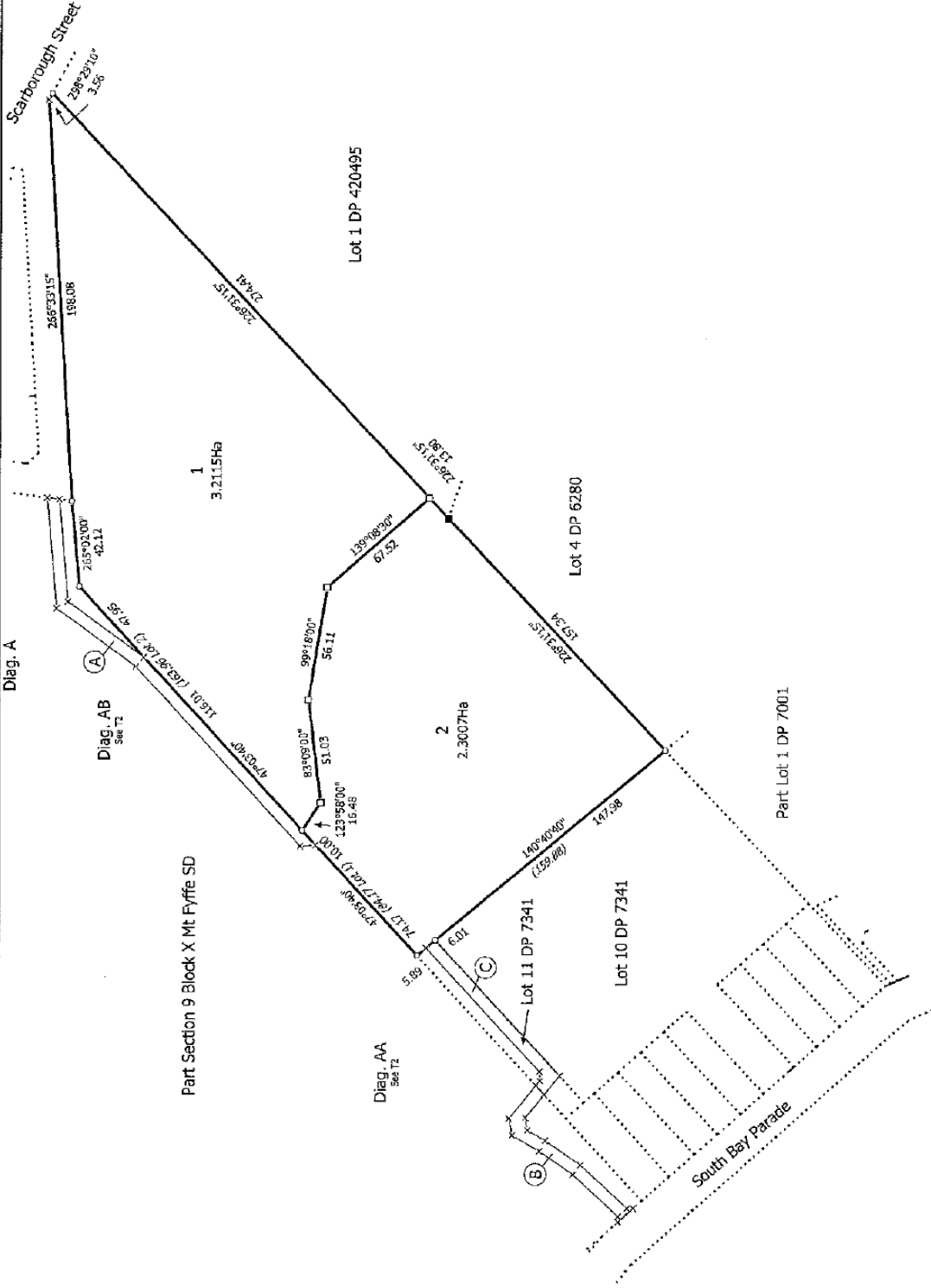
#### **Conclusion**

The granting of this easement although not directly associated with the use of the reserve does not in any way compromise or affect the purpose, nor affect the public's ability to utilise the reserve.

