

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL MEETING HELD ON
WEDNESDAY 29 MARCH 2023, 9.00AM, AT TOTARA, COUNCIL CHAMBERS,
96 WEST END, KAIKŌURA**

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

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

1. KARAKIA

2. APOLOGIES Nil

3. DECLARATIONS OF INTEREST Nil

4. PUBLIC FORUM

9.02am – M McCabe as Chair of the Older Person’s Working Group (the “Group”)

The public forum speaker advised that the Group are circulating a survey to find out what services are needed for the elderly in Kaikōura. There is currently no domestic care for the elderly. The Group aim is to ensure Kaikōura has good services in place to keep future generations of elderly in Kaikōura, one initiative they are looking into is AbbeyField type housing arrangement - who provide independent flatting.

9.06am – R Hogan

The public forum speaker advised that some suggested changes discussed at the open Council Workshop on 15 March 2023 had been omitted from the Standing Orders included in the Agenda. R Hogan handed out a copy of his comments and suggested changes (**a copy of this document is attached to these minutes*). He asked that Council consider these changes as part of their discussion.

5. FORMAL DEPUTATIONS Nil

6. ADJOURN TO WORKS & SERVICES COMMITTEE MEETING

The meeting adjourned to the Works & Services Committee meeting at 9.09am

The meeting reconvened at 9.47am. Clarence Valley Access update would be included in the Council Public Excluded Section.

7. MINUTES TO BE CONFIRMED

7.1 Council meeting minutes dated 22 February 2023

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council meeting held on 22 February 2023.*

Moved: Councillor R Roche

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

8. REVIEW OF ACTION LIST

The Action List was reviewed and noted by the Council:

- IWK Statement of Intent – noted that feedback is due by to IWK by 1st May. The Finance Manager will be arranging a meeting for the Kaikōura Enhancement Trust in April.

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

10. MATTERS FOR DECISION

10.1 Adoption of Code of Conduct

The Code of Conduct provides a process for resolving any breaches of the code through a two-step process (as set out in the report). It was noted that there had been good robust discussion at the open workshop regarding the process for dealing with complaints.

RESOLUTION

THAT the Council:

- adopt the new Members Commitment and supporting appendices to take effect from the date of adoption.*
- disestablish its Code of Conduct Review Committee, noting that it is no longer required under the new Code of Conduct.*
- instruct the Chief Executive Officer to put in place the appropriate management processes for dealing with potential breaches of the Code of Conduct*
- agree that recommendations from an investigator are binding.*

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

10.2 Adoption of Standing Orders

RESOLUTION

THAT the Council:

- adopt the Draft Standing Orders 2022-2025 with Te Reo/English Headings, with the following amendments:*
- That the standing orders enable members to join hui by audio visual link (SO.13.7)*
- That the chairperson does not have a casting vote except where the Law requires it (SO.19.3)*
- That Option C be adopted as the default option for speaking and moving motions (SO. 22.4)*
- That Deputations and Petitions give officials two days in which to prepare the advice (SO.16 & SO.17)*
- Other amendments and updates as outlined in section 4 f).*

Moved: Councillor L Bond

Seconded: Councillor K Heays

MOTION LOST

A discussion was held on the public forum speaker's suggested changes to the Standing Orders. The Council agreed to accept the non-material amendments.

AMENDED RESOLUTION

THAT the Council:

- adopt the Draft Standing Orders 2022-2025 with Te Reo/English Headings, with the following amendments:*
- That the standing orders enable members to join hui by audio visual link (SO.13.7)*
- That the chairperson does not have a casting vote except where the Law requires it (SO.19.3)*
- That Option C be adopted as the default option for speaking and moving motions (SO. 22.4)*

- e) *That Deputations and Petitions give officials two days in which to prepare the advice (SO.16 & SO.17)*
- f) *Other amendments and updates as outlined in section 4 f)*
- g) *Amendments tabled by R Hogan in the Public Forum*

Moved: Councillor T Blunt
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

The Council acknowledged B Makin for her mahi and thanked Ralph Hogan for his contributions. Councillor J Diver left the room at 10.03am and re-joined at 10.05am.

