

# MINUTES OF THE MEETING OF THE KAIKOURA DISTRICT COUNCIL HELD AT 9.00AM ON WEDNESDAY 24 JANUARY 2018 AT COUNCIL CHAMBERS, KAIKOURA CIVIC BUILDING, 96 WEST END, KAIKOURA.

**PRESENT:** Mayor W Gray (Chair), Councillors T Blunt, C Harnett, J Howden, D Millton, N Pablecheque, L Bond, C Mackle.

**IN ATTENDANCE:** A Oosthuizen (Chief Executive Officer), B Taylor (Committee Secretary)

**1. APOLOGIES:** Councillors C Mackle, D Millton (lateness).  
***Moved by Councillor Howden, seconded by Mayor Gray and resolved that apologies be accepted. Unanimous.***

## **2. DECLARATIONS OF INTEREST**

Councillors Harnett and Pablecheque were involved with the Find and Fix project.

## **3. OPEN FORUM**

### **N Te Ua – Maori Representation**

N Te Ua was offended that her name had been spelt incorrectly in the minutes of 22 November 2017 and was unimpressed that to date it had not been corrected. N Te Ua wished to congratulate the Councillors for their unanimous vote to support a Maori ward. Kaikoura would be the fourth Maori ward nationally and the first in Te Waiponamu. N Te Ua felt the process of establishing a Maori ward was flawed but that needed to be challenged at a higher legislative level.

N Te Ua welcomed facts about Maori wards be shared from Council with the community as it was clear from social media that the majority of people in Kaikoura had never heard of Maori Wards and had no idea how they contribute at a local government level. Hobson's Pledge was a lobby group, funded by wealthy individuals who were targeting Palmerston North, Whakatane, Tauranga and Kaikoura with propaganda encouraging members of the public to overturn the Council's decision to establish Maori Wards.

### ***Councillor Millton entered at 9.10am***

### **R Hogan – Maori Representation and the Proposed Deviation**

R Hogan commended Council for the unanimous vote to have a Maori ward but felt that there had not been good public information about the decision. R Hogan noted that a flyer had been delivered to households in the District, suggesting residents vote against the Maori ward, had repercussions which those who signed the form may not realise. The flyer was distributed by 'Hobson Pledge' and information would need to be available to those who may have signed up ill-informed and Council should provide information for those people to have their signatures redacted.

R Hogan acknowledged that the proposed deviation for State Highway 1 had

been delayed and he enquired whether the general public would be consulted in the final decision. He also noted that the designation for the deviation expired in June and he hoped that there would be public consultation about any extension of the designation. A designation is a pre-existing option or currently utilised specification for a piece of land.

#### **C Lyons – Freedom Camping**

C Lyons was present to express her concern about freedom campers at the Kiwa Road site which was across the road from where she lived. C Lyons biggest concerns were the health risks and the safety of her own children. She added that the actions of some freedoms campers were frequent defaecation in public, general litter, fires and nudity. She was also concerned about the lack of sanitation as there was no running water at the site and she had noticed a decline in the number of banded dotterels in the area.

C Lyons advised that the area was one of two in the District which were part of the New Zealand Coastal Policy Statement, recognising surf breaks of National significance, and that Kaikoura District Council had a duty to acknowledge and preserve the area as set out by the Policy Statement. Such as: Ensuring that activities in the coastal environment did not adversely affect the surf breaks and also avoid adverse effects of other activities or access to use and enjoyment of the surf break.

#### **T Poharama – Freedom Camping**

T Poharama wanted to register her interest regarding development or changes to the Kiwa Road area as she was a trustee of many parcels of Maori land in the area and had an interest in the area in general. She suggested a working group would be a good start.

***Councillor Mackle entered at 9.34am***

#### **Olly Hughes – Youth Council**

O Hughes advised that the Youth Council was not on the Council agenda but they would be present at the Council meeting in February. He further applauded the Council for the unanimous vote for a Maori Ward and expressed his concern about the freedom campers at Kiwa Road.

