

**MINUTES OF THE KAIKŌURA DISTRICT COUNCIL MEETING HELD AT ON
WEDNESDAY 29 MAY 2024 AT 9.00 AM, TOTARA, COUNCIL CHAMBERS,
96 WEST END, KAIKŌURA**

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

IN ATTENDANCE: W Doughty (Chief Executive Officer), P Kearney (Senior Manager Corporate Services), D Clibbery (Senior Manager Operations), S Poulsen (Finance Manager), B Makin (Executive Officer-Minutes)

1. KARAKIA

2. APOLOGIES Nil

3. DECLARATIONS OF INTEREST

Under Item 10.3 PC4 Industrial Plan Change Decision, Councillor V Gulleford and Councillor J Diver declared non-financial conflicts of interest relating to their duty as Commissioners.

4. PUBLIC FORUM

9.01am Dr P Harrison and Dr A Judd – Kaikōura Healthcare

The public forum speakers tabled a presentation on the benefits of water fluoridation (statistics included from 2015). It is highly likely that the statistics have increased due to poor diets and sugary sweets. Fluoride in water helps strengthen the tooth surface and prevent tooth decay. Researchers have looked at ways to increase fluoride intake for children, such as including in milk or toothpaste. However, the most cost-effective option would be to include fluoride in the water supply. There is no evidence at this point in time that the new Government would mandate water fluoridation through their three-waters plan.

9.12am G Scott

G Scott raised his concerns of the felling of pine trees, particularly those at the Racecourse, Kowhai and now the logging of the South Bay forestry. He asked the Council not to proceed with the felling of the South Bay forestry. G Scott commented that any replanting would be difficult as its sandy terrain and noted that in his opinion the Council has not yet made the public aware that the trees are being removed.

9.16am M Paul

M Paul raised his concern that his side-agreement with the industrial park developer would not be honored as some of the terms in that agreement have already been broken (boundary planting not started as per timeframe, and no planting on water easement - which had been damaged). M Paul withdrew his submission to the plan change as part of his side agreement with the developer and would like the developer to be made accountable for the agreed setback of 60metres and buildings height of 8metres (in the first row from the setback). He asked the Council to consider leaving the 60metre setback as rural zone to protect the landowners. A copy of the existing water easement was requested.

9.29am D Hopkins

D Hopkins raised his concern that the industrial park developer would not meet the remaining terms of their side-agreement. He commented that it took four years for power to be supplied to his boundary which was included in their Sale & Purchase Agreement. D Hopkins also asked the Council to consider leaving the 60metre setback as rural zone noting that this was included in the 42A report written by Council's consultant Melanie Foote.

9.35am E Hopkins

E Hopkins raised her concern that the side-agreement doesn't provide protection to the landowners and that a covenant would not be sufficient. E Hopkins and D Hopkins purchased the land in good faith with the understanding that only a truck stop would be put on the corner. D Hopkins clarified that the water easement is part of their title and has been damaged/turned off on numerous occasions.

9.42am P Barrillas

P Barrillas raised her concern that the Mt Fyffe track had been considerably widened and queried if the known nationally endangered species of Gecko (Rough Gecko - Naultinus Rudis) in that area were relocated prior to the work and why DOC couldn't leave that area untouched. Also in the area was the Powelliphanta snail. The last Rough Gecko sighting was 18 years ago until two were recorded in the last 8 months at the location where the track was widened, between 200-250metres up the track from Mt Fyffe car park. It was clarified that the Council doesn't have a strong say on Crown land, but would write to DOC and ask if relocation practices were followed (**ACTION**).

5. FORMAL DEPUTATIONS Nil

6. ADJOURN TO WORKS & SERVICES COMMITTEE MEETING

The meeting adjourned to the Works & Services Committee meeting at 10.00am.
The meeting was reconvened at 10.17am.

7. MINUTES TO BE CONFIRMED

7.1 Council meeting minutes dated 24 April 2024

RESOLUTION

THAT the Council:

- *Confirms as a true and correct record, the circulated minutes of a Council meeting held on 24 April 2024.*

Moved: Councillor L Bond
Seconded: Councillor K Heays

CARRIED UNANIMOUSLY

8. REVIEW OF ACTION LIST

The Action List was reviewed and noted.

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

10. MATTERS FOR DECISION

10.1 Wakatu Quay Detailed Design Approval

C Sturgeon, Project Lead and W Walker, Project Manager joined the table. No major changes have been made since presented to the Council at the open workshop on 8th May. Consideration was given to include glass windows in the two wings of the buildings however the design team agreed to extend the length of the front windows as the wings provide wind protection. Alterations were made to the building to increase visibility from those windows.

