

KAIKŌURA DISTRICT COUNCIL MEETING

Date:	Wednesday 27 September 2023
Time	9.00am
Location	Totara, Council Chambers

AGENDA

1. Open with a Karakia

Kia wātea te Wairua, Kia wātea te tinana, Kia wātea te hinengaro, Kia wātea ai te mauri, Tuturu ōwhiti whakamaua kia tina, TINA!, Haumi e, Hui e, TAIKI E!

2. Apologies

3. Declarations of Interest

4. Public Forum

Public forums provide opportunity for members of the public to bring matters, not necessarily on the meeting's agenda, to the attention of the Council.

5. Formal Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's Agenda.

6. Adjourn to Works & Services Committee meeting (9.30am)

Reconvene to the Council Meeting

7. Confirmation of Minutes:

- | | | |
|-----|---|---------|
| 7.1 | Council meeting minutes dated 6 September 2023 | page 3 |
| 7.2 | Extraordinary Council meeting minutes dated 13 September 2023 | page 11 |

8. Review of Action List

page 14

9. Matters of Importance to be raised as Urgent Business

10. Matters for Decision:

- | | | |
|------|--|---------|
| 10.1 | Borrowing provision for Wakatu Quay | page 15 |
| 10.2 | Consultation on Proposed New Signs Bylaw | page 20 |

11. Matters for Information:

- | | | |
|------|---------------------------------------|---------|
| 11.1 | Mayoral Verbal Update | |
| 11.2 | Elected Member Verbal Updates | |
| 11.3 | CEO Monthly Report | page 44 |
| 11.4 | South Bay Forestry harvest | page 49 |
| 11.5 | Community Services Update Report | page 61 |
| 11.6 | Planning Update Report | page 69 |
| 11.7 | Building and Regulatory Update Report | page 77 |

12. 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 6 September 2023
- b) Waiau Toa/ Clarence Valley Access Project Verbal Update
- c) Harbour Financial Matters – verbal update

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), 6 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 6 September 2023	The minutes are being tabled for confirmation and include the outcome of the CEO performance review, commercially sensitive information on the harbour and KET structure	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)(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) Section (7)(2)(a) protect the privacy of natural persons, including that of deceased natural persons.
Waiau Toa/ Clarence Valley Access Project Verbal Update	Contains commercially sensitive material in regard to the ongoing procurement process for the project	Section (7)(2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)
Harbour Financial Matters – verbal update	Verbal update on subject previously brought to Council around ongoing negotiations which is commercially sensitive	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)(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)

13. Close meeting with a Karakia

AUDIO RECORDINGS:

"Audio recordings will be made of this meeting for the purpose of assisting the minute taker to create accurate minutes. Audio recordings should not be taken of any confidential, public excluded or otherwise sensitive matters. The Chair of the meeting is responsible for indicating if/when recording should be stopped and restarted. While held, the audio recordings are subject to LGOIMA, they may be released in line with Councils LGOIMA processes and/or at the discretion of the meeting Chair. A copy of the guidelines and principals for the use of recordings is available on request"

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL MEETING HELD AT ON
WEDNESDAY 6 SEPTEMBER 2023 AT 9.00 AM, TOTARA, COUNCIL CHAMBERS,
96 WEST END, KAIKŌURA**

PRESENT: Mayor C Mackle (Chair), Deputy Mayor J Howden, Councillor R Roche, Councillor T Blunt, Councillor K Heays, Councillor J Diver, Councillor L Bond
Councillor V Gulleford (online by MS Teams)

IN ATTENDANCE: W Doughty (Chief Executive), P Kearney (Senior Manager Corporate Services),
B Makin (Executive Officer-Minutes)

1. **KARAKIA**
2. **APOLOGIES**
3. **DECLARATIONS OF INTEREST Nil**
4. **PUBLIC FORUM**

9.01 am - T Howard

The public forum speaker spoke about the Clarence Bridge and expressed his views on the advice given to the Council by technical engineers. He commented that the river would be capable of moving boulders larger than the room and that the advice given won't be reliable long term, especially if the Alpine Fault goes. T Howard suggested that a swing bridge be installed at the original site, noting this would be a cheaper option and would have less ongoing maintenance costs. He commented that storms and severe weather could be expected once a decade rather than every 100 years.

5. **FORMAL DEPUTATIONS Nil**

6. **ADJOURN TO WORKS & SERVICES COMMITTEE MEETING**

The meeting adjourned to the Works & Services Committee meeting at 9.07 am.
The meeting was reconvened at 9.31 am.

7. **MINUTES TO BE CONFIRMED**

7.1 Council meeting minutes dated 26 July 2023

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council meeting held on 26 July 2023.*

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

8. **REVIEW OF ACTION LIST**

The Action List was reviewed and noted by the Council.

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

Councillor T Blunt raised an item of urgent business to be discussed in the Public Excluded part of the meeting. The item had just come to his attention and was in relation to Clarence Bridge. The public are excluded due to commercial sensitivity reasons.

He also raised emergency water/ storm water and would provide further information as part of the Councillors verbal update.

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

Council Officers S Poulsen and P Kearney joined the table to answer questions from elected members. Deputy Mayor J Howden ran through the Chair's Report. The Committee had requested reporting back from Innovative Waste Kaikōura Limited on the performance reporting and requested that the full cost of projects that run over multiple financial years are included in the capex report.

The recommendation by the Committee to the Council on the 2022/2023 Audit Plan and Fees was put forward.

RESOLUTION

The Council to consider the revised fee proposal provided for the annual report to be capped at \$137k, and for the CE to continue to negotiate with Audit NZ for the following two years increases for the Annual report, plus the LTP fees, KET & IWK.

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

10.1 Interim Finance Report to 30 June 2023

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt

Seconded: Councillor K Heays

CARRIED UNANIMOUSLY

10.2 Quarterly Reports to 30 June 2023

RESOLUTION

THAT the cover report and the listed attachments be received.

Moved: Mayor C Mackle

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

10.3 2022/2023 Audit Plan and Fees

The Chief Executive Officer was acknowledged for his mahi on negotiating lower fees for the first year.

RESOLUTION

THAT the report and listed attachments be received.

Moved: Councillor J Diver

Seconded: Mayor C Mackle

CARRIED UNANIMOUSLY

10.4 Risk Management Report

RESOLUTION

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

10.5 Internal Policies Reviewed

RESOLUTION

- 1. *THAT the Council receives this report.*
- 2. *THAT the Council approves the Fraud & Corruption Policy and Capitalisation Policy, as presented.*

Moved: Councillor L Bond
Seconded: Mayor C Mackle

CARRIED UNANIMOUSLY

11. MATTERS FOR DECISION

11.1 Council Resolution on Electoral System

P Kearney commented that the advantages and disadvantages to both electoral systems were outlined on page 114. He noted the point with regard to a member of the community requesting a poll if they are unhappy with the decision and the process and timings by which a poll can be requested. The outcome from the decision will be communicated to the public via Council website and social media.

RESOLUTION

THAT the Council approves either:

- a) *Option 1: Remain with the status quo electoral system (First Past Post)*
or
- b) *Option 2: Change to the Single Transferable Vote electoral system*

Moved: Councillor L Bond
Seconded: Councillor T Blunt

MOTION LOST

A discussion was held on the two options and the Council agreed that the current system was fairer and better suited for the community.

AMENDED RESOLUTION

THAT the Council approves Option 1: Remain with the status quo electoral system (First Past Post)

Moved: Councillor J Diver
Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

11.2 Review of Signs Bylaw

D Clibbery presented the report. The Signs Bylaw Review Working Group met on Monday, and the outcome of that was some changes to the initial draft revised bylaw. The most significant of which was the inclusion of a high-level cap on the area of signs on buildings. A memorandum was tabled at the meeting which sets out the two substantive changes to signs on buildings and free-standing signs.

It was proposed that the recommendation in the report is amended to replace item 1.a with the following: *'Setting of a limit on the permitted total areas of signs on buildings in mixed and business zones as a proportion of building face areas, at a significantly higher level than previously'*.

It was clarified that the total area of the free-standing signs does not include signs on the building face. The supermarket and ITM will be allowed to have larger signs. The report notes that their signs are measured at 3.5 m² and 2.3 m². The proposal is to permit a total area of 10 m². Council staff clarified that the sign at Caltex has a resource consent.

It was noted that there was general agreement from the working group around the draft bylaw, but not all the specific points. One of the group members was comfortable with the changes so long as proper enforcement of off-site signs is undertaken. The report sets out on page 122/123 the elimination of the Signs Permits. The next steps will be to bring the draft bylaw back to Council at the end of September to approve for public consultation.

AMENDED RESOLUTION

THAT the Council approves in principle:

1. *The inclusion of the following significant changes relative to the existing (2011) KDC Signs Bylaw in a revised draft bylaw to be presented to Council at its meeting of 27 September for approval for public consultation:*
 - a) *Setting of a limit on the permitted total areas of signs on buildings in mixed and business zones as a proportion of building face areas, at a significantly higher level than previously*
 - b) *Removal of minimum text sizes and maximum numbers of letter and words on signs on properties which share a boundary with the State Highway where the posted speed limit is 50km/hr or less.*
 - c) *No requirement for issue of Signs Permits.*
2. *The transitional arrangements described in this report, including the provision of limited existing use rights for certain types of signs.*

Moved: Deputy Mayor J Howden

Seconded: Councillor K Heays

CARRIED UNANIMOUSLY

D Clibbery and the Signs Bylaw Review Working Group were acknowledged for their work on the process.

The meeting was adjourned at 10.22 am and reconvened at 10.42 am.

11.3 Consultation on Draft Speed Management Plan

Council Officers D Clibbery and J Prentice joined the table to present Item 11.3 and answer questions from elected members.

RESOLUTION

THAT the Council approves the attached KDC Speed Management Consultation Draft Plan and the associated consultation advertisement subject to any agreed amendments.

Moved: Councillor T Blunt

Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

The Council acknowledged J Prentice for his work and the presentation at an open Council workshop.

11.4 Draft Revenue & Financing Policy and approval of proposed changes for public consultation

Council Officers S Poulsen and P Kearney joined the table to present Item 11.4 and answer questions from elected members.

S Poulsen highlighted an error on page 159 where the differential rate in the table for Harbour Rural and Town Centre Rural Rate should both be 0.25. This change will be made before the document goes out for public consultation (**ACTION**). The public information pack will include the effects on example properties.

It was agreed for S Poulsen to include the operational percentage of grants and subsidies for the Wakatu Quay Project in the table on page 163 (**ACTION**).

The transfer station is 100% general rates funded noting that there will be some return on dump fees which will be used to offset the loans for the capital expenditure.

It was noted that this has been a significant piece of work to date and one that was signalled in the LTP to complete this financial year. Elected members acknowledge the work to date of S Poulsen and P Jones.

RESOLUTION

THAT the Council:

- a) Receives this report, and*
- b) Approves the Draft Revenue & Financing Policy set out in Attachment A,*
- c) Approves the Step One Funding Needs Analysis, per Attachment B*
- d) Approves the Communications Plan set out in Attachment C*
- e) Notes that following approval the public consultation process is scheduled to commence on the 11th September.*

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

Councillor R Roche left the meeting at 11.00am.

11.5 Notify application on business park plan change provisions

Council Officers M Hoggard and P Kearney joined the table to present Item 11.5 and noted that the Council's intention to have the site as 70% industrial zone and 30% light industrial zone has now been reflected in the proposed plan change. They highlighted that there will be some minor changes to the layout of Appendix 1 – Draft Plan Change Provisions. The definition of trade supplier was noted on page 200 (LIZ-R3). The Council and any Commissioners are required by law to discount any trade competition concerns when considered the application.

RESOLUTION

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

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

Moved: Councillor L Bond

Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

The meeting then moved to Item 12.4 Youth Council Report

12.4 Youth Council Report

The Youth Council presented their report and provided an update on the youth awards. 150 people attended the evening event to recognise youth achievements.

Rohan O'Neill-Stevens, Nelson Deputy Mayor visited Kaikōura and the Youth Council showed him Te Hā o Mātauranga and parts of the town.

The Council congratulated the Youth Council for the youth awards and were very pleased to be able to support one of the awards.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

Councillor T Blunt left the room at 11.26 am.

12. MATTERS FOR INFORMATION

12.1 Mayoral Verbal Update

Mayor C Mackle had been away on annual leave. This month there was one open Council Workshop held for the representation review, followed by the Wakatu Quay public meeting.

Councillor T Blunt re-entered the room at 11.29 am.

12.2 Elected Member Verbal Updates

Councillor T Blunt

The Waterzone Committee had discussed the Stormwater Superhero Campaign and what other councils have in place (Christchurch, Waimate and Timaru). He is keen to explore options for funding.

Councillor T Blunt is working on options for households to obtain water tanks to use for emergencies.

Deputy Mayor J Howden

The Older Person's Working Group are meeting tomorrow. The survey has good statistics on options for housing. Council staff are looking at what funding is available through the Office for Seniors. The intention is to set up a trust. The group are looking into providing housing for all levels of care - dementia to aged care.

There is an open Council Workshop next week where the Chair and Deputy Chair of Kaikōura Information & Tourism will present the proposal to lease a portion of the Kaikōura iSite.

Councillor J Diver

Councillor J Diver and Councillor V Gulleford attended the Making Good Decisions course with WSP and are completing the post course assessment, once complete they will be at the level of a commissioner. He advised that other Councils use Deloitte for their audit at a cost of 2% rates.

Councillor L Bond

The Opshop sponsored the volunteer award at the Youth Awards. The volunteers are undertaking first aid training. Councillor L Bond celebrated their hard mahi and treated them to the Mayfair Theatre.

The Creative Community scheme will be meeting in September.

Councillor L Bond and Councillor R Roche attended treaty training on Saturday through other capacities.

Councillor V Gulleford

Councillor V Gulleford advised that the Youth Awards list of winners is available on the Youth Council's website, Council staff would circulate the link **(ACTION)**.

Update on the District Licensing Committee is the upcoming event – The Hop.

12.3 CEO Verbal Update

Council staff in conjunction with Kainga ora and the developer are seeking additional funding from the IAF programme for the water supply at Ocean Ridge and an upgrade on Mt Fyffe Road. Open Council Workshops have been scheduled between now and Christmas and sessions will include the Long Term Plan. The Chief Executive Officer attended the Taituara Governance Symposium with the Senior Manager Corporate Services and Executive Officer to listen to a range of governance topics such as LGOIMA and Māori Wards. The new Communications Officer starts Monday 11 September. He is continuing to work with the Nature Photography Society New Zealand for a memorial at Goose Bay.

RESOLUTION

THAT the Council receives the Chief Executive Officer's verbal update.

Moved: Mayor C Mackle
Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

The meeting adjourned for break at 12.05 pm and reconvened at 12.35 pm.

Councillor R Roche rejoined the meeting at 12.35am

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

- a) Public excluded council meeting minutes dated 26 July 2023
- b) Next steps for the sale and purchase of land relating to the Old Council Building Site
- c) Harbour Financial Matters – verbal update
- d) Clarence Bridge – Matter of Urgent Business

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), 6 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 26 July 2023	The minutes are being tabled for confirmation and include commercially sensitive information on the harbour financial matters	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)
Old Council Building Land	Report for decision on a formal offer for sale and purchase of land relating to the Old Council Building Site - contains commercially sensitive information	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
Harbour Financial Matters – verbal update	Verbal update on subject previously brought to Council around ongoing negotiations which is commercially sensitive	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 Bridge	Raised as a matter of urgent business by Councillor T Blunt and includes commercially sensitive information	Section (7)(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities

Moved: Mayor C Mackle

Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

The meeting moved into the Public Excluded Session at 12.35 pm.

The meeting moved out of the Public Excluded Session at 2.51 pm.

14. CLOSED OF MEETING

There being no further business, the meeting was declared closed at 2.51 pm.

CONFIRMED _____ Chairperson
Date

THIS RECORD WILL BE HELD IN ELECTRONIC FORM ONLY

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL EXTRAORDINARY MEETING TO
HEAR AND DELIBERATE SUBMISSIONS TO THE WAKATU QUAY BORROWING
PROVISION AHEAD OF THE LONG TERM PLAN 2024-2034 HELD ON WEDNESDAY
13 SEPTEMBER, 9.00AM, AT TOTARA, COUNCIL CHAMBERS, 96 WEST END,
KAIKOURA**

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

IN ATTENDANCE: W Doughty (Chief Executive), W Walker (KMDP – Project Manager),
Becky Makin (Executive Officer)

1. KARAKIA

2. APOLOGIES Nil

3. DECLARATIONS OF INTEREST Nil

4. OVERVIEW OF NUMBERS OF SUBMISSIONS

W Walker, Project Manager of the Kaikoura Marine Development Project (KMDP) joined the table to answer questions from elected members.

It was noted that a total of 230 submissions were received and 4 wished to speak.

Attachment 1: Summary of all submissions on Funding of Wakatu Quay Borrowing with staff comments

It was noted that any decisions or recommendations from the Deliberations would be included in a report at the Council meeting to be held on 27 September 2023.

Attachment 2: Submissions received by hand for information

Tabled and discussed below.

5. SUBMITTERS TO BE HEARD

9.05am Melville Syme

Melville spoke in support of his and Julie Syme's submission for Option 1 and the chance to get funding for the project to start. They didn't want to see too much being spent on consultants. A copy of Melville's comments was provided to Council staff.

9.10am Te Awhina Arahanga

Te Awhina outlined her environmental commitments and involvement in a number of groups.

Te Awhina chose Option 3 as it had the least impact on the environment and commented that if the development of Wakatu Quay was able to protect and not damage the environment, she would be in support of Option 1 (e.g. protection of the banded dotterels, seals, moths).

It was clarified that the seawall retention works had disturbed the resting place where seals get out of the water (known as the 'gut'). Noting the seals can still haul up onto the rocks but in a different location.

9.15am Mary Kingscote

Mary spoke regarding her submission for Option 3 and was against development (at this moment in time) until there was some commitment by a developer to reduce the financial risk to Council.

9.20am Colette Shephard

Colette chose Option 2 due to environmental concerns and would like to see Wakatu Quay preserved, noting that the Māori history was important. She asked to be provided with information on the Council's plans for a walking/cycling track and the effects it would have on the environment and residents. W Walker would follow up.