#### **Recommendation**

***That pursuant to Section 48(1) of the Reserves Act 1977 the Kaikoura District Council grants an easement under delegated authority to the Kaikoura District Council as shown on the attached plans.***

Author: District Planner  
Endorsed by the Acting Chief Executive Officer



T 112

Title Plan  
LT 481901  
DRAFT

Surveyor: Anthony John Hawke  
Firm: Gilbert Haynes and Assoc Ltd

Lots 1 & 2 being subdivision of Pt Section 1 Section 267 Kalkoura Suburban  
and Easements over Pt Section 9 Blk X Mt Fyffe SD & Lot 11 DP 7341

Land District: Marlborough  
Digitally Generated Plan  
Generated on: 14/01/2014 10:18pm Page 3 of 4

COUNCIL MEETING 16 December 1.15 PM

The Mayor and Councillors  
Kaikoura District Council

#### RANUI COTTAGE PARK OVER

Attached is a letter from NZ Holiday Parks Association dated 9 October for which there has been no reply

Also attached is Certificate of Registration for Ranui Cottage

I wish to express my deep concern and disappointment that an exemption to the Camping Ground Regulations has been granted to Barbara Bartram

The exemption has been granted under section 14(1) of the regulations

This section states "where a local authority is satisfied that undue hardship would be caused by the application of Regulation 3 to any camping ground

it may grant the operator a certificate of exemption ...."

There has been no written application re undue hardship under section 14 (1)

The decision to grant an exemption appears to be based on the following

- 1 Discussions between Ian Shaw (Council Contractor) and Barbara Bartram
- 2 Legal opinions from Selwyn and Southland District Councils (based on NZ Motor Caravan Association applications for exemption for their members)

We are not opposed to competition when it's fair

This is NOT fair as Ranui Cottage have been exempted from the requirements under Regulation 3 which includes

Buildings/ Ablution and Sanitary fixtures /Cooking Places /Laundry facilities /Drainage etc

The local Holiday Parks have had to invest significant amounts of money into their businesses to meet all the requirements of legislation

These Parks also contribute substantially to the local community through employment of staff and purchase of local good and services

Not only is there no community benefit from the operation of Ranui Cottage Park Over there is cost to the ratepayers in

- 1 Monitoring (assuming someone will check on number of campers and self containment certificates)
- 2 Refuse collection (town bins will be used as the property has no bins)

A dangerous precedent as been set in granting this exemption

There is potential for numerous other owners of land to apply for an exemptions which would have a huge impact on our businesses

We strongly urge council to revoke the certificate of registration for Ranui Cottage until the camping ground regulations are complied with

Other Holiday Parks will be in attendance at the Council meeting to speak to this submission

Gerald Nolan  
Kaikoura TOP 10 Holiday Park



9 October 2015

Chief Executive  
Kaikoura District Council  
P O Box 6  
Kaikoura 7300

Dear Sir

We are writing regarding the Certificate of Registration for Camping Grounds issued by Council for Ranui Cottage Park Over at Avoca Street Kaikoura.

It appears that this property has been given an exemption to many of the requirements of the Camping Ground Regulations 1985. Their Certificate of Registration appears to rewrite the requirements of the Regulations with a number of conditions.

From information provided to us it appears that the exemption is based on an exemption provided in a different District to a private club operating a park over property exclusively for their members. A private camping ground for members only is a completely different business than is offered by Ranui Cottage.

The Ranui Cottage Park Over at Avoca Street is catering for all visitors and is operating in direct competition to licensed camping grounds in Kaikoura which meet the Regulations.

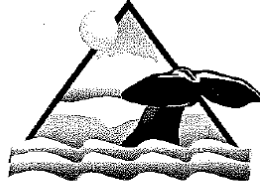
The Kaikoura District can boast a number of licensed high quality holiday parks and camping grounds. It is unfair and unjust that the Ranui Cottage Park Over at Avoca Street does not have to comply with the same regulations that our member parks are required to meet.

We request that the Ranui Cottage Park Over at Avoca Street is either required to meet all the requirements of the Camping Ground Regulations 1985 or is has the Certificate of Registration revoked. It is essential that this matter is dealt with prior to the summer season.

Thank you for your assistance with this matter and we look forward to receiving your response.

