

# MINUTES OF THE COUNCIL MEETING HELD AT 9.01AM ON WEDNESDAY 19 NOVEMBER 2014 AT MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.

**PRESENT:** Mayor W Gray (Chair), Councillors T Blunt, J Diver, G Harmon, J Howden, C Mackle, D Millton, D Morgan.

**IN ATTENDANCE:** S Grant (Chief Executive Officer), S Syme (Committee Secretary).

## 1. OPEN FORUM

### **Ralph Hogan – Item 15 Council Minutes**

R Hogan advised he wished to address item 15 of the minutes from the previous meeting regarding the report on transparency and accountability recommendations. He suggested that whenever there was confusion around a motion that Councillors request that the motion be read back. He advised he did not think what ended up in the minutes was exactly the same as what happened. He noted the detail included in the status quo motion was not in the motion put forward. He advised three items put forward in recommendations were discussed and one was not and he requested the recording of votes be brought up again. R Hogan advised regarding the amendment to the motion that what was recorded in the minutes was not what he heard. He noted the minutes did not show the amendment was passed. He noted once it was passed it became the motion and he felt it needed to be clarified and cleaned up.

*The meeting adjourned at 9.06am and resumed at 10.32am.*

## 2. NOTICE OF MOTION

*Moved by Councillor Blunt, seconded by Councillor Morgan that Standing orders NZS 9202:2003 as adopted by Council for the conduct of all Councils Meeting to which the standing orders apply be amended as follows;*

- *(Page 36) Members ~~may~~ shall have their votes recorded 3.14.5 ~~Any All member's votes or abstentions must be recorded in the minutes if so requested by that member.~~*
- *(Page 38) Keeping of Minutes 3.17.2 ...; names of ~~any~~ all members ~~requesting the recording of~~ and their abstentions or votes; ...*

### **Discussion:**

Councillor Blunt advised the request was simple and the practice was what many other Councils actually did in terms of improving relationships with the general public. He noted Council's score with the community was not wonderful and he felt it would go some way to improving transparency if votes were recorded. He felt it was quite an important first step to improving the working relationship with the community. He advised the alternative was on votes of significance to call for a division which he understood was a long winded process. The Chief Executive Officer explained the process as outlined in Standing Orders. He advised it could take longer than current practice. He further advised traditionally a division had been used for reasonably contentious or big issues. He felt it had

probably been used approximately half a dozen times in the past fifteen years.

Councillor Morgan advised she supported the motion. She advised a lot of the community assumed votes were recorded and she was not sure why someone would not want their vote recorded. She advised people wanted to see votes for their own knowledge for the future. She felt this would be a simpler process than having to call for a division.

Councillor Diver felt Council should stick with what it had been using for over 15 years. He advised it did not matter whether an elected member voted for or against a decision, once the majority had voted either for or against the decision was supposed to be promoted as full council policy. He advised Council worked under a caucus system which did not turn into a them and us scenario unless recording of a vote was specifically requested. He noted Councillors could have their name recorded for or against if they chose.

Councillor Blunt advised not everybody debated issues every time so it was not recorded specifically in the minutes. Mayor Gray felt if votes had to be recorded members may not debate. He advised if he voted a particular way and then seen the error of it and then voted against it then people would say why did he change his mind. Councillor Blunt advised many other Councils recorded votes. Mayor Gray advised he had spoken to Marlborough, Hurunui, Waimakariri and Selwyn and they did not record votes.

Councillor Harmon suggested if elected members knew their name was to be recorded for every vote they may vote for popularity which he saw as a negative. Councillor Milton felt the present system served well and elected members could choose for their vote to be recorded or not recorded. Councillor Howden felt if an elected member was interested in an issue they could have their vote recorded but she would be against having votes recorded every time.

Councillor Mackle advised prior to the discussion he had not had an opinion either way. He advised he had to agree with Council being seen as a whole. He felt the fact that elected members could have votes recorded if they chose to should be satisfactory. He also concurred with the point made regarding popularity and therefore would be inclined to vote for the status quo because elected members had a choice.

Councillor Blunt advised, in regard to an elected member changing their mind on an issue, facts and information changed and it was obvious people would change their mind and he did not see it as an issue. He advised elected members were not in office because of a popularity race but to serve the community and he felt the community needed to know what elected members stood for. He reiterated the Satisfaction Survey showed poor results regarding how the community viewed Council and he felt the recording of votes was one way to improve.

