

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

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

IN ATTENDANCE: P Kearney (Acting Chief Executive Officer), D Clibbery (Senior Manager Operations), B Makin (Executive Officer-Minutes)

1. KARAKIA

2. APOLOGIES Nil

3. DECLARATIONS OF INTEREST Nil

4. PUBLIC FORUM

9.05am C Doughty & L Field

C Doughty and L Field's submissions were on behalf of the Dark Sky Trust. They were in support of the changes and the Officer's recommendation around the illumination of signs and commented that the definition 'shield' should replace 'hood'. L Field demonstrated horizontal shielding firstly showing a transparent glass installed below the light that distributed the light upwards, then demonstrated a full shield where the light is aimed downward. The speaker suggested that illumination is defined at the distance the brightness is measured.

9.12am R Hogan

R Hogan was in support of the draft Bylaw; however he did not agree with the change from 'two lux to the boundary' to 'three lux inside the property'. R Hogan agreed with L Field's demonstration on shielding and T Howards submission. He supports full shielding and horizontal shielding. The speaker commented that illumination should be excluded from amnesty and the word 'opaque' should be defined if it is going to be in legislation. Included in the submission are recommended track changes to the clauses Approved Signs and Signs Granted Amnesty.

9.28am T Howard

T Howard suggested an addition to the clause General Obligations to keep any lighting to a minimum necessary, and to avoid any light going directly to the sky; to minimise impacts on wildlife and on the general darkness of the night sky as observed by people.

J Boyd did not speak to his submission.

5. FORMAL DEPUTATIONS Nil

6. ADJOURN TO WORKS & SERVICES COMMITTEE MEETING

The meeting adjourned to the Works & Services Committee meeting at 9.30 am.

The meeting was reconvened at 10.00 am.

7. MINUTES TO BE CONFIRMED

7.1 Council meeting minutes dated 25 October 2023

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council meeting held on 25 October 2023, subject to the following amendments:*
 - *The KWZC is ~~looking to fund~~ are looking for funding for water tanks; and*
 - *Remove P Kearney from the 'in attendance'.*

Moved: Deputy Mayor J Howden

Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

7.2 Extraordinary Council meeting minutes dated 31 October 2023

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of an Extraordinary Council meeting held on 31 October 2023.*

Moved: Councillor L Bond

Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

7.3 Extraordinary Council meeting minutes dated 08 November 2023

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of an Extraordinary Council meeting held on 08 November 2023.*

Moved: Deputy Mayor J Howden

Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

8. REVIEW OF ACTION LIST

The Action List was reviewed and noted by the Council.

- Councillor K Heays updated that he has declined a separate role with KDC around harbour enforcement.

9. MATTERS OF IMPORTANCE TO BE RAISED AS URGENT BUSINESS

Kevin raised an item to be discussed in the public excluded session. The item was regarding Ocean Ridge financials and is commercially sensitive.

10. MATTERS FOR DECISION

10.1 Proposed Adoption of Signs Bylaw 2023

D Clibbery walked the Council through the Officer's comments on pages 22-24 of the Agenda, noting that the submissions had been grouped into themes. He commented that:

- 8 submitters were in support of the prohibition of off-site signs.
- It is intended that the control of the lighting of signs to prevent light spills is dealt with under the District Plan. The private plan change will be consulted on and there will be another opportunity for the public to provide feedback.
- Illuminated signs are in the category that can apply for amnesty, public forum speaker R Hogan commented this should not be the case. D Clibbery clarified that illuminated signs will not get amnesty through the private plan change and should be dealt with through that process.

- One submitter suggested that sandwich board signs should be permitted to be placed close to the building frontage (currently they are only permitted to be placed alongside the kerb). D Clibbery asked the Council for their guidance. A discussion was held around the requirement for 2m access, that some businesses have tables, chairs, and clothes against the buildings. It was agreed to remain status quo and the Council could revisit when the Bylaw is reviewed in 2024 when the lighting private plan changes come into effect.
- It was clarified that it is not practical to include the technical definitions as they are difficult to understand and enforce.
- Clarified that the lighting to be three lux inside the property is relevant to residential properties. Councillor J Diver commented that commercial properties are two lux to the boundary of the property. There was a discussion around taking away people's right to light up their property. The new Bylaw increases the lux from two to three, which allows more light on properties. This will go out for public consultation as part of the plan change.