The tenancy process is ongoing, and the team have engaged with Harcourts who have interested parties in Blenheim and Christchurch. Feedback from the interested parties are they would like to see the building work start before committing.

RESOLUTION

That the Council:

1. *Receives this report.*
2. *Approves the completion of detailed design for the hospitality building on Wakatu Quay.*

3. Approves the completion of detailed design for the onsite civil works for the Wakatu Quay site.
4. Approves the completion of detailed design for the landscape design on Wakatu Quay site.
5. Notes that detailed design for roading and parking will be subsequently presented to Council in June.
6. Notes that construction contracts will be presented to Council for approval before the commencement of onsite construction.

Moved: Councillor R Roche
Seconded: Deputy Mayor J Howden

Against: Councillor T Blunt

CARRIED

The meeting adjourned at 10.26am and reconvened at 10.51am.

10.2 Unformed Road Management Guidelines

D Clibbery highlighted an amendment on page 48 Section 5.3d where the date should be '1 April 2024' instead of '26 March 2024'. A duplication was queried on page 47 Section Non-Habitable Buildings paragraph c. A discussion was held around cattle stops and noting there is legislation relating specifically to them. Council staff would look to include a provision around where a property requests a cattle stop, that the property owners are to undertake the maintenance of it.

RESOLUTION

That the Council:

- 1) Receives this report.
- 2) Adopt the attached guidelines for Management of Unformed Legal Roads, subject to any amendments desired by Council.

Moved: Councillor T Blunt
Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

10.3 PC4 Industrial Plan Change Decision

Councillor V Gulleford and Councillor J Diver declared non-financial conflicts of interest relating to their duty as Commissioners.

Andrew Schulte, the Council's external solicitor who specialises in the Resource Management Act (RMA), joined the meeting by MS Teams.

M Hoggard highlighted an error on page 56 Section 3 of the report where the date should be '28th of September 2023' and not '2024'.

A lengthy discussion was held around the public forum speakers and the implications of them withdrawing their submission under the Resource Management Act (RMA) process. Council Officer and legal advice given was that unfortunately as their submissions were withdrawn and they entered into a side-agreement with the developer this placed them outside of the RMA process. The Commissioners found in their decision that the side agreement would be enabled through a legal covenant on the land and therefore the side agreement had a mechanism for actioning and as a result there was no need for the commission to take the side agreement into further consideration. It was also noted by the legal advice that, the side-agreement does not bind the Council or the hearing panel and cannot influence the plan change.

It was noted that the Council has no role in relation to the side agreement and has no legal right to enforce the agreement. The property owners should take up legal advice in terms of any enforcement of the side agreement and easement rights.

It was clarified that the applicant had agreed from the outset to be Dark Sky compliant in terms of lighting for the industrial park.

RESOLUTION

That the Council:

- 1) *Receives this report.*
- 2) *Approves Plan Change 4 (Kaikōura Business Park) pursuant to Clause 17(1) Schedule 1 of the Resource Management Act 1991.*
- 3) *Agrees, provided no appeals are received, that pursuant to Clause 17(3) Schedule 1 of the Resource Management Act 1991 that Council affix the seal of the Kaikōura District Council on 1st August 2024, the date at which the Plan Change becomes operative.*

Moved: Deputy Mayor J Howden

Seconded: Councillor J Diver

Abstained: Councillor J Diver, Councillor V Gulleford, Councillor R Roche

CARRIED

The Planning Team were acknowledged for their work on the Plan Change 4 process.

The meeting moved to Item 11.11 Kaikōura Youth Council Update Report.

11.11 Kaikōura Youth Council Update Report

Ben and Elbie joined the meeting. The Youth Council Declaration from the conference was tabled.

The Youth Council thanked the Māori Wardens, KDC's events coordinator S Wright, and TeHa staff for their help with the events.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt

Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

The meeting moved back to item 10.4 Naming of Kaikōura Community Courts.

10.4 Naming of Kaikōura Community Courts

P Kearney, J Prentice, S Haberstock & S Wright joined the table. It was noted that stakeholder user groups have been informed throughout the process. Cost options are challenging as local contractors were unwilling to quote for works unless it was a single level and would not provide a price for a split level, despite the Council Officer's requests. The out-of-town contractor only priced for a split-level. It was noted that the Runanga had previously supported a single level.

