

**Minutes of Ordinary Meeting of Kaipara District Council in the Council Chambers,  
Station Road, Dargaville on Wednesday 25 February 2009 Commencing 1.00 pm**

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## **Minutes: 25 February 2009**

### **1 Opening : Cr McEwing**

Councillor Smith to open the 25 March 2009 meeting.

#### **1.1 Present**

Mayor N Tiller, Councillors R Alspach, B Burnett, J Geange, W Guest, B McEwing, T Smith, J Sutherland, G Taylor

#### **1.2 In Attendance**

J McKerchar, B Holden, C Lichtwark McInnes, S Soole, F Vessey, M Vincent, B Ware,

### **2 Confirmation of Minutes**

#### **2.1 Ordinary Council Meeting : 28 January 2009**

##### **Governance Manager 1601.13**

A copy of the minutes was circulated.

There was a robust discussion about the Minutes and what detail Council required.

Councillor Guest had particular concerns around the recording of questions and answers with respect of item 3.1 District Plan Review: Budgets, Funding and Programme to Complete to Notification and with the recording of the discussion that took place in Matters Arising in respect of the Kauri Coast Community Pool.

##### **3.7 Kaipara Heritage Assistance Fund Allocation 2008/09**

Councillor Sutherland was keen to ensure that the Committee did meet and that the criteria were reviewed. She also raised the point that the word "criteria" was not a collective noun and the sentence in the Minutes should read:

"Councillor Sutherland also noted that the Committee would be reviewing the criteria to see if they were still effective or required amendment."

##### **6.5 Development Contribution: Extension of Time for Payment**

Councillor Smith asked if the resolution had been actioned. Councillor Guest said that it had been his understanding that the person concerned was being given the opportunity to pay all contributions. It was pointed out to Councillor Guest by Councillor Alspach that he had written the resolution and the resolution clearly referred to development contributions only. Councillor Guest felt this was splitting hairs.>>>

**Resolved      Guest/Mayor Tiller**

*That Council permits all contribution payments to be made by Mrs May in this instance to be arranged so as to allow for her circumstances.*

**Resolved      Sutherland/Smith**

*That the minutes of the Ordinary Meeting of Council 28 January 2009, as circulated, be confirmed as a true and correct record.*

**Councillor Guest voted against this motion because he did not believe the Minutes to be a full and correct reflection of what happened at the meeting.**

**3      Policy****3.1      Road Naming Policy****Community Infrastructure Assets Manager                      4102.09**

Council resolved at the conclusion of its 26 November 2008 meeting that a comprehensive review of the guideline will occur with the input of the Roading Portfolio holders of the Road Naming Policy.

Consultation with the portfolio holders has now occurred and amendments made to the Road Naming Policy.

Councillor Sutherland asked that an item in respect of the two road naming applications for Pohut Lane and Archey's Lane left to lie on the table until the completion of the Road Naming Policy review be placed on the March 2009 Council Agenda.

**Resolved      Smith/Sutherland**

*That Council adopts the Road Naming Policy dated February 2009.*

**Reason for the Decision**

To give all interested parties a consistent procedure for the naming of new roads or changing of existing road names.

**3.2 Road Legalisation and Stopping: Corner Cove and Tara Roads, Kaiwaka****Community Infrastructural Assets Manager****4102.17: 4104.100**

At its meeting dated 28 January 2009 Council resolved to let this item lie on the table until the February 2009 meeting pending further engineering advice.

Further enquiries had turned up a number of issues which required added investigation. However, from an engineering viewpoint Council would be able to build the road if it resolved to do so. What was unknown was the cost it would incur should it chose to build. There were a number of unusual and potentially complex variables that needed to be worked through and Council staff had been unable to do this within the timeframe allowed.

**Resolved Smith/Sutherland**

*That Council receives the information to date and that Council staff continue its investigations reporting back to Council at its 25 March 2009 meeting.*

**3.3 Dargaville Library Service and Dargaville Information Centre Merge Update****Stakeholder Engagement Manager****21242124.03; 2124.04.03; 2132.03.01**

This item was withdrawn as the Council had not received a Business Plan from the Dargaville Kauri Coast Promotion Society due to the pressures of making host arrangements for visiting volunteers in Northland to recuperate after the recent Victoria fires.

This item is to lie on the table until a later date.

**3.4 Walker Subdivision, Mangawhai: Formation of Steep Legal Road Update****Development Manager****RM060205**

A report from the Development Manager was circulated backgrounding the proposed subdivision of Mr Keith Walker. Mr Walker was in the process of seeking approval by way of appeal for subdivision of his Mangawhai property. The steepness of the gradient of a road had triggered the need for approval under the Local Government Act 1974.

