

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL MEETING HELD ON
WEDNESDAY 22 FEBRUARY 2023, 8.58AM, AT TOTARA, COUNCIL CHAMBERS,
96 WEST END, KAIKOURA**

PRESENT: Mayor C Mackle (Chair), Deputy Mayor J Howden (present for part of the meeting), Councillor V Gulleford, Councillor T Blunt, Councillor R Roche, Councillor K Heays, Councillor J Diver, Councillor L Bond

IN ATTENDANCE: W Doughty (Chief Executive), Becky Makin (Executive Officer)

1. KARAKIA AND ACKNOWLEDGEMENTS

The Council acknowledged that today marked the 12th anniversary of the Christchurch earthquake.

2. APOLOGIES Nil

3. DECLARATIONS OF INTEREST Nil

4. PUBLIC FORUM Nil

5. FORMAL DEPUTATIONS Nil

6. ADJOURN TO WORKS & SERVICES COMMITTEE MEETING

The meeting adjourned to the Works & Services Committee meeting at 9.00am.

The meeting reconvened at 9.25am.

7. MINUTES TO BE CONFIRMED

7.1 Council meeting minutes dated 30 November 2022

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council meeting held on 30 November 2022.*

Moved: Councillor V Gulleford

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

7.2 Hearings & deliberations minutes dated 30 November 2022

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of hearings & deliberations meeting held on 30 November 2022.*

Moved: Councillor V Gulleford

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

7.3 Council extraordinary meeting minutes dated 14 December 2022

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council extraordinary meeting held on 14 December 2022.*

Moved: Councillor L Bond

Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

8. REVIEW OF ACTION LIST

A page numbering error on the Agenda was noted for the Action List which should be page 18 rather than page 11. The Action List was reviewed and noted by the Council:

- Discretionary grants reports - two late reports were tabled to be included in today's Agenda.

9. MATTERS OF IMPORTANCE TO BE RAISED AS URGENT BUSINESS

Councillor T Blunt raised an item to be discussed in the Public Excluded Session.

10. REPORT FROM THE CHAIR OF THE FINANCE, AUDIT & RISK COMMITTEE

The meeting was handed over to Deputy Mayor J Howden as the Chair of the Finance, Audit & Risk (FAR) Committee. The report contained recommendations that the FAR Committee made to the Council. Audit NZ statutory timeframes were noted.

10.1 Finance Report to 31 December 2022

The FAR Committee had recommended staff split the capex/opex grants and subsidies for the next quarterly meeting report. The Senior Manager Operations had indicated in the Works & Services Committee that there will be an overspend on roading opex:- Council staff are accommodating the overruns and tracking them to ensure they don't have a major impact.

RESOLUTION

That the Council receives the Finance Report to 31 December 2022.

Moved: Deputy Mayor J Howden

Seconded: Mayor C Mackle

CARRIED UNANIMOUSLY

10.2 Quarterly Reports to 31 December 2022

The FAR Committee discussed the non-compliance on the borrowing terms (currently a positive problem to have). Councillor Diver noted Council's ability to be able to recover overdue rates through mortgagee sales if required.

RESOLUTION

That the cover report and the listed attachments be received.

Moved: Councillor L Bond

Seconded: Mayor C Mackle

CARRIED UNANIMOUSLY

10.3 Risk Management Report

The risk register is monitored and reviewed monthly by Council management with good updates occurring. Several new risks have been added this quarter.

RESOLUTION

It is recommended that the Council:

- a) *Receives this report*
- b) *Notes the contents of the Risk Management Report (including Risk Register)*
- c) *Provides any feedback for staff consideration.*

Moved: Deputy Mayor J Howden

Seconded: Mayor C Mackle

CARRIED UNANIMOUSLY

10.4 Reserves and Special Funds as at 31 December 2022

The FAR Committee had discussed the legal challenge fund (noting it is focused on district plan challenges and capped at \$100k). The Council has another budget for operational legal fees under a governance costing code for any general legal advice required.

RESOLUTION

That the Council receives this report.

