

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL MEETING HELD ON
WEDNESDAY 28 SEPTEMBER 2022, 9.00AM, AT TOTARA, COUNCIL CHAMBERS,
96 WEST END, KAIKOURA**

PRESENT: Mayor C Mackle (Chair), Deputy Mayor J Howden, Councillor N Pablecheque, Councillor L Bond, Councillor V Gulleford, Councillor T Blunt, Councillor D Milton, Councillor R Roche

IN ATTENDANCE: W Doughty (Chief Executive), M Dickson (Senior Manager Corporate Services), D Clibbery (Senior Manager Operations), Becky Makin (Executive Officer)

1. KARAKIA

2. BEREAVEMENTS

The Mayor spoke about the tragic recent events in the District on the sea and land. A moment of silence was observed.

3. APOLOGIES Nil

4. DECLARATIONS OF INTEREST

Councillor V Gulleford declared an interest in 10.7 Council Discretionary Grants with regard to the application from Te Hā o Mātauranga.

5. PUBLIC FORUM Nil

5. FORMAL DEPUTATIONS Nil

6. WORKS AND SERVICES COMMITTEE MEETING

The meeting adjourned to the Works and Services Committee meeting at 9.02 am.

The meeting reconvened at 9.15 am.

7. MINUTES TO BE CONFIRMED

7.1 Council meeting minutes dated 31 August 2022

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council Meeting held on 31 August 2022.*

Moved: Cr N Pablecheque

Seconded: Cr L Bond

CARRIED UNANIMOUSLY

8. MATTERS ARISING AND ACTIONS

The Matters Arising and Action list was reviewed and noted by Council.

9. MATTERS OF IMPORTANCE TO BE RAISED AS URGENT BUSINESS Nil

10. MATTERS FOR DECISION

10.1 Governance Matters

The report sets out the process for the interim period between the elections and swearing in for decision making. The other part of the report outlined that existing committees (in attachment 1), would not be discharged by this Council but will remain in place (although not operative) for the new Council to consider.

RESOLUTION

THAT the Council:

- a) *Receive the information in the report;*
- b) *Authorise the chief executive, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002 (LGA), to make decisions on behalf of the Council during the period between the declaration of election results and elected members being sworn into office, in respect of urgent matters and, where the Mayor-elect is known, in consultation with the Mayor-elect.*
- c) *That the Committees and Sub-Committees set out in Attachment 1 are not discharged on the coming into office of the members of the Council elected or appointed at, or following, the October 2022 triennial general elections, and they continue to exercise the delegations made to them.*
- d) *Note that future membership of the Committees and Sub-Committees (as set out in Attachment 1) will be determined by the New Council.*

Moved: Cr R Roche

Seconded: Cr V Gulleford

CARRIED UNANIMOUSLY

10.2 Appointment of Community Member to the District Licensing Committee

The Chief Executive noted that a hearing may come up in the interim period, or soon after, and the appointment allows for the hearing to continue. The Chief Executive advised that exchange arrangements for District Licensing professionals are being discussed between KDC, Hurunui and Marlborough District Councils.

RESOLUTION

THAT the Council:

- a) *Receives this report*
- b) *Appoints Derrick Millton as a Community Member of the DLC for a fixed term of one year*
- c) *Adopts the changes to the Delegations Manual to reflect the appointment (Appendix 2)*

Moved: Deputy Mayor J Howden

Seconded: Cr L Bond

CARRIED UNANIMOUSLY

10.3 Kaikōura Destination Management Plan (DMP)

It was noted that punctuation corrections have been amended since the agenda was distributed (the content has not been changed). Acknowledgements were given to those for their input and time contributions over the past 10 months; Murray Dickson and the team at Council, Neroli Gold, Lynette Buurman and Anton Wilke – noting this is the only Regional Tourism Organisation that have written a DMP themselves, whereas other have been written by contractors.

RESOLUTION

THAT the Council:

a) *Endorse the Kaikōura Destination Management Plan 2022-32.*

Moved: Mayor C Mackle

Seconded: Cr D Millton

CARRIED UNANIMOUSLY

The meeting then moved to item 10.5 Making of One-Way Roads.