### **3. CONFIRMATION OF MINUTES**

**Council 22/11/2017**

***Moved by Mayor Gray, seconded by Councillor Howden and resolved that the minutes of the Council meeting held on 22 November 2017 be confirmed as a true and accurate record on the amendment of the correct spelling N Te Ua. Unanimous.***

**Extraordinary Council 13/12/17**

***Moved by Mayor Gray, seconded by Councillor Harnett and resolved that the minutes of the Extraordinary Council meeting held on 13 December 2017 be confirmed as a true and accurate record. Unanimous.***

**Extraordinary Council 18/12/17**

***Moved by Councillor Howden, seconded by Councillor Bond and resolved that the minutes of the Extraordinary Council meeting held on 18 December 2017 be confirmed as a true and accurate record. Unanimous.***

#### **4. MINUTES ACTION LIST**

**Members' Interest Register**

This matter was underway.

**Parking communication regarding enforcement**

This had been publicised and revenue was being collected.

#### **5. FINANCE REPORT**

The Finance and Commercial Manager and the Finance Manager were in attendance to present this item.

The Finance Manager advised that Council had had to pay for ongoing dredging works in the harbour. The funding contribution had not been received from the Department of Prime Minister and Cabinet (DPMC) in time for the payment to the contractor so a loan had been raised for \$3,200,000. The funding contribution had since been received from DPMC and the loan had been repaid with only a residual balance remaining outstanding.

At the end of December there was a net surplus of \$7.2 million, with \$8.9 million in grant and revenue subsidies to date. Earthquake rate remissions had been substantially less than forecast, however a number were still to be processed and some less 'clear-cut' ones to be assessed by the Finance, Audit and Risk Committee as per the Earthquake Rate Remission Policy. There had been a marked increase in personnel costs for the Council which was largely directly related to the earthquake and the human resources and experts required.

Councillor Mackle enquired specifically about the dredging of the harbour and also in a broad capacity whether Council sought quotes for work before engagement of contractors was undertaken. The Chief Executive Officer advised that in the case of the harbour project it was fluid, dynamic and carried out under urgency. The harbour project had been estimated and subsequently peer reviewed however there had been over-runs. The Rebuild Programme Director further added that Council had a Procurement Policy and that each project varied according to the contract mechanisms. Councillor Millton added that discipline in accounting was necessary, and particularly at this time.

The Finance and Commercial Manager advised that the insurance settlement for material damage had not yet been settled.

***Moved by Mayor Gray, seconded Councillor Howden and resolved that the Finance Report be received. Unanimous.***

## **6. DEMOLITION WASTE AND SOLID WASTE DISPOSAL FEES AND CHARGES**

***Councillor Pablecheque declared an interest and took no part in the discussion or voting on this matter.***

The Asset Manager and Waste Minimisation Officer were in attendance to present this report.

Councillor Pablecheque declared an interest as he was on the Interim Board of Innovative Waste Kaikoura (IWK).

The Asset Manager advised that the volume of refuse at IWK was different to pre-quake levels. The fees and charges at the recycling centre had not been aligned with the fees as per the Annual Plan 2017/2018 but this had now been rectified. Demolition waste was a big factor for the Centre and recycling was encouraged. There was speculation that some contractors in Kaikoura were dumping more than was necessary and the Waste Minimisation Officer commented that this could be attributed to insurance companies paying the disposal fees and it being more cost effective to dump large quantities rather than paying for the man power required to sort it.

Environment Canterbury (ECan) was offering free asbestos testing. Demolition or removal material which tested free from asbestos was issued a certificate. Likewise, once asbestos had been removed from material which had tested positive a certificate saying as such would be issued. It was suggested by the Asset Manager that only material which had the certificate be accepted at IWK and loads without the certificate should be turned away. IWK had been receiving lots of loads which were hard to sort – particularly of an industrial nature (e.g. large quantities of cardboard).