Moved: Deputy Mayor J Howden

Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

11. MATTERS FOR DECISION

11.1 Marlborough Regional Forestry Joint Committee Agreement

RESOLUTION

THAT the Council:

- a) *Receives this report; and*
- b) *Agrees to renew the Marlborough Regional Forestry Joint Committee Agreement with the Marlborough District Council for the operation of the Marlborough Regional Forestry estate.*

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

11.2 TAB Board Venue Policy Review

Councillor R Roche left the meeting at 9.51am and rejoined at 9.53am.

Council staff advised that the current policy does not have a cap on venues, and they do not recommend reducing the number of venues.

RESOLUTION

THAT the Council:

- a) *The Council receives this report for information.*
- b) *The Council agrees to Option One: Rollover the current TAB venue policy without the use of the special consultative procedure*

Moved: Councillor K Heays

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

The meeting then moved to Matters for Information Item 12.10 Planning Update Report.

12.10 Planning Update Report

The Kaikōura Business Park is progressing. Council staff met with the advisor last week and the intention is for all information to be provided to the Council by 8th March. A report will come to the March Council meeting on the proposed private plan change from rural zoned landed to industrial activities (Council staff will be checking the delegations if this requires Council approval).

Dark skies are also advancing their private plan change around the lighting using their allocated Better off Funding. The spatial planning work is likely to commence in March.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

The meeting then moved back to Matters for Decision Item 11.3 Canterbury Local Authorities' Triennial Agreement 2022-2025.

11.3 Canterbury Local Authorities' Triennial Agreement 2022-2025

The deadline to sign off the agreement is 28th February. The Chief Executive advised that separate to this agreement, is a review of the workplan and priorities with a focus of conversations around river management, transport funding and immigration. The total budget for the Mayoral Forum is approximately \$63k per annum and KDC contribute 3% towards this. The Council were happy with the collaboration and high quality of submissions at the Canterbury level.

RESOLUTION

THAT the Council:

- a) *Receives this report;*
- b) *Approve the Canterbury Local Authorities' Triennial Agreement 2022-2025 as attached.*

Moved: Mayor C Mackle

Seconded: Cr T Blunt

CARRIED UNANIMOUSLY

11.4 Adoption of Local Governance Statement 2022-2025

The Chief Executive advised that a correction has been made to the year of the Privacy Act 2020 (not Privacy Act 1993).

RESOLUTION

THAT the Council:

- c) *Receives this report;*
- d) *Adopts the Local Governance Statement for the 2022-2025 Triennium*

Moved: Councillor T Blunt

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

The meeting adjourned for break at 10.13am and reconvened at 10.45am.

12. MATTERS FOR INFORMATION

12.1 Mayoral Verbal Update

The Mayor acknowledged the damage of Cyclone Gabrielle to parts of the North Island and ensuring funds get to those people affected. The Communications Officer has posted details on how the community can contribute through the Cyclone Gabrielle Relief Fund. Unfortunately, KDC are unable to provide staff support to affected councils for business as usual activities, due to their own staff shortages. However, our Emergency Management Officer is supporting through the Canterbury C10 team and is in Auckland for two weeks initially. We will look to provide whatever support we can.

The first Citizenship Ceremony of this term was held with four new citizens; Nokome Bentley, William Loppe, Karen Moorhouse and Becky Makin. The Mayor thanked Sarah Wright for the organisation.

The Mayor advised that the opening of the Kekerengu Community Hall was successful, and Sue Murray was presented with a community services medal.

RESOLUTION

THAT the Council accept the Mayor's verbal update.

Moved: Councillor T Blunt
Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

12.2 CEO Monthly Report

Resourcing remains a challenge for the operational component of the team including building and regulatory services. This will require a discussion as part of the annual plan with regards to the level of compliance and ongoing support in those areas.

The discretionary grants process will run from 1st- 31st March for the Council to evaluate and table to the April meeting. Those organisations which have had the benefit of funding rolled over would now need to apply (i.e. Museum and i-Site).

The Chief Executive met with the IWK board yesterday and talked through the Council's Three Waters submission. The KDC Executive Team and IWK Chief Executive met with the National Transition Unit and highlighted their concerns.