10.5 Making of One-Way Roads

The report sets out the proposed one-way roads should the owner of the Pier Hotel develop their site and reclaim their land that part of the road is on (in turn the reserve land used by the Pier Hotel would return to the Council). The advice Council staff received was that keeping a two-way road would be challenging and unrealistic, also it would reduce the number of available parking spaces. This is a procedural report and works would not be undertaken until if or when required.

RESOLUTION

THAT Council resolves that:

a) *The following sections of public road become one-way roads (with traffic flows from west to east) from the date that road signs indicating this one-way status are first erected with the approval of Council's Chief Executive.*

- *A 100 metre length of the Esplanade eastward from its intersection with Avoca Street.*
- *Wakatu Quay (road) from its intersection with the Esplanade to its intersection with Lower Ward Street.*

b) *The necessary physical works associated with these the establishment of these one-way roads are conducted.*

Moved: Deputy Mayor J Howden

Seconded: Cr R Roche

CARRIED UNANIMOUSLY

10.6 Natural Hazards Plan Change 3 Decision

An amended report was provided to the Council following an appeal received after the agenda was distributed which relates to one section of one rule: rule 8.5.5 of the plan change. The report recommends that the Council make the rest of the plan change operative from today and Council staff engage with the applicant to try to resolve the appeal issue. If unresolved the appeal will go to the Environment Court.

It was noted that the natural hazards chapter is the most technical part of the District Plan involving engagement with key stakeholders and the community which has been challenging over the past 4 ½ years. Acknowledgement for the work and hearings panel was given to Matt Hoggard and the planning team, and the Councillors on the hearings panel; Deputy Mayor J Howden, Cr D Millton and Cr N Pablecheque.

RESOLUTION

That Council:

- a) *Notes the appeal period for Plan Change 3 Closed on 27th September 2022.*
- b) *Notes that one appeal has been received at the time this report has been prepared.*
- c) *Notes that as an appeal has been received the Council accepts this amended report which seeks the Council's approval of Plan Change 3, except for Rule 8.5.5. (For the avoidance of doubt the proposed Rule 8.5.5 is set out on Attachment 2.)*
- d) *Notes that pursuant to Schedule 1 Clause 17 of the Resource Management Act 1991 the Council may approve part of a plan, if all submissions or appeals relating to that part have been disposed of.*
- e) *Notes that the natural hazard provision in Plan Change 3 do not become fully operative until Council accepts the decisions and the Council has publicly notified the operative date. Notification must be given at least 5 working days before the date of the plan become operative.*

Moved: Mayor C Mackle
 Seconded: Cr L Bond

CARRIED UNANIMOUSLY

- f) Agrees to approve the decisions as notified and make the decision of Plan Change 3 partly operative on the 14th October 2022 **EXCEPT FOR** the proposed Rule 8.5.5, which is subject to an appeal.

Moved: Deputy Mayor J Howden
 Seconded: Cr D Millton

CARRIED UNANIMOUSLY

- g) Agrees to amending the Delegations Manual to allow level 3 and 5 staff to issue Flood Hazard Certificates to ensure compliance with section 9 of the RMA; and the Policy Planner to be included in other Level 3 delegations.

Moved: Cr V Gulleford
 Seconded: Cr L Bond

CARRIED UNANIMOUSLY

- h) Agrees to set fee a of \$160 to cover staff and administrative costs for providing a Flood Hazard Certificate.

Moved: Deputy Mayor J Howden
 Seconded: Cr V Gulleford

CARRIED UNANIMOUSLY

The meeting then moved back to Item 10.4 Approval Request for Heads of Agreement – Cooper Developments.

10.4 Approval Request for Heads of Agreement – Cooper Developments

C Sturgeon, D Smith and W Walker from the PGF Governance Group joined the meeting.

It was noted that in agreeing the Heads of Agreements, this would signal an intent for Council to continue to move forward with negotiations with Cooper Developments, but does not commit the Council to any legal obligations. Any draft development and lease agreement would need to be brought back to the new Council for approval.

Acknowledgements were given to C Sturgeon, D Smith and W Walker for their mahi, and the amount of information provided to get to this stage. The team thanked the Council for their strong leadership.

RESOLUTION

THAT the Council:

- a) *Receives this report;*
- b) *Approves the signing of the Heads of Agreement with Cooper Developments Limited included in Attachment 1;*
- c) *Agrees that the project continue to engage and negotiate the terms of the proposal including the Lease & Development Agreements;*
- d) *Notes that any final Lease and Development Agreement would be brought back to Council for approval.*

Moved: Cr T Blunt

Seconded: Cr R Roche

CARRIED UNANIMOUSLY

The meeting moved to 12. Matters for Information.