It was not just a matter of gaining Council's permission as owner of the asset to carry out work on it; a further issue was the steepness of the gradient. The default position prescribed by s329 of the Local Government Act 1974 was that the gradient of any road should be no steeper than 1 in 8 unless the District Plan, a bylaw, or a Council resolution stated otherwise. Council's engineers had recommended against passing the required resolution, although indicating that it was technically feasible.

Council's solicitors had also concluded that there were risks, but that these can be managed. In the course of the resource consent process the proposal was originally opposed by the neighbours, but they have since signed a memorandum of understanding accepting formation of the road as part of a mediated settlement.

In speaking to his report the Development Manager advised that the Council's decision on this request should be a measured one taking into account the engineering advice which showed that the road was capable of being formed and operating safely despite its steepness, and also that there were risks associated with whatever decision they would make.

Councillor Guest believed that the Solicitor's opinion spoke for itself.

Councillor Taylor spoke as Chairperson of the Judicial Committee that had considered this application saying that the gradient was 1 in 4 making it twice as steep as the default position recommended under the Local Government Act. He said that he had concerns regarding the potential liability to Council should Council approve this and then there be an untoward event take place given that the road was already a public road.

Councillor Sutherland spoke saying that in her view, the area was very steep and very unstable. She said the steepness of the proposed road could be likened to that of a roller coaster.

**Resolved      Taylor/Sutherland**

*That Council declines to approve pursuant to s329 of the Local Government Act 1974 the formation of the unformed road off Pearl Street, Mangawhai, as detailed on Riley Consultants drawing 03166/1 Fig 1 rev D, Fig 3 rev C and Fig 4 rev B.*

**Reason for the Decision**

The formation is much steeper than would normally be allowed for a new road to be created, and while there is engineering advice that the formation would be able to operate safely as a *private* access, and could operate safely as a *public* road given the anticipated level of use and proposed additional mitigation, it is not possible for Council to totally avoid liability for the consequences of failure arising from the road having been formed.

**3.5 Glinks Gully Water Supplementary Source**

**Community Infrastructural Assets Manager                      4804.0**

A report from the Community Infrastructural Assets Manager was circulated that details the options available for supplementing the Glinks Gully water supply and recommend a preferred option.

The Glinks Gully Water Supply system was not able to supply the community with water over the summer holiday period without recourse to tankering water from elsewhere. Whilst a supplementary source was available, the cost to bring the source on line was prohibitive when compared to the cost of tankering water in on an as needed basis.

**Resolved Burnett/McEwing**

*That Council adopts the strategy of using tanker water to supplement current sources when the Glinks Gully supply runs low.*

**Reason for the Decision**

The cost of establishing the supplementary source is not justified when compared to the alternatives.

### **3.6 Glinks Gully Wastewater Extension**

**Community Infrastructural Assets Manager 4503.0**

A report from the Community Infrastructural Assets Manager was circulated regarding the Glinks Gully Wastewater system that currently had some surplus capacity. Several users could be added along the current sewer route which would reduce the overall Wastewater charge to current users.

**Resolved McEwing/Geange**

*That Council discusses the capacity findings with unconnected Glinks Gully property owners prior to proceeding further.*

**Reason for the Decision**

To inform the community of the current capacity to add users to the existing Glinks Gully wastewater system.

### **3.7 International Rally of Whangarei 2009**

**Development Manager 3208.01**

Rally New Zealand sought approval in principle for road closures associated with the International Rally of Whangarei 2009, to be held 5 to 7 June 2009. Rally New Zealand was the same organisation that had run the previous World Rallies in our area.

The regime now in place of Council continuing with normal maintenance before the rally and the rally organiser paying for any necessary remedial additional work afterwards, had proved successful and had to be followed again this year.

As with previous rallies the organisers suggested that the normal roading maintenance and grading be reviewed to make allowance for the rally, with no additional preparation prior to the rally including no grading in the six weeks beforehand. This had been reiterated in the current application. It was suggested that the pre and post rally inspections and necessary maintenance and repairs after the rally be the responsibility of the roading contractor. All charges will be met by the rally organisation.

Over the years Rally New Zealand had improved and enhanced their organisation of these events, and a very professional approach was taken. This included sending letters to all residents in the affected areas setting out details of the road closure and then a second letter ten days before the event.

