

**KAIKOURA DISTRICT COUNCIL MEETING FOLLOWING THE FINANCE AND POLICY COMMITTEE MEETING ON WEDNESDAY 16 NOVEMBER 2005 IN MEMORIAL HALL SUPPER ROOM, ESPLANADE, KAIKOURA.**

**AGENDA**

1. *Apologies*

2. *Matters of Importance to be raised as Urgent Business*

3. **Minutes to be Confirmed:**

■ *Council 19/10/2005*

*page 47*

■ *Special Council 27/10/2005*

*page 57*

**Reports to be Adopted:**

■ *Works & Services Committee 19/10/2005*

*page 59*

■ *Environmental Services Committee 19/10/2005*

*page 65*

■ *Finance and Policy Committee 19/10/2005*

*page 67*

■ *Social Services Committee 12/10/2005*

*page 70*

■ *Tourism & Development Committee 12/10/2005*

*page 73*

4. *Matters arising from Confirmed minutes*

5. *Minutes Action List Update*

<b>MEETING</b>	<b>ACTION REQUIRED</b>	<b>BY</b>	<b>DATE ACTIONED</b>
	<b>19 OCTOBER 2005</b>		
Council	Formally acknowledge Kaikoura winners of the 2005 Marlborough Chamber of Commerce Business Awards	Kevin	Sent 8/11/05 Page 76

6. *1.00pm Danny Smith of St John will be present to advise and update Councillors on the acute shortage of volunteer officers within the district* *page 77*

7. *Request for Temporary Road Closure – Roots Festival* *page 79*

8. *Appointment of Independent Commissioner* *page 82*

9. *Committee Updates*

10. *Mayor’s Report* *page 84*

11. *Urgent Business*

12. *Council Public Excluded Session*

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

- a. Confirmation of Minutes of Council Public Excluded meeting on 19/10/2005*
- b. Confirmation of Minutes of Environmental Services Public Excluded meeting on 19/10/2005*
- c. Confirmation of Minutes of Finance & Policy Public Excluded meeting on 19/10/2005*
- d. Confirmation of Minutes of Works & Services Public Excluded meeting on 19/10/2005*
- e. Appointment of Tourism & Development Committee Representative*

*The general subject matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) and 7(2)(i) of the Local Government Information and Meetings Act 1987 for the passing of this resolution are as follows:*

<b>General subject of each to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds of the Act under which this resolution is made</b>
Minutes of the Council Public Excluded meeting held on 19 October 2005	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Minutes of the Environmental Services Public Excluded meeting held on 19 October 2005	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Minutes of the Finance & Policy Public Excluded meeting held on 19 October 2005	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Minutes of the Works & Services Public Excluded meeting held on 19 October 2005	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>
Appointment of Tourism & Development Committee Representative	The exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation.	<b>Section 48(1)(a) and 7(2)(b)</b>

# **RECOMMENDATION TO APPOINT AN INDEPENDENT COMMISSIONER TO HEAR AN APPLICATION FOR ALTERATION TO A DESIGNATION**

## **Background**

On 8 August 2005 Council received an application from Transit NZ to alter the existing designation down Beach Road. This application was to allow for future road widening. The application was subsequently notified with submissions closing on 16 September 2005.

Under the current delegations, the Planning Committee has the authority to make decision on designations, but full only Council has the delegation to appointed commissioners for the purpose of hearing designations pursuant to section 34(3) of the Resource Management Act.

## **Consideration**

Although it is considered that the Planning Committee is more than capable of making a legally correct and meaningful decision, it is also considered that it is appropriate to appoint an independent commissioner to consider this Notice of Requirement, for the following reasons:

### **1. Council submission on the Notice of Requirement**

The Council's Tourism and Development Committee have made a submission against the Notice of Requirement for the designation. The Tourism and Development Committee also wish to be heard at a hearing held in regard to the Notice of Requirement.

### **2. General Public Interest**

This application has created significant public interest among the community, over 13 submissions have been received on this application. Most submissions seek conditions in relation to timing and some submissions are fully opposed to the notice of requirement. Given the number of submissions it is considered that current members of the Planning Committee are likely to personally know those who have made submissions. In light of this, it is considered that an independent view is more likely to protect the Planning Committee members from unnecessary and undeserved criticism.

*The above are two areas where a conflict of interest could be seen to exist. On 19 July 2002 Peter Skelton talked about conflict of interest, in this meeting he made the following comment:*

**“The important point is whether the conflict or apparent conflict will affect the decision-makers ability to approach decision-making with an open mind and be seen to be doing so. Even without a conflict of interest decision makers can be held to be biased by the way they behave.”**

*Peter Skelton also sighted a number of cases on conflict of interest:*

**Anderton v Auckland City Council 1978 NZLR 659**

In this case the Auckland City Council (ACC) actively encouraged and assisted the private development of a new shopping centre, this required a plan change by the ACC. The decision was granted by the ACC but this decision was quashed due to actual bias, presumption of bias and predetermination, in effect the Council was too close to the application.