Mayor Gray advised the Civic building had caused issues and it was believed that had effected the survey results. Councillor Mackle saw a decision like that regarding the Civic Building as an occasion when a division would be called. Councillor Blunt noted a division was a long winded process. A discussion was held regarding how often divisions had been called in the past. Councillor Blunt suggested they could be called more often in future. Councillor Diver advised most division had been called when the vote was split 50:50 or was unclear. The Chief Executive Officer advised in the normal course of events a division could be used to slow things down or interrupt proceedings. He advised it was a tool which could be used for a number of reasons.

***The motion was put. Councillor Blunt called for a division***

***The votes were;***

***For: Councillors Blunt and Morgan***

***Against: Mayor Gray, Councillors Diver, Harmon, Howden, Mackle, Milton***

***The motion was lost.***

### **3. DRAFT DOG CONTROL POLICY AND BYLAW**

The current Dog Control Policy and Bylaw were due for review. A review had been undertaken and the following taken into consideration;

- The nature of complaints received
- Enforcement and whether additional areas needed enforcement provisions
- Policies and bylaws of other Councils
- The requirements of the Dog Control Act 1996.

The Chief Executive officer advised the Policy and Bylaw needed to be complimentary. The next step was to approve the documents to go out for public consultation.

***Moved by Mayor Gray, seconded by Councillor Howden that;***

- 1. The draft Dog Control Policy 2014 be approved for public consultation***
- 2. The draft Dog Control Bylaw 2014 be approved for public consultation.***

#### **Discussion:**

A discussion was held regarding the release of impounded dogs once fees had been paid and the fact that fees budgeted to be received from impoundment in the plan from impoundment was zero. It was noted when this had been queried in the past it had been noted the Dog Control Officer tried to work with the owner rather than having to impound dogs. The Chief Executive Officer advised the Dog Control Officer tried to return dogs to their rightful owner before impounding them. Secondly on a number of occasions the owners of dogs which were impounded did not have the ability to pay impoundment fees up front. Council had on occasion entered into payment plans. The alternative was to keep the dog until the fee was paid or pay to have the dog euthanised. It was noted the bylaw provided some powers if required.

***The motion was put and carried.***

#### **4. DRAFT DEVELOPMENT CONTRIBUTIONS POLICY**

Included in the agenda was a draft Development Contributions Policy. Council was required to review its Development Contributions Policy and have a draft available for public feedback no later than 1 December 2014. The framework of the existing policy had been retained to form the basis for negotiating side agreements. The purpose of the Policy was that it should not be a barrier to investments. The Finance Manager provided an overview of the draft Policy.

Councillor Diver advised he wished to debate the scale of developments included on page 43 of the agenda. He firmly believed that a one lot subdivision had the same impact, when there were a number of scattered subdivisions, as a 10 lot subdivision. He felt the Policy should be the same as it had been in the past. He advised Council would be the only network operator in the area who would not be asking for a development contribution on a one lot subdivision. He advised money from contributions could help to pay off loans.

A discussion was held regarding;

- Whether Council was worried about housing development given there were nine years worth of property available.
- Whether when development contributions were not applied to smaller developments larger developments would have to pay more.
- Side agreements had been negotiated for large developments in the past.
- If the development contribution per house was not set at such high levels it would not be impairment to future development.
- The figures in the initial policy were based on calculated engineering costs and an estimate of the number of new units which would be created.
- Having a contribution per lot and then side agreements for developments over 10 lots.
- A fallback position if agreement with a developer could not be reached.
- Those with a development of scale needed to be able to negotiate.
- Quantum of contributions and how they might be changed.
- Possible deferment of development contributions.
- If no contributions were received but more housing and additional rates were received then the aim had been achieved.
- The thrust of the original policy had been to actively encourage growth and part of that was to enable small subdivisions to go ahead without barriers.
- The original policy had been created in substantially different economic times.

The Chief Executive Officer advised a draft Policy would go out for public consultation and there could well be submitters who wanted the policy changed. There would also be an opportunity for Council to come up with a second draft to be adopted by 30 June 2015. An enquiry was made regarding whether Council could make changes to the draft Policy if there

were no submissions received on a point. The Chief Executive Officer advised other suggestions could be included in a report and Council could make changes given there would be further consideration on the Policy. It was noted the quantum of contributions would be from infrastructure plans and prior to the draft Long Term Plan being released.

It was generally felt the draft Policy should be released for consultation to stimulate some thought through the community with an added statement noting Council was particularly interested in feedback on the thresholds.