A letter of understanding between the clubs and the Council has been signed by the Netball and Tennis Clubs. It was noted that a User Agreement needs to be finalised and discussions around having a prioritised tennis court, as the club gave up user rights with the agreement for a split-level.

It was noted that the funding is available until November 2024, and that any resolution to utilise the facilities reserves fund would have a significant impact on the LTP as it is currently not provided for.

RESOLUTION

That the Council:

1) Receives this report

2) Approves either option 1, 2, 3 or 4 as follows:

Option 1 (Recommended): Approve a single level redevelopment utilising existing funding as well as pursuing further funding, approximately \$150,000 (no guarantee of extra funding).

Option 2: Continue a split-level court site and pursue more funding options, approximately \$450,000, delaying the start (no guarantee of extra funding).

Option 3: Council chooses either a single level or split level and decides to fund any financial shortfall through the facilities reserve fund.

Option 4: Council chooses to spend only the current funds available and only basic remediation works will be undertaken, as funding allows.

3) Approves naming option 1, 2 or 3 as follows:

Option 1 (Recommended): The Council agrees to the proposed name 'Main Power Multisport Courts'.

Option 2: The Council agrees to the proposed name 'Main Power Courts'.

Option 3: The Council agrees to the proposed name 'Main Power Takahanga Multisport Courts'.

Moved: Councillor R Roche

Seconded: Deputy Mayor J Howden

MOTION LOST

RESOLUTION

That the Council:

1) Receives this report

Moved: Councillor R Roche

Seconded: Deputy Mayor J Howden

CARRIED UNANIMOUSLY

The options under for the split or single level was voted on by show of hands:

Option 1 = Mayor C Mackle, Deputy Mayor J Howden, Councillor K Heays, Councillor T Blunt, Councillor V Gulleford, Councillor R Roche, Councillor L Bond

Option 2 = Councillor J Diver

Option 3 = Nil

Option 4 = Nil

An amendment was put forward.

AMENDED RESOLUTION

Option 1 (Recommended): Approve a single level redevelopment utilising existing funding as well as pursuing further funding, approximately \$150,000 (no guarantee of extra funding).

Noting the alteration to the previous resolution and importance of developing a user agreement that sticks to the principles of having a one dedicated tennis court available on a single level.

Moved: Mayor Craig Mackle

Seconded: Councillor R Roche

Against: Councillor J Diver

CARRIED

The options for the proposed name of the courts was voted on by show of hands:

Option 1 = Councillor J Diver

Option 2 = Nil

Option 3 = Deputy Mayor J Howden, Councillor V Gulleford, Councillor R Roche, Councillor L Bond

New proposed option 4 'Takahanga Main Power Multisport Courts' = Mayor C Mackle, Councillor K Heays, Councillor T Blunt

An amendment was put forward.

AMENDED RESOLUTION

Approves naming option 3 Main Power Takahanga Multisport Courts subject to approval from the Runanga.

Moved: Councillor T Blunt

Seconded: Councillor R Roche

Against: Councillor J Diver

CARRIED

The meeting adjourned at 12.45pm and reconvened at 1.21pm.

11. MATTERS FOR INFORMATION

11.1 Mayoral Verbal Update

The LTP hearings and deliberations were held mid-May. The Mayor and Chief Executive Officer are attending the Mayoral Forum later this week.

Councillor R Roche re-joined the meeting at 1.22pm.

Mayor C Mackle attended Fight Night where three locals were victorious. He acknowledged the B Kennedy for the Adventure Race and read out the thank you card noting that \$34k was donated to various community groups.

11.2 Elected Member Verbal Updates

Councillor T Blunt

Councillor T Blunt attended the Farmer Blokes night at Donegal House. He will be attending the Marlborough Forestry Annual General Meeting in the afternoon on 5th June and put in his apologies for the second half of the workshop.

Councillor K Heays

Councillor K Heays advised that Heath Melville has left ECan. He has followed up with IWK on how to incorporate environmental aspects into their paperwork and conversations were positive. Councillor K Heays also attended Fight Night and the Westpac Fundraising Quiz night.

Deputy Mayor J Howden

Deputy Mayor J Howden helped on the door at the Fight Night community event. Ngai Tahu are holding their annual hui at the end of November with approximately 1500 people. P Kearney is the main contact at KDC regarding logistics.

Councillor J Diver

Councillor J Diver is attending the Community Participation Act training.

Councillor L Bond

Councillor L Bond is attending the monthly meeting with Mayfair tonight. An event was held at the Takahanga Bowling Club with the OpShop volunteers. Previous funding received by Destination Kaikōura to support events such as the Adventure Race, Whale Run and Mountain to the Sea events runs out end of June 2024 and will no longer receive funding.