6. SUBMITTERS WHO CHOSE NOT TO SPEAK

The Council reviewed and noted the submissions from those who chose not to speak. Their chosen options and staff comments are recorded on the Summary Sheet. The Council provided the following feedback:

- #10 Barbara Bartram – the resource consent for Wakatu Quay has already been granted.
- #23 Lynette Buurman – the submitters comments at the public meetings around 'future leasing' was helpful.
- #88 Carol Hart – the submitter chose Option 1 however comments appear negative towards that.
- #114 Rodney Lawrence – the submitter had attended the public meetings and asked very good questions of the group.
- #178 Fiona Thomson – it was noted that disability access will be included in any development.
- #193 Beverley Bradbury – that the PGF money cannot be used on another project other than Wakatu Quay.
- #194 Lynda Jelley – that the old buildings (now demolished) were double story, and the concept is for the new buildings to be single story.
- #206 Wendy Brandon – the submitter chose Option 3 as they wanted to keep rates down. The Council noted that the option chosen by the submitter would burden the ratepayers.
- #211 Kevin Duncan – the submitter chose Option 3 as they wanted to keep rates down. The Council do not agree that Option 3 is the cheapest option for ratepayers and asked Council staff to ensure the submitter understands the options.
- #212 Dwayne Fussell – that the earthquake rebuild was a \$40million project that came in under budget and whilst the Civic building was over budget, lessons had been learnt around the need to have appropriate contract management in place.
- #213 Bernard Harmon – that more traffic on Wakatu Quay should be better for the submitters business. Council staff would check on the status of the submitters resource consent.
- #215 Mary Kingscote – that the Memorandum of Understanding sets out that the site needs to remain fully accessible for the public. There is also an opportunity to work in with the Link Pathway in terms of having educational boards at Wakatu Quay.
- #216 Madeline Lloyd – that all councils do have debt. KDC has one of the lowest debt ratios and consequently are asked in funding application processes why there isn't the ability to extend their debt.
- #217 Carmen Moceyawa – the Council staff were asked to clarify who was rude to the submitter.
- #219 Paul Redwood – the Mayor would follow up with the submitter on the memorial area being referred to.
- #223 John Smith – the Council clarified that the road and parking would be fully within the road reserve and not within the coastal reserve area (the beach).
- #225 Mary Smith – that from the community survey the most popular choice was to include a sea to plate restaurant.

7. DELIBERATIONS

W Walker clarified the following information:

- The KMDP team have insurance quotes for construction and value of the buildings.

- There are 10 conditions in the resource consent around environmental impact, these include surveys of penguins, reinforcing the natural environment, conditions from ECAN around construction. W Walker will provide details to the Council.
- The KMDP team are aware of the environmental matters raised by the submitters. They will be looking at incorporating protection of the environment in the design stage.
- Two reports were undertaken by Tonkin & Taylor regarding natural hazards as part of the resource consent application. They determined that there was no significant impact from natural hazards for at least 70 years.
- The original concept plan had included a restaurant/hospitality (meaning all-day and multipurpose). The most popular choice was a sea to plate restaurant, and second was a visitor attraction.
- The KMDP team have held many discussions around not competing with West End.

Mayor C Mackle left the room at 10.15am. Deputy Mayor J Howden stepped in as Chair.
Mayor C Mackle re-entered the room at 10.17am and resumed as Chair.

The Council summarised the key messages from the submissions:

- There was overwhelming support to make provision in the LTP 2024-34 to borrow the money and for a staged development.
- That the environmental concerns are carefully monitored as part of the design stage.
- Concerns around natural hazards, cost overruns and competing with businesses on West End.

The Council thanked W Walker and C Sturgeon for a well-run process and informative public meetings. The Council acknowledged the public for taking the time to submit, and those that also came in to speak.

8. CLOSED OF MEETING

The meeting was declared closed at 10.20am.

CONFIRMED

Chairperson

Date

This record will be held in electronic format only

**ACTIONS FROM COUNCIL MEETINGS
AS AT 11 SEPTEMBER 2023**

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
1	<i>Carried Forward from previous Council:</i> Progress Reports: KORl, Kaikōura Cycling Club, Kaikōura Dark Sky Trust, Mayfair, Kaikōura Red Cross Branch		October 2023 February 2024 April 2024 July 2024	
2	<i>Quarterly Progress Reports from 1-Jul</i> Mayfair, Lions Club, Takahanga Bowling Club, Te Ha, Miniature Rifle Club, Sports Tasman, Kaikōura Squash Club, A&P Association, Museum, Dark Sky Trust, Youth Council, Kaikōura Red Cross Branch		October 2023 February 2024 April 2024 July 2024	
3	Three hard copies of the rehoused District Plan were requested for elected members.	B Makin / M Hoggard	-	Appeal resolved. The team are arranging for copies to be printed.
4	Investigate joint harbour role – KDC/ECAN	W Doughty	Ongoing	
5	Signs Bylaw Review	D Clibbery	December 2023 lapses	In progress – report on Agenda.

CLOSED ACTIONS

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
	Include the operational percentage of grants and subsidies for the Wakatu Quay Project in the table on page 163 (Proposed Revenue & Financing Policy)	S Poulsen	asap	Confirmed – changes made
	Correct differential rate in the table on page 159 for Harbour Rural and Town Centre Rural Rate to 0.25	S Poulsen	asap	Confirmed – changes made
	The roading team to confirm that the location of the proposed raised crossing on Ludstone Rd ensures there is sufficient distance back from Churchill street for turning trucks	O Joensuu	July meeting	Confirmed – there was a discussion with the designers around the turning of trucks.
	Workshop date to be scheduled with regard to the National Policy Statement Indigenous Biodiversity	B Makin / M Hoggard	September	Confirmed - scheduled for 13 September.
	Circulate website to Youth Council awards	W Doughty/ B Makin	Asap	Completed – circulated

Report to:	Council	
Date:	27 September 2023	
Subject:	Borrowing provision for Wakatu Quay	
Prepared by:	C Sturgeon – KMDP	
Input sought from:		
Authorised by:	W Doughty - Chief Executive Officer	

1. PURPOSE

This report seeks the Council’s approval to confirm the borrowing provision of \$800k towards the Wakatu Quay Project to fulfill its obligations with the MBIE grant.

The Special Consultation Process (SCP) to gain community feedback has been concluded and details provided to Councillors as part of the public hearing.

2. RECOMMENDATION

It is recommended that the Council:

- a) Receive this report;
- b) Acknowledges the completion of the SCP process and the feedback from submissions received presented at the public hearing.
- c) Approves the inclusion of the provision of the \$800k Council borrowing for the project in the Long Term Plan 2024-34.
- d) Notes that further consultation on this borrowing provision of \$800k will not be undertaken as part of the consultation of the full draft LTP 2024-2034.
- e) Notes that the inclusion of this borrowing provision in the LTP does not preclude ongoing conversations with regard to possible external investment in the project.

3. BACKGROUND & CONTEXT

At its meeting of 31st May 2023 Kaikoura District Council resolved to consult with the community regarding the borrowing of the remaining \$800,000 to fulfil its \$1,070,000 contractual obligation with Ministry of Business and Innovation (MBIE) toward the approved grant funding of \$10.18m for the Kaikoura Marine Development Programme (KMDP).

KDC continues to seek additional external investment funding through the commercial sector in a private public partnership to increase the overall funding pool, and that any such private investment obtained would be counted as being part of the aforementioned required \$1,070,000 contribution from Council.

The intended use of these remaining funds is to design and construct development infrastructure, complete site master planning, develop the landscape environment, and assist to construct facilities on the Wakatu Quay site.

The Council agreed that the community should be formally consulted through the Special Consultative Procedure of the Local Government Act 2002 regarding the possibility that KDC could provide the required outstanding \$800,000 contribution through the borrowing of this amount.

This procedure has now been concluded.

4. SPECIAL CONSULTATIVE PROCEDURE FOR PROVISION OF BORROWING

The consultation commenced on the 28th July through to 28th August 2023 inclusive.

The process included:

- An online and printed submission form for completion,
- A static display drop in centre for the public at the local iSite
- Presentations to local community groups, youth and special interest groups
- Multiple media advertisements
- Public presentations on 9th & 16th August
- Public Hearing where submissions were presented to Councillors on the 13th September

A total of 230 submissions were received in regard to three options presented for the next steps for the project.

The submission structure was straight forward with the three options presented along with space for comments on the proposed funding and also space for additional comments about the project.

The options presented to the community to consider were:

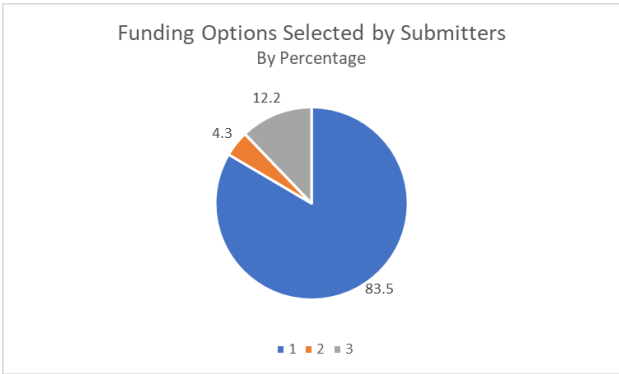
Option 1 – Preferred Option - Council to borrow \$800,000 to release the remaining \$7.3m grant from MBIE for the completion of the first stage of the development including a revenue generating restaurant to offset loan costs and landscaped community spaces.

Option 2 - Do not borrow \$800,000, as a result the Wakatu project stops. Site cleanup & road repair estimated \$1.2m to be funded from borrowing and repaid directly by the Kaikōura rate payer.

Option 3 - Do not borrow \$800k, as a result the Wakatu project stops. Site remains exactly as it is now as no funding provided for in the Long-Term Plan. Road upgrade is still required at estimated \$565K to be funded by borrowing and repaid directly by the Kaikōura rate payer.

The submissions received were:

Submission Type	Total Number of Submissions	Breakdown of proposal options (see graph for percentages)
Option 1	192	83.5%
Option 2	10	4.3%
Option 3	28	12.2%
Total	230	100%



4.1 Public Hearing on Submissions

A public hearing was held on the 13th September and attended by all Councillors.

- The Council reviewed and noted the submissions from those who chose not to speak. Their chosen options together with staff comments were recorded on the Summary Sheet
- Four (4) submitters chose to speak at the public hearing and the Councillors included their comments as part of their summarized key messages.

The Council summarised the key messages from the submissions as follows:

- There was overwhelming support to make provision to borrow the money in the LTP 2024-34 and for a staged development.
- That the environmental concerns are carefully monitored as part of the design stage.
- Concerns around natural hazards, cost overruns and competing with businesses on West End.

5. FURTHER INFORMATION

No additional information is pertinent at this time.

6. FINANCIAL IMPLICATIONS AND RISKS

6.1 Financial Implications

Further budget implications as a result of the loan will be identified as part of the 2024-34 LTP process including any ongoing operational or maintenance requirements still to be determined based on final development and lease negotiations.

Due to the development nature of the borrowing requirement the terms of the \$800,000 would be:

- 30 years
- Assumed rate of 5.7%

Detailed loan calculations are included in Appendix 1 (per Councils 10 year financial modelling)

The Wakatu Project anticipates market revenue from the lease of the building to be constructed that will sufficiently service the borrowing.

In the event that lease revenue not eventuate for some reason the annual per rate payer cost is calculated at \$25.80 based on the above assumptions.

6.2 Risks

Should KDC decide not to agree to borrow the \$800,000, KDC will be in breach of its agreement with Kanoa and risk that its contract and the project is terminated and the remaining MBIE grant funds of \$7.3million being removed from Kaikōura by Central Government.

7. RELEVANT LEGISLATION

7.1 Policy and Legislation

NIL (Refer Significance and Engagement Policy)

7.2 Delegations

The Council is required to make these decisions on potential long-term obligations.

8. SIGNIFICANCE AND ENGAGEMENT POLICY

The decision to contribute financially to the project is deemed significant under the Council's significance and engagement policy. Approval was given to undertake consultation using the SCP process. It should be noted that because a comprehensive SCP has been undertaken, further consultation on this borrowing provision of \$800k will not be undertaken as part of the consultation of the full draft LTP 2024-2034.

9. COMMUNITY OUTCOMES SUPPORTED



Community
We communicate, engage and inform our community



Development
We promote and support the development of our economy



Environment
We value and protect our environment



Future
We work with our community and our partners to create a better place for future generations

Appendix 1

Proposal - Borrow \$800K over 30 years based on 5.7% interest rate – drawdown 2024/2025 – principal and interest repayments – no principal repayments in first year

	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028	2028/2029	2029/2030	2030/2031	2031/2032	2032/2033	2033/2034	2034/2035
Wakatu Quay - New Loan	17	16	31	30	29	28	27	26	25	24	23	22	21	20
Loan Balance at Start	0	0	0	0	800,000	785,884	771,168	755,827	739,834	723,159	705,773	687,643	668,737	651,469
Loan Maturing	0	0	0	0	14,116	14,715	15,341	15,994	16,675	17,386	18,129	18,906	17,268	20,642
Loan Raised	0	0	0	800,000										
Loan Balance at End	0	0	0	800,000	785,884	771,168	755,827	739,834	723,159	705,773	687,643	668,737	651,469	630,827
Interest on Loan	0	0	0	22,800	32,000	31,435	30,847	30,233	29,593	28,926	28,231	27,506	33,437	26,059
Principal Payment	0	0	0	0	14,116	14,715	15,341	15,994	16,675	17,386	18,129	18,906	17,268	20,642

Report to:	Council	
Date:	27 September 2023	
Subject:	Consultation on Proposed New Signs Bylaw	
Prepared by:	D Clibbery – Senior Manager Operations	
Input sought from:		
Authorised by:	W Doughty – Chief Executive Officer	

1. SUMMARY

Further to previous discussions of the Signs Bylaw Review Working Group and Council a proposed new Signs Bylaw is recommended for public consultation.

2. RECOMMENDATION

It is recommended that:

- a) That report is received, and;
- b) That public consultation, in accordance with the Special Consultative Process of the Local Government Act 2002, be conducted in respect of a proposal (further described in the attached Statement of Proposal) that a new Bylaw – the ‘Kaikōura District Signs Bylaw 2023’ – be made to replace the ‘Kaikōura District (Signs) Bylaw 2011’.

3. BACKGROUND

As discussed in the report ‘Review of Signs Bylaw’ presented at the Council meeting of 6 September, a process has been underway since May of 2023 to review Council’s existing Signs Bylaw before it ceases to have effect from 11 December 2023.

The review process has been guided by a working group of 6 community members, who have had 4 meetings in which they have considered what issues currently exist in respect of the management of signs in the District, whether those issues required management and if so what would be appropriate management objectives, what regulatory tools might best achieve these objectives, and what rules in respect of signs should be applied.

It is believed that the general conclusions of the working group in respect of what issues exist in respect of signs and associated objectives are not dissimilar to those which were apparent when KDC’s current (2011) Signs Bylaw was put in place.

The following statement in from the 2011 bylaw was I believe very much reflective of the views of the working group:

The ability of the environment to accommodate signs varies considerably between commercial, residential and rural environments. The greatest concentration of outdoor signage is in commercial areas where signs are necessary for business promotion. However in residential and rural areas where maintenance and enhancement of amenity values are important, the potential adverse effect of signage is of greater significance.

The general view held by the working group was that most of the signage that is currently present is not inappropriate to the areas that it is in, recognising that what is appropriate to particular areas varies.

For example the signs in the commercial Beach Road were considered to generally be of a nature that is expected to be seen in such a high profile, high traffic area and similarly the signage in the West End was believed to generally conform with reasonable expectations, with the only notable exceptions

being excessive numbers of sandwich boards or other objects on the footpaths which create obstructions.

Expectations of a lesser extent of signage did however exist for other areas, in particular those areas that had particularly high landscape amenity values, and in general it was again believed that the signs that are currently in place generally conformed with those expectations.

One exception to this general perceived conformance was however in respect of off-site signs. In this case the view of the working group was that because of the outstanding amenity values that exist in the District the presence of off-site signs had potential to create significant adverse effects, and that such signage was not essential for local businesses and as such should be prohibited throughout the district, in both rural and urban areas.

Such a view is not new, with a general prohibition of off-site signs having always been in place in previous KDC signs bylaws, but which has not been effectively enforced.

Noting that with these few exceptions the signs that are present in the District do not appear to be inappropriate, and that to a significant degree this may have been achieved through sensible decision making by business owners rather than because of the regulatory controls that are in place, consideration was given to the possibility that a significant degree of reliance could be placed on businesses to 'self-regulate' rather than having extensive controls through a bylaw.

It was however concluded that despite this current lack of substantial adverse effects there was potential for this to change if all controls on sign form, sizes and numbers were removed and that rules should therefore be put in place in regard to these matters.

In respect of the form that these rules should take, it is believed that a significant amount of the provisions contained in the current bylaw are in essence sound but could be improved through minor amendments or presentation in a simpler form.

The following more substantial amendments are however proposed:

- Removal of restrictions on sign text sizes and numbers of characters on urban state highway
- Ceasing issue of signs permits
- Setting of limits on the extent of signage on buildings as a proportion of the face area of the building at a much higher level than previously

Because of these substantial proposed amendment and other significant changes to the content and form of the bylaw it is proposed that an entirely new bylaw – the 'Kaikōura District Signs Bylaw 2023' – is made and the current bylaw is repealed. A copy of the proposed new bylaw is attached.

The process to make a new bylaw is set out in the Local Government Act 2002, and requires public consultation, details of which are set out in the following section of this report and the attachment.

It is however again noted that whilst these are significant relaxations of regulations in respect of signs, these, and other reductions of the 2011 bylaw are being proposed with the expectation that the provisions that will remain in the new bylaw will be effectively enforced.

Such enforcement will require that some existing signs, including but not limited to all off-site signs, some sandwich boards and flatboards and signs that fall into some future 'prohibited' categories are removed, and some parties are likely to be unhappy with this.

4. CONSULTATION PROCESS

Details of the proposed consultation process are set out in the attached statement of proposal. The submission period will commence on 5 October 2023 and will close on 6 November 2023. The proposed consultation notice is as follows:

Making of Kaikōura District Signs Bylaw 2023

Kaikōura District Council (KDC) currently regulates the display of all types of signs, including advertising signs, through its Kaikōura District (Signs) Bylaw 2011.

As required by law a periodic review of this bylaw has been recently undertaken, which has concluded that a new Signs Bylaw – the Kaikōura District Signs Bylaw 2023 – should be introduced which has a simpler structure and is in some respects less restrictive than the current bylaw.

A more detailed Statement of Proposal, a copy of the proposed new Bylaw and associated information is available from Council on request.

It should be noted that it is proposed that the provisions of the new bylaw will be effectively enforced, which may require the removal of some existing signs.

Submissions in respect of the proposed making of the Kaikōura District Signs Bylaw can be made in writing, and should be addressed to:

The Chief Executive

Kaikōura District Council

PO Box 6

KAIKŌURA 7300

They can also be emailed to ceo@kaikoura.govt.nz

Submissions must be received by Monday 6 November 2023.

5 FINANCIAL IMPLICATIONS AND RISKS

There is considered to be little if any direct financial implications or risk for Council from the proposed changes to the bylaw. Any financial implications will be with regard to regulation and enforcement of the Bylaw once enacted.

6 RELEVANT LEGISLATION & DELEGATED AUTHORITY

The power to make bylaws is provided by section 145 of the Local Government Act 2002, and the power and requirement to review bylaws is provided by sections 159 and 160 of the Act.

7 COMMUNITY OUTCOMES

The issue discussed in this report relates to the following community outcomes:



Community

We communicate, engage and inform our community



Development

We promote and support the development of our economy



Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose



Environment

We value and protect our environment



Future

We work with our community and our partners to create a better place for future generations

Attachment 1 - Statement of Proposal

Attachment 2 - Draft Signs Bylaw

Statement of Proposal

Making of Kaikoura District Signs Bylaw 2023

1. Introduction

The Local Government Act 2002 (the Act) empowers Council to make bylaws and also requires bylaws to be periodically reviewed in accordance with Section 158 of the Act.

Such a review has been conducted of Council's current (2011) Signs Bylaw, incorporating inputs from a working group of community members.

The conclusion of the review is a recommendation that a new Signs Bylaw should be made with some changes of form and content to that which is currently in place.