Yours sincerely

Fergus G Brown  
Chief Executive



**KAIKOURA  
DISTRICT COUNCIL**

Your ref:  
Our ref: 4.7.2i

**CERTIFICATE OF REGISTRATION  
FOR CAMPING GROUNDS  
Health (Registration of Premises) Regulations 1966**

**RANUI COTTAGE PARK OVER  
AVOCA STREET, KAIKOURA**

The Kaikoura District Council having been paid the prescribed fee issues this certificate for the purposes hereinafter described:

MANAGER: **Barbara Bartram**  
ADDRESS: **Avoca Street, Kaikoura**

The premises are registered for the type indicated above in accordance with the Camping Ground Regulations 1985.

MAXIMUM NUMBER OF OCCUPANTS:

NUMBER OF VEHICLES (campers or caravans): 10 maximum  
Conditions:

- Only certified self-contained (certified to NZS 5465:2001) are permitted to camp onsite
- Tents are only permitted alongside a certified vehicle provided the total number of occupants in the vehicle and tent does not exceed the maximum number of occupants stipulated on the vehicles self-containment warrant and certificate.
- Members are permitted to camp on site for up to 21 days in a 60 day period
- Members must vacate the site at least every five days whilst camping on site to empty their waste water tanks in an approved facility
- No waste is to be deposited on the site, other than in appropriate waste receptacles.
- The operator SHALL CAUSE THIS CERTIFICATE TO BE DISPLAYED in the premises to which it relates.
- Registration for the purposes set out above MUST BE RENEWED ON OR BEFORE THE FIRST DAY OF JULY EACH YEAR.
- In the event of any changes in the proprietorship of the premises or any other alteration affecting particulars of registration, the above named holder of this certificate SHALL MAKE APPLICATION to this COUNCIL to have the alteration endorsed thereon and shall produce this certificate for the purpose.


*Kaikoura – A Sustainable Community*

Official Correspondence: Executive Officer, P.O. Box 6, Kaikoura 7340.

Telephone (03) 319 5026, Facsimile (03) 319 5308, Email: kdc@kaikoura.govt.nz, Website: www.kaikoura.govt.nz

This certificate expires on the 30<sup>th</sup> June 2016.

Dated at Kaikoura this Wednesday 16<sup>th</sup> September 2015

  
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For General Manager

Certificate Number: 9

## Mayor's Report

I attended the Rural Provincial November meeting in Wellington. Sir Wira Gardener spoke about the work of the Local Govt Commission. In the near future they will be contacting Local Govt leaders to arrange meetings throughout the country. The commission is taking a more flexible approach and wish to engage with the sector about issues councils have and about collaboration and facilitation. The Commission see opportunities for Council Controlled Organisations that may cross through local authorities without changes to the boundaries.

Changes to Air New Zealand routes continue to frustrate Local Govt in some areas, particularly the fact there are no interlinked agreements in place which causes real issues around baggage handling in particular.

Amy Adams spoke on the digital rollout using the analogy that this is the equivalent of what roads and rail did to our economy back in 1800s. Everything we do is going to change with the digital world on our doorstep, we can compete with the world. We don't have to live in the global cities to engage and are a different value proposition with IT. Adams encouraged Local Authorities to require fibre in all subdivision consents.

The Mayoral Forum continues the work on the seven work streams, an announcement is being made Thursday 12<sup>th</sup> about delivering better connectivity across our region. Spark has entered into an agreement with the Mayoral Forum. They are bringing forward the roll out across our region of 4G, to be completed by December 2016. This will increase the download of data to between 50 & 100 MGB per second, this is a result of the work Damon Odey is leading for the forum.

As lead of the Visitor Strategy we are working on encouraging business throughout the region to take up the immense opportunities coming due to the increased numbers of tourists coming through Christchurch Airport this season. A press release will be out any day now. I will be attending a welcome reception for the direct flight in to Christchurch on Thursday 17<sup>th</sup> of December with a Mayoral Forum involving Mayors, China Southern Airlines and Airport management.

Locally a group are working on bringing the Mounted Rifles Trust Group to Kaikoura for a special 2016 parade to commemorate the Marlborough, Nelson, Kaikoura Mounted Rifles Group that came through here in 1915 on their way to the rail head at Cheviot then on through to Lyttelton to embark overseas to war.