

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL EXTRAORDINARY MEETING
TO HEAR AND DELIBERATE SUBMISSIONS ON THE ESPLANADE RECREATION
RESERVE MANAGEMENT PLAN, HELD ON WEDNESDAY 11 DECEMBER 2024,
9.00AM, TOTARA, 96 WEST END, KAIKŌURA**

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

IN ATTENDANCE: W Doughty (Chief Executive), P Kearney (Senior Manager Corporate Services), Matt Hoggard (Strategy, Policy & District Plan Manager), Zach Burns (Planner), Becky Makin (Executive Officer – Minutes)

1. KARAKIA

2. APOLOGIES

Apologies were received from Councillor K Heays.

Moved: Mayor C Mackle

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

Councillor T Blunt joined the meeting at 9.02 am.

3. DECLARATIONS OF INTEREST

4. Overview of numbers of submissions

Introduced Josh Marshall from Gascoigne Wick to answer questions from elected members regarding the legal process.

Council staff ran through the report and highlighted that reserve management plans (RMP) are to be future focussed to enhance the current use of the reserve. The drafting of an RMP does not remove the Council's legal obligation to follow resource consent processes. A number of submissions and feedback sessions have been held with the community from September 2024 to date, including letter drops and Facebook updates.

5. SUBMITTERS TO BE HEARD

9:10am John Gibson – submission #15

John Gibson read his submission that was on page 34 of the agenda. The issues he raised were:

- Parking outside of his property and lack of parking on the Esplanade.
- The height of buildings over 5.5 on the seafront.
- The draft RMP does not mention the effects on residents and does not define natural hazards.
- He does not agree with reducing the size of the children's playground and feels the reserve should be for family enjoyment. He was supportive of demolishing the old pool site and enhancing the area but against any more food carts or alcohol outlets.

9:20am Gerald Nolan – submission #31

Gerald Nolan spoke about the Kaikoura Springs development at the site which is null and void. He commented that the public notice wording around there being possible future development of the site should not have been included. The concerns he raised were:

- The wording implies that the reserve will be dominated by a commercial development (70%). He assumes if the draft RMP is adopted in its current form then the Kaikoura Springs will put in an application for their development. Gerald commented that the developer previously proposed a two-story building, reducing the playground area and no off-street parking and that Section 3.2 should be amended stating clearly that 70% of the reserve is retained for open space use. He commented that 70% open space would rule out a large commercial development on that site.
- He is not opposed to some commercial development, but this is the wrong location for a substantial development such as Hot Pools. He encouraged the Council to work with the developers to find another site.

9:30am Ailsa McGilvary Howard – submission #26

Ailsa McGilvary believes that Hot Pools will create a space of spiritual recovery (soft tourism) but did not feel the Esplanade reserve is the best place for it and would set a precedent of commercial development on recreation reserves. She commented that:

- Any commercial development on that site would lose Kaikōura uniqueness.
- Gooches beach has four pairs of nesting Banded Dotterels due to the nutrients there and any development needs to be considerate of that.
- Locals may no longer be able to afford to live in Kaikoura if development and tourism requires more infrastructure.

9.43am Mel Skinner – submission #35

Mel Skinner spoke in support of the draft RMP. She agreed that there should be flexibility for open space, for private businesses to use the space and for the tamariki. Mel commented that the Council cannot continue to rely on ratepayer funding and an all-year round economy can only be achieved through development. The Council would need to ensure there is a good return on investment for businesses and keep in mind that there are potential opportunities for the future.

9.46am David Tee (via MS Teams – Video Link Provided) – submission #39

David Tee commented that the Council should be protecting certain areas for development. The concerns he raised were:

- He commented that the plan should be based on facts, he felt it doesn't have a ring of truth and that the process has been rushed.
- He was concerned that only 30% will be left for open spaces and the draft RMP allows the majority of space to be used for commercial use.
- The overall size of the pool site was not correct by his calculations (as per his submission).
- Allowing a commercial development would compromise losing an endangered species (Banded Dotterel's), the lighting would be in the flight path of the Hutton Shearwaters.
- The coastal policy statement, enhancing and maintaining open spaces should have been considered in the draft RMP.
- He was also concerned around the height of buildings along the seafront and the infrastructure that is needed to support it in a coastal erosion area.