2. Purpose of this Statement of Proposal

The Council must follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment in respect of a review or making of a Bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal, which contains a summary of information that is a fair representation of the major matters in the proposal and make it available to the community. This document is the Statement of Proposal. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

3. Kaikoura District (Signs) Bylaw 2011

The origin of Council's current (2011) Signs Bylaw was in 2002 when Council introduced a bylaw to put controls on the use of signs in the District in response to concerns expressed by the West End Business Group about cluttering of the footpath by sandwich boards etc.

It appears that the bylaw adopted by KDC at that time – and of which a significant degree of content seems to remain in place in our current bylaw despite reviews in 2009 and 2011 – was based upon another bylaw from a larger council since it contained references to types of issue that did not exist here and was in general a relatively comprehensive and complex tool that perhaps exceeded the local needs.

The current and previous versions of the KDC signs bylaw have not been effectively enforced. There are currently numerous cases of non-compliance, and whilst a comprehensive audit has not been undertaken, a superficial assessment suggests that in the business zones the majority of premises which display signs are non-compliant with the current bylaw in one way or another.

If more effective enforcement has occurred in the past, it must have been a long time ago since even in 2011 comment was made on the failure of council to address numerous non-compliances.

That enforcement has been so ineffective is considered largely due to a combination of limited Council staff resources, the relatively complex form of the bylaw, in some cases onerous bylaw provisions and a generally low level of interest from the community in respect of the management of signs which has accordingly not made it a strong area of focus for Council.

Though the extent of non-compliance with the current bylaw is very high, the extent of complaints regarding the type of effects that the bylaw was intended to manage has been very low.

It is believed that this lack of complaints reflects the fact that the signs that are present in the district generally align well with most people expect to see (although not all), with few if any extreme examples of signs that have adverse effects.

Whilst currently there are not considered to be any signs that have severe adverse effects, it is clear that without some specific regulation of signs very unsatisfactory outcomes could occur, both at particular sites and cumulatively.

In particular there are already a number of 'off site' signs (signs which do not relate to goods, services available or events taking place at the site where the sign is located) in the district despite these having been considered inappropriate and prohibited by the current and previous Signs Bylaws, and to permit these signs would create a precedent for more such large signs and billboards that would cumulatively have significant effects in a District that is noted for its outstanding landscape and amenity values.

Whilst it is therefore clear that some form of regulation of signs is essential, it seems equally clear that the controls put in place by the current signs bylaw are excessive.

As stated previously it is suspected that a majority of businesses in the main business areas of Kaikoura have signs that are in some way non-compliant with the current KDC bylaw, yet despite this the general view of the working group that has reviewed the current bylaw was that there were very few real issues regarding the signs that were present.

For Council to actively enforce all provisions of the current bylaw would therefore create significant pain for businesses, without any real gain for the community, and accordingly the relaxation of some of these provisions is proposed.

4. **Proposal**

Whilst many of the controls on signs provided by the current (2011) Signs Bylaw are considered to be sound, there are also other provisions that are considered excessive and unnecessary, and the general structure the current bylaw is relatively complex and difficult to understand and apply.

As such it is proposed to make an entirely new bylaw – the Kaikoura District Signs Bylaw 2023 – that contains the necessary provisions within a simplified structure.

There are many changes between the current and proposed signs bylaws, which can only be fully appreciated through direct comparisons of the bylaw documents, but the most substantial of these changes are:

- **Higher 'percentage of building face area' limits on signs**

A feature of the current (2011) bylaw has been the setting of limits on the total area of signs that may be displayed on the walls and roofs of buildings in commercial areas as proportions of the total areas of those walls and roofs.

The relatively low level of these limits (between 5% and 15%) and the technical complexity assessing compliance with them has made application challenging, and in most cases it is believed that having a building exceed these set limits did not result in adverse effects.

It is however also recognized that the setting of some form of limit on the extent of signage that can be displayed on the faces of buildings is appropriate, to prevent those buildings from in effect becoming billboards.

Accordingly it is proposed to retain a limit on the proportion of building faces that may be used for signs, but at a much higher (45%) level than previously, which would only impact on premises that were placing an extent of signage on the building that many people would be likely to consider as excessive.

- **Removal of Restrictions on Sign Text on Urban State Highway**

It is also proposed that the provisions of the current bylaw which restrict the sizes and number of letters and words on signs in properties that have boundaries with the State Highway should be modified to remove such restrictions on signs within areas where the posted speed limit is 50km/hr or less.

The restrictions in KDC's current (2011) bylaw mirror those in Waka Kotahi NZTA's Signs Bylaw, but the function of the NZTA bylaw is different, in that its effect is limited to signs (predominantly free-standing signs rather than signs on buildings) that are within NZTA's road corridor, and having such restrictions on signs inside properties that are sometimes a long distance from the road seems inappropriate.

Along Beach Road almost all businesses are non-compliant with this provision (20B(2)) of the current KDC bylaw and it would appear to make no sense to retain it.

- **Elimination of Signs Permits**

The current bylaw requires formal permits to be obtained from Council for the display, alteration, reconstruction or replacement of every example of many of the most common types of signs, with a fee payable for each such permit.

Given the number of such signs that are present in the District and that a permit is required for every one, this would be an extremely onerous and resource-demanding process, which unsurprisingly appears to have never been implemented to any significant degree.

It is suspected that if the permit provisions of the bylaw were to be fully implemented it would require a full-time council staff member to administer it, and perhaps more importantly would place an unnecessary burden on business owners and operators.

It is therefore proposed that sign permits are in future not required, other than for significant temporary signs, and that the general approach to achieving compliance is by management of exceptions, through issue of notices and if necessary infringements in respect of signs displayed that do not comply with the new bylaw.

There is at present an extremely high level on non-compliance with the current bylaw. Even if the almost global lack of signs permits is disregarded, there are still many – perhaps hundreds - of signs that are substantially non-compliant with the provisions of the current (2011) bylaw.

The three suggested major changes to the bylaw described previously would result in the extent of non-compliance being very substantially reduced, but some signs would remain non-compliant under the new bylaw, in particular all the off-site signs, some sandwich boards and flat board signs that exceed the permitted numbers per site and a few other signs that exceed the new bylaw criteria in respect of number, size, height or location.

The use of off-site signage is generally considered to be unnecessary and unacceptable in the Kaikōura District, and such signs are prohibited by the current bylaw, but despite this some are present.

It is believed that if any such off-site signs are permitted to remain they will set a precedent for further signs of this type which will have progressively increasing adverse effects.

It is therefore proposed that the prohibition of all off-site signs should be effectively enforced, regardless of whether or not they have previously existed. All off-site signs will be required to be removed.

Similarly it is believed that there can be no acceptance of non-compliance in respect of excess numbers or sizes of sandwich boards, flatboards and other items which potentially create nuisance and hazards for pedestrians or motorists, regardless of whether or not these non-compliances have been long standing.

It is however believed that it would not be inappropriate for most existing signs other than non-complying sandwich boards, flatboards, off-site signs and signs falling into certain prohibited categories of the proposed new bylaw to continue to be displayed until they are renewed, replaced or modified, at which time they will need to fully comply with all provisions of the bylaw if they are to remain.

As stated previously the current (2011) Signs Bylaw has generally not been enforced, largely due to a combination of limited Council resources, the relatively complex nature of the bylaw and some excessively onerous provisions within it.

It is believed that if the latter two issues are effectively addressed by adoption of the proposed new bylaw that good enforcement of the revised provisions then can and should consistently be done.

This will mean that some existing signs have to be removed. This is not considered unreasonable given that almost all of these signs were not compliant with the previous bylaw and were erected without Council permission.

Upon adoption of the proposed new bylaw the current (2011) Signs Bylaw would be revoked.

5. Report under Section 155 of the Local Government Act 2002

In proposing a Bylaw, Section 155 of the Local Government Act 2002 requires the Council to:

- a. determine whether a Bylaw is the most appropriate way of addressing the "perceived problem", and
- b. if so, determine whether the proposed Bylaw is the most appropriate form of Bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990

Bylaws cannot be inconsistent with the New Zealand Bill of Rights Act.

The perceived problem in this case is that without appropriate controls the placement of signs has potential to create hazard and nuisance and accordingly it is a matter suitable for regulation by a bylaw under section 145 of the Local Government Act 2002.

The making of such Bylaws by local authorities is widespread and generally accepted.

The proposed new Bylaw is considered to be consistent with the NZ Bill of Rights Act. It is not considered to impose any unreasonable restrictions on individuals and is not discriminatory.

It is therefore considered that the proposed Signs Bylaw 2023 meets all of the tests set by the Act.

Dave Clibbery
Senior Manager Operations



Kaikoura District

Signs Bylaw

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Please read PART III (Page 6) to understand the application of this bylaw

PART I INTRODUCTORY

1. TITLE

This bylaw shall be cited as the Kaikoura District Signs Bylaw 2023.

2. COMMENCEMENT

This bylaw shall come into force on 10th December 2023.

3. PURPOSE

The purpose of the bylaw is to ensure that signs are erected, maintained and displayed in a manner that does not present a hazard or a danger to public safety or create nuisance.

Note: Waka Kotahi New Zealand Transport Agency as a road controlling authority has its own bylaw for the control of signs on State Highways. Signs on State Highways are however also subject to the provisions of this Council bylaw.

PART II INTERPRETATION

4. DEFINITIONS

A. In this bylaw:

Access Way has the same meaning as in Section 315(1) Local Government Act 1974.

Approved Sign means a sign that meets the relevant criteria of Part V of this Bylaw and is not a Prohibited Sign under Part IV of this Bylaw.

Banner means any sign made of flexible material, suspended in the air and supported on more than one side by poles, ties, or cables.

Building has the same meaning as in Section 8 of the Building Act 2004.

Building Mounted Sign means any publicly visible sign that is attached immediately parallel to or is painted directly on the face or roof of a building including signs on the face of a veranda.

Business Zone for the purpose of this bylaw is as described in the Kaikoura District Council proposed and subsequently operative District Plan and planning maps.

Captive Balloon means a non-powered balloon for advertising purposes, which is tethered to a site or structure on a site.

Construction Sign means a sign providing information on construction, development, building or demolition work being conducted, or proposed to be conducted on a site

Council means the Kaikoura District Council.

Commercial Zone for the purpose of this bylaw is as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps.

Commercial Sexual Services has the same meaning as defined in the Prostitution Reform Act 2003

Community Facilities means facilities providing essential community services on a not-for-profit basis

Directional Sign means a sign which provides direction to a particular commercial activity, industrial zone or public facility:

Display includes:

- To construct or maintain
- To cause, permit or allow to be displayed.

District means the area for the time being administered by the Kaikoura District Council

Enforcement Officer means any person appointed by the Council under Clause 11 of this bylaw to carry out all or any of the functions of an Enforcement officer under this bylaw.

Flashing Sign means a sign with lights or any other forms of illumination which flash, move, rotate, scintillate, blink, flicker or have any similar visual effect or which varies in intensity or in colour, or which uses intermittent electrical pulsations. These signs are prohibited.

Flatboard Sign is a portable flat publicly visible sign which is not self-supporting, which is leant flat against a vertical building wall or fence or other structure to which it relates, and which does not significantly intrude into a footpath or other public space.

Footpath has the same meaning as in Section 315(1) of the Local Government Act 1974.

Flag means a sign intended for the purposes of advertising or to attract attention but which is usually mounted on a flagpole or similar device and which is usually made from fabric, textile or cloth. National flags are not considered flags for the purpose of this bylaw.

Freestanding Sign means any publicly visible sign that is fixed on or into the ground and that is standing on its own, independent of any building for its primary support. Includes signs fixed to fences.

Illuminated Sign includes:

- Any sign the whole or any part of which is illuminated by any means and
- A sign on a light of any kind.

Mixed Use Zone for the purpose of this bylaw is as described and delineated in the proposed and subsequently operative Kaikoura District Plan and Planning maps.

Moving Signs means a sign which physically moves or appears to move in whole or in part. This excludes captive balloons, flags or banners. Moving signs are prohibited.

Noise Sign Any device that attracts attention and notice in an aural manner. Noise signs are prohibited.

Occupier has the same meaning as in the Local Government Act 1974.

Offsite Sign is a sign which does not relate to goods, services or events that are available or take place at the site where the sign is located.

Owner has the same meaning as in the Local Government Act 1974.

Person includes a corporation sole, a body corporate, and any unincorporated body of persons.

Prohibited sign means a sign prohibited by Part IV of this bylaw.

Protruding Sign a publicly visible sign attached to a building which extends beyond the boundary of the site to which the sign relates into a space above a public place, but does not include signs on the face of or under verandas, sandwich boards or flatboards.

Public Place includes any place that, at any time, is open to or is being used by the public, whether of right or not, and whether for free or for payment of a charge.

Road Boundary of a site means a boundary of a site contiguous to a boundary or proposed final boundary of any legal road (other than an access way or service lane).

Road has the same meaning as in Section 315(1) of the Local Government Act 1974.

Sandwich Board means a publicly visible one or two sided sign that is self supporting and portable, which is located on a footpath or other public space outside the premises to which it relates.

Service Lane has the same meaning as in Section 315(1) of the Local Government Act 1974

Sign- for the purpose of this bylaw includes:

- Any name, figure, character, outline, display, device, delineation, announcement, design, logo, painting or other artwork, poster, handbill, hoarding or any other thing of a similar nature which is intended to attract attention and convey a message, and includes;
- All material and components comprising the sign, its frame, background, structure, any support and any means by which the sign is attached to any other thing;
- A banner, captive balloon, flag, flashing sign, flat board, sign, illuminated sign, moving sign, roof sign, sandwich board, streamer or other similar object;

and which is visible from a road or any public place.

Site- In this bylaw, "site" means:

- When used in relation to land, means any land which is lawfully permitted to be used for an activity and which; If it is under the Land Transfer Act 1952, is contained in one Certificate of Title; or; If it is subject to a Unit Plan under the Unit Titles Act 1972 is, the whole of the land comprised in a Unit Title on the Plan; or If the land is not subject to the Land Transfer Act or Unit Titles Act is the whole of the parcel of land last acquired under one instrument of conveyance.
- "Site" includes the air space above land or water.
- A "site" intersected by a road, river or railway line shall constitute one site.

- If a “site” is used for any activity in conjunction with any other site or sites, then for the purpose of this bylaw all sites are deemed to be one site if:
 - the sites adjoin one another; or
 - the sites are intersected by a road, river or railway line.
- If any “site” is crossed by a zone boundary under the District Plan, the site is deemed to be divided into two or more sites by the zone boundary.
- Where a "site" is situated partly within the district of the Council and partly in an adjoining district, then the part situated in the district shall be deemed to be one site.

Under Veranda Sign means a sign attached to the under side of a veranda

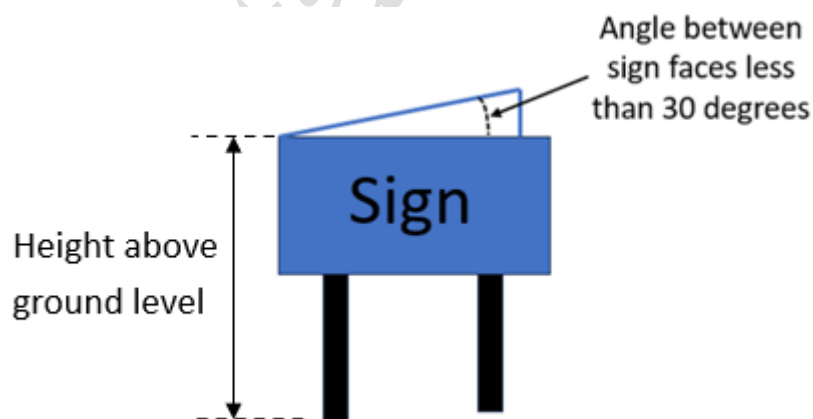
Vehicle has the same meaning as in the Land Transport Act 1998.

Veranda means a roof of any kind which extends out from a face of a building and which continues along the whole of that face of the building.

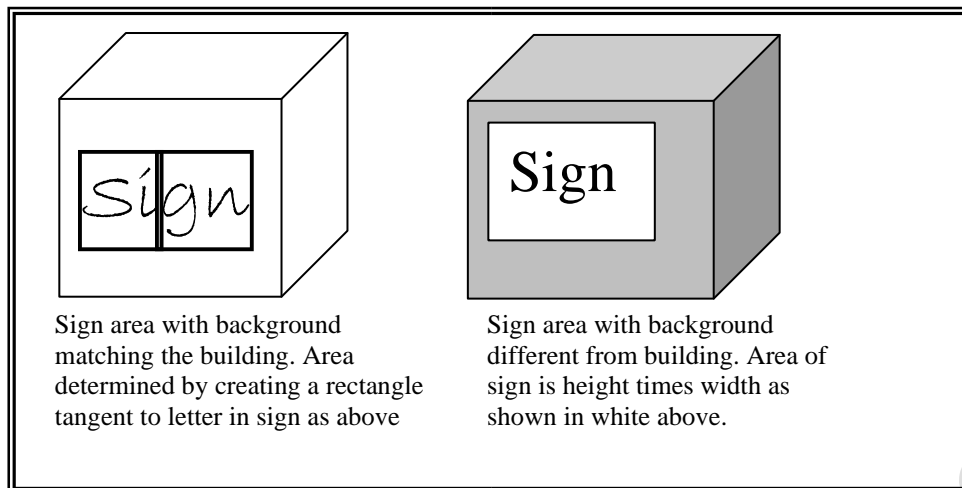
Veranda Face has a corresponding meaning and includes the whole or part of the area of the veranda that is parallel or perpendicular to a road or access way.

5. DETERMINING AREA OF SIGNS

1. Where a sign is double sided and the angle between the two faces is less than 30 degrees, the area of the sign will be considered to be that of a single face. If the angle between faces is more than 30 degrees the area will be considered to be the sum of the areas of both faces.



2. If a sign is displayed on a wall or window or roof the area of a sign means the area actually or notionally enclosed, as the case may be, by the outside of a line drawn around the sign as indicated in the following figure:



6. OTHER LEGISLATION

A reference in this bylaw to any statute, regulation, plan or bylaw (unless the context otherwise requires) includes reference to all later statutes, regulations, plans, changes to plans and bylaws made in amendment or substitution of the statute, regulation, plan or bylaw cited.

Compliance with this bylaw does not remove the need to comply with any Act, regulation, rules of law or any operative or proposed regional or district plan under the Resource Management Act 1991 or any other bylaw.

This bylaw shall have full force and effect unless inconsistent with any Act, regulations or the provisions of any operative or proposed regional or district plan under the Resource Management Act.

PART III - CONTROL OF SIGNS

7. CONTROL OF SIGNS

No sign shall be displayed unless it:

1. Is not a Prohibited sign under any provision(s) of Part IV of this bylaw; and either
2. Meets all the criteria to be an approved sign of that particular type in any area of the Kaikōura District in accordance with Table 1 of Part V of this bylaw; or
3. Meets all the criteria to be an approved sign of that particular type in the area where it is to be displayed, in accordance with the relevant Table 2,3,4,5 or 6 of Part V of this bylaw.