12. MATTERS FOR INFORMATION

12.1 Mayoral Verbal Update

Mayor C Mackle thanked all the volunteers in the community from those that look after the gardens, to the first responders and everyone in-between.

Mayor C Mackle had been a guest speaker at Hapuku School and has been visiting the apprentices with Sean Madden, all very position.

He commented that in amongst all the upheaval there are great things being done and he was privileged to be part of a team which worked so well together.

The Council acknowledged Mayor C Mackle and Sergeant Matt Boyce for their strength during the recent tragic events. The Council also thanked the neighbouring District Councils for their support; Hurunui, Waimakariri, Selwyn and Marlborough.

RESOLUTION

THAT the Council accept the Mayor's verbal update.

Moved: Cr R Roche

Seconded: Cr D Millton

CARRIED UNANIMOUSLY

12.2 CEO Monthly Report

The Chief Executive advised that the general non-performances for the IANZ approval have been cleared and the Council is now at 'low risk'. The application for the Better Off Funding has been submitted to the DIA through their online portal and the projects have been preliminary screened and approved. A letter of commitment will be provided to the Council with regard to the projects and the requested changes in the Funding Agreement will be put forward to the DIA to be considered together with other Council's requested amendments.

The Council acknowledged Mike Russell and the team for the upgrade to the animal pound, and Eileen Crozier for her work at KDC. The Council thanked Murray Dickson for his support and leadership, noting that this is his last Council meeting before he leaves KDC.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Cr V Gulleford

CARRIED UNANIMOUSLY

The meeting adjourned for break at 10.15 am and resumed at 10.45 am.

10.7 Council Discretionary Grants

Councillor V Gulleford declared an interest with regard to the application from Te Hā o Mātauranga.

The Council reviewed the 16 applications received and agreed on the eligibility and sums to be funded through the Discretionary Grants Fund:

1 – Hemmings Predator & Noxious Weed Control

Agreed not eligible.

2 – Kekerengu Community Centre Incorporated

Agreed eligible.

Agreed not to fund, noting the same request is included in the Better Off Funding application and agreed that they'd prefer for the project to receive that full funding if approved, rather than provide a minimal amount through the Discretionary Grants Fund.

3 – North Canterbury Neighbourhood Support

Agreed not eligible.

Council noted that there may be other funding avenues available for the project in their application.

4 – Kaikōura Netball Centre on behalf of the Takahanga Court development group

Agreed eligible

Agreed not to fund, noting that a separate activity relating to the multiuse facility has been included in the Better Off Funding application to government. They also agreed that there are other potential funding avenues available for the project in the application, such as Sports Tasman.

5 – The Kaikōura Education Trust/ Te Hā o Mātauranga

Agreed eligible

Agreed to partially fund \$10,000.

6 – Kaikōura Wildlife Centre Trust

Agreed eligible

Agreed to partially fund \$3,000, noting that the Council had approved the Destination Management Plan and part of the plan is for Kaikōura to become a world-class place for marine research and wildlife.

7 – Kaikōura Ocean Research Institute Inc (KORI)

Agreed eligible

Agreed to partially fund \$3,000, noting that this is also in line with the approved Destination Management Plan. It was also noted that additional funding should be considered under the environmental budget.

8 – Kaikōura Cycling Club

Agreed eligible

Agreed to partially fund \$10,000. The Council acknowledged the Kaikōura Cycling Club for shingling Toms Track which is outside of their remit but they were quick to volunteer after the last rain event.

9 – Kaikōura Dark Sky Trust

The Chief Executive declared an interest and withdrew himself from the conversation.

Agreed eligible

Agreed to partially fund \$10,000, noting that a resource is required to continue with the excellent work.

10 – Hair and Beauty Kaikōura

Agreed not eligible

11 – Kaikōura Community Theatre Incorporated Trading as “Mayfair Theatre”

Agreed eligible

Agreed to fully fund \$2,350.

12 – Kaikōura Red Cross Branch

Agreed eligible

Agreed to fully fund \$3,324.

13 - Kaikōura Miniature Rifle Club Inc

Agreed eligible

Agreed not to fund, noting that there may be other potential funding avenues available for the project in the application.