Councillor R Roche

Councillor R Roche raised his concern of the cost of living effects on the community and noted there is a gap in alcohol and drug services in the community. He is working with Te Ha to bring driving unit standards in-house. The Kaikōura Water Zone Committee are meeting on Friday. It was suggested that KDC circulate the board member advertisement for IWK to Aotearoa Zero Waste Group.

Councillor V Gulleford

The District Licensing Committee have processed 4 manager renewals and 2 special licenses during the month. Councillor V Gulleford is also attending the Community Participation Act training.

RESOLUTION

THAT the Council receives the verbal updates for information.

Moved: Mayor C Mackle
Seconded: Councillor R Roche

CARRIED UNANIMOUSLY

11.3 CEO Monthly Report

G McMillan and C Morris-Oswald were acknowledged for covering the Executive Office whilst on annual leave. G McHerron has been employed as the replacement customer services/finance officer and starts on 10th June.

Regarding the public forum speakers, the Chief Executive will follow up the environmental issues with DOC at the next quarterly management meeting (**ACTION**) and look into the government's plans for fluoridation with Local Water Done Well (**ACTION**). It was clarified that any decision around fluoridation would be through an annual plan process and require more information and community feedback.

A draft communications plan is in place for the South Bay Forestry and comms will commence in the next 2-3 weeks, this will be circulated to elected members.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor L Bond
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

11.4 Better Off Funding Programme Update

The Council queried if the DIA would consider re-allocating the funding to the Kowhai Flood Assessment which was another water project on the list (**ACTION**).

RESOLUTION

That the Council:

- 1) *Receives this report for information.*
- 2) *Notes the potential to redirect \$60,000 from the Better Off Funding for water related outcomes under the Local Water Done Well reform initiative depending on discussions with the Department of Internal Affairs (DIA).*
- 3) *Notes that the remaining balance of \$112,500 of transition support funding is likely be allocated by the DIA for the Local Water Done Well reform initiative.*

Moved: Councillor T Blunt
Seconded: Councillor L Bond

MOTION LOST

An amended motion was put forward.

AMENDED RESOLUTION

That the Council:

- 1) *Receives this report for information.*
- 2) *Notes the potential to redirect \$60,000 from the Better Off Funding for water related outcomes under the Local Water Done Well reform initiative depending on discussions with the Department of Internal Affairs (DIA). Notes Council's preference to redirect any surplus funding to the Kowhai Flood Protection Works.*
- 3) *Notes that the remaining balance of \$112,500 of transition support funding is likely be allocated by the DIA for the Local Water Done Well reform initiative.*

Moved: Councillor R Roche
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

11.5 Draft LTP Fees and charges update

It was noted that the new proposed fee for 'District Plan Change – Alteration of designation – non notified' is lower than the old fee, whereas all other fees have increased. Council staff would check this is correct (**ACTION**).

RESOLUTION

That the Council receives this report for information.

Moved: Deputy Mayor J Howden
Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

11.6 April Monthly Finance Report

The Chief Executive acknowledged the work across teams on getting the rates database up to date.

RESOLUTION

That the Council receives this report for information.

Moved: Councillor T Blunt
Seconded: Councillor L Bond

CARRIED UNANIMOUSLY

11.7 Reserve Management Plan Process

The Planning Team aims to complete at least two reserve management plans by Christmas 2024, noting that the timeframes are indicative. Consultants have advised that the development of one reserve management plan could take three months to develop, while another consultant advised between 12-18 months. The top five reserve management plans being prioritised (in no particular order) are Esplanade Reserve, South Bay Racecourse/Domain, Takahanga Domain, South Bay/ Ocean Ridge Forest and Top10 Holiday Park. It was requested that the team look at the allowance of signs in Takahanga Reserve as part of the process.

RESOLUTION

- 1) *Receives this report*
- 2) *Notes that staff are beginning the process for developing Reserve Management Plans in a phased manner, and to undertake land status investigations as required.*
- 3) *Notes that staff will undertake communication to the public requesting feedback for the initial input for the drafting of reserve management plans.*
- 4) *Notes that budget requirements are still being defined and that elected members will be kept informed via the monthly planning reports.*

Moved: Councillor T Blunt
Seconded: Councillor K Heays

CARRIED UNANIMOUSLY

The meeting moved to Item 11.9 Planning Update Report.