The organisers had also undertaken to:

- a) Erect information signs during the month before the rally setting out the road closures and the permitted reconnaissance days and times.
- b) Erect official "Road Closed" signs during the period of closure and provide marshals at each affected intersection.
- c) Provide full emergency services and advise residents how to contact these services in an emergency.
- d) Authorise Police to open closed roads for emergency access.
- e) Repair damage to fences and private property and roading.
- f) Pay the full cost of advertising the closure.

Rally New Zealand had established liaison committees with property owners throughout the route to deal with issues associated with the organisation and running of the event, and these liaison groups had proved very successful in dealing with any concerns arising from the public.

Payment of a \$500.00 deposit toward the Temporary Road Closure fee had been made.

**Resolved Taylor/Sutherland**

*That subject to the requirements of the Transport (Vehicular Traffic) Road Closure Regulations and the appropriate public notifications, Council approves, in principle, the necessary temporary road closures to enable the International Rally of Whangarei 2009 to take place on Kaipara District Council roads on 5 to 7 June 2009, subject to the following conditions:*

- 1 *That the organisers meet the full cost of carrying out any repairs or maintenance to the roads utilised for the rally which relates to the event.*
- 2 *That the organisers reimburse Council for all administrative costs, including advertising, which relates to the temporary road closure.*
- 3 *That the organisers be required to consult with the Police and other relevant emergency agencies to discuss issues of concern well prior to the event dates and to address these issues in a positive manner.*

- 4 **That** liaison be established with the rally organisers by appointing Councillors Sutherland and Taylor to discuss the organisation of the event and address any issues of concern.
- 5 **That** discussions take place between the rally organisers and the Council's engineers and contractors relating to the road maintenance regime to be carried out on roads affected prior to the event.

### **Reason for the Decision**

Council is satisfied with previous events and the general professional approach taken by rally organisers. It is generally considered that the holding of this stage of the event in Kaipara District results in favourable publicity and benefits to many groups and organisations in the District.

## **3.8 Warrant of Appointment: Rural Fire Officer B Simpkin**

### **Community Infrastructural Assets Manager 6402.0**

The Principle Rural Fire Officer recommends Bevan Simpkin's appointment as an authorised Rural Fire Officer. Bevan has been a member of the Paparua Volunteer Fire Force for many years as a warranted officer. His years of experience stand him in good stead for his new role as a Rural Fire Officer.

Bevan's current warrant as an authorised officer needs to be terminated pursuant to Section 174(4) of the Local Government Act 2002 and replaced to reflect his new appointment as Rural Fire Officer pursuant to Section 13 of the Forest and Rural Fires Act 1977 and Forest and rural Fires Regulations 2005.

Councillor Taylor spoke in support of this appointment saying the person concerned was a committed and conscientious person who had been able to influence a number of others into volunteering.

### **Resolution One Taylor/Geange**

**That** Council warrants Bevan Simpkin as an authorised Rural Fire Officer pursuant to Section 13 of the Forest and Rural Fires Act 1977 and Forest and Rural Fires Regulations 2005 to carry out the powers, functions and duties under the Forest and Rural Fires Act 1977 in the Kaipara District:

#### **Section Function/Power**

Section 13 Fire Officers and other employees

*Powers, functions, and duties of Fire Officers*

- 1 *In each district other than a State area the Fire Authority shall appoint one or more suitable persons as a Rural Fire Officer or as Rural Fire Officers. Where there are two or more Rural Fire Officers one shall be appointed as Principal Rural Fire Officer.*

- 2 *The Fire Authority for each district other than a State area may appoint or employ all such other officers and employees as it deems necessary for the purposes of this Act.*
- 3 *For each State area the Minister of Conservation may:*
- a) *Appoint one or more suitable persons as a Rural Fire Officer or Rural Fire Officers;*
- b) *Appoint one Rural Fire Officer as Principal Rural Fire Officer.*
- 3A *Every warranted officer appointed under section 59(1) of the Conservation Act 1987 shall be a Rural Fire Officer for every State area.*
- 3B *Where no Principal Rural Fire Officer has been appointed for a State area:*
- a) *Any Rural Fire Officer appointed for that area under subsection 3(a) of this section; and*
- b) *Any warranted officer referred to in subsection 3A of this section*
- shall have all the powers of a Principal Rural Fire Officer in respect of the area.*
- 4 *Deputies of officers and employees may be appointed under this section or under section 14 of this Act.*
- 5 *Any Fire Authority may in its discretion allocate to its officers, employees, and servants such responsibilities as may from time to time appear to it appropriate and necessary.*

### **Reason for Decision One**

Reaffirming the appointment as recommended will allow Mr Simpkin to act as a Rural Fire Officer on behalf of and with the authority of this Council.