The Council acknowledged the staff engagement survey results and thanked the Chief Executive for his mahi.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle
Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

12.3 KDC Half-Yearly Report

The idea is that performance measures will be reported quarterly going forward. The data for a number of measures is currently unavailable and discussions are ongoing to ensure the appropriate information is being captured. A summary update will be provided at the April meeting around the water service performance measures following further discussions with the contractor.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle
Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

The meeting then moved to Matters for Information Item 12.9 Kaikōura Youth Council Report

12.9 Kaikōura Youth Council Report

Jade and Theo spoke to the report and introduced the Kaikōura Youth Council new members. They are currently looking into a new recruitment drive for the Youth Council via media promotion. The Youth Council expressed their desire to support the Zone Committee. The Council thanked the Youth Council for their continued service to the community and welcomed the new members.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle
Seconded: Cr T Blunt

CARRIED UNANIMOUSLY

The meeting then moved to Matters for Information Item 12.8 Community Services Update Report.

12.8 Community Services Update Report

The Council acknowledged Arlene Brown for arranging a well collaborated Waitangi celebration weekend. Sean Madden provided an update on MTFJ. Current initiatives MTFJ are working on include; apprentices into cookery, pathway navigator for school leavers, trade academy, information day with MSD on 1st March, MSD products for business information night on 1st May and a youth based Rebel Business School in July 2023. Sean Madden was thanked for his mahi.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle
Seconded: Cr T Blunt

CARRIED UNANIMOUSLY

The meeting then moved back to Matters for Information Item 12.4 Kaikōura Enhancement Trust – Statement of Intent 2023/2024

12.4 Kaikōura Enhancement Trust (KET) – Statement of Intent (SOI) 2023/2024

RESOLUTION

That the Kaikōura Enhancement Trust Draft Statement of Intent 2023/2024 be received, noting Feedback is to be provided by 1st May to then be adopted no later than 30 June (sch 8 of the LGA 2002).

Moved: Mayor C Mackle
Seconded: Councillor L Bond

MOTION LOST

It was raised that significant work had been undertaken in preparing the draft SOI, with input from KET and Innovative Waste Kaikōura (IWK). The Chair of KET was comfortable with the draft SOI. He advised that the KET Trustees met and were happy to approve as presented unless the Council had any amendments. Councillor J Diver raised his concerns about not following the legal procedural steps. As a result of this discussion, an amended resolution was put forward.

AMENDED RESOLUTION

That the Kaikōura Enhancement Trust Draft Statement of Intent 2023/2024 be received and adopted, providing there are not any changes by KET, and note this is an alternate to the standard procedure.

Moved: Councillor R Roche

Seconded: Councillor T Blunt

Against: Councillor J Diver

CARRIED

12.5 Kaikōura Enhancement Trust – Half Yearly Report to 31 December 2022

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor L Bond

Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

12.6 Innovative Waste Kaikōura – Draft Statement of Intent 2023/2024

The Chair of KET was comfortable with discussions held with the IWK Board but would like to see Risk 21 reduce around the performance qualification. The FAR Committee had noted the ongoing qualification and raised if the right communication was given to the contractor on what they need to provide. The Council agreed that the timeframes for the SOI stay as per its statutory format and feedback be provided to the Executive Officer before 1st May (**ACTION**).

RESOLUTION

That the Innovative Waste Kaikōura Ltd Draft Statement of Intent 2023/2024 be received, noting feedback is to be provided by 1st May to then be adopted no later than 30 June (sch 8 of the LGA 2002).

Moved: Councillor T Blunt

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

12.7 Innovative Waste Kaikōura – Half Yearly Report to 31 December 2022

The rationale for the budget loss was explained; this was identified as largely due to the consultancy and design change needed for the transfer station and potential additional costs being incurred by IWK as result. This will need to be discussed and any potential costs validated with council officers.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Cr T Blunt

CARRIED UNANIMOUSLY

Deputy Mayor J Howden gave her apologies and left the meeting at 12.30pm.

The meeting then adjourned for lunch at 12.30pm and reconvened at 1.00pm.

12.11 Building & Regulatory Update Report

It was noted that 12 monitoring licensing inspections were carried out on licensed managers under the Sale & Supply of Alcohol. KDC's Freedom Camping Bylaw excludes tents from its locations, it was raised that signage should be updated to reflect that. The Chief Executive would liaise with Council staff who are currently in the process of updating the signage (**ACTION**).