***Moved by Councillor Diver, seconded by Councillor Milton and resolved that Council authorise the Draft Development Contributions Policy to be made available for public consultation.***

***The meeting adjourned at 12.00pm and resumed at 1.02pm.***

## **5. SIGNIFICANCE AND ENGAGEMENT POLICY**

The intention of the Policy was around acknowledging the spectrum of issues where Council would consult the community and the level of consultation. The aim of the legislation was to move Councils away from the prescriptive approach of special consultative procedures. It has been very much an all of Canterbury approach to put the policy together and how to comply with what the legislation now required.

The draft Policy had been previously approved for public consultation and during the consultation period one submission had been received. A written submission from K Roberts was included in the agenda. K Roberts commented on a number of areas in her submission including;

- A suggestion that referenced clauses from the Act in the Policy be included in full in an addendum.
- Any decision requiring a loan should invite input from ratepayers.
- The listed criteria for assessing significance had not been adhered to in the past.
- The borrowing limit should be set at a stated figure in each Long Term Plan related to the capital projects envisaged.
- Enquired who decided what level of engagement was required.

### **Deliberation of Submission**

The decision regarding loans or rates would not happen outside the Long Term Plan or Annual Plan process and this was specified in the level of engagement table included in the draft Policy. If Council made a decision which was inconsistent with another policy it had adopted Council would need to go back and modify the relevant policy. This was stated in the legislation.

It was generally felt Council needed to do more in different ways to get people engaged in processes.

It was generally felt an addendum of excerpts from the legislation should be included in the Policy.

In regard to the suggestion that the Policy have a stated borrowing limit it was noted the new mandatory reporting was set at levels of borrowing / benchmark rather than a stated limit.

A discussion was held regarding the selection of stakeholders. It was noted these were selected on a case by case basis depending on the decision which was to be made. For minor issues the decision would be made by Council staff for significant issues the decision would be made by Council.

Councillor Morgan requested the Long Term Plan be moved to the “Involve” column in the ‘levels of engagement’ table. She suggested big ideas should be subject to a public workshop before being included in the Long Term Plan. It was suggested it could mean the first draft of the Long Term Plan could be a better document by obtaining ideas from the public. Council could feel confident that what it had produced people had had plenty of opportunity to give comment on. Councillor Howden questioned why Councillors were elected if they had to keep going back to the public and felt Council needed to get on with its job.

It was noted the table was about what Council had to do as a minimum. Collaboration and involvement was happening with groups regarding the beautification of Beach Road and some of that work would be included in the Long Term Plan. The Finance Manager advised it was important to have undertaken some investigations so some options could be provided. The Chief Executive Officer advised if Council was looking at changes to the District Plan discussions with the appropriate parties would occur prior to coming up with a policy or rules before undertaking consultation.

***Moved by Councillor Diver, seconded by Mayor Gray and resolved that subject to the following amendments the Significance and Engagement Policy be adopted;***

- ***Include an addendum of excerpts from the legislation***
- ***The inclusion of the following statement regarding stakeholder involvement ‘ The decision to determine the level of initial stakeholder involvement will be determined by the appropriate staff member.’***

## **6. DESTINATION KAIKOURA UPDATE**

Glenn Ormsby, District Tourism Manager, was in attendance to present this item.

G Ormsby provided an overview of Destination Kaikoura activities which included:

- work to promote the Kaikoura environment and sustainability story
- participation in the Christchurch Canterbury walks campaign run in the Australian market
- participation in the Tourism New Zealand mega famil seminars in Auckland with 250 Australian agents
- a radio campaign in Christchurch during august and September for five weeks
- development of a conference and meetings brochure for Kaikoura

- development of 5000 copies of a Chinese Visitor guide

## **7. MOTORHOME FRIENDLY COMMUNITY**

The New Zealand Motor Caravan Association (NZMCA) wanted Kaikoura to become a Motorhome Friendly Town. NZMCA provided information to its members regarding where members could park for free. There were currently three places in Kaikoura. The NZMCA was a membership only group which had a code of conduct for its members. All members were required to have a standard of self containment so that all waste and greywater was contained within the vehicle and was self contained for 3 days.

To become a Motorhome Friendly Town certain criteria needed to be met. Kaikoura met all of the criteria. Mayor Gray advised Motorhome friendly was not to be confused with freedom camping. It was noted the membership of the NZMCA was 55,000 which was virtually a city on wheels.