RESOLUTION

- That the report be received, and;*
- Council adopts and makes the Kaikōura District Signs Bylaw 2023 as per the attached amended consultation draft, subject to any further amendments that Council may approve following the hearing of submissions. The new bylaw shall have effect from 10 December 2023; and*
- The illumination of signs should in future (and once adopted) be managed through Council's District Plan rather than through this bylaw, and that provisions regarding the lighting of signs should be incorporated into the private plan change for lighting that is currently being prepared by the Kaikōura Dark Sky Trust.*

Moved: Councillor R Roche
 Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

The meeting adjourned at 10.32 am and reconvened at 10.54 am. Councillor R Roche left the meeting at 10.55 am.

10.2 Proposed Extension of Lease Area – Kaikoura Springs LTD Wellness & Hot pools Development

It was noted that the purpose of the recommendation is to go out for public consultation.

RESOLUTION

THAT the Council:

- Receives this report.*
- Notes the comprehensive statutory process that was conducted for granting the original concession lease.*
- Provides any feedback on the analysis of options.*
- Agrees that the request for additional lease area is publicly notified using the Statement of Proposal so that community views are sought on any proposed changes.*
- Notes that the extended period for consultation is from 1st December 2023 to 22nd January 2024 to ensure that at least one full calendar month after first public notification and taking into account the statutory stand down period.*
- Agrees that the Council shall consider the recommendations and all submissions before deciding whether or not to proceed with the proposal.*
- Notes that several other items such as lease commencement date and payments and additional lease fees will also need to be agreed before any final decision on the proposal is made.*

Moved: Councillor T Blunt
 Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

11. MATTERS FOR INFORMATION

11.1 Mayoral Verbal Update

Mayor C Mackle advised that there are 28 apprenticeships through the Mayoral Taskforce for Jobs (MTFJ). He welcomed a cruise ship this month and attended the Mayoral Forum. A highlight was the presentation from the Chancellor from the University of Canterbury.

11.2 Elected Member Verbal Updates

Deputy Mayor J Howden and Councillor V Gulleford attended the LGNZ conference and Rural & Provincial meeting. The Office of the Auditor General spoke about audit having an increased focus on the Long Term Plan consultation document and community participation.

Councillor V Gulleford

The District Licensing Committee has processed 17 applications since the last meeting.

Councillor R Roche and Council Officers attended a hui at Mangamaunu with the Māori Land Court and affected parties from 2014 relating to three blocks on Station Road.

Councillor L Bond

Creative Communities are meeting next week, details of the prior meeting are included in the Community Services Update Report.

The OpShop presented a cheque to the Takahanga Sports for \$125k and are in discussion with another party around fundraising.

The Mayfair Theatre held its Annual General Meeting (AGM) on Monday 27th November.

Councillor J Diver

Councillor J Diver has been involved with the discussions for the future of the drift track, as discussed in the Works & Services Committee meeting. He also attended emergency response committee meetings.

Deputy Mayor J Howden

Destination Kaikoura's public layout of the i-site building is underway for the lessee. An information centre will be available over the summer for 7 days a weeks (from this Friday) 10.00am-5.00pm.

Deputy Mayor J Howden has been registered to vote on behalf at LGNZ's special meeting on 15th December and asked elected members to pass on as to whether they approve or not.

Councillor K Heays

Noted discussion in the community around the formation of the new Government, and compliments to Officers on work being achieved.

Councillor T Blunt

Councillor T Blunt attended the Pick a Path Summit hosted by Environment Canterbury. He commented there was good youth representation.

The meeting moved to item 11.7 Kaikoura Youth Council Update Report.

11.7 Kaikōura Youth Council Update Report

The youth are fundraising for their youth party, they are running an event on 16th December to support the OpShop, 4 members of the Youth Council attended the Pick a Path Summit and there are approximately 10 people on the Youth Council. Results of the youth survey are included in the Agenda.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor V Gulleford
Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

11.3 CEO Monthly Report

The Acting Chief Executive welcomed Freya Jackson, the new Policy Planner. It was clarified that the operating expenses include \$600k of depreciation. The council thanked Nigel Bryant for his work as the Council's Emergency Management Officer.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor L Bond
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

11.4 Community Services Update Report

A discussion was held around the emergency management budget. It was clarified that the budget per annum is \$58 and that includes the wages of the Emergency Management Officer. Senior Management are looking at factoring options into the Long Term Plan to potentially increase the budget as there are currently no reserves for emergency management.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt
Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