PART IV - PROHIBITED SIGNS

8. PROHIBITED SIGNS

- A. The following signs are Prohibited:
1. Off-Site signs other than signs for temporary events for which approval for the signs has been obtained from Council.
 2. Signs erected without Council permission on Council controlled land.
 3. Signs erected on land without permission of the landowner
 4. Flashing signs or flickering and flashing lights used for advertising.
 5. Moving signs.
 6. Signs causing direct glare.
 7. Signs creating any optical illusion.
 8. Noise signs.
 9. Signs attached to a tree unless the sign identifies the species of tree and/or its classification under the District Plan.
 10. Building Mounted signs for which any part of the sign extends for more than 200mm above the height of the nearest part of the roof of the building to which they are attached.
 11. Signs on properties along roads with posted speed limits over 50 kph which meet any of the following criteria:
 - a. Have lettering with a height of less than 160mm or display more than 6 words and/or symbols, or have a total of more than 40 characters.
 - b. Are less than 100 metres from an official sign or traffic signal.
 - c. Are on the State Highway and are not at right angles to road or otherwise positioned to avoid vehicle headlights reflection.
 - d. Are on State Highway and are illuminated.
 12. Signage that is in, or is visible from, a public place, and that advertises commercial sexual services.
 13. Illuminated signs that:
 - a. Have lights which result in illumination of residential properties, buildings or roads; or
 - b. Have light spill greater than 2 lux on the boundary of the site the sign is located on; or
 - c. Are internally illuminated and have luminance that exceeds 100 candelas per square metre between the hours of sunrise and sunset.; or
 - d. Are illuminated outside the hours of the activity for which the sign relates; or
 - e. Are illuminated by an external upward facing light source that is not fully shaded from above or which is not focussed only on the sign.
 14. Signs that extend beyond the boundary of the site to which the sign relates unless they are explicitly permitted in this bylaw.

15. Signs in, on or attached to any vehicle or trailer parked in or visible from any road or public space for the principal purpose of advertising.
16. Signs attached to buildings where either:
 - I. The total area of signs attached to the walls of the building that are visible from an adjacent public place exceeds 45% of the total area of those visible walls; or
 - II. The total area of signs attached to the roof of the building that are visible from an adjacent public place exceeds 45% of the total area of that visible roof;

Unless either:

- III. Such areas of signs on a particular building have been approved by a resolution of Council on the basis that these areas of signs include elements such as murals that are considered to have aesthetic merit and are of a nature that is appropriate and complementary to the character of the Kaikōura community; or
 - IV. The building in question is a wall-less cover over a petrol station.
- B. Notwithstanding any other provision of this bylaw or any permit issued under the bylaw, no sign shall be displayed if:
- a. That display or manner of display is or is likely to be harmful or dangerous; or
 - b. In the reasonable opinion of an enforcement officer offensive, objectionable, indecent, obscene, threatening or insulting.
- C. Notwithstanding any other provision of this bylaw no sign shall be displayed if the sign:
- a. Obstructs the view of any driver or pedestrian of any corner, bend, intersection, access or vehicle crossing; or
 - b. Obstructs, obscures or impairs the view of any driver or pedestrian of any traffic sign or signal; or
 - c. Resembles or is likely to be confused with any traffic sign or signal; or
 - d. Uses reflective materials that may interfere with the vision of any driver or pedestrian; or
 - e. Creates a hazard to road users or pedestrians.

PART V – APPROVED SIGNS

For certain types of signs the criteria for approval are the same regardless of where the signs are to be located within the Kaikōura District. The approval criteria for these signs are listed in the following Table 1. For other types of signs the approval criteria for those particular types vary between different areas within the District. The approval criteria for these types of signs in these different areas listed in the following Tables 2 to 7.

In every case for a sign to be displayed it must both meet all the relevant conditions in the relevant table and must not have characteristics that make it a Prohibited Sign under Part IV of this Bylaw

Table 1: Signs with Approval in all areas

Sign Type	Conditions for Approval (All conditions must be satisfied, and the sign must not be a prohibited sign under Part IV of this Bylaw)
Minor Temporary Sign	<ul style="list-style-type: none"> • Single sign per site, less than 1 square metre, display permitted for not more than 1 month in total in any 12-month period. • Sign must relate to goods, services or events that are available or take place at the site where the sign is located. • Shall not be illuminated.
Temporary Signs for specific events or activities (if not covered by other sign types)	<ul style="list-style-type: none"> • Permit required from Council. Issue of such a permit will be subject to any conditions considered appropriate by relevant officers of Council. • Conditions will include maximum display period of four months in any 12-month period, signs to be removed within 2 days of the completion of the event or activity to which the sign relates. • Shall not be illuminated.
Property For Sale Signs	<ul style="list-style-type: none"> • One sign per real estate agent per site, maximum sign area 1.1 square metres • Maximum of three signs in total on any site • If the property is for sale by auction one sign only with a maximum area of 2.2 square metres • All Property for Sale (or ‘Sold’) Signs to be removed within 2 weeks of the sale being completed • Shall not be illuminated
Vehicle Signs	<p>Signs on or attached to vehicles are permitted provided that the display is incidental to the principal use of the vehicle as a means of transport or conveyance. ‘Incidental to the principal use’ means the vehicle has a current registration and warrant of fitness and is used in the day to day operation of the business, with the vehicle displaying the signs in the exact location where that business is being conducted.</p> <p>No vehicle shall be visible to the public for the sole purpose of advertising. Signs shall not be illuminated.</p>
Construction Signs	<ul style="list-style-type: none"> • A single freestanding sign with a maximum area of 1.5 square metres. Shall not be illuminated. • May be displayed not more than 14 days before works commence, and not more than 14 days after works are completed.

Table 1 (Continued): Signs with Approval in all areas

Sign Type	Conditions for Approval (All conditions must be satisfied, and the sign must not be a prohibited sign under Part IV of this Bylaw)
Directional Signs	<p>Only permitted where in the view of Council’s Roading Engineer the sign is likely to significantly contribute to effectively directing people to community facilities or reducing traffic congestion (for example identifying a route that avoids the town centre) or improving traffic safety. If approved such signs shall:</p> <ol style="list-style-type: none"> a. Be coloured to a recognised international standard; and b. Be not greater than 225mm by 1.2metres in size; and c. Contain only the name of the facility to which it relates; and d. Not be illuminated.
Election Signs	<ul style="list-style-type: none"> • Only permitted in accordance with the current provisions of the Electoral Act 1993 and the Electoral (Advertisement of a Specified Kind) Regulations 2005. This Bylaw does not give any permissions for the display of election signs beyond those provided by these Regulations. • Election signs will not be permitted to be erected on Council controlled land. • Shall not be illuminated.
Legally Authorised Signs	All signs required to be displayed by any other legislation or discharging a statutory function and displayed in accordance with the provisions of that legislation.
Signs Authorised by Resource Consents	All signs displayed in accordance with any resource consent (whether granted before or after the commencement of this bylaw and including any deemed resource consent under Part XV of the Resource Management Act 1991). May not be illuminate unless this is permitted by a condition of the resource consent.
Signs Granted Amnesty	All existing permanent signs established before 1 September 2023 except off-site signs, sandwich boards, flatboards and any signs that are prohibited under any of clauses 8A(2) to 8A(9) inclusive, 8A(15), 8B or 8C of Part IV of this bylaw. Such approvals under existing use rights will however cease when the sign is renewed, modified or replaced.

Table 2: Conditions for Signs to be approved in Mixed Use Zone (Part of Beach Road, Wakatu Quay)

To be approved signs must satisfy all conditions below for the relevant type of sign and must not be a prohibited sign under Part IV of this Bylaw.

Sign Type	Maximum Number of Signs	Maximum Total Area (for all signs of this type per business)	Height above ground level (any part of sign)		Other Conditions
			Minimum	Maximum	
Free Standing Sign	No Limit	3 square metres or 10 square metres for retail buildings with footprints of more than 1500 square metres	No Limit	3.5 metres	Must be entirely within site to which the sign relates.
Building Mounted Sign	No Limit	Generally 45% of wall or roof areas - see Part IV 8(16) for further details	No Limit	200mm above adjacent roof height ¹	
Under Veranda Sign	1 per business	Not applicable	2.3 metres		Any part of sign at least 1 metre away from veranda of adjacent building or business.
Protruding Sign	1 per business	1 square metre	3 metres	Lesser of 4metres or adjacent roof height ¹	Must not project into the public place by more than 1 metre over a footpath. No projection permitted over roads or service lanes.
Sandwich Board	1 per business	Not applicable			Maximum sign height of 800mm, maximum sign width of 600mm. Must be against kerb edge, perpendicular to the kerb. Must provide 2 metres clear pedestrian passage. Shall not be illuminated.
Flatboard	1 per business	1 square metre			Must be placed flat against the exterior of the site to which it relates. Shall not be illuminated.
Flag	1 per business	2 square metres		3.5 metres	Must be entirely within site to which the sign relates, not on the footpath. Shall not be illuminated.

¹ The height of every part of the sign relative to the point on the roof closest to it.

Table 3: Conditions for signs to be approved in Business Zone (West End, Killarney to Brighton Street Blocks)

To be approved signs must satisfy all conditions below for the relevant type of sign and must not be a prohibited sign under Part IV of this Bylaw.

Sign Type	Maximum Number of Signs	Maximum Total Area (for all signs of this type per business)	Height above ground level (any part of sign)		Other Conditions
			Minimum	Maximum	
Free Standing Sign	No Limit	2 square metres	No Limit	2.5 metres	Must be entirely within site to which the sign relates
Building Mounted Sign	No Limit	Generally 45% of wall or roof areas - see Part IV 8(16) for further details	No limit	200mm above adjacent roof height ¹	
Under Veranda Sign	1 per business	Not applicable	2.3 metres		Any part of sign at least 1 metre away from veranda of adjacent building or business
Protruding Sign	1 per business	1 square metre	3 metres	Lesser of 4metres or adjacent roof height ¹	Must not project into the public place by more than 1 metre over a footpath. No projection permitted over roads or service lanes.
Sandwich Board	1 per business	Not applicable			Maximum sign height of 800mm, maximum sign width of 600mm. Must be against kerb edge, perpendicular to the kerb. Must provide 2 metres clear pedestrian passage. Shall not be illuminated
Flatboard	1 per business	1 square metre			Must be placed flat against the exterior of the site to which it relates. Shall not be illuminated
Flag	1 per business	2 square metres		3.5 metres	Must be entirely within site to which the sign relates, not on the footpath. Shall not be illuminated

¹ The height of every part of the sign relative to the point on the roof closest to it.

Table 4: Conditions for signs to be approved on Churchill Street or Esplanade east of Brighton Street

To be approved signs must satisfy all conditions below for the relevant type of sign and must not be a prohibited sign under Part IV of this Bylaw.

Sign Type	Maximum Number of Signs	Maximum Total Area (for all signs of this type per business)	Height above ground level (any part of sign)		Other Conditions
			Minimum	Maximum	
Free Standing Sign	No Limit	2 square metres	No Limit	2.5 metres	Must be entirely within site to which the sign relates
Building Mounted Sign	No Limit	2 square metres	No Limit	3.5 metres	
Under Veranda Sign	1 per business	Not applicable	2.3 metres		Any part of sign at least 1 metre away from veranda of adjacent building or business
Protruding Sign	1 per business	1 square metre	3 metres	Lesser of 4 metres or adjacent roof height ¹	Must not project into the public place by more than 1 metre over a footpath. No projection permitted over roads or service lanes.
Sandwich Board	1 per business	Not applicable			Maximum sign height of 800mm, maximum sign width of 600mm. Must be against kerb edge, perpendicular to the kerb. Must provide 2 metres clear pedestrian passage. Shall not be illuminated
Flatboard	1 per business	1 square metre			Must be placed flat against the exterior of the site to which it relates. Shall not be illuminated
Flag	1 per business	2 square metres		3.5 metres	Must be entirely within site to which the sign relates. Not on the footpath. Shall not be illuminated.

1 The height of every part of the sign relative to the point on the roof closest to it.

Table 5: Conditions for signs to be approved in the Kaikōura Peninsula Tourism Zone

To be approved signs must satisfy all conditions below for the relevant type of sign and must not be a prohibited sign under Part IV of this Bylaw.

Sign Type	Maximum Number of Signs	Maximum Total Area (for all signs of this type per business)	Height above ground level (any part of sign)		Other controls
			Minimum	Maximum	
Free Standing Sign	One freestanding sign per building or at the entrance to Scarborough Street	2 square metres	No Limit	3.5 metres	Must be located within the building platforms as designated in Appendix O of the Kaikoura District Plan with the exception of the entrance at Scarborough Street, which must be entirely within the site. All illumination shall be hooded and directed solely at the sign. No illumination of the sign may occur between 23:00 and sunrise.
Building Mounted Sign	No Limit	5 square metres	No Limit	3.5 metres	Must be located within the building platforms as designated in Appendix O of the Kaikoura District Plan with the exception of the entrance at Scarborough Street, which must be entirely within the site. All illumination shall be hooded and directed solely at the sign. No illumination of the sign may occur between 23:00 and sunrise.
Under Veranda Sign	Not Permitted				
Protruding Sign	Not Permitted				
Sandwich Board	Not Permitted				
Flatboard	1 per business	1 square metre			Must be placed flat against the exterior of the site to which it relates. Shall not be illuminated
Flag	1 per business	2 square metres		3.5 metres	Must be entirely within site to which the sign relates, not on the footpath. Shall not be illuminated.

No sign shall be able to be read with the naked eye from South Bay Reserve or any point of the Department of Conservation walkway between South Bay Reserve and Point Kean.

Table 6: Conditions for signs to be approved in all other areas (Urban and Rural)

To be approved signs must satisfy all conditions below for the relevant type of sign and must not be a prohibited sign under Part IV of this Bylaw.

Sign Type	Maximum Number of Signs	Maximum Total Area (for all signs of this type per site)	Height above ground level (any part of sign)		Other controls
			Minimum	Maximum	
Free Standing Sign	No Limit	Tourism & hospitality businesses - 2 square metres Other activities – 1 square metre	No limit unless sign projects over boundary of site	2.5 metres	
Building Mounted Sign	No Limit	Tourism & hospitality businesses - 2 square metres Other activities – 1 square metre	No Limit	3.5 metres	
Under Veranda Sign	Not permitted				
Protruding Sign	1 per site	1 square metre	3 metres	Lesser of 4metres or adjacent roof height ¹	Must not project into the public place by more than 1 metre over a footpath. No projection permitted over roads or service lanes.
Sandwich Board	Not permitted				
Flatboard	Not permitted				
Flag	1 per site	2 square metres		3.5 metres	Must be entirely within site to which the sign relates, not on the footpath. Must not be illuminated.

1 The height of every part of the sign relative to the point on the roof closest to it.

PART VI - GENERAL OBLIGATIONS

10 CONSTRUCTION, MAINTENANCE AND CURRENCY OF SIGNS

All signs displayed under this bylaw other than temporary signs shall be designed and constructed to good professional standards and maintained in a good condition.

All signs shall be appropriately secured to minimise potential hazards.

Obsolete, damaged or severely deteriorated signs shall be removed by the owner.

If a building consent is required it must be obtained prior to the placement of the sign.

PART VII – MONITORING AND ENFORCEMENT

11. ENFORCEMENT OFFICERS

- A. The Council may, by resolution, appoint any of its officers to act as an enforcement officer to carry out any of the functions of an enforcement officer under this bylaw.
- B. Every enforcement officer who exercises or purports to exercise any power under this bylaw shall carry and produce, on demand, a warrant and evidence of the officer's identity.

12. POWERS OF ENTRY

Any enforcement officer duly authorised by the Council may at all reasonable times enter any land to see if the provisions of the bylaw are being observed or to exercise the powers of the Council under Clause 14.

13. NOTICE OF NON-COMPLIANCE

If a sign is displayed which is in contravention of any provision of this bylaw an enforcement officer of the Council may give notice in writing to the owner, or occupier, or both, of the site where the sign is displayed requiring, as the enforcement officer thinks fit:

1. The removal of the sign; or
2. The repair of the sign; or
3. Other specified work to be taken to ensure compliance with this bylaw or any permit issued under this bylaw, within the time specified in the notice.

Any person who fails to comply with the requirements of any notice within the time specified in the notice commits an offence against this bylaw.

14. REMOVAL OR ALTERATION OF SIGNS

If any person fails to comply with the requirements of any notice then the Council, or any officer or agent of the Council, may pull down, remove, or alter the sign and recover from any person who failed to comply with the notice all expenses incurred by the Council in connection with the pulling down, removal or alteration of the sign.

The exercise of the powers contained in this clause shall not excuse any person from liability for any other penalty for that breach of this bylaw.

15. OFFENCES

Every person commits a breach of this bylaw who:

1. Displays any sign or does, causes to be done, permits, or allows to be done, anything in breach of or otherwise than provided for by this bylaw; or
2. Fails to comply with any notice served on that person under this bylaw; or
3. Obstructs or hinders any officer, employee or agent of the Council in the performance of any duty or function under this bylaw; or

16. PENALTIES

- A. A person who commits a breach of this bylaw is liable on summary conviction to a fine not exceeding \$500.00 and, where the breach is a continuing one, to a further fine not exceeding \$50.00 for every day on which the breach is continued.
- B. Where a person commits a continuing breach of this bylaw, then, a District Court may, on application by the Council, grant an injunction restraining the further continuance of that breach by that person.

PART VIII - MISCELLANEOUS

17. DELEGATIONS

- A. Except where this bylaw provides that a resolution or special order of the Council is required, all actions required to be done by the Council under this bylaw may be undertaken by any officer, employee or agent of the Council to whom authority has been lawfully delegated.
- B. Proof of such delegation may be established by:
 1. Reference to the instrument of delegation; or
 2. Production of an identity card indicating the general terms of the holder's delegated authority; or
 3. Any other reasonable means.

18. REPEALS

- A. On the commencement of this bylaw, the Kaikoura District (Signs) Bylaw 2011 shall be repealed.

Report to:	Council
Date:	27 September 2023
Subject:	CEO Update Report
Prepared by:	W Doughty - Chief Executive Officer
Input sought from:	
Authorised by:	W Doughty - Chief Executive Officer

1. PURPOSE

To provide the Council with an update on major work streams and other activities.

2. RECOMMENDATION

It is recommended that the Council receives this report for information.

3. COUNCIL ACTIVITY – KEY FOCUS AREAS

Overview

It is really good to see progress on a number of pieces of work that we have committed to this year as Council. This is across the board in all areas of Council activities and not just physical works on the ground. We have several items that have either just been out for public feedback, are currently out seeking feedback or will be released before Christmas.

The Wakatu Quay Special Consultative procedure saw 230 submissions with regard to the three options concerning Council making provision for borrowing for the project in the LTP. Hearings and deliberations were held on the 13th September and a final report with recommendations is included on the agenda for Council decision. Other pieces of work seeking community feedback include:

Item	Description	Dates for Consultation	Currently open for feedback
Draft Speed Management Plan	Council is seeking feedback to proposed changes to speed limits on Council controlled roads in the District.	14 th September to 9 th October	Yes
Draft Financing and Revenue Policy	A comprehensive review of the rating system has been undertaken and the proposed changes are outlined in the draft Financing and Revenue Policy. Once finalised this will be used for the LTP 2024-34.	18 th September to 23 rd October	Yes
Draft Signs Bylaw	A revised draft signs bylaw has been developed with a working group and will be seeking wider community feedback to ensure it is adopted by December 2023.	4 th October to 6 th November	No

Details on all of these and how to have your say can be found on our website.

In the physical works space, great progress is being made with our footpath renewal programme, our unsealed road programme and work has recommenced on the area wide treatment of Ludstone Rd.