10.3 Report to Adopt the Annual Report

Since the Agenda was published, Audit NZ have provided further non-material amendments required to the Annual Report (**a copy of the document was tabled and is attached to these minutes*).

The auditors are now comfortable with the asset values for this financial year. However, there is an ongoing qualification on service performance reporting, and this will also be the same for the 2023 financial year.

A letter of representation was handed to the Mayor for signing that needed to be returned to Audit NZ for the Audit Opinion to be provided.

The meeting adjourned at 10.22am and reconvened at 10.40am.

The Audit Opinion was handed to the Mayor for signing. S Poulsen noted that the Audit Report included wording that the Audit was completed on 29th March 2023 and later than required due to auditor shortage. The Council noted that Audit NZ had started their audit after the statutory deadline.

RESOLUTION

THAT the Council:

- a) *Receives this report*
- b) *Adopts the Annual Report for the financial year ended 30 June 2022*

Moved: Councillor T Blunt
Seconded: Councillor L Bond

MOTION LOST

Councillor T Blunt left the meeting at 10.19am.

An amended resolution was put forward to include the amendments required to the Annual Report.

AMENDED RESOLUTION

THAT the Council:

- c) *Receives this report*
- d) *Adopts the Annual Report for the financial year ended 30 June 2022, with minor amendments*

Moved: Mayor C Mackle
Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

The Council acknowledged S Poulsen, C Kaa and the wider KDC team for their mahi.

Councillor K Heays advised that Jan Crooks is retiring from Environment Canterbury today after serving 29 years with them.

10.4 Plan Change 4 – Decision on how to consider the Plan Change request received from Kaikōura Business Park 2021 Ltd

Council staff have made it clear to the applicant that KDC will put a submission in if issues around the water supply have not been resolved by the time of the hearing. The recommended approach will mean that the plan change process can still progress, while the applicant resolves the issues.

As a result of the plan change, it is likely that the location of the entry to Inland Road would need to be moved further South. This is because the turn off is too close to the bridge and is unsafe. Waka Kotahi have suggested some alternative locations, these are on the applicant's property and any required roading changes would be paid for by the applicant (not KDC).

RESOLUTION

THAT in respect of PC4 to the Kaikōura District Plan lodged by Kaikōura Business Park Limited 2021 Ltd, Council resolves to:

- a) *To accept the request for notification pursuant to Clause 25 (2)(b) of the RMA.*

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

The meeting moved to Matters of Information 11.5 Planning Update Report.

11.5 Planning Update Report

The Spatial Plan dates are to be confirmed with Te Rūnanga o Kaikōura in April. The submissions for Vicarage Views have closed, the Officer's Report will be released by 31st March 2023 and hearings are set for 27th April 2023.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle

Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

11. MATTERS FOR INFORMATION

11.1 Mayoral Verbal Update

The Mayor commented that his updates have been covered in Officer's reports and the Mayoral Column.

RESOLUTION

THAT the Council accept the Mayor's verbal update.

Moved: Councillor R Roche

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

11.2 CEO Monthly Report

The Chief Executive highlighted that recruitment in building and planning remains a challenge. Any model of a shared service would require Council approval and take time to implement.

The Council acknowledged the Library team on the satisfaction survey results for the Library.

RESOLUTION

THAT the Council receives this report for information.

Moved: Mayor C Mackle
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

11.3 Community Services Update Report

S Madden provided an update on the MTFJ, of note; there are 61 placements to date (30 in permanent roles), hospitality cadetships with the Sudima Hotel are underway, the Trades Academy are looking at building sleep outs and training is going ahead with first aid. S Haberstock advised that the Community Networkers meetings continue to work well with 107 agencies signed up.