### **Resolution Two Taylor/Geange**

*That Council confirms the warrant for Bevan Simpkin as an authorised officer be terminated pursuant to Section 174(4) of the Local Government Act 2002.*

<b>Section</b>	<b>Function/Power</b>
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- |     |  |
|-----|--|
| 174 | <p><i>Authority to act</i></p> <p>4 <i>an officer or other person must surrender to the local authority the warrant provided under subsection 1 if;</i></p> <p>a) <i>the officer's appointment is terminated; or</i></p> <p>b) <i>the authorisation referred to in subsection 1 is terminated.</i></p> |
|-----|--|

**Reason for Decision Two**

Reaffirming the expiry of these appointments as recommended for Mr Simpkin on or before 21 November 2010; or amendments in legislation; or pursuant to s.174(4) of the Local Government Act 2002.

**4 Reports****4.1 Mayor's Report****1701.02.03**

The Mayor spoke of his recent attendance at the Rural Sector Meeting saying that he believed it to be of particular value. He said that the access that an attendee had to the various Ministers who attended was second to none and he believed that both he and Councillor Geange had been able to make important points to the right people.

He went on to speak about his attendance at the Sevens in Wellington courtesy of Downer EDI. He said it was a valuable networking opportunity made even more beneficial by the fact that seated at the table next to him were members of the NZ Land Transport Board providing him with an ideal opportunity to exert some influence.

Councillor Guest said that he believed that the Mayor should have accepted the Governor General's invitation to attend Waitangi. He went on to express his concern that the public would see it as a case of the Mayor accepting a paid "junket" particularly given the current economic climate.

Mayor Tiller said that Councillor Guest was entitled to his opinion but said he had been completely open about what his was doing. He also said he had absolutely no influence over any contract negotiations Council had with Downer EDI. He said he believed his attendance in Wellington was of more benefit to Council than attending Waitangi. He said that he and Mayor Semenov had enjoyed themselves and taken full advantage of the network opportunities it offered.

**4.2 Councillors Portfolio Reports****Councillors 1904 (various)**

The Councillors gave written reports on portfolio matters and other items of interest.

**Cr Alspach - circulated with agenda**

- Roding

**Cr Burnett - written report tabled**

- Refuse and Economic

**Cr Guest - written report tabled**

- Finance, Stormwater - Northern, and Regulatory

Councillor Guest read out his report which centred around the consultation process with the community in respect proposed new pool and the Council decision to increase the length from 25 metres to 50 metres. He said he believed the significance of this decision coupled with the financial implications meant that Council should have undertaken a further special consultative procedure again with ratepayers. Appended to his report were seven Notices of Motion which he advised he would be bringing to the next Council meeting and he asked that the Council give serious and urgent consideration to implementing them.

**Cr Sutherland - written report tabled**

- Stormwater - Southern, Community Spaces - Southern, Libraries and Arts

**4.3 Chief Executive's Report: February 2009**

**Chief Executive** **2002.02.08**

The Chief Executive's report for February 2009 was circulated separately.

**1.7 Mangawhai EcoCare. 12 February 2009**

Councillor Sutherland praised the work of Melanie Smith saying she had been a real asset and would be missed. She asked that Ms Smith be formally thanked for her efforts.

**4.4.6 Kaiwaka Wastewater Consent Renewal**

Councillor Guest said he understood that Council may be discharging to Department of Conservation land. The Community Infrastructural Assets Manager was to investigate.

**Resolved** **Sutherland/Geange**

*That the Chief Executive's report for February 2009 be received.*

**5 Receipt Items****5.1 Pou Tu O Te Rangi / Harding Park Reserve Management Plan: Chow Hill Endorsement**

**Community Spaces Manager**

**2114.03.09.03**

A report from the Community Spaces Manager was circulated regarding the development of a Reserves Management Plan for Pou Tu O Te Rangi Pa / Harding Park, Dargaville and the call for Expressions of Interest for the provision of professional services for the Plan. This generated a good response from consultant companies. Following an initial evaluation of the Expressions of Interest received in September 2008, four participants were given the opportunity to present their proposals in person. This was carried out in October 2008 and

involved senior Council management and a member of the Pou Tu O Te Rangi Pa / Harding Park Committee. The quality of the presentations were impressive which indicated that at a technical level at least, a number of firms were capable of delivering on this project. Two of the consultant teams were then shortlisted for further consideration and further interviewed in December 2008. From this process a preferred consultant team was highlighted and advised of this. The preferred consultant team was Chow Hill Architects Limited, based in Auckland. The additional time taken to select a consultant team, who can clearly demonstrate an understanding of the outcomes Council were seeking from this project, will ultimately ensure that the aspirations the community, Council, Iwi and stakeholder organisations had for this special place can be achieved.