Work has also started on the shared use path connecting to Vicarage Views submission which is work funded under the IAF agreement. The first section of the link pathway along Esplanade also gets underway in September.

Following Council acceptance to notify PC4 to the Kaikōura District Plan lodged by Kaikōura Business Park Limited 2021 Ltd at the Council meeting of the 6th September, public notification is anticipated either 28th September or 5th October 2023.

The finance team remain very busy with annual report audit, and also the rating review and preparing for the long term plan. Audit NZ has signaled an intent to complete the audit of the 22/23 financial year by the end of September 2023. Elected members are aware of the significant financial pressure being caused by the OAG and Audit NZ with their proposed fee increases for this year.

The total audit fee for the annual report was originally proposed to be an increase of 64% on last year and represented a total cost equivalent to 2% of total rates revenue. Discussions are ongoing with Audit NZ, the OAG and the wider local government sector as these increases are significant for Councils across the country and it is very hard to justify the value add to the general public for that level of audit spend. A financial summary to the end of August 2023 is included in Appendix 1.

Economic Development

The Enterprise North Canterbury Awards are scheduled for the 6th October and Kaikōura has 7 businesses across five award categories that have made the 56 finalists.

Reforms update

With the general election scheduled for the 14th October the future for three major reform pieces is unclear at this point in time.

The final Future for Local Government report was released on the 21st June. The current government has made it clear that the local government sector needs to drive the proposed recommendations in the report. Work is currently underway by Local Government New Zealand (LGNZ) to build consensus, where possible, across the sector on the proposed recommendations. This is being undertaken to help take a sector view back to central government post the election.

It is uncertain how the new government will respond to the draft recommendations of the report. Funding remains a critical issue to address. At a more local level, the Chief Executive's from Canterbury are currently undertaking a piece of work to consider any potential opportunities for closer collaboration and joint working.

In the Affordable Water Reform Space, the National Transition Unit (NTU) is currently proceeding as per the requirements of the approved legislation. The Water Services Entities Amendment Bill received Royal Assent in mid-August. The NTU has proposed a start date for Entity I (Canterbury and West Coast Councils) to the Department of Internal Affairs (DIA) of 1st July 2025.

This is very dependent on the outcome of the election and whether the existing legislation will be repealed. No contingency plan for post-election has been shared by the NTU at this point. C4LD are currently turning their mind to technical points that may need to be included in any "repeal" bill that an alternative government would be likely to introduce quickly to reverse all of the current Governments 3 waters legislation.

KDC is taking a light touch approach with the NTU at present, providing any key information required, but not expending considerable time and effort until we have some greater certainty.

In terms of the RMA reforms, the Natural and Built Environment Bill and the Spatial Planning Bill received Royal Assent at the end of August and are now law. The Ministry for the Environment (MFE)

has provided a road map for Councils for implementation from Day one. No immediate significant change is expected and again it is likely that any alternative government will repeal and replace all of the current RMA reform legislation. If things do proceed as per the current legislation, Canterbury has indicated that it is not keen to be a Tranche 1 region for development of the new Regional Spatial Plan.

KDC will continue with our own spatial planning work as it remains a piece of work that we need to undertake for our District irrespective of the proposed reforms.

Council Team

Since the last report we have welcomed Donya Nee to the team as the new Communications Officer and Radha Poulter as a new Customer Services Officer. We also have an offer of acceptance to fill the Policy Planners role via the Accredited Employer Work Visa (AEWV) programme and hope to have the individual in place before the end of the year.

The only current vacant roles include:

1. Building Control Manager
2. Building Control Officer

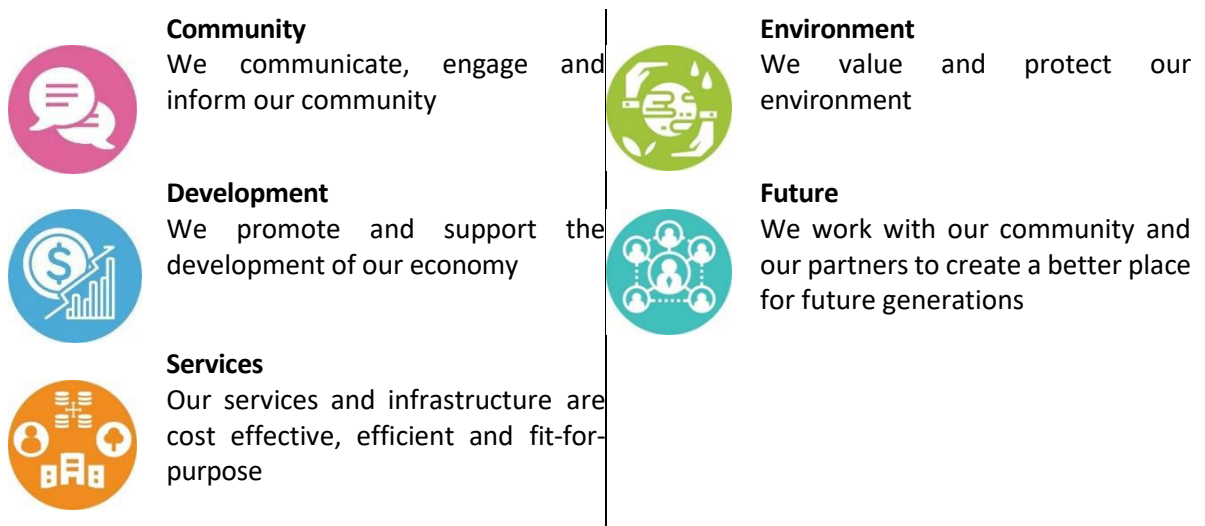
These are currently being ably filled by contractors.

All annual performance, development and wellbeing reviews have now been completed with new ones for this year set up by the end of September. Our annual staff development day is scheduled for October 12th.

Focus areas for the next three months

1. Outstanding debtors and resolution of historic harbour issues.
2. Long Term Plan

4. COMMUNITY OUTCOMES SUPPORTED



Appendix 1: Summarised Finance Report for the period to 31 August 2023

Summarised Finance Report for the period to 31 August 2023

In summary there are no concerns with the financial position as at 31 August 2023. There are still some end of year adjustments to be made relating to June 2023 which are yet to be incorporated into our system.

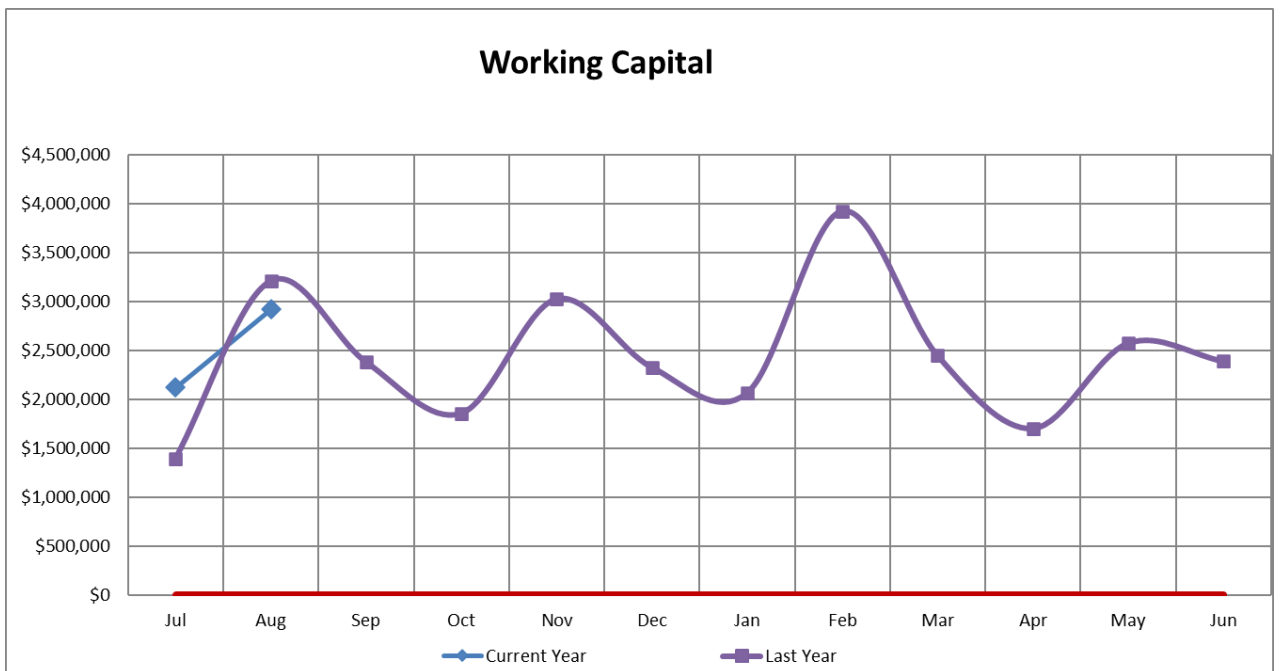
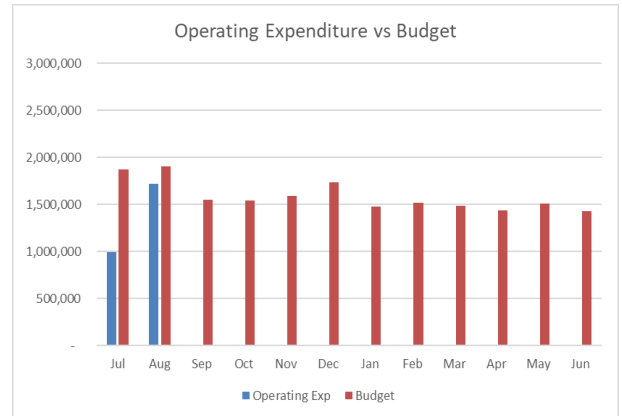
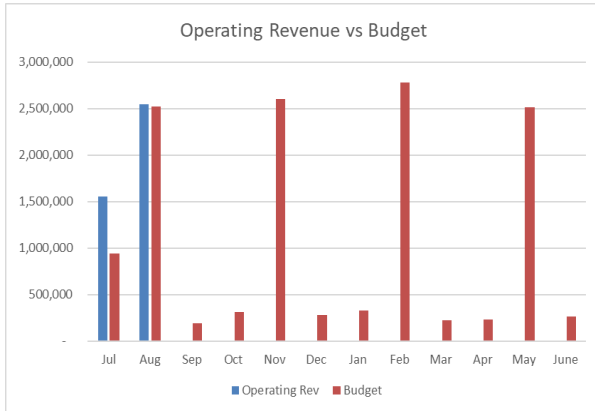
Summary Statement of Comprehensive Revenue & Expense					
	Budget	YTD	Actual	YTD	Variance
	31/08/23		31/08/23		31/08/23
Grants & Subsidies	1,474,545		2,123,878		649,333
Rates Revenue	2,310,695		2,367,799		57,104
All other revenue	401,276		400,212		(1,064)
TOTAL REVENUE	4,186,516		4,891,889		705,373
Operating expenses – Other	2,626,374		1,910,838		715,536
Personnel	637,432		500,604		136,828
Grants Paid	509,752		299,196		210,556
TOTAL EXPENSES	3,773,558		2,710,638		1,062,920
Operating surplus/(deficit)	412,958		2,181,250		1,768,292

We have received \$4.9M revenue against a budget of \$4.2M. The variance largely relates to revenue received in 2023 treated as revenue received in advance for 2024. Expenditure is under budget by \$1.1M largely relating to personnel and grants paid due to internal vacancies and the Mayors taskforce for Jobs grant paid out being \$150K against a budget of \$350K.

Summary Statement of Financial Position			
	Budget to Year End	Actual	Actual
		31/08/23	31/08/22
Current assets	3,995,630	5,091,375	5,659,972
Non- current assets	309,861,570	299,074,100	291,301,681
Current liabilities	(1,814,820)	(2,174,818)	(2,422,173)
Non-current liabilities	(10,160,704)	(7,225,015)	(7,160,704)
TOTAL NET ASSETS	301,854,676	294,765,642	287,378,777
Public equity	130,830,552	115,705,936	116,956,002
Special funds & reserves	4,380,393	5,199,942	4,089,462
Asset revaluation reserve	166,673,731	173,859,764	166,333,312
TOTAL EQUITY	301,854,676	294,765,642	287,378,777

Cash is \$2M, borrowings are at \$5.3M with the total amount being non-current. budgeted. Non-current assets are higher than budgeted due to the revaluation completed in 2022. Working capital is positive with the liquidity ratio sitting at 2.34.

Financial Dashboard



Report to:	Council	File #
Date:	27 September 2023	
Subject:	South Bay Forestry harvest	
Prepared by:	W Doughty - Chief Executive Officer	
Input sought from:	D Clibbery , P Kearney, M Hoggard, M Russell, S Poulsen	
Authorised by:	W Doughty - Chief Executive Officer	

1. OVERVIEW

In August 2020 a report was presented to Council for decision in terms of the South Bay forestry. The report is included in Appendix 1. Council unanimously resolved the following:

11.9 South Bay Forest Future

The report provided two recommended options for Council. The first recommendation was to harvest the South Bay Forest and replant with a further rotation of pine trees in the same area. The second option related to a permanent removal and replanting via a Special Consultative Process with the community.

Council queried into which reserve the income received for the harvest would go. It was noted that the finance team would confirm these details. After due discussion, Council decided to leave options open for the type of replanting and would consult with the community at a later date.

RESOLUTION

- a) *That the South Bay Forest should be harvested during late summer or autumn in the current financial year, to be followed by replanting.*

Moved: Cr L Bond

Seconded: Cr T Blunt

CARRIED UNANIMOUSLY

The purpose of this report is to outline the current position with regard to the South Bay Forestry as well as the next steps to harvest the forest early in 2024. No formal resolution is sought as the current plan is in line with the Council resolution from August 2020.

2. RECOMMENDATION

THAT the Council:

- a) Receives this report.
- b) Notes the intention to harvest the South Bay Forest in the first quarter of 2024, which will be well communicated to the community.
- c) Notes that a request for an emission ruling for forestry (under Section 107 of the Climate Change Response Act 2002) has been made to Ministry of Primary Industries at the end of March 2023.
- d) Notes that there is a four-year timeframe to re-establish forest land before the land is considered deforested and any emissions liabilities are due.
- e) Notes that a land use plan for the area will be presented to Council by June 2024.

3. BACKGROUND

3.1 South Bay Forestry

The forested land shown on Figure 1.0 has a total area of 12.6 hectares planted with radiata pines. Approximately half of the area planted is managed by Kaikōura District Council as both recreational reserve (shown in green on Figure 1.0). There is also a strip of planting within the Road reserve controlled by KDC. The remainder, on the seaward side, on land administered by Land Information New Zealand (LINZ), which is considered “common marine and coastal area” defined as a hydro parcel – parcel 3745409.

The forested area consists of two stands of trees, one established in 1978 (approximately 7.6 hectares) and the second established as secondary rotation forest in 1993 (approximately 5.0 hectares). These stands were established under Department of Lands and Survey prior to the establishment of LINZ and in an environment where attitudes to the use and development of coastal land were different to those of today. The area was established as a forestry concern with the intent that it would be harvested at an appropriate point.



Figure 1.0 South Bay Forest

3.2 Former discussions and Council resolutions

The formal Council resolution from August 2020 is included in the overview. This was not the first time that harvest and removal of the trees was considered or agreed by KDC. As outlined in the paper from August 2020, initial discussions were held in 2006 between KDC and the original Ocean Ridge developer RD Hughes Ltd. Council approved an overall Restoration Management plan for the Ocean ridge area, but a number of people objected to the forest being cleared at that time and the proposal did not proceed.

In 2019, following an approach from Mr G Robertson the new owner of the Ocean Ridge subdivision, it was agreed that ownership of the South Bay Forest trees should be explored, a valuation obtained

and a suitable harvesting date identified. It was also agreed to explore the options for what was to be done with the area in the future as the preference was not to replant the area with radiata pine. The resolution from August 2020 was the result of that work.

Council officers subsequently undertook a piece of work to consider alternative land either owned or administered by KDC that could be a “substitute” area for replanting. The work concluded that there was no apparent potential to establish “substitute” forestry to compensate for the harvesting of trees at South Bay elsewhere in the District.

In 2020 Mr Robertson funded the tree removal work undertaken at the Racecourse Hill on the understanding that the Council had resolved to remove the trees at South Bay. We are now three years on from the latest of two Council resolutions and Mr Robertson is requesting that Council honour the previous commitments to remove the forest at South Bay. It should be noted that, since the discussions in 2019, Mr Robertson has also committed to the Vicarage Views subdivision and a future plan change at Ocean Ridge. He has partnered with Council in the Infrastructure Acceleration Fund to secure \$7.8m for infrastructure along Ludstone Rd and Green Lane and deliver housing outcomes in the more affordable home bracket as well as Elderly Person Style housing which are much needed in our District. To date, Mr Roberston has honoured all of his commitments to Kaikōura.

3.3 Emissions Trading Scheme - Carbon Credit status and requirements

From discussions with the proposed harvesting contractor as well as a review of the rules of the Emissions Trading Scheme (ETS) it is understood that the forestry stand at South Bay is not eligible to be registered under the scheme (as one block is pre 1990 and the second is considered a second rotation on a pre 1990 block). It may, however, be subject to paying New Zealand Units (NZU’s) if it is deforested. This is part of the Government’s commitment to reducing greenhouse gas emissions in New Zealand under both the Paris Agreement and Kyoto Protocol.

In March 2022 the below summary was calculated for the potential cost liabilities for the NZUs.

Stand No.	Estab. Year	Age	Hectares	Carbo stock ph	Surrender obligation (NZUs)	Comments
32	1993	29	5.0	623	3115	Assumed 2nd rotation and/or located on pre-90 land
33	1978	44	7.6	905	6878	
Total surrender obligation (NZUs)					9993	
NZU spot price (3/3/22): \$					80.50	
Carbon liability (as of 3/3/22): \$					804,436.50	

In 2022, the NZU spot price was \$80.50 per unit resulting in a potentially liability of \$804,436.50. It should be noted that this is for the full 12.6 hectares covering both KDC recreational reserve and the LINZ area. At the time of preparation of this report (14th September 2023) the NZU spot price was \$68.50 which now results in a potential liability of **\$684,520.50**

The options available with regard to the NZU’s liabilities if the area is deforested are as follows:

- 1. Complete an emissions return within 20 working days and pay the liability in full**
This would involve paying a current liability of \$684,520.50, which could be higher or lower depending on the time of harvest.
- 2. Apply to plant a substitute forest area as an alternative.**
Alternative substitute areas on Council owned or administered land have been considered but none were identified. Alternative options could still be explored with the Marlborough Joint Forestry Venture or within Ocean Ridge itself.

3. Apply for permission to clear without paying the liability - seek an exemption through an emissions ruling.

An exemption may be granted if the area is deforested is less than 50 hectares.

Applications for this exemption officially closed in 2011, but new submissions are still being considered. To apply for this exemption:

- you must not have received units for the land under the pre-1990 Forest Land Allocation Plan.
- you and anyone else who owned the land on 1 September 2007 must have collectively owned less than 50 hectares of pre-1990 forest land at the time.
- you must have owned the land on 20 July 2010, or on the date between 1 January 2008 and 20 July 2010 that it changed to a land use other than forestry.

It is important to note than a request for an emissions ruling for forestry (Section 107 of the Climate Change Response Act 2002) has been made to Ministry of Primary Industries (MPI) at the end of March 2023. It is anticipated that this could take over a year to be considered. One request for further information has been received and addressed to date. This will help inform the options for a future land use plan.