S Madden will be leaving the role. The Council acknowledged Sean for his mahi. The success of the MTFJ programme has been largely due to his commitment and hard work. The constant uncertainties of ongoing funding for the programme from central government have caused frustrations on an annual basis. Despite being at the end of March we still do not have certainty of the nature of the funding for next financial year.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor L Bond
Seconded: Councillor K Heays

CARRIED UNANIMOUSLY

11.4 Kaikōura Youth Council Report

The fundraising event scheduled for 29th March has been moved to next week due to the weather. The Rangatahi Symposium has been cancelled by Te Tai o Marokura (three members were signed up). The Youth Council have put in a funding application to host fun events on Pink Shirt Day. The Youth Council are keen to progress the conversation with regard to graffiti removal and Matariki murals for the Lyell creek bridge.

RESOLUTION

THAT the Council receives this report for information.

Moved: Deputy Mayor J Howden
Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

11.6 Building and Regulatory Update Report

Jo York has been appointed as the Regulatory Team Leader and starts on 11th April 2023. Two additional Freedom Camping Officers have been appointed and have started this week. A query was raised if infringements are collected by rental companies when returned.

It was agreed for future reports not to include the breakdown of the inspectors/their names (**ACTION**).

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor L Bond
 Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

12. 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

- a) Public Excluded Council Meeting minutes dated 22 February 2023
- b) Ratepayers in Default
- c) Marlborough Regional Forestry Land Acquisition
- d) Clarence Valley Access discussion

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 22 February 2023	The subjects considered contained: Commercially sensitive information regarding Harbour Financial Issues Overview and is subject to ongoing 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) Section 7(2)(a) to protect the privacy of natural persons
Ratepayers in Default	The report contains information on ratepayers who are in default and is private to those ratepayers.	Section 7(2)(a) to protect the privacy of natural persons
Marlborough Regional Forestry Land Acquisition	Contains commercial information regarding the Marlborough Regional Forestry investment activities	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)
Clarence Valley Access update	Verbal update around commercial 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)(g) maintain legal professional privilege 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)

Moved: Mayor C Mackle
 Seconded: Councillor K Heays


CARRIED UNANIMOUSLY

The meeting moved into the Public Excluded Session at 11.48am

The meeting moved out of the Public Excluded Session at 1.06pm

13. CLOSED OF MEETING

There being no further business, the meeting was declared closed at 1.06pm

CONFIRMED  _____ Chairperson
2 May 2023 Date

** This record will be held in electronic form only*

*** 10.2 Adoption of Standing Orders - Document handed out by public forum speaker – R Hogan**

Ralph Hogan 29 March 2023 Suggested further deletions and additions to Standing Orders.

Amended June 2020 and Amended October 2021

19.6 Recording of votes.

The minutes must record all member's names who have voted against and abstained from the decision.

28.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

...(l)

(m) A record of each member's vote that voted for, against or abstained; unless the vote was unanimous in which case carried unanimously is to be recorded;

(n)...

Recommended by staff March 2023 (my suggested deletions and additions.)

19.6 Recording of votes/Te tono kia tuhi i ngā pōti

The minutes must record ~~the~~ each member's' votes or abstentions, unless the vote was unanimous in which case carried unanimously is to be recorded. Recording any other matters, such as a member's' reason for their vote or abstention, is not permitted.

28.2 Matters recorded in minutes/Ngā take ka tuhi ki ngā meneti

The chief executive must keep the minutes of meetings. The minutes must record:

...(o)

(p) All members' votes or abstentions as prescribed in section 19.6;

(q)...

~~19.7 Members may abstain~~

19.87 Members may abstain/Ka āhei ngā mema ki te noho puku

Any member may abstain from voting.