11.5 Planning Update Report

Council Officers M Hoggard and F Jackson joined the table to answer any questions from elected members. The Council will continue with the work for a Spatial Plan for the Kaikōura District, under the new Government the regional spatial plan is being repealed. M Hoggard indicated that the plan change for the Kaikoura Business Park may not require a hearing. Environment Canterbury has indicated holding a further workshop with the Council in 2024 around the Regional Policy Statement. M Hoggard clarified that staff do not record the time it takes to process resource consents, noting that the statutory processing clock (working days) starts on receipt of payment.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt
Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

11.6 Building & Regulatory Update Report

Council Officer J York joined the table to answer any questions from the elected members. J York advised that processes have been improved and the Council is in a good position where they can infringe. There are 11 illegal building investigations and 6 resource consents being investigated. The focus for 2024 will be on swimming pool compliance, signs and visitor accommodation. G Husband is currently monitoring resource consents on visitor accommodation.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt
Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

11.8 LGNZ Four-Monthly Report

A discussion was held around LGNZ's special meeting and there was some unknown around what the statutory mandate on the Treaty means for councils.

A comment was made that Mayor C Mackle was recognised for partnering with Iwi.

RESOLUTION

THAT the Council receives this report for information and provides feedback to the Chief Executive.

Moved: Councillor K Heays
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

The meeting adjourned at 12.00 noon and reconvened at 12.32 pm. Councillor R Roche re-joined the meeting at 12.32 pm.

12. RESOLUTION TO MOVE INTO COUNCIL PUBLIC EXCLUDED SESSION

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

- a) Public excluded council meeting minutes dated 25 October 2023
- b) Waiau Toa/Clarence Access Project Strategy
- c) Proposed Sale of Road Reserve
- d) 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 25 October 2023	The minutes are being tabled for confirmation and include commercially sensitive information on insurance premiums, harbour financial matters, road maintenance contract and information on natural persons in report from the Chair of Finance, Audit & Risk.	Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section (7)(2)(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)
Waiau Toa/Clarence Access Project Strategy	The public are excluded as the report contains details around the legal process that the Council is involved in around the resource consent/construction of the bridge.	Section 7(2)(g) maintain legal professional privilege
Proposed Sale of Road Reserve	The public are excluded as the report contains details of the acquisition of road reserve land that is subject to negotiation.	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)
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Moved: Councillor R Roche
 Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

The meeting moved into the Public Excluded Session at 12.32 pm.
 The meeting moved out of the Public Excluded Session at 2.00 pm.

13. CLOSED OF MEETING

There being no further business, the meeting was declared closed at 2.00 pm.

CONFIRMED  Chairperson

Date 1 February 2024

THIS RECORD WILL BE HELD IN ELECTRONIC FORM ONLY

**ACTIONS FROM COUNCIL MEETINGS
AS AT 25 JANUARY 2024**

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
1	<i>Carried Forward from previous Council:</i> Progress Reports: KORl, Kaikōura Cycling Club, Kaikōura Dark Sky Trust, Kaikōura Red Cross Branch		February 2024 April 2024 July 2024	Tabled to October Meeting. Council staff to work with organisations to check if completed.
2	<i>Quarterly Progress Reports from 1-Jul</i> Te Ha, Sports Tasman, Kaikōura Squash Club, Kaikōura Bowling Club, A&P Association, Museum, Dark Sky Trust, Youth Council, Kaikōura Red Cross Branch		February 2024 April 2024 July 2024	Tabled to October Meeting
3	Three hard copies of the rehoused District Plan were requested for elected members.	M Hoggard	-	Waiting for printed copies to arrive.
4	Investigate joint harbour role – KDC/ECAN	W Doughty	Ongoing	Meeting with ECAN 02/02/2024 re Navigation Safety Contract
5	Arrange meeting with Local MP Office once New Government established – discuss Māori Wards, Freedom Camping funding, Audit costs	W Doughty / B Makin	Arranged for early 2024	Meeting scheduled for 23/02/2024

COMPLETED ITEMS

	ACTION ITEMS	ASSIGNED TO	DUE	STATUS
	Signs Bylaw Review	D Clibbery	-	Completed – Adopted.
	Advice on changing differentials not included in public consultation documentation	P Kearney / S Poulsen	December	Discussed with P Jones. Close out as an action this will be part of the public consultation.