4. Replant the deforested area within four years of clearance to meet certain criteria.

To offset emissions liabilities, the land you plant on must become “qualifying forest land”. This is similar to the legal definition of forest land in the ETS, with some extra requirements specific to offsetting.

To be qualifying forest land, the land must:

- have forest species on each hectare that have crown cover of more than 30%, or be likely to in the future.
- have forest established by planting, rather than by regeneration,
- be made up of areas of at least 1 hectare each, with an average width of at least 30 metres.
- You must plant enough trees on the offsetting land to meet the requirements for forest land.

The requirements to meet forest land includes:

- cover at least 1 hectare in area.
- contain species that can reach at least 5 metres in height when mature in that location.
- have (or be expected to reach) crown cover of more than 30% in each hectare.
- be at least (or expected to reach) 30 metres across on average.

It should be noted that there is a four-year timeframe to re-establish forest land before the land is considered deforested.

4. NEXT STEPS

4.1 Current Plan

In line with the previous Council resolutions, the current plan is to harvest the whole of the 12.6 hectares of South Bay forest in the first quarter of 2024. This will require approval from LINZ for clearance of forestry on the land deemed as ‘common marine and coastal area’ (hydro parcel 3745409). An application for approval is currently being prepared. A timeframe of the first quarter of 2024 is proposed to ensure that there is enough time to secure necessary approvals from LINZ and to ensure that the harvest operation which could take up to six weeks does not interfere with the busy Christmas and summer period. An updated quote for harvesting the forest has been obtained which is outlined in section 5.1.

It is proposed that a land use plan be developed for the area which would be presented back to Council by June 2024. In the interim the walking and cycling tracks would be reinstated immediately after

harvest and the area generally maintained as recreational reserve to allow public amenity as it is a high use amenity area. This would be funded through the money received from the harvested timber. The land use plan could if necessary, involve replanting the area within four years with either natives or pines. The proposed timeframes for the land use plan will allow sufficient time to receive the emissions ruling from MPI as well as to explore opportunities for joint replanting projects, such as reinvigorating the trees for travellers initiative or other alternatives.

4.2 Alternatives considered

As highlighted, Council has previously formally resolved to remove the forest at South Bay by autumn 2021. Mr Robertson is very keen to see this commitment honoured in part to assist with sale of lots at the Ocean Ridge subdivision. The current plan is in line with the formal council resolution from August 2020 by achieving the harvesting of the current forest, whilst keeping the options for future use open. Harvesting the forest in the near future will also avoid ongoing maintenance and potential safety concerns as the trees continue to reach the end of their useful life. However, consideration has been given to alternative options in the context of the potential NZU liabilities.

Option 1: Harvest the site and pay any emissions liabilities

Simply not replanting and paying any liabilities due is not a realistic option since the magnitude of this liability is likely to very substantially exceed the return from sale of the harvested timber (To the tune of more than \$500,000).

Option 2: Alternative substitute forestry areas or NZU's

Consideration has been given to alternative 'substitute' forest areas. Unfortunately, no suitable alternative land exists under Council ownership or control. One alternative may be to seek to use existing carbon credits from the KDC share of the Marlborough Forestry Joint Venture.

Option 3: Do nothing

A further alternative considered would be to leave the South Bay forest as is. This does not honour historical commitments made and would require a further Council resolution to rescind previous resolutions. This option simply delays any decision or addressing any issues in terms of future liabilities. There is a risk of increased ongoing maintenance costs and potential safety issues as well as also the risk associated with changing NZU price, timber value as the stands get to end of their useful life.

5. FINANCIAL AND RISK

5.1 Proposal costs

The latest estimate for forest harvest was received by the proposed contractor on the 22nd August 2023 and is outlined below:

	4Q Average Pricing
Average Sales Price	\$106.39
Harvest Rate	\$37.48
Cartage Rate	\$32.89
Earthworks	\$1.04
Misc	\$5.42
Management	\$5.00
Nett Per Tonne	\$24.56
Est. Tonnes	4,814
Nett Return	\$118,248.05

This quote does not include provision for:

- Any allowance for additional rehabilitation of the site in this estimate. (estimated at around \$30,000)
- Any allowance for signage or management of pedestrian traffic as this can be managed by KDC. (estimated \$15,000)
- Any allowance for reinstatement of walking tracks and bike tracks. (estimated \$20,000)

It is therefore anticipated that **there will limited or no net return from the harvest**, given the need for inclusion of contingencies, fluctuating timber prices and estimated tonnage.

The cost for replanting in the future is estimated to be in the order of \$4,000 to \$6,000 per hectare for pines (\$50,400 to \$75,600 in total) and three-fold at approximately \$150, 000 to \$225,000 for natives.

It is also important to note that there may only be a limited range of native species that could easily be established at the site (including Ngaio and Lemonwood). A previous trial of native plantings in the area without irrigation was unsuccessful, and that the estimated cost of the original full detailed Ocean ridge area restoration management plan using native vegetation (believed to include irrigation) was in the order of \$1 million in 2006.

Provision for these replanting costs would need to be made by Council if replanting was required as a result of the exemption ruling being unsuccessful or some form of community native planting initiative was not established.

5.2 Risks

The following key risks have been identified:

Risk	Description	Impact	Mitigation
Approvals	LINZ approval to remove trees is not granted	Only Council reserve area land can be harvested which questions viability.	Timely application and ongoing discussion with LINZ
Cost estimates	Significant changes to harvesting cost estimates.	Harvesting ends up as a cost to Council.	More detailed cost estimates obtained prior to harvesting proceeding.
Future costs	Land is required to be replanted in the future at Council cost.	Objective of clearing the forestry block long term is not achieved. Replanting costs incurred by Council.	Exemption outcome down before decision required. Explore community planting initiatives, provision made in LTP for 2028 year.
Amenity	Community concern with regard to loss of long term forestry amenity and access	Forest is not removed in a timely manner.	Good timely communications to public, timing of the works, reinstatement of access tracks. Long term land use plan developed
Do nothing scenario	Council rescinds previous decision and resolves to maintain status quo and do nothing	Forestry is left as is which is likely to incur ongoing costs for maintenance, poses safety risks and just delays any decision. This may also have a knock-on effect on housing projects in the District.	Council proceeds with current plan.

6. COMMUNITY OUTCOMES SUPPORTED



Community

We communicate, engage and inform our community



Development

We promote and support the development of our economy



Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose



Environment

We value and protect our environment



Future

We work with our community and our partners to create a better place for future generations

Attachment 1: Council Report South Bay Forestry August 2020

Report to:	Council	
Date:	16 August 2020	
Subject:	South Bay Forest Future	
Prepared by:	Dave Clibbery – Senior Manager Operations	
Input sought from:		
Authorised by:	Angela Oosthuizen	

1 SUMMARY

Options for the future of the South Bay Forest are discussed.

2 RECOMMENDATION

- a) That the South Bay Forest should be harvested during late summer or autumn in the current financial year, to be followed by replanting for a further rotation of pinus radiata in the same area.
- b) That should Council wish to further explore the potential for a permanent removal of the forest rather than harvest followed by replanting that a Special Consultative Process is conducted with the community regarding this.

3 DISCUSSION

There has been recent further discussion of how the South Bay Forest near to the Ocean Ridge development should be managed, with a suggestion made that the forest should be permanently removed.

The forested land, shown on a following figure, has an approximate total area of 12.6 Ha planted with radiata pines. Most of the land is Recreation Reserve owned by KDC, but some is Foreshore Reserve that is under the control of DoC. It is however considered unlikely that DoC would claim the ownership of the trees on their land, since the trees were planted by KDC.

The trees are a mix of good quality but past maturity specimens on the road frontage, good, recently mature trees in the centre of the forest (comprising 4.8 Ha), and very old and poor (perhaps wilding) trees on the seaward side.

This is not the first time that a request to remove the trees has been received by KDC.

There were discussions in 2006 between KDC and the original Ocean Ridge developer RD Hughes Ltd about Council's South Bay forest and adjacent land. The developer proposed at that time that the forest be removed to provide unobstructed sea views for Ocean Ridge. The forest age at that time was considerably earlier than maturity, but the developer offered to pay Council for the value of the forest at maturity and also to pay for planting the coastal strip between the Kowhai River and the South Bay turnoff in indigenous species.

Council agreed to a Restoration Management Plan for the coastal strip between the Kowhai River and the Maori Leap Caves being developed and that council staff liaise with RD Hughes Ltd and appropriate parties in the drafting of that plan, and a resultant plan that reflected the proposal of the developer was subsequently approved by Council, but a number of people objected to the forest being cleared and the proposal did not proceed further.

The current proposal arose from an approach to Council in 2019 by Mr G Robertson, and at Council's meeting of 31 July 2019 it was agreed that ownership of the South Bay Forest trees should be explored, a valuation obtained and a suitable harvesting date identified. It was also agreed to explore the options for what was to be done with the area in the future.

South Bay Forest Value

The value of the forest is considered to in three ways – as timber, a carbon sink and a recreational resource – in the following sections.

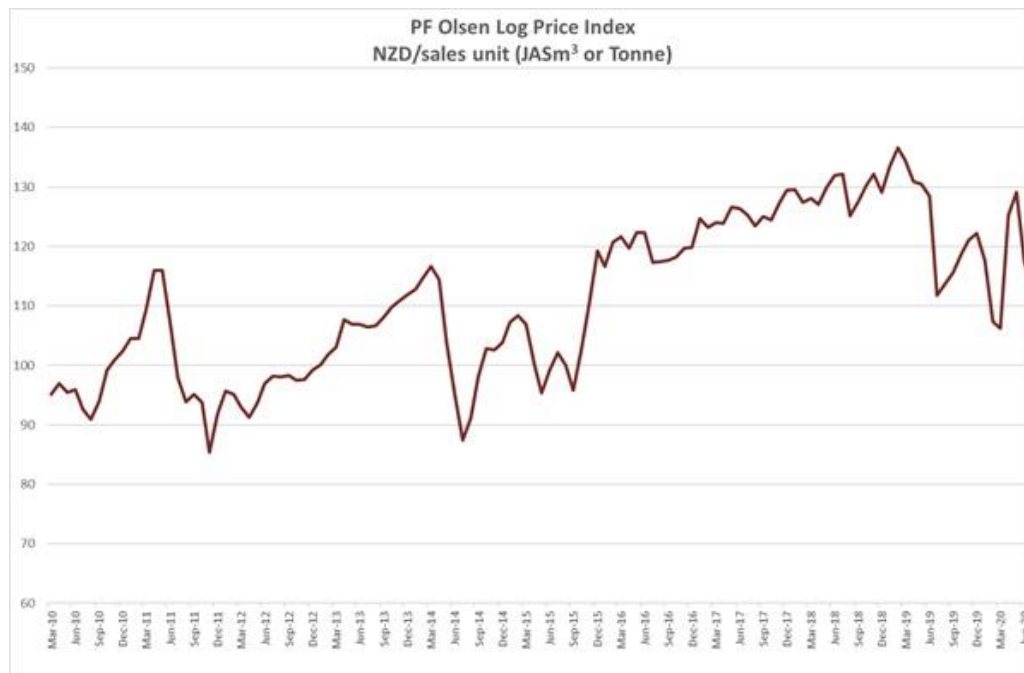
a). As Timber

The value of the trees for timber purposes was estimated by Merrill and Ring NZ Ltd to be \$157,000 before tax. With the youngest trees 26 years old all were considered due or past due the optimum time for harvest.

At the time of that valuation the PF Olsen Log Price index was at around \$130/tonne, whilst at present it is around \$115/tonne. This price level is however still considered fairly reasonable, having recovered from lows of around \$85 in 2014.

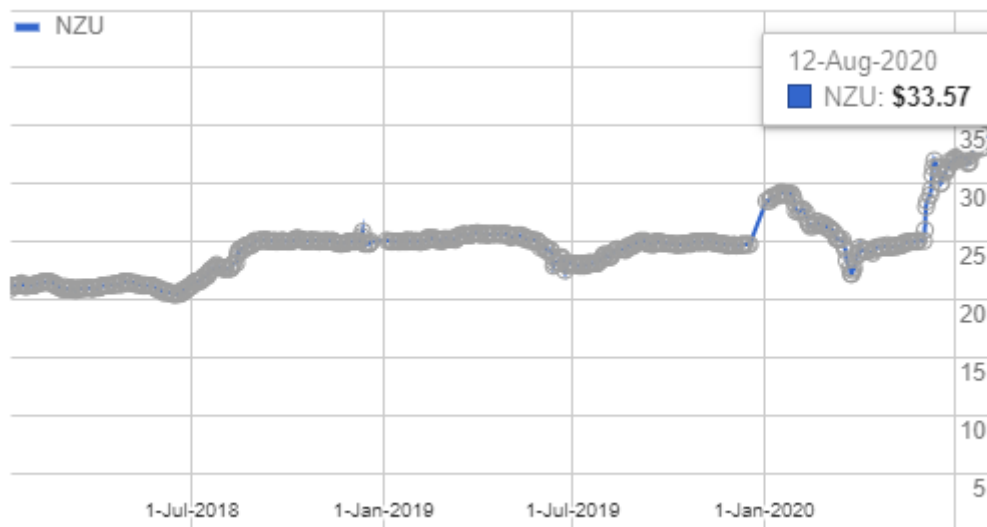
On the basis of current log prices the probable value of the forest is probably less than \$140,000, because there are some other complexities in harvesting – for example need to work around power lines in some areas, need to reinstate cycle and walking tracks afterwards – that would create additional costs that may not have been factored into the Merrill and Ring Assessment.

The log price trend is shown in the following figure and as can be seen over the last 2 years the previously relatively stable upward price trend has been replaced by much more volatility, and based on this and associated commentary it does not appear realistic to make accurate predictions of where log prices might be going in the future or when would be an optimum time to sell based on market prices.



Another significant factor influencing the value of the forest as timber, if it is to be replaced by some other land use, is a carbon liability. KDC has not as yet registered the forest under the Emissions Trading Scheme, and as such the younger (26 year old) trees do not have an associated carbon liability but there is an area of older trees that were in place before 1 January 1990 and are therefore automatically subject to the ETS, and for which a carbon credit liability would be created if they were to be removed.

Until recently Carbon credits have until recently been fairly stable at around \$25 per tonne, but since June the price has rapidly risen and in early August were trading above \$33. The Ministry of Primary Industry tables indicate that pre-1990 pinus radiata forestry in Kaikoura would be assessed as sequestering at least 572 tonnes of carbon per hectare and as such if the 7.8 Ha of older trees was completely deforested it would be expected to incur a carbon credit liability of at least \$147,000.



On this basis the harvesting of the entire forest without replanting is unlikely to yield any significant nett value, but it may be that if the carbon credit price subsequently declines to something similar to its previous long-term value the carbon credit liability might decline to around \$110,000, though whether or not this will occur is of course conjecture.

A better financial outcome would be obtained if the forest was harvested but with replanting with a further round of pinus radiata following. In that case the retention of carbon held in in the stumps and soil from the previous trees would be expected to reduce the immediately payable carbon credit liability to between \$70,000 and \$90,000. With replanting costs probably in the order of \$1,000 per Ha, the net return to Council after replanting might be in the order of \$70,000; (\$157,000 – (\$80,000 carbon liability + \$12,000 planting cost)).

Another factor – though very tenuous – that might influence optimum timing is whether the timber from the forest could be potentially milled locally for use in the Esplanade Boardwalk if funding for that project was to be obtained from the Provincial Growth Fund. This, if achievable would appear to offer a number of attractive synergies, but has a very high level of uncertainty associated with it.

b). As a Carbon Sink

Value can potentially be extracted from new forestry through the carbon credits it creates during growth, but this may be offset by liabilities created through subsequent loss of carbon from the forest through harvesting or other forms of loss (including decay due to old age) if this occurs within 100 years of planting. In the case of pinus radiata evidence suggest that tree lives are typically between 60 and 100 years, but rarely longer than that. As such unless the tree species used is one with a relatively long life (such as hardwoods) the use of forestry to generate financial benefit through carbon sequestration is subject to significant risks and may not be effective in the long term.

It is also recognised that the trees of the South Bay Forest were not planted with the intention of being a persistent forest for acquisition of carbon credits, they were planted as commercial forestry to be harvested for timber at an appropriate time.

Whilst at present enrolment of the 4.8 Ha of younger (26 year old) trees in the ETS has the potential to create carbon credits worth around \$80,000 at current carbon prices, it would be unwise to sell any significant proportion of those credits, since a future greater liability would almost certainly be created in future unless a low-risk strategy is available to reinvest the revenue from sale of the credits that would cover such future liability.

As noted previously a safer approach towards obtaining revenue from carbon credits is planting in longer living hardwood species, but the downside of this is that the rate of sequestration of carbon by such species is typically only half of that of *pinus radiata*.

Regardless of what species is planted, the quantum of financial return from use of the South Bay Forest as a carbon sink is however likely to be relatively small. Even using *pinus radiata* the average total annual value of carbon sequestration from the entire 12.6 Ha is less than \$8,000 per annum, most of which is likely to be offset by associated liabilities, and it is suspected that the potential nett value as a carbon sink might be only \$1,000 to \$2,000 per annum.

A more favourable approach might be planting in hardwoods that could remain in place for 100 years or more, but evidence – in particular the almost complete absence of substantial native trees in near-shore areas around Kaikoura – suggests that the nature of the South Bay site is unsuitable for such species. On this basis it is suggested that the value of the forest as a carbon sink should be considered as negligible.

c). As a Recreational Resource

The South Bay Forest is considered to have recreational value as the closest significant area of forest to the Kaikoura urban community. Whilst not native vegetation nor an outstandingly attractive forest, it is the only sizeable area in close proximity to Kaikoura where there is an opportunity to walk, exercise dogs, run, cycle or otherwise recreate under the shade of a full tree canopy. On hot summer days in particular this shade provision of shade for a length in excess of 1.2 km is a welcome relief for persons walking along the track from South Bay.

It seems likely that if the existing forest was permanently removed the land would revert to the type of sparse and low scrub that is present on coastal land between the forest and the South Bay turn off. The open and exposed nature of this coastal strip and its poor sandy soil is unlikely to be an environment where many types of vegetation other than such scrub or hardy softwood species such as *pinus radiata* would survive, yet along thrive.

It is understood that a previous attempt to establish different types of native planting on the coastal strip was unsuccessful, with the plants apparently succumbing to a lack of moisture, and it has been suggested by a landscape architect that if the area was deforested it would be better to rely on natural regeneration rather than undertaking a planting program with native plants.

Whilst the scrub that is present on the coastal strip between the South Bay Forest and the South Bay turn-off may represent the natural vegetation for the area, such vegetation is neither particularly attractive or in short supply, with similar plants also in place along areas to the north of the town. A permanent removal of the forest would therefore be likely to represent a significant and probably irreversible loss in respect of the diversity of recreational opportunities that are available in Kaikoura, and there do not at this time appear to be any other areas where a comparable replacement forest could be created.

Whilst not ecologically remarkable in any way, the South Bay Forest is considered to have value to the community simply because it offers environmental diversity, it is somewhere that people can easily access to have a different experience. To permanently lose it would be to diminish the depth of what Kaikoura can offer to both residents (existing and potential) and visitors.