Councillor Guest was totally opposed to the spending of up to \$70,000 on a reserve management plan for Pou Tu o Te Rangi/Harding Park given he said “the current economic circumstances”. He was keen to see it delayed or the contract re-negotiated. However Councillors recognised that Council, as part of the Treaty Settlement with Te Uri o Hau was obligated to fund a Reserve Management Plan.

Council had previously signalled in its Reserves and Open Spaces Strategy adopted in January 2006 that Pou Tu o Te Rangi was to have a Reserve Management Plan and had in its *Kaipara's Future - Working Together* 2006/16 document allocated funding in order to make it happen.

It was acknowledged that the funding, having been allocated through Council's adopted Business Plan, could not be appropriated for other projects so delaying the project would achieve nothing except the potential to see costs increase. It was also acknowledged that Council's adopted Business Plan guided and regulated staff actions and that in letting the contract for the draft reserve management plan late last year staff had been implementing the Council adopted Business Plan.

**Resolved      Geange/Burnett**

*That Council receives the information from the Community Spaces Manager and endorses Chow Hill Architects Limited as the preferred Consultant for the professional services of developing a Reserves Management plan within the budget already allocated for Pou Tu O Te Rangi Pa and Harding Park, Dargaville.*

**Reason for the Decision**

Pou Tu O Te Rangi Pa and Harding Park have been identified through Council's *Kaipara's Future - Working Together* and Annual Plan as one of three premier reserves to have Reserves Management Plans developed. Funding has been allocated for this project through the Council's Business Plan which both guides and regulates staff action. All that remains is endorsing Chow Hill Architects Limited as the preferred consultant to work with Council and the Pou Tu O Te Rangi Pa / Harding Park Committee to enable the planning and development of a Reserves Management Plan for this open space to begin.

**5.2 Road Naming : Two Private Right of Ways, off Settlement Road, Kaiwaka. One Private Right of Way of Kingfisher Lane, Mangawhai. Lupis Way, Pavel Place and Kohanga Lane**

**Community Infrastructure Assets Manager**

**4102.09**

**a) Two Private Right of Ways, off Settlement Road, Kaiwaka**

Council had received an application from Kai Cut Limited who had completed a 17 lot subdivision off Settlement Road, Kaiwaka. The developer had submitted to Council an application to name two new private right of ways within the subdivision. The circulated plan showed the new right of ways. Also circulated was an aerial map of where the subdivision was found on Settlement Road.

Three names were suggested by the developer in order of preference. Those suggestions were all related to Pavel Sabo Lupis who was believed to be the first Croatian Settler in New Zealand and Kaipara and therefore had historical significance to the area. For the main right of way into the subdivision the name suggested was Lupis Way. The name suggested for the secondary lane to the subdivision was Pavel Place with the third name suggested being Sabo Crescent.

All names were not currently in use in the District and met the current Council's Road Naming Policy.

Therefore Lupis Way and Pavel Place were confirmed.

**b) Private Right of Way off Kingfisher Lane, Mangawhai**

Council had received an application from an existing resident within the North Shore Projects Limited subdivision. In line with Council's Road Naming Policy, they had made an application to name a private right of way servicing four lots off Kingfisher Lane.

The names suggested were Kiwi Way, Kotare Way and Kohanga Lane. The first two names were in keeping with the bird theme of roads in the area i.e. Kingfisher and Kereru. The third name was the Maori name for birds nest.

The first two names were currently in use in the District therefore, Kohanga Lane was confirmed.

**Resolved Sutherland/Smith**

*That the information be received.*

**6 Information Items**

**6.1 Delegated Authority: Schedule of Decisions**

**Development Manager 3803.0**

The schedule of decisions that had been made under delegated authority was circulated. The purpose of this was not for Council to review the detail of these decisions as they had already been made under delegated authority, but rather it gave an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

**Resolved Taylor/Sutherland**

*That the Delegated Authority Schedule of Decisions be received.*

**6.2 District Plan Review: Monitoring Report February 2009**

**Chief Executive 3807.01.08**

The monthly Monitoring Report from the Project Manager of the District Plan Review, was circulated.

**Resolved Smith/Sutherland**

*That the information be received.*

**Closure**

**The meeting closed at 3.00pm**

Confirmed this                      day of                      2009

Mayor .....