(Also fix in Table of Contents)

***10.3 Adoption of Annual Report for the Year End 30 June 2022 – Document tabled by S Poulsen**

Amendments Required		
<i>Page</i>	<i>Note</i>	<i>Change</i>
35	<i>Stmt of Financial Position</i>	<i>Deferred tax liability note reference is 30 not 25</i>
92	<i>Note 4 Grant and subsidies</i>	<i>Total of grant revenue is \$4.5 million not \$5.5 million as per the explanatory paragraph.</i>
99	<i>Note 18 Forestry</i>	<i>Last line – South Bay valuer is Forme Consulting Group no Merrill & Ring in 2022 (2021: Merrill & Ring)</i>
108	<i>Note 27 Public equity</i>	<i>2021 Group – Net surplus/(deficit) is \$7,136 not \$7,173</i>
123	<i>Balanced budget benchmark</i>	<i>Last line – FV losses per note 7 is \$260k not \$302k</i>
126	<i>Debt control benchmark</i>	<i>The explanation for the debt control benchmark notes 3-waters stimulus funding of \$940k however our audited balance for GL 15 10 10 1058 is \$564k.</i>
117	<i>Note 35 Insurance on Assets</i>	<i>(First Paragraph) Building and building contents - total depreciated value should be \$45,460,748 (2021: \$36,454,131)</i>
117	<i>Note 35 Insurance on Assets</i>	<i>(Fourth Paragraph) Water, sewerage and stormwater assets – Pipe networks and underground assets total depreciated value should be \$33,950,370 (2021: \$26,726,103).</i>
104	<i>Note 20 Core Infrastructure Assets</i>	<i>2022 Value of sewerage: other assets closing book value on 30 June should change to \$18,919.</i>
111	<i>Note 28 Council Employees</i>	<i>Reduced total employees from 35 to 34</i>
117	<i>Rates Affordability Benchmark</i>	<i>Changed wording in disclosure note to correct current year and LTP not 3 year plan</i>
121	<i>Balanced Benchmark</i>	<i>Updated from 88% to 95%</i>
76	<i>Cashflow Statement</i>	<i>Updated investing activities - removed \$330K PPE transferred to current asset</i>
75	<i>Current Tax Liability – Note 22</i>	<i>\$38K GST to be included in payables (Group only)</i>
	<i>Note 12 Disclosure</i>	<i>Explanation for 2021 – rewrite in past tense</i>
	<i>Note 20 – PPE Buildings</i>	<i>Correct revaluation reserve</i>
	<i>Depreciation Policy</i>	<i>Amended buildings – internal fitout and library books</i>

	<i>Note 24 – Borrowings</i>	<i>Updated Weighted average effective interest rate</i>
	<i>Note 11 – ECAN share of MRF</i>	<i>Updated reference from 13 to 12</i>
<i>Pg 21</i>	<i>Water Services Note</i>	<i>Changed wording from There ownsto The Council owns.....</i>
	<i>Group Accounts</i>	<i>Updated to reflect all changes undertaken to Council which impacted on group consolidation</i>

**ACTIONS FROM COUNCIL MEETINGS
AS AT 19 APRIL 2023**

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
1	<i>Carried Forward from previous Council:</i> Progress Reports: Te Ha, Kaikōura Wildlife Centre Trust, KORl, Kaikōura Cycling Club, Kaikōura Dark Sky Trust, Mayfair, Kaikōura Red Cross Branch, Takahanga Bowling Club, Kaikōura Croquet Club, Kaikōura Bowling Club Incorporated		May 2023 July 2023	
2	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.
3	IWK Draft Statement of Intent – feedback to be provided to the Executive Officer to collate	Elected Members / B Makin	1 May 2023 – due to IWK	KET to meet in April – preferably before 11/04/23 as Chair on leave.

CLOSED ACTION

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
	Wakatu Quay sea wall site visit / contractor update – arrange with project manager	W Doughty	TBC with project manager	Closed – site visit in February
	Remove breakdown of inspectors/ names from Building & Regulatory Report	D Clibbery	26 April 2023	Removed from reports