The forest also represents a recreational opportunity that can be provided to the community at very low cost, whilst many other recreational assets operated by Council (even if just mown grass areas) incur significant ongoing expense.

At this time with an intense focus by Council on cost efficiency it would not appear appropriate to permanently relinquish such a resource.

Conclusion

The South Bay Forest was planted with the intention of it being harvested and with the trees now at or past the optimum age for harvest it would make sense to do so in the near future. Some of the trees are already well past the optimum harvesting age and it should be expected that as trees become senescent there will be an increased frequency of tree and branch falls that could create hazard and nuisance in an area that is being used for recreation.

If this is accepted the question that follows is what should be done with the area after harvesting, including consideration of whether a better use for the land than production forestry can be found. At this point such a better use does not appear to have been identified. The benefits of the suggestion that it is planted in native vegetation are not yet clear, since it seems that the type of native vegetation that might be established there would probably be scrub rather than forest, and as such would not be advantageous in terms of either commercial productivity, carbon credit generation or recreational value.

Even if it was to be financially incentivised, the short term financial benefit that might come from permanent removal of the South Bay Forest would need to be considered against the cost of a long-term loss of a recreational resource to the community that can be provided without substantial operating costs. It is therefore proposed that following harvest the area is replanted with pinus radiata so that a forest can again develop for the community to enjoy.

Should Council believe that the potential permanent removal of the South Bay Forest warrants further consideration it is suggested that hearing the views of the community on such a proposal would be essential. Unlike harvesting followed by replanting a permanent removal of the forest would represent a significant change of land use, and it is believed that this would warrant consultation with the community through the Special Consultative Procedure of the Local Government Act.

4. COMMUNITY OUTCOMES

The issue discussed in this report relate to the following community outcomes:



We value, protect and enhance Kaikōura's unique natural environment and biodiversity and sustainably manage disposal of waste.



Our community is resilient, safe and well and has their essential needs met



Our infrastructure, housing and community facilities are easily accessible, cost effective and able to withstand our natural hazards.



Our District is economically diverse, attractive to investment and provides certainty around business and employment continuity.



Our community participates in decisions and planning in a way that benefits our future.

Report to:	Council	File #
Date:	27 September 2023	
Subject:	Community Services Team Update	
Prepared by:	S Haberstock – Community Services Manager	
Input sought from:	Community Services Team and partners	
Authorised by:	P Kearney – Senior Manager Corporate Services	

1. SUMMARY

The purpose of this report is to keep the Mayor and Councillors informed of the activities delivered by the Community Services Team and collaborations with the Kaikōura community. The report this month includes the following activity updates for August/September:

1. Community Development
 - a. Community Development and Community Groups
 - b. Events
 - c. Te Hā o Mātauranga activities
 - d. Community Grants
2. Kaikōura Emergency Management
3. Library Dashboard

2. RECOMMENDATION

It is recommended that the Council receives this report for information.

3. ACTIVITY UPDATES

a. Community Development and Community Groups

Older Person's Working group

The Older persons working group is currently applying for funding through the Office for Senior's that could be used to assist to create a trust to umbrella some of the work planned. There are two separate areas of work being looked at and these are the development of an Abbeyfield model and research into an EOI that could be used to go out to some bigger rest home companies.

Pensioner Housing

The waiting list is now at 14, made up of both individuals and couples. Carparking lines have been painted on as a guide for both residents and visitors to ensure there is flow for cars moving in and out of the carpark. There are markings for 20 vehicles to be able to park in the driveway area.

Youth Council

Working with Youth Council around some plans for Mental Health Awareness week and their involvement in Christmas event (detailed Youth Council report below).

Otago Medical Students

We hosted the Otago Medical School students during their community contact week in August and gave them an overview of the Community Development team at KDC. Interested bunch of young medical students, all from the North Island and they chose Kaikōura for their community week as they wanted to learn and see more of the town.

Community Networkers

The Kaikōura Community Networkers hui was held on 12 September 2023 at Heartlands, in conjunction with the official opening of Heartlands in their new community space located at 105 Beach Road. 20 agencies attended and it was a full house.

Housing Forum

We had 11 people attend the Housing Forum on 12 September 2023, including our MSD Regional Commissioner Advisor, the Rata Foundation Community Engagement Advisor, and Housing First – Methodist Mission Church acting team leader and their tenancy manager.

Community Group Liaison

Te Whare Putea

Building Financial Capability: the demand for financial advice is in high demand with 63 open cases with a total debt of \$618,202.70 and total arrears of \$142,372.

Temporary Housing: the demand is high with 11 on the waiting list.

Housing Navigator: 2 tenants moved from emergency housing, and a further 2 tenants prevented from moving into emergency housing.

Foodbank: there has been an unprecedented demand for food parcels: 71 in July and 92 in August.

Heartlands Services: this month Heartlands opened their new Community Hub, next door to Te Whare Putea. The official opening was held on Tuesday 12 September 2023 in conjunction with the KDC Community Networkers Meeting.

Te Puna Reo o Te Ahi Kaikōura a Tama ki te Rangi

A Te Reo Maori Early Learning, Childcare and Language Centre is opening in the next few months funded by the Ministry of Education. The Puna Reo is on the same grounds as Te Kura o Hapuku but is its own entity and managed separately.

Te Ahi Wairua o Kaikōura

This social service provider holds Te Whatu Ora and MSD contracts, and continues to provide tautoko, clinical support, wananga, cultural events, kapa haka in both Kaikōura and out of the district. They have confirmed that they will be running Waitangi 2024. Looking forward to providing support to provide both manaakitanga and awahi for this event.

b. Events

Matariki

A Community Matariki Celebration was held on 20 July at Fyffe House with 150 – 200 people attending. Funding came from KDC Events, Destination Kaikōura and the Department of Internal Affairs. The event featured Rikki Solomon, a distinguished Māori Academic and astronomy expert/practitioner, James Webster, a talented Māori Artist and Puoro player and Marcus Winter, The Sandman, an acclaimed sand artist and pūrakau narrator. Following the ceremony, a community breakfast provided an opportunity for all participants to gather, connect, and share their experiences. A big thanks to Ann McCaw from Fyffe House for hosting the event, Hapuku School for coordinating the event with us and to our Māori Wardens, Avodah Spiritual Respite, Kaikōura Health & Wellbeing team and all other community members who volunteered on the morning.



Christmas 2023

We are coordinating a Christmas group, local individuals and businesspeople who want to see increased festivity over the holiday season. Some great ideas are coming together to deliver a community Christmas event on 16 December in the West End.

c. Te Ha o Matauranga

Mayor's Taskforce for Jobs

So far this year, we have reached 7 sustainable placements for young people, including 1 apprenticeship.

We are currently working with 8 youth to gain employment, with 5 in placements within the next 2 weeks. The Trades Academy course is finishing at the end of Term 3 and has been a positive experience for many of the participants.

Career Development

- A Barista course - Crop to Cup: 15 youth attending, giving them the basic skills of coffee making.
- Working at Heights included 7 of the Trades Academy young men and 1 employed youth taking part on Friday 8 September.
- Chainsaw course on the 25 August had 9 Youth attending, all gained 17 credits for 2 days training.

Wins

- Many business relationships strengthened, working with us to employ youth and communicating - a real positive, open attitude to employing youth and progression for them in most businesses.
- Communications with the high school on school leavers.
- We have now employed a Coordinator for our YEP program which will commence early in the New Year, and this person will also have a huge part in being Pathway Navigator for the school which has been a big opportunity missed this year.

Losses

- We need more apprenticeships and opportunities for our young men. A lot of places that offer roading, earthworks and manual labouring work do not have the capacity to hire youth or doing apprenticeships.

Future plans:

- Connecting with the Mayor to create relationships in different sectors in order to build opportunities for young people.
- Beauty course planned for October with Lady Lash from Christchurch who comes highly recommended by Buller MTFJ.
- Jobs Kaikōura website stats over the last 30 days:
 - 663 sessions
 - 108 unique sessions on 16th August (highest number for month)
 - 2454 page views
 - 37 seconds is average session duration
 - 500 users
 - 74% access on a mobile device

Youth Council

Youth Council has had a successful Youth Awards event with around 150 people attending the evening. They had a significant number of nominations, especially for customer service and adults who support youth. It was more of a challenge to get nominations for environment and rural living skills.

The group membership has grown significantly this year with a lot of younger members joining. A lot of these have come via the positive relationships the coordinator has been creating with her lunchtime activities at school and lateral youth. The three 'elders' of the group have finished up now and KYC will be selecting a new Chairperson and Secretary at their upcoming AGM.

KYC have activities planned at school for Te Wiki o Te Reo Maori and for Mental Health Awareness week. S Beardmore recently ran a Theory of Change workshop with the younger members of KYC - they came up with the following goals:

- Year 7 and 8 have better people to look up to
- Youth being closer and not all "beefing"
- Staying in school more - 'senior years'
- Less loitering in town
- More "real world" smarter kids
- More respectful kids
- Youth having a safe space to go and talk without being worried.

We are contracted by KDC to deliver these three priority areas:

1. To be a vehicle for youth voice, advocate for youth and create accessible pathways to decision makers
2. Help build a healthy and sustainable community, including providing safe events and bringing youth together
3. Provide opportunities and pathways for youth development.

Evaluation: It is great to see new membership increasing in Youth Council. There are some challenges associated with running a bigger group, especially one that has younger members taking on a leadership role. Finding some training for youth council members, especially around the role of chair

and around seeking youth voice will be important going forward to help this newer group of young people work well together.

Driving

- VTNZ in Blenheim has hired a second testing officer. This is a positive move as it will free up the backlog of bookings in Blenheim. We had 27 1-hour sessions in Kaikōura with our local driving instructor, and 3 days in Blenheim with 2 clients. We had 2 days in Blenheim mentoring with 2 clients, and our mentor visited Kaikōura for 2 days to run hour-long sessions.
- We currently have 4 referrals from MSD
- 3 clients are working towards their learner licence and 1 client towards their full licence.

Year to date 2023 2024

Year to date	2023						2024						Totals
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Passed Learners	1	2											3
Passed Restricted	3	4											7
Passed Full	3	2											5
Mentoring Sessions	7	10											17
Driving Lessons	18	34											52

Evaluation: This is an area that often is our first touch with a participant - someone comes for help with a licence and we form a relationship where we find we can often offer support in other areas. We received statistics from Youth Services that show we are tracking above the national average for our clients to gain a driver’s licence. Our driving service is funded by a variety of sources.

d. Community Grants

Sports NZ Rural Travel Fund

We have 3 active projects:

1. Kaikōura High School – Hockey
2. Kaikōura Netball
3. JAB Rugby

We have a total of \$19,824.41 for 2023-2024 and are holding a summer and winter funding round (September 2023 & March 2024).

A hui was held on 20 September 2023, two applications were assessed for funding:

1. Kaikōura High School – Basketball
2. Kaikōura Boxing Club

George Low Fund

We have 1 active project: Kaikōura Netball

A total of \$4,500.00 is available to our community for 2023-2024. The next annual hui is scheduled for 6 March 2024.

Creative Communities Scheme

We have 14 active community projects:

1. Visitors book
2. Grounding

3. Tsunami with Mushrooms
4. Art Catalogue
5. Raranga Collective
6. Jayden Shingleton (Music)
7. Inspiration Corner 2023
8. Kaikōura Childrens Choir
9. 30th Anniversary Takahanga Marae 2023 (Part 2)
10. Douce Ambiance – Violin jazz concert
11. Youth Recital
12. Spirit of Salts
13. Shades of Shatki
14. Canbead

A total of \$25,146.09 is available for 2023-2024, for the scheduled 4 funding rounds. A funding hui was held on 20 September 2023, and 2 applications were received:

1. Youth Art Exhibition (application for normal funding)
2. Kaikōura Christmas Festival (application for festival funding)

Community Initiative Fund

There are 4 active projects:

1. Helipad – Lions Club
2. Kaikōura Dark Sky
3. Community Seabird Conservation Kete
4. Organic Garden – Part 2

The amount of \$15,000.00 is available to our community for 2023-2024. The next hui is scheduled for 11 October 2023.

2. Kaikōura Emergency Management

EMO Update

Nigel Byrant, our new Emergency Management Officer, visited the Kekerengu Community Hall and Derek Milton in Clarence. He also went to the Inland Road and met with Tony Blunt. He retrieved the radios to get them checked.

The EMO spent much of his time in training last month. He and S Wright attended training in Selwyn District, and he further attended a one-day Recovery Workshop in Christchurch with S Haberstock.

A group of Northern Canterbury EMOs came to visit Kaikōura for a day on the 8 September. This was very useful as we are now working together to plan for events. The next planning meeting will be in the Hurunui. We are also collaborating on Exercise Pandora with EMO's supporting other districts, deepening relationships between the districts.

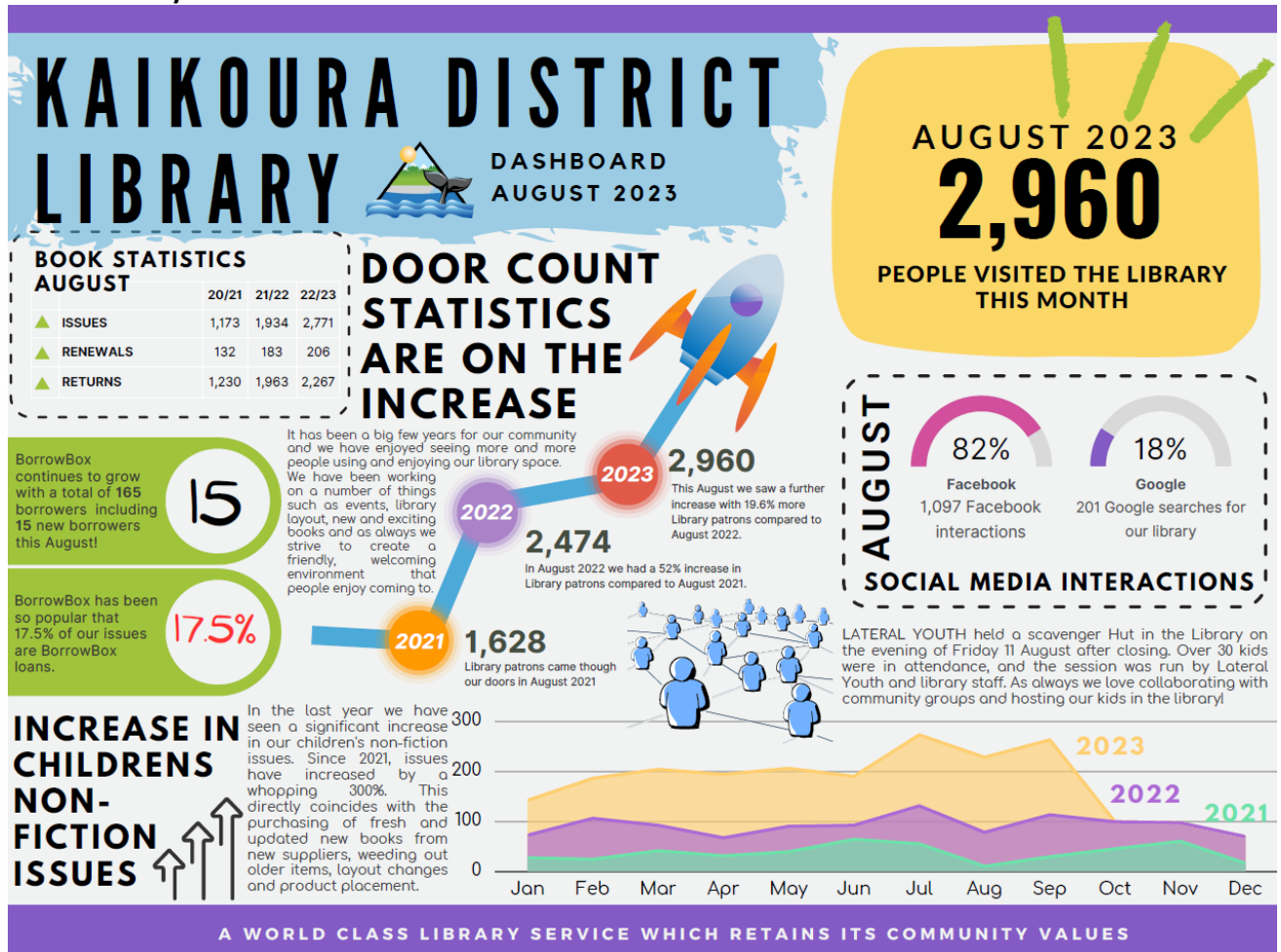
Bronwyn Sutton from CDEM Group came up for 2 days to deliver Foundation and Intermediate EOC courses for all new staff. The progression is EOC Foundation, then Intermediate and then Specialist (Ops, Logs, etc) training. These courses are free of charge.

15 staff members attended EOC Foundation training on Thursday the 14 September and 12 staff attended EOC Intermediate training on Friday 14 September.

COVID-19 Update

From the 15 August all COVID-19 requirements have been removed, but recommendations remain. The recommendation is to isolate for 5 days and wear a mask when visiting healthcare facilities. Some facilities may still ask you to wear a face mask. There is a plea to respect healthcare policies to protect those at higher risk.

3. Library Dashboard



4. FINANCIAL IMPLICATIONS AND RISKS

None – expenditure remains within budgets.

5. COMMUNITY OUTCOMES SUPPORTED



Community

We communicate, engage and inform our community



Development

We promote and support the development of our economy



Environment

We value and protect our environment



Future

We work with our community and our partners to create a better place for future generations



Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose

Report to:	Council	
Date:	27 September 2023	
Subject:	Planning Update	
Prepared by:	M Hoggard - Strategy Policy and District Plan Manager	
Input sought from:	P Egan - LIMs & Administration Officer	
Authorised by:	P Kearney – Senior Manager Corporate Services	

1. SUMMARY

This report provides a general update of what is occurring in the Planning Department.

Key aspects to note are:

1. LIMs numbers continue to be flat
2. Less resource consents are being processed by external consultants
3. District Plan Review – Spatial Plan
4. Discussion continues with Te Runanga o Kaikoura
5. Canterbury Regional Policy Statement Under Review – key dates included
6. Resource Management Reform Continues
 - National Policy Statement – Indigenous Biodiversity – Operative Date 4th August 2023
 - Natural and Built Environment Act and the Spatial Planning Act are now operative
7. Policy Planner Position still vacant but offer of employment has been made and accepted

Attachments:

- i. Resource consents in progress

2. RECOMMENDATION

It is recommended that the Council receives this report for information.