The Asset Manager advised that there were two pieces of work underway. A review of all operations at IWK was to occur and the findings of that would be brought back to the Transitional Board. An investigation would also be undertaken regarding how much space was left in the landfill. There was \$300,000 in the Waste Minimisation Fund which would be used to look at and improve the layout at IWK to maximise recycling and preserve landfill capacity.

Councillor Harnett enquired whether there was a register for properties which were to be demolished. The Waste Minimisation Officer advised that demolitions were not notifiable if the building was less than two stories. She further advised that, in her opinion, there was no incentive for contractors to minimise the cost of dumping material as this was essentially paid for by the insurance company. There was a general feeling that fees at IWK were on the low side and the Asset Manager advised that this would be looked at as part of the Annual Plan.

***Moved by Councillor Howden, seconded Councillor Millton and resolved that Council endorses the following:***

- 1. That any load of demolition waste would only be accepted for disposal at the Resource Recovery Centre if it was accompanied by certification that approved testing had shown the building to be asbestos free or a***

- verification certificate that asbestos had been satisfactorily been removed from either the load or the building, and*
- 2. That the fee for disposing of Special Waste should be \$245/tonne, and*
  - 3. That the fee for disposing of Mixed Demolition Waste should be \$310/tonne, and*
  - 4. That Special Waste was defined as commercial and industrial products such as plastic netting, heavy duty cardboard etc that could be recycled. Unanimous.*

## **7. SOUTHERN ACCESS – CLARENCE VALLEY**

The Asset Manager was in attendance to present this item.

The report had arisen from a previous meeting when a resolution had been made relating to expenditure for access to the area. The estimated cost for the Bailey Bridge had exceeded original estimates and what had been approved. Since that report a delegation of Councillors visited the site in January, together with Rob Rouse (Department of Prime Minister and Cabinet) and Janice Brass (NZTA). A debrief was held afterwards.

***Moved by Mayor Gray, seconded by Councillor Milton that Council request the Asset Manager to report the following Council position regarding Southern Access to the Clarence Valley to the Rebuild Steering Group:***

- a) Note that no decision would be made on the matter by the Steering Group until 25 January at the earliest.***
- b) Request that the decision on the temporary Wharekiri Stream crossing be deferred until the outcome of the Indicative Business Case was known.***
- c) Request all options for a temporary solution for access to the Clarence Valley be reinvestigated and considered.***
- d) Requests any ongoing maintenance costs associated with any temporary solution be kept affordable and understood for future ratepayers.***
- e) Request that it was confirmed with NZ Transport Agency that emergency funding was available for maintenance of the southern access road independently of the temporary Wharekiri Stream bridge crossing.***
- f) Request that a Management Plan be prepared and implemented for the temporary Southern Access to Clarence Valley.***
- g) Request that a local contractor be engaged to be available to respond to the requirements of the Southern Access Management Plan.***
- h) Request that the alternative crossing point proposed by local landowners was considered as part of the permanent and temporary options. Unanimous.***

Councillor Mackle enquired if the final decision about access to the Valley would come back to Council. The Asset Manager advised that he was on the Steering Group Committee, who would make the final decision, as well as the Chief Executive Officer as the voice for Council. The Steering Group consisted of three parties – The Crown, NZTA and Kaikoura District Council and J Parfitt was the chair of the Committee. Further discussion ensued and it was determined that the Chief Executive Officer and Mayor Gray would

send a letter to ECan to initiate flood modelling of the Valley be undertaken, and the situation should be escalated through the Natural Hazards Steering Group. Communication about the situation and progress would be formalised and communications would be disseminated to residents.

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

## **8. FREEDOM CAMPING**

The Strategy, Policy and District Plan Manager and the Environmental Health Officer were in attendance to present this item.

The Kaikoura District Council was registered as a motorhome friendly District. In 2011, the Freedom Camping Act had been passed through Parliament. This only applied to land controlled by the Kaikoura District Council and the Department of Conservation. The Chief Executive Officer advised that there were activities in the Act which were prohibited, such as damaging flora and fauna, defecating in public and littering. She further advised that there would need to be dedicated resourcing to catch people in the act of committing an offence and it could potentially be problematic to enforce any fines issued which lead to greater costs versus benefits.