**Love and Robson v Porirua City Council 1984 NZLR 308**

In this case the Council owned a public reserve. The reserve was planned to be used for three tennis courts, residents opposed this. The applicant was decided on by the casting vote of the chair, bias alleged, an appeal was taken to the Planning Tribunal.

**Recommendation**

I. It is recommended that an independent commissioner be appointed to hear the above consent applications, due to the following reasons:

1. *Council submission on the Notice of Requirement.*
2. *Scale of interest in the application and probability of the committee personally knowing those involved who have made submissions on the notice of requirement.*

It is suggested that the committee enter into public excluded to discuss appointment of the specific commissioners.

## Request for Temporary Road Closure

An application has been received from L Harnett, co-organiser of the Kaikoura Roots Festival for temporary road closure of the following roads for the Roots Festival to be held on 14 and 15 January 2006. The applicant has requested to have the road closed for a longer period than in previous years, being from 5pm Friday 13<sup>th</sup> January to 5pm Sunday 15 January 2006 and has advised the purpose of the increased hours is principally for security reasons. Previously the road has been closed from 8am on the first day of the festival until 5pm on the second day.

***Old Beach Road from Harnetts Road intersection to 600 metres north of the Old Beach Road and Skevingtons Road intersection.***

Skevingtons Road from 300 metres northwest of Old Beach Road and Skevingtons Road intersection

Road detour signs will be installed at the following points:

1. The corner of Old Beach Road and Harnetts Road.
2. The corner State Highway 1 and Skevingtons Road.
3. The corner of Old Beach Road and Factory Road

Under the Local Government Act 1974 Schedule 10 (11e) Council may agree to temporarily close the road. A notice of its intention to consider closing the road must be advertised. Objections can then be heard and if after considering the objections the controlling authority decides to close the road further public notice must be given. Council has advertised that it would be considering these temporary road closures and no objections have been received.

***Recommendation:***

It is recommended that under the Local Government Act 1974 Schedule 10 (11)(e) the Council agree to close Old Beach Road from Harnetts Road intersection to 600 metres north of the Old Beach Road and Skevingtons Road intersection and Skevingtons Road from 300 metres northwest of Old Beach Road and Skevingtons Road intersection from 5pm on Friday 13<sup>th</sup> January 2006 until 5.00pm on Sunday 15<sup>th</sup> January 2006 for the purposes of the Kaikoura Roots Festival.

## Mayor's Report

- Since the October report I am pleased to say that the Mainpower / KKDC initiative to introduce the Energy saving bulbs into the district has been initiated and is being received with enthusiasm. After the 1st 6 days trading since vouchers were distributed New World had moved 1179 bulbs and are expected to reach the 2000 mark by our meeting date. Kaikoura Four Square also have the bulbs but are not counted in this total.  
This means that COLLECTIVELY those who have taken up the offer will save COLLECTIVELY - \$40,000 per annum  
I believe this is an excellent example of our community continuing to support our districts eco-philosophies.
- Paul McGahan (coordinator-Adult Community education), myself and KKHS are working through the process to get set up a “night class” for those employees that are finding difficulty completing the written component of their training schedules.  
A newspaper ad asking for expressions of interest has been published and a letter of explanation is being sent to all the businesses and employers we can identify and database.  
This programme has been identified by employer groups, individuals and high School departments as one worth pursuing and can be funded by TEC.
- I hosted a meeting with several Govt. agencies, several local Employees, High School staff and other community groups and individuals last Tuesday to clearly identify any employment issues we may have in our Community and to set up a working party to at the least initiate a strategy to address these.
- Transit has verbally responded to our recommendation regarding the “speed zone” they proposed. Apparently Land Transport Safety did not support the proposal. The result being an extended time frame before any adjustments will be able to be made.
- Zone 5 (McKenzie to Nelson plus West coast) district meeting was hosted by the Chatham Islands on the 1<sup>st</sup> & 2<sup>nd</sup> November. An amazing increase in attendance was noted! Kaikoura, it seemed, being one of the few Districts to take into account the cost to the ratepayer to attend. I apologise for not offering the opportunity for others of us to attend.  
The Chatham's gave an excellent presentation on “Things Chatham” which clearly reiterated that we all have the same difficulties and issues – but to different degrees.

### ***Recommendation made;***

“That Zone 5 (LGNZ) request that the Minister desist from raising public expectations as to local authorities arranging the micro chipping of dogs, ....and... providing micro chipping for free or at significantly reduced cost unless the minister is prepared to meet the full cost for this service. “  
*Passed*

A report was given by the Rural sector Chairman, in particular Rural Access. Reporting that negotiations are ongoing and as I read it, confusion reigns as organizations join, rejoin or leave the debate at apparent will.

I believe it is important that more of us attend these Zone Meetings to be sure a broader overview of our zone is attained and more powerful networking is made.

Any volunteers?

The agenda and reports are tabled and in my office for perusal at your leisure.

- The debate regarding payment of the Audit fees re: LTCCP continues nationally. Kaikoura's initial response has been discussed widely over the net. This has caught the attention of other districts and of those on "high" with some discussion with our CEO resulting.

Cheers - Kevin