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

12.12 Wakatu Quay Quarterly Progress Report

The Chief Executive would arrange with the project manager for the Council to have a site visit to Wakatu Quay, and for the contractor to run over the seawall repairs with them (**ACTION**).

Councillor K Heays provided an updated from the PGF Governance Group meeting and what was discussed; progress to the sea walls, monitoring visual amenity of concrete, utilities installations going ahead, ECAN consents, meeting with the boat club representatives, a potential phased approach to the build any KDC/ Runanga involvement, to have infrastructure in place so the site is desirable for investors. The PGF Governance Group are aiming towards March/April to seek investors, with a decision point in June with MBIE about next steps for the project.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

12.13 Destination Kaikōura Quarterly Report

TV series Sarah-Kate Lynch will be coming to Kaikōura and need approx. 60 rooms. The last cruise ship will be on 1st March; KDC invoice the cruise company for \$5per person (based on those who come onshore) - mooring charges are handled via ECAN. Councillor L Bond thanked Mayor C Mackle, Sarah Wright and Whale Watch maintenance team for their help with the cruises this Summer.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

12.14 Discretionary Grants Fund – Progress/Completion Reports

Two late reports were tabled from the Kaikōura Red Cross and Kaikōura Wildlife Centre Trust and included as part of the progress reports. The Kaikōura Cycling Club’s report included a cycling hub concept for the West End area, this had recently been received by Council staff and no decision was being sought on concept at this stage.

RESOLUTION

THAT the Council receives the progress and completion reports for information.

Moved: Mayor C Mackle
Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

13. RESOLUTION TO MOVE INTO COUNCIL PUBLIC EXCLUDED SESSION

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

- Public Excluded Council Meeting minutes dated 30 November 2022
- Report from Chair of Finance, Audit & Risk Committee
- Harbour Financial Issues Overview

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
Public Excluded Council Meeting minutes dated 30 November 2022	The subjects considered contained: Commercially sensitive information regarding the Marlborough Regional Forestry investment activities; Commercially sensitive information regarding the procurement process for Waiau Toa Clarence Access Project – rock sourcing; and Appointed two Directors to the Innovative Waste Limited Board and receive a copy of their CV as part of the appointment process.	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) Section 7(2)(a) to protect the privacy of natural persons
Report from the Chair of Finance, Audit and Risk Committee re: Harbour Financial Issues Overview	Contains commercially sensitive information and is subject to ongoing negotiations	Section (7)(b)(ii) would be likely unreasonable to prejudice the commercial position of the person who supplied or who is subject of the information Section (7)(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities Section (7)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
Harbour Financial Issues Overview	Contains commercially sensitive information and is subject to ongoing negotiations	Section (7)(b)(ii) would be likely unreasonable to prejudice the commercial position of the person who supplied or who is subject of the information Section (7)(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities Section (7)(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: Councillor R Roche

CARRIED UNANIMOUSLY

The meeting moved into the Public Excluded Session at 1.40pm.
The meeting moved out of the Public Excluded Session at 2.05pm.

14. CLOSED OF MEETING

There being no further business, the meeting was declared closed at 2.05pm.

CONFIRMED _____ Chairperson
Date

UNCONFIRMED MINUTE

**ACTIONS FROM COUNCIL MEETINGS
AS AT 22 FEBRUARY 2023**

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
1	<i>Carried Forward from previous Council:</i> 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		May 2023 July 2023	
2	Footpath programme progress report	D Clibbery	March 2023	No meeting held in January. Once James is onboard, the team will have resources to provide this report for the next meeting.
3	Three hard copies of the rehoused District Plan were requested for elected members.	B Makin / K Andrews	-	On hold – waiting on outcome of appeal, then will provide printed copies as requested.
4	IWK Draft Statement of Intent – feedback to be provided to the Executive Officer to collate	Elected Members / B Makin	1 May 2023	
5	Freedom Camping Signage to include 'no tents' – liaise with Council staff	W Doughty	March 2023	
6	Wakatu Quay sea wall site visit / contractor update – arrange with project manager	W Doughty	TBC with project manager	