The Strategy, Policy and District Plan Manager had posed the question “which sites were appropriate for freedom camping?” to begin the discussion. He noted that any proposed designated freedom camping site would have interested parties in any area of the District. The Freedom Camping Act specified that if freedom camping was banned in an area it needed it to be formalised by a bylaw which had to specify where freedom camping was allowed. All interested parties would need to meet and consultation with Iwi would be paramount.

There was general discussion that it was not ‘freedom camping’ that was the issue but ‘irresponsible freedom camping’. Defecating and littering in public was illegal and this needed to be differentiated from responsible and self-contained freedom campers.

The Environmental Health Officer felt the situation at Kiwa Road would be hard to monitor but it needed to be monitored. The toilet at the site needed to be cleaned to encourage people to use it and a contractor had been contacted to make this happen. Currently frequency of the toilet cleaning was twice per week and this may need to be reviewed given the number of campers using the site during the peak tourist season.

***Moved by Mayor Gray, seconded by Councillor Harnett and resolved that;***

- a) Immediate: Port-a-loo toilets be installed at the site as per the direction of Environmental Health Officer and a sign be installed near the entrance to the area to ensure campers were aware of the facilities available.***
- b) Medium-term (within six months): The Strategy, Policy and District Plan Manager would prepare a report and project plan for***

- addressing Freedom Camping issues longer term. This would incorporate consultation with key stakeholders of the area.*
- c) *Long term: Council would investigate a holistic approach regarding freedom camping in the District going forward. Unanimous.*

*The meeting adjourned for lunch at 12.45pm and resumed at 1.15pm.*

#### **9. PROPOSED ROAD STOPPING – HAPUKU**

The Executive Officer was in attendance to answer questions about the request received from Mr S Young of Hapuku Road for progression and extension of his previous application for road stopping of paper road adjacent to PT Sec 67 Blk Mt Fyffe SD Hapuku. The Executive Officer advised that the applicant would incur all costs associated with the process and the sale of the piece of road would be at market value as assessed by a competent valuer. Once the sale and purchase of the land had occurred the land would be amalgamated on one title.

*Moved by Mayor Gray, seconded Councillor Milton and resolved that Council instigate closing the road adjacent to PT Sec 67 86 BLK V Mt Fyffe SD, as per the application from S Young. Unanimous.*

#### **10. HOLIDAY PERIOD BRIEFING**

The Rebuild Programme Director and the Asset Manager were in attendance to present this item.

The report was a summary of the positives and negatives which had occurred in the District over the holiday period. Council's services had coped well given that nothing adverse had occurred despite the huge influx of people. The sheer volume of visitors did stretch community facilities, such as rubbish bins overflowing and public toilets appearing not to have been cleaned or not working. Measures to address the issues by the next holiday period would be discussed with Council's contractors by the Asset Manager.

During the Christmas closure, it had become apparent that Council's after-hours telephone system needed to be improved as any messages left on the phone weren't heard until reception re-opened in the New Year and this had led to some frustrations.

#### **11. COMMITTEE UPDATES**

Destination Kaikoura had last met in December 2017 and the next meeting was to be held in February 2018. The Committee had made the decision not to hold a Seafest event in future largely because of rising costs, lack of profit and potential for negative social behaviour.

#### **12. MAYORS REPORT**

The Mayor acknowledged that the growth in tourism was great for the community.

**13. COUNCIL PUBLIC EXCLUDED SESSION**

*Moved by Mayor Gray, seconded Councillor Bond that the public be excluded from the following parts of the proceedings of this meeting, namely;*

- a) Confirmation of Public Excluded Minutes 22/11/2017*
- b) Confirmation of Extraordinary Council Public Excluded Minutes 13/12/2017*
- c) Resourcing. Unanimous.*

*There being no further business the meeting closed at 3.32pm.*