***Moved by Mayor Gray, seconded by Councillor Millton and resolved that Council apply to the New Zealand Motor Caravan Association to become a Motorhome Friendly Town.***

## **8. ENVIRONMENT CANTERBURY AIR PLAN**

The Air Plan was being reviewed by Environment Canterbury. Council had previously submitted on the document and Environment Canterbury had sent the document to Council for additional comment. The comments made reiterated Council's position that the Plan must consider the social and economic cost of people being able to stay warm. Comments had also been made regarding some issues identified with the administration of the Plan.

***Moved by Councillor Morgan, seconded by Councillor Howden and resolved that;***

- 1. Council receive the information contained in the report***
- 2. Council endorse the comments on the draft Canterbury Air Regional Plan lodged with Environment Canterbury.***

## **9. COMMITTEE UPDATES**

### **Mayfair Theatre Committee**

A Council representative was required for this Committee following the resignation of Councillor Morgan.

### **Kaikoura Zone Water Committee**

Councillor Blunt advised R Mackle had made a presentation at the last Water Zone Committee meeting regarding pollution in Lyell Creek. R Mackle had paid for some testing in the Creek to see where ecoli was coming from. It was noted very little of the ecoli was bovine and most of it was human. Councillor Blunt advised there had been a lot of frustration and anger in the dairy sector as they were still being blamed for poor water quality results. He was aware there were a number of unpleasant discharges into the creek particularly in the urban area. He hoped that Environment Canterbury would follow up on the matter. A discussion was held regarding the Red Nutrient Zone the need for this to be changed.

## **10. MAYOR'S REPORT**

Mayor Gray tabled a report at the meeting.

The Enhancement Trust along with representatives of the Trotting club, Lions club and the Returned Services Association had met to discuss removing the Pine and Macrocarpa trees along the State Highway on the hill behind the racecourse. The Returned Services Association had the ability to access funding for projects in commemoration of World War One. The thought was to plant an avenue of trees up from South Bay with a stand of trees behind the racecourse and include a memorial statue or plaque.

## **11. CONFIRMATION OF MINUTES**

**Council 15/10/2014**

***Moved by Mayor Gray, seconded by Councillor Millton and resolved that the minutes of the Council meeting held on 15 October 2014 be confirmed a true and accurate record subject to the following changes;***

- 1. Add the following words to the first sentence of paragraph three of the item entitled Temporary Road Closure – Kaikoura Longboard Festival on page 105 of the agenda. ‘... residents who had not been contacted and...’***
- 2. The word ‘skateboarders’ be added to the last line of the first paragraph on page 106 of the agenda.***
- 3. The amendment to the motion and the substantive motion on page 111 of the agenda be broken down as follows;***

***Amendment***

***Moved by Councillor Blunt, seconded by Councillor Morgan that that agendas and minutes be retained on the website for three years.***

***The amendment was put and carried.***

***The amended motion became the substantive motion.***

***... that the status quo be retained (officers names not shown on reports, workshops not open to the public, votes recorded as per standing orders) except that minutes and agendas be retained on the website for three years.***

***The motion was put and carried.***

***Against: Councillor Morgan***

**Extraordinary Council 30/10/2014**

***Moved by Mayor Gray, seconded by Councillor Howden and resolved that the minutes of the Extraordinary Council meeting held on 30 October 2014 be confirmed a true and accurate record.***

## **12. REPORTS TO BE ADOPTED**

**Works & Services Committee 15/10/2014**

***Moved by Councillor Harmon, seconded by Councillor Mackle and resolved that the report of the Works and Services Committee meeting held on 15 October 2014 be adopted.***



**Environmental Services Committee 15/10/2014**

***Moved by Councillor Morgan, seconded by Mayor Gray and resolved that the report of the Environmental Services Committee meeting held on 15 October 2014 be adopted.***

**Finance & Policy Committee 15/10/2014**

***Moved by Councillor Howden, seconded by Councillor Millton and resolved that the report of the Finance & Policy Committee meeting held on 15 October 2014 be adopted.***

**13. REPORTS TO BE RECEIVED**

**Hearings and Applications Committee 08/08/2014**

***Moved by Councillor Diver, seconded by Councillor Mackle and resolved that the minutes of the Hearings and Applications Committee meeting held on 08 August 2014 be received.***

**Hearings and Applications Committee 18/06/2014**

***Moved by Councillor Diver, seconded by Councillor Mackle and resolved that the minutes of the Hearings and Applications Committee meeting held on 18 June 2014 be received.***

**Hearings and Applications Committee 17/09/2014**

***Moved by Councillor Diver, seconded by Councillor Mackle and resolved that the minutes of the Hearings and Applications Committee meeting held on 17 September 2014 be received.***

***There being no further business the meeting closed at 2.57pm.***