9.59am Sandra Murphy (via MS Teams – video link Provided) – submission #30

Sandra Murphy commented that the physical wellbeing and protection of natural environment, with the enhancement of open spaces is important. She raised that:

- The area is rural zoned in the district plan and should be left in a natural state for families and visitors to use.
- She does not support the mixed use of the reserve and felt that the land should be left untouched for recreational use and not should not be commercialised, with large buildings on the foreshore.

5. SUBMITTERS WHO CHOSE NOT TO SPEAK

The submitters who chose not to speak were noted.

The Hearings closed at 10.15am.

The meeting adjourned at 10.15am and reconvened at 10.34am.

6. DELIBERATIONS

The key themes to deliberate on were summarised:

- Support for enhanced use of the reserve.
- Consideration for future possible development on the site.
- Percentages for open space and other use.

The elected members asked questions for clarification to Council staff, and Josh Marshall from Gascoigne Wick regarding the legal process. The following was clarified:

- The Reserves Act does allow for commercial operation in a recreational reserve under legislation; it has provisions for leasing reserves and controls on those leases which are commercial arrangements.
- If a lease was entered into, the lease would need to provide for admission charges to be accepted by the Minister, and this is delegated to the Council.
- There is no reference to amenity value under the Reserves Act. The purpose of reserves is in ~~definition 17~~ **section 17** (amendment as per Resolution 18 December 2024) that sets out the purposes and values to be adhered to.
- Council staff clarified the swimming pool area advising that the information came from the LocalMaps (GIS system), includes the land to the left that is part of the reserve and not only the swimming pool itself. Council staff ran through approximate figures of the area and would amend the map to show the percentages:
 - The triangle is approx. 15% of the area.
 - Pool area = approx. 32%
 - BBQ & Toilet = approx. 8.6%
 - Existing playground that includes the hedge and past the hedge (as the reserve extends beyond the hedge) = approx. 43.6%
- Under the Resource Management Act (RMA) the Council has a responsibility on surrounding amenity values. Regarding the draft RMP the Council's goals are for the reserve and the focus should be on the reserve rather than the surrounding properties. ~~Issue us~~ **Issues** (amendment as per Resolution 18 December 2024) such as Environmental effects and Cultural/archaeological would be fully considered under the RMA process. The courts case law says that property values are not to be considered directly in an RMA process.
- The law isn't entirely clear on whether the Council can consider detrimental effects on amenity values. It could be considered but not given a large amount of weight as the RMA process goes through that. There is no design document to base it on in the draft RMP.
- Open space is not a defined term, interpretations would include the playground as part of the open space. The wording as proposed still comes down to discretion.
- The draft RMP allows for numerous other use proposals and is not limited to one other use activity. The Council could say no to a proposal even if it meets the minimum requirements of the RMP. Once the RMP is made, Councils need to give effect to the plan which means to look at the requirements, minimum policies and then make a discretion decision. The purpose of the ~~RMA~~ **RMP** (amendment as per Resolution 18 December 2024) is to guide those decisions.
- Planners were asked to provide a document that allows for the enhancement of use, opening up recreation use and providing flexibility for broad development in that area.
- If the draft RMP was silent about commercial activity then this would include things such as fee paying surfing competitions. If the plan specifically prevents commercial activities then they could not go ahead. Temporary commercial activities would need to be defined if the Council went down that route.

- Council has a general obligation to continually review the draft RMP. They could include a trigger or a timeframe.

Enhanced use and supporting development

Councillor J Diver's preference was to remove permanent commercial activities. He advised that although Councillor K Heays could not be here today, he would also prefer this.

The general consensus from the remaining elected members were they are comfortable with allowing for enhanced use but not the percentages of open space and commercial activities.

Elected members were clear in their deliberations that the discussions were regarding future use of the reserve as a whole and were not relating to any one specific activity e.g. hotpools.

Percentages of open space and commercial activities

The Council discussed their views on the open space that should be allocated:

- Councillor J Diver would like to see 20% for temporary commercial development and no permanent commercial development. He believes the reserve should be as open as possible.
- Councillor V Gulleford, Councillor L Bond and Deputy Mayor J Howden would be comfortable with a proposal of no less than 40% open space.
- Councillor R Roche was comfortable with the discussion and the submissions and a proposal of no less than 40% open space.
- Councillor T Blunt would prefer a maximum commercial area to be smaller than 60% and would be in favour of it being temporary and not permanent.

7. CLOSE MEETING

There being no further business, the meeting closed at 11.57 am.

Moved: Mayor C Mackle
Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

Chairperson _____ Signed by

_____19/12/2024_____ Date