14 - Takahanga Bowling Club

Agreed eligible

Agreed to partially fund \$2,000.

15 – Kaikōura Croquet Club

Agreed eligible

Agreed to fully fund \$1,000.

16 – Kaikōura Bowling Club Incorporated

Agreed eligible

Agreed to partially fund \$2,000

RESOLUTION

THAT the Council

a) Receives this report; and

b) Reviews all applications received and agrees eligible grants for Financial Year 2022/23 up to an overall funding total of \$47,000

Moved: Mayor C Mackle

Seconded: Cr R Roche

Abstain Cr V Gulleford

CARRIED

The Council recommends that CEO update the application form and criteria with several minor amendments for the next funding round in 2023.

12.3 Community Services Update Report

M Dickson passed on S Haberstock's thanks to the Council for their support and interest in this area for the term. The Council thanked S Haberstock for her mahi.

A suggestion was made at the Community Services Committee to hold a first responder's ball. The Council were supportive for this to go ahead.

RESOLUTION

THAT the Council receives this report for information.

Moved: Cr D Millton
Seconded: Cr N Pablecheque

CARRIED UNANIMOUSLY

12.4 Kaikōura Youth Council Report

The youth reported back that it is important for the Link Pathway to be well lit but taking into account the dark skies initiative. They requested to be involved to provide feedback around design ideas. It was agreed for the Chief Executive and Mike Russell, Works Manager to speak to the Youth Council.

RESOLUTION

THAT the Council receives this report for information.

Moved: Cr L Bond
Seconded: Cr N Pablecheque

CARRIED UNANIMOUSLY

12.5 Planning Update Report

M Hoggard and M Dickson thanked the Council for the support given to the Planning Team whilst they were short staffed. The District Plan Review re-housing of chapters framework is with Boffa Miskell for a final review.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle
Seconded: Cr L Bond

CARRIED UNANIMOUSLY

12.6 Building and Regulatory Update Report

The new Regulatory Officer, Mark Paterson, has settled into the role well.

RESOLUTION

THAT the Council receives this report for information.

Moved: Cr L Bond
Seconded: Cr V Gulleford

CARRIED UNANIMOUSLY

13 VALEDICTORY – COUNCILLOR DERRICK MILLTON

14 COUNCIL PUBLIC EXCLUDED SESSION

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

- a) Council Public Excluded minutes dated 29 June 2022
- b) Council Public Excluded minutes dated 31 August 2022

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 of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each to be considered	Reason for excluding the public	Grounds of the Act under which this resolution is made
Council Public Excluded minutes dated 29 June 2022	The minutes may include confidential discussions regarding commercial activities and negotiations	Section 7(2)(b) protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information Section 7(2)(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial)
Council Public Excluded minutes dated 31 August 2022	The minutes may include confidential discussion around items excluded for privacy and commercial information reasons	Section 7(2)(a) to protect the privacy of natural persons Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) Section 7(2)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is subject of the information Section 7(2)(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities Section 7(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)

Moved: Mayor C Mackle

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

The meeting moved into Public Excluded at 12.35 pm.

15 RE-OPENED MEETING

The meeting moved out of Public Excluded at 12.40 pm.

16 CLOSED OF MEETING

There being no further business, the meeting was declared closed at 12.40 pm.

CONFIRMED



Chairperson

7 October 2022

Date

COUNCIL ACTIONS AS AT 3 OCTOBER 2022
OPEN ACTION ITEMS

	ACTION ITEM	ASSIGNED TO	DUE	STATUS
1	Bike Link Crossing (Mill Road Railway)	D Clibbery	-	D Clibbery has followed up with Kiwirail. Still waiting on decision on application.
2	IWK Reporting	W Doughty	-	Six monthly reporting from IWK to include update on education in the community.
3	Te Korowai – Councillor Representative wording	W Doughty	-	
4	Better off funding agreement – CE to bring back to Council for final approval	W Doughty	-	
5	Progress Reports: Te Ha, Kaikoura Wildlife Centre Trust, KORl, Kaikoura Cycling Club, Kaikoura Dark Sky Trust, Mayfair, Kaikoura Red Cross Branch, Takahanga Bowling Club, Kaikoura Croquet Club, Kaikoura Bowling Club Incorporated		February 23 May 23 July 23	