11.9 Planning Update Report

It was noted that resource consents will be outsourced to allow for other workload priorities such as the reserve management plans. The team are seeing more property file requests coming through new estate agents.

Councillor R Roche left the room at 2.45pm and re-entered at 2.52pm.

RESOLUTION

THAT the Council receives this report for information.

Moved: Deputy Mayor J Howden
Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

11.8 Community Services Team Update Report

It was noted that the MTFJ programme have reached 40 employment placements and so have qualified for tranche two.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor L Bond
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

11.10 Building and Regulatory Update Report

It was clarified that the visitor accommodation rate was included in this month's newsletter and letters are being sent within the next two weeks.

RESOLUTION

THAT the Council receives this report for information.

Moved: Councillor T Blunt
Seconded: Councillor V Gulleford

CARRIED UNANIMOUSLY

12. RESOLUTION TO MOVE INTO COUNCIL PUBLIC EXCLUDED SESSION

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

- a) Public excluded council meeting minutes dated 24 April 2024
- b) Harbour Scenarios

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 24 April 2024 | The minutes are being tabled for confirmation and include commercially sensitive information relating to 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)(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) |
| Harbour Scenarios | Strategic options 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) |

*This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

We do not want to reveal the details of those negotiations. Information will be made publicly available in due course.

Moved: Deputy Mayor J Howden
Seconded: Councillor T Blunt

CARRIED UNANIMOUSLY

The meeting moved into the Public Excluded Session at 2.59pm.
The meeting moved out of the Public Excluded Session at 3.20pm.

13. CLOSED OF MEETING

There being no further business, the meeting was declared closed at 3.20pm.

CONFIRMED



Chairperson

04 July 2024

Date

THIS RECORD WILL BE HELD IN ELECTRONIC FORM ONLY

**ACTIONS FROM COUNCIL MEETINGS
AS AT 20 JUNE 2024**

OPEN ACTION ITEMS

| | ACTION ITEMS | ASSIGNED TO | DUE | STATUS |
|---|--|---------------------|--|--|
| 1 | <i>Carried Forward from previous Council:</i> Kaikōura Cycling Club | | July 2024 | Not received an update from Kaikōura Cycling Club. |
| | <i>Quarterly Progress Reports from 1-Jul FY 24-25</i> Museum, Sports Tasman, Mayfair, Kaikōura Rugby Club – Takahanga Facility Project Team, TeHa, A&P Association, Wildlife Centre Trust, Takahanga Bowling Club, Kaikōura Red Cross Branch, Kaikōura Bowling Club, Miniature Rifle Club, Croquet Club, Netball Centre, | - | October 2024 February 2025 April 2025 July 2025 | |
| 2 | Arrange meeting with Local MP Office once New Government established – discuss Māori Wards, Freedom Camping funding, Audit costs | W Doughty / B Makin | Ongoing | Meetings were held in April/June. Next meetings to be scheduled for August/October |
| 3 | Celebration with Governance Group when the detailed design is approved | W Doughty / B Makin | - | In progress date TBC |
| 4 | Workshop Discretionary Grants process and criteria for next year | W Doughty / B Makin | June 2024 | Scheduled for July workshop. |
| 5 | Look into the governments plans for fluoridation with Local Water Done Well | W Doughty | June 2024 | Verbal update to be provided at June meeting |

CLOSED ACTION ITEMS

| | ACTION ITEMS | ASSIGNED TO | DUE | STATUS |
|--|--|---------------------|--------------------------|--|
| | Write to DIA – re-allocating the 3water funding to Kowhai Flood Assessment | W Doughty | June 2024 | Completed. |
| | It was agreed to check if Council need to approve the Statement of Intent once the IWK Board have adopted it | P Kearney | May 2024 | Checked – no do not need to approve. Statement of Intent tabled at June meeting. |
| | P Kearney to provide formal feedback on the Draft SOI to IWK by 1 st May 2024 | P Kearney | 1 st May 2024 | Completed |
| | Fees & charges – check if correct for ‘District Plan Change – Alteration of designation – non notified’ | P Kearney | June 2024 | Checked – yes all correct. |
| | Include report on Better Off Funding | W Doughty | May 2024 | Completed. Update provided in May Agenda |
| | Thank you to Bin Kennedy re Adventure Race | W Doughty / B Makin | June 2024 | Completed – Mayor done |
| | Public forum speaker responses & also write/discuss with DOC re relocation practices and issues raised | W Doughty / B Makin | June 2024 | Completed - Letters sent and emailed DOC. Also meeting with them in July |