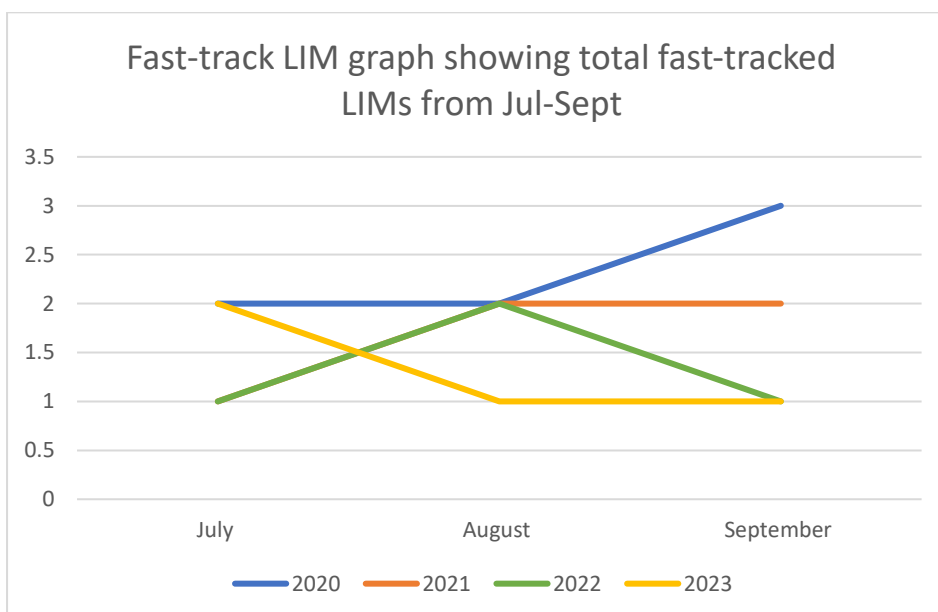
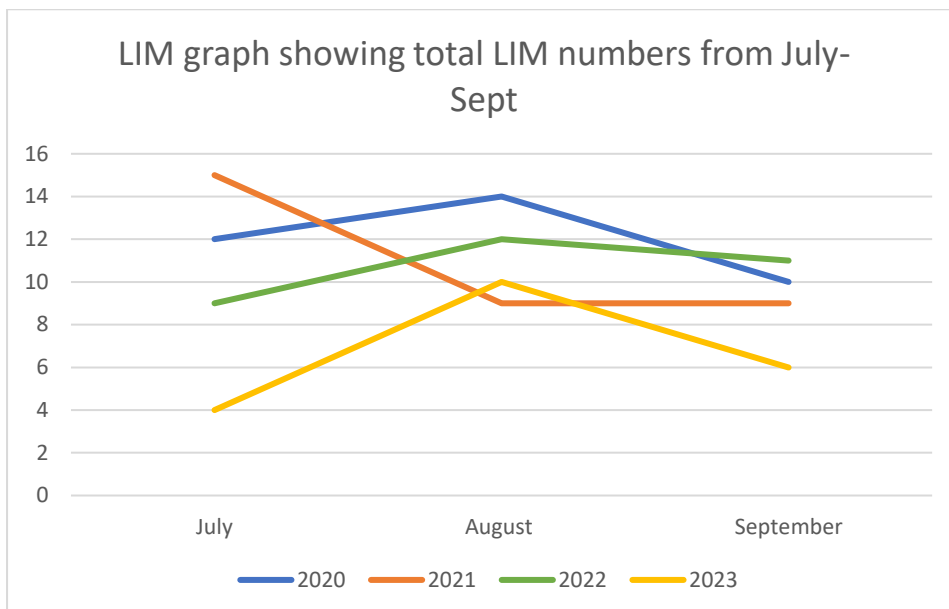
3. BACKGROUND

3.1 Resource Consents Status:

Attachment 1 includes a list of resource consents updated since the July 2023 Council report.

3.2 Land Information Memorandums (LIMs)

LIM numbers continue to be flat which is typical for this time of the year.



3.3 District Plan Review

3.3.1 Spatial Plan

Council staff are continuing to work with Te Runanga o Kaikōura in the development of our communities 30-year vision.

3.4.2 Plan Change 4 - Kaikoura Business Park Limited

The plan changes have been accepted by Council. A minor tidy up of format is occurring to ensure the document is consistent with the national planning standards. Notification is anticipated either 28th September or 5th October 2023.

3.5 Landscape Overlay Review

No change from last month's meeting.

3.6 Canterbury Regional Policy Statement up for Review

Environment Canterbury staff are undertaking high-level discussions on the future direction of the Canterbury Regional Policy Statement (CRPS). A workshop has occurred with Councillors. Staff and Councillors expressed that many of the problems which face Canterbury as a whole may differ for Kaikoura given our unique topography and distance from a major city.

More information can be found: <https://haveyoursay.ecan.govt.nz/about-our-future-canterbury>

Timeline is as follows:

Monday 3 July 2023

About our future, Canterbury has finished this stage
Feedback opened - sharing your visions for freshwater and outcomes for environmental and community wellbeing.

Sunday 27 August 2023

About our future, Canterbury is currently at this stage
Feedback closed.

16 October 2023 - consultation opens

This is an upcoming stage for About our future, Canterbury
Testing draft visions, environmental and community wellbeing outcomes, and developing options and actions to meet them.

3 December 2023

This is an upcoming stage for About our future, Canterbury
Consultation closes.

Early 2024

This is an upcoming stage for About our future, Canterbury
Sharing what we have learnt so far.

Early 2024

This is an upcoming stage for About our future, Canterbury
Draft Long Term Plan public consultation.

December 2024

This is an upcoming stage for About our future, Canterbury
Draft Regional Policy Statement public consultation.

3.7 National Policy Statement Indigenous Biodiversity (NPSIB) – Operative 4 August 2023

Council staff are currently working with the Canterbury Policy Forum to explore options to progress this.

3.8 Resource Management Reform

Both the Natural and Built Environment Act and the Spatial Planning Act received Royal assent on 23 August 2023 and have now come into force. It is noted the Natural and Built Environment Act has a number of provisions which are delayed and do not come into force until 2 years after the Royal assent.

The National Planning Framework is expected to follow.
Staff are still gaining a better understanding of what these acts mean.

3.9 The next three months

Planning is looking to progress the following over the next three months:

District Plan:

1. Continued Review of Resource Management Act reform documents including future consideration of the NPSIB
2. Development of a draft spatial plan for community feedback
3. Ensure that district plan maps can be viewed in an interactive viewer, as opposed to pdf.
4. Move district-wide landscape assessment forward
5. Notification and submission on Plan Change 4 (Light Industrial Area)
6. Notification and submission on Plan Change 5 (Kaikōura Dark Sky)

Policies and bylaws

7. Signage is being progressed by Dave Clibbery, Senior Manager Operations.

Staff

8. Find a replacement Policy Planner (offer made and accepted)
9. Determine how to best give effect to the NPSIB – is an in-house ecologist required?

Resource Consents

10. Further process mapping to improve current planning processes
11. Continue closing out resource consent that have been on hold for prolonged periods

4. FINANCIAL IMPLICATIONS AND RISKS

In addition to the risks expressed in the April Council meeting the loss of 25% of the current planning staff is a significant change for the department. The planning team and human resources are exploring options for filling this position including overseas recruitment and we are currently waiting for immigration to approve a working visa.

Nationally planning staff continue to be difficult to find and delays in replacing staff will result in increased use of consultants which will have an impact on budgets. This may also result in the planning team lacking the capacity to process future plan changes within house and delay the implementation of National Policy Statements.

5. RELEVANT LEGISLATION

Resource Management Act 1991

6. COMMUNITY OUTCOMES SUPPORTED



Community

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We work with our community and our partners to create a better place for future generations

ATTACHMENT 1

1. Active and deferred Resource Consent applications to 20th September 2023

“Deferred” applications are applications which have been placed on hold either on a request by the applicant or by Council requesting further information to better understand the effects of the proposed activity. Where applications are deferred the statutory processing clock (working days) is placed on hold.

No	RC ID	Applicant Name	RC Description	RC Location	Status / Notes	Working Days
1	1632	D & R NZ Ltd	Land Use (Mixed use building development)	26-36 West End	No change from June 2021 Council meeting. Deferred (s 92). Waiting for further information Neighbour's approval was requested in September 2019 further information was requested in October 2019. A reminder was sent to applicant on the 20/07/2020. A follow up email has been sent in July 2021. Interim invoice has been sent.	10
2	1660	Leanne Taylor	(Land Use) Visitor Accommodation	5 Kotuku Road	Granted Processed in house	32
3	1675	Eyssen Juan	Land Use Dwelling in Flood Zone	238C Mt Fyffe Rd	Withdrawn	N/A
4	1777	John Drew	Relocation of building platform, boundary setbacks breached.	1481 D State Highway 1	The matter has been passed on to our enforcement team. On 30 th May 2023 a geotechnical report has been provided, staff are still awaiting the landscape assessment, the application remains on hold.	18
5	1797	Elisha Dunlea	Two lot subdivision	190 Mt Fyffe Road	Applicant had originally withdrawn application but have now asked to have the application put back on hold under s 92(1) as the consent was ready to be issued. Processed by RMG. Council staff need to speak with the applicants about this consent.	11
6	1870	Mark Baxter	Outdoor Dining Area – Temporary Activity	21 West End	On hold by the applicant - Limited notification has closed, a submission has been received from the neighbour, plans are to be amended and neighbour has said they will give approval provided fence built Processed in house	67

7	1887 & 1888	John Leeder	Subdivision and land use creation of 8 lots ranging in size from 418m ² to 1089m ² from 3 existing lots	154A to 162 Beach Road	Deferred Additional details on drainage required Being processed in house	75
8	1889	Kaikoura District Council	Earthworks in flood hazard area for Clarence/Waiatua Bridge	Road reserve	Deferred Being processed by Resource Management Group	
9	1892	Anthony Lund	Build a three bedroom dwelling with attached garage that intrudes the recession planes on north, East and West boundary of the property	148 South Bay Parade	Deferred Being processed by LMC	16
10	1893	Woofbrook Residential Ltd	Subdivision of proposed townhouses	17 Yarmouth Street (Corner Yarmouth and Torquay Streets)	Granted Being processed by Resource Management Group	48
11	1894	South Pacific Helicopter Ltd	Signs Permit	Kaikoura Airport	Declined Proposed sign did not meet current bylaw	N/A
12	1895	Viatcheslav Meyn	To create 13 fee simple allotments including one access allotment and one balance allotment	427-671 Inland Road Kaikoura	Deferred at the applicant's request, lot size and shape may change. Being processed in house	51
13	1906	Kaikōura District Council	Wakatu Quay redevelopment, non-compliance with Parking	Wakatu Quay	Granted Processed by RMG	21
14	1907	Melissa Cuff	Signs permit	17 Beach Road	Granted Processed in house	N/A
15	1908	Moanna Farms Ltd	Earthworks within landscape area	20 Moana Road	Deferred – awaiting payment	0
16	1909	Donegal House	Camping Ground	436-450 Mt Fyffe Rd	Withdrawn – existing consent for motorcaravans	2
17	1910	Robert Dow	Land use Height, recession plane and internal setback	101A South Bay	Granted Processed in house	4

18	1911	GCH Aviation Ltd	Signs Permit	617-627 State Highway 1	Granted Processed in house	N/A
19	1912	Two Degrees NZ	Upgrade telecommunication facility	Maui Street	Granted Processed in house	9
20	1913	Ross Jolly	Two lot rural subdivision	250 Scotts Road	Granted Processed in house	25
21	1914	John Crampton	Two lot rural subdivision	269 Mill Road	Granted Processed in house	16
22	1915	Kaikoura Dark Sky Trust	Signs Permit	Six signs around Kaikoura	Active Being processed in house	N/A
23	1916	Courtney Wilson	Visitors Accommodation	19A Cromer St	Granted Processed in house	4
24	1917	Tecwyn Williams	Internal Boundary Breach	285A Scarborough Street	Granted Processed in house	5
25	1918	Olivia Rutherford	Dwelling within landscape and skyline area	Upper Ward Street	Active Being processed in house	14

Resource Management (Discount on Administrative Charges) Regulations 2010

Was the application notified?	Was a hearing held?	Number of working days
Yes—public notification	Yes	130
	No	60
Yes—limited notification	Yes	100
	No	60
No	Yes	50
	No	20

2. Notified consents

Currently only one notified or limited notified consents are in progress:

- I. No change since last month - Mark Baxter is proposed an Outdoor Dining Area which will result in a gate being placed over an existing ROW, the Mr Baxter has been unable to obtain approval from the holder of the ROW and limited notification has occurred, a submission has been received from the neighbour. Neighbours have agreed to withdraw the submission and give written approval provided the application is amended to separate the dining area from the ROW. Application has been placed on hold at applicants request, physical works are occurring to address the neighbours concerns.

2. Plan Changes

Currently no plan changes are notified – It is anticipated that the light industrial plan change will be notified on either 28th September or 5th October.

3. Monitoring

In addition to day to day complaints and questions council staff are developing a consent monitoring strategy and working with Jo York (Regulator Team Leader) regarding visitors accommodation and non-compliance with planning issues.

4. Road Stopping

Active road stoppings:

Fookes – Hapuku Road – the survey plan has been completed and final settlement is awaited

5. General

- Project Information memorandum processing is ongoing
- Land Information Memorandum processing is ongoing

Report to:	Council	File #
Date:	27 September 2023	
Subject:	Building and Regulatory Update	
Prepared by:	D Clibbery – Senior Manager Operations	
Input sought from:	R Harding – Senior Building & Regulatory Administration Officer J York – Regulatory Team Leader F Buchanan – Regulatory Administration Officer	
Authorised by:	W Doughty – Chief Executive Officer	

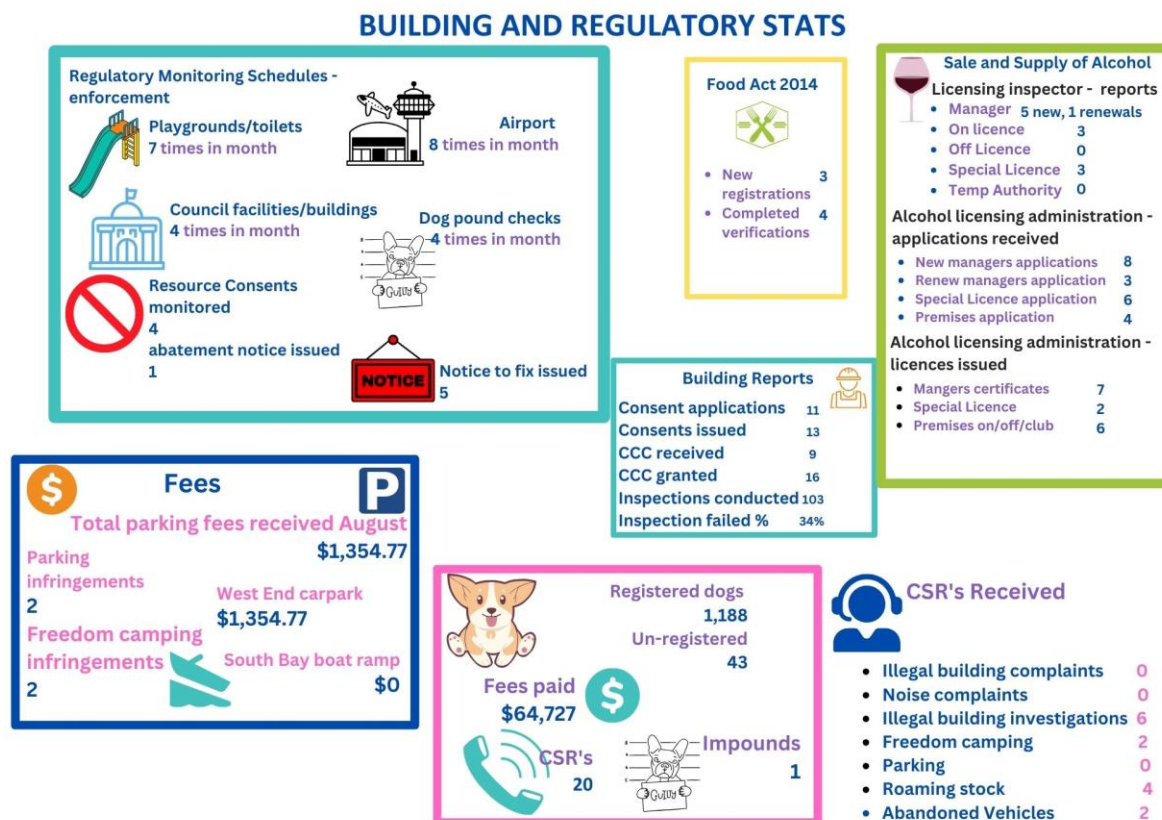
1. SUMMARY

This is a routine report on recent activity in the BCA and regulatory areas of Council.

2. RECOMMENDATION

It is recommended that the Council receives this report for information.

3. SUMMARY STATISTICS



4. BUILDING CONTROL

The following apply for the period August 2023

Total inspections undertaken = 103
Inspection failure rate = 34%

All general Non Compliances with IANZ audit cleared and final accreditation documentation issued.

5. SALE AND SUPPLY OF ALCOHOL ACT 2012

Notable events:

- As of 1st September 2023, Joanna York has been delegated the DLC Secretary role
- Donegal House under new management, monitored by NZ Police with no issues
- 1 x trespass order issued
- 5 x Premises inspected, all compliant
- 2 x Managers applications opposed
- Amendments were made to the Sale and Supply of Alcohol Act 2012
- Rugby World Cup opening hours provisions for On licence Taverns, Class 1 Restaurants and Club licence only
- Public notification period now 25 working days to allow more time for community objectors to object to applications
- Other changes coming in to affect in May 2024, awaiting updated Act

6. FOOD ACT 2014

The newest version of the Simply Safe and Suitable template Food Control Plan has been released. Food operators must update their FCP to the new version by replacing the following cards by 30 June 2023: Separating food, Knowing what's in your food, Packaging and labelling, Recalling your food. They only need the below cards if they are relevant to their business:

- Managing self-supply water, Using acid to control bugs, Making sushi, Hot smoking to control bugs.

Operators have until 20th February 2024 to start using the full version of the updated Food Control Plan.

A verifier calibration session was held last week and a Senior Adviser at MPI went through the new changes to the template Food Control Plan

New Registrations – 3

Completed Verifications - 4

7. WATER SAFETY

- Routine three-waters monitoring for compliance with Taumata Arowai DWQARs (Drinking Water Quality Assurances Rules).
- Routine drinking-water data oversight and laboratory correspondence.
- Kaikōura landfill leachate sampling for RC conditions and sourcing all previous historical results.

8. HEALTH ACT 1956

Health Act Inspection due to start end of November 2023.

9. REGULATORY SERVICES AND PARKING AND FREEDOM CAMPING

- Freedom Camping Surveys ongoing
- Current Freedom Camping Ambassador contracts finish end of September
- Expressions of interest are being invited for an independent contract for freedom camping enforcement as an alternative to the previous casually employed Ambassadors. This alternative approach is being taken because the previous focus on education rather than enforcement has not been very effective in terms of achieving compliance.
- Application to MBIE for round 2 of Freedom Camping fund has been sent – decision September

- Parking monitoring in West End and township, ongoing
- Grease trap monitoring started (Trade Waste Bylaw compliance)
- 43 un-registered dogs, will now be infringed \$300
- Media campaign to start around swimming pool and hot tub responsibilities
- New parking machines arrive 13th September, 2 x West End and 1 x South Bay
- Christchurch City Animal Control kindly came to Kaikōura to train regulatory team on Animal Management our responsibilities and legislation requirements

10. REGULATORY MONITORING SCHEDULES JUNE-JULY 2023

Area	Checked last month
Playgrounds	
• Gooches	4
• Deal St	4
• Beach Rd	4
• South Bay	
Airport	8
Memorial Hall	4
Op shop	1
Dog Pound	4
Illegal building	6
Resource Consent issues/monitoring	4

11. COMMUNITY OUTCOMES SUPPORTED

The work is in support of all/the following community outcomes.



Development
We promote and support the development of our economy



Environment
We value and protect our environment



Future
We work with our community and our partners to create a better place for future generations