

Private Bag 1001, Dargaville

Phone 439 7059

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 28 January 2009 at 1.00 pm**

Contents

1	Opening : Cr Guest	3
1.1	Present.....	3
1.2	In Attendance	3
1.3	Apologies	3
2	Confirmation of Minutes.....	3
2.1	Ordinary Council Meeting : 26 November 2008.....	3
2.2	Ordinary Council Meeting : 17 December 2008.....	4
3	Policy.....	4
3.1	District Plan Review: Budgets, Funding and Programme to Complete to Notification	4
3.2	Montgomery Avenue / Huia Crescent, Dargaville: Chicanes.....	7
3.3	Road Status Change: Reserve to be Dedicated as Road: Awakino Road, Dargaville.....	8
3.4	Road Legalisation and Stopping: Corner Cove and Tara Roads, Kaiwaka.....	9
3.5	Review of Partnerships with the Private Sector Policy: Re-adoption	9
3.6	Review of Significance Policy: Re-adoption	10
3.7	Kaipara Heritage Assistance Fund Allocation 2008/09.....	10
3.8	Kaipara District Council's 2008/09 Business Plan Six Monthly Review	11
3.9	Contract 586 Reseals 2008/11	12
3.10	Dargaville Information Centre and Dargaville Library Proposed Merge	12
3.11	Dargaville Town Hall Maintenance Update.....	13
3.12	D Smith Resource Consent Application: Proposal for Public Foreshore Access	14
4	Reports.....	14
4.1	Mayor's Report.....	14
4.2	Councillors Portfolio Reports	15
4.3	Chief Executive's Report: December 2008 / January 2009.....	15
5	Receipt Items.....	15
5.1	Road Naming: Private Right of Way off Comes Road, Mangawhai: Kokopu Lane	15
6	Information Items	16
6.1	Delegated Authority: Schedule of Decisions.....	16
6.2	Audit New Zealand: Management Report for 2007/2008	16
6.3	Legislative Compliance Certification	16
6.4	Northcoast Subdivision, Driftwood Place, Mangawhai: Stormwater Disposal	17
6.5	Development Contribution: Extension of Time for Payment.....	17

6.6	Community Transport Fund (T Fund)	18
6.7	Cames Road, Mangawhai: Residents Petition 5 January 2009	19
6.8	Rural and Provincial Sector Minutes 20/21 November 2008, Wellington	19
6.9	Northland Mayoral Forum Meeting Minutes of 8 December 2008	20
6.10	NZ Transport Agency: Northern Gateway Toll Road: Opening Date.....	20
6.11	Local Government New Zealand: Schedule of Meeting Dates for 2009.....	20
6.12	District Plan Review: Monitoring Report January 2009	20
7	Public Excluded Council Items 28 January 2009.....	21
	Open Meeting - 28 January 2009.....	22
7.1	Kaipara Refuse Limited: Review of Charges Litter Bins	22
7.2	Kaipara Refuse Limited: Eastern District Collection Information	22
	Closure	22

Minutes: 28 January 2009**1 Opening : Cr Guest**

Councillor McEwing to open the 25 February 2009 meeting.

1.1 Present

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

1.2 In Attendance

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

1.3 Apologies

Resolved Smith/Sutherland

That the apology of Cr Taylor be received.

2 Confirmation of Minutes**2.1 Ordinary Council Meeting : 26 November 2008**

Governance Manager 1601.13

Copies of the minutes of the Ordinary Council Meeting of 26 November were circulated.

Part 1 related to the items heard prior to the meeting being adjourned due to time constraints.

Part 2 related to the reconvened meeting held 10am 17 December 2008.

Resolved Sutherland/Smith

That the minutes of the Ordinary Meeting of Council for 26 November 2008, Part 1 (held 26 November 2008) and reconvened Part 2 (held 10am 17 December 2008), as circulated, be confirmed as true and correct record.

2.2 Ordinary Council Meeting : 17 December 2008

Governance Manager 1601.13

A copy of the minutes was circulated.

Resolved Smith/Sutherland

That the minutes of the Ordinary Meeting of Council 17 December 2008, as circulated, be confirmed as a true and correct record.

Matters Arising

3.1 Kauri Coast Community Pool: Tender Recommendation

Councillor Guest referred to point 5 in the Chief Executive's Reported tabled at the 17 December 2008 meeting in relation to the item.

Councillor Guest said that whilst the Chief Executive had responded to his letter dated 12 December 2008 item by item he did not believe his question regarding recourse for the ratepayer in respect of the actions of the Trustees of the Kauri Coast Community Pool Trust had been adequately answered. He asked if the new Trust Deed had been formalised and signed.

Mr McKerchar said that the Trustees had signed the documentation required by Council in terms of Council's resolution. He noted that the Council had decided it needed some control over the Pool Trust but the Chief Executive's Report stated the Council could not have a management contract for the pool with the Trust. The Chief Executive confirmed this was correct as the Council did not own the pool. It was owned by the Trust. He explained that Council's control would be obtained through conditions attached to Council's financial contribution to the project.

3 Policy

3.1 District Plan Review: Budgets, Funding and Programme to Complete to Notification

Chief Executive 3807.01

A report and associated documents from the Chief Executive was circulated, for the prime purpose of informing Council of the cost to complete the Review of the District Plan to notification. This report identified costs to 31 December 2008 and an estimate of costs to completion. This information had been requested by Council as part of its consideration of the need and desire to proceed with the review.

The report also compared the proposed budget with the Council's approved budget and sought approval of the new budget as included in the Draft *Kaipara's Future - Working Together 2009/19* (LTCCP).

The Council confirmed the review of the District Plan in *Kaipara's Future - Working Together 2004/14* (LTCCP). There was to be a targeted review with five priority topics. The key strategic drivers were:

- Good environmental and community outcomes.
- Efficient use of Council's limited resources and a manageable process.
- Efficient and effective management of growth.

During the process Council made three significant changes of scope:

- 1 Change of Scope 1: 23 August 2006
 - Outcomes - Identified environmental outcomes with transparent links between outcomes and methods
 - Greater community involvement in the review process
 - Council to endorse at each stage (outcomes, objectives, policies and methods) before moving to the next, more detailed, stage.
- 2 Change of Scope: 25 July 2007
 - Outcomes - Greater drive for completion
 - Greater Councillor involvement and buy-in
 - Greater number of workshops
- 3 Change of Scope: October/November 2007
 - Outcomes - More time for Council to consider the review
 - Change to Outstanding Landscapes process

The adopted budgets for the project totalled \$907,000.

Each of the Changes of Scope implemented by Council increased costs:

Change of Scope 1	\$	90,000
Change of Scope 2	\$	260,000
Change of Scope 3	\$	<u>100,000</u>
Total Cost of Changes	\$	<u>450,000</u>

This gave a total budget of \$1,357,000.

Expenditure to 31 December is \$782,570, within the approved budget. However a review of the costs to notification had identified a potential cost of \$483,000. This gave a total estimated cost of \$1,350,000.

In summary:

Budgets

Total Approved Budget	\$ 907,000
Council approved Scope Changes	\$ 450,000
Total Budget	<u>\$ 1,357,000</u>

Expenditure

Expenditure to 31 December 2008	\$ 782,570
Estimate to complete	\$ 483,000
Total Estimate to Complete	<u>\$ 1,265,570</u>

The Estimate to Complete was based on no further pre-draft plan workshops. A draft Reviewed District Plan was to be available for consideration at the 18 March 2009 workshop for Council to work through and agree the draft document. This would enable early notification of the Reviewed District Plan.

It was also suggested that the review process be funded on the same basis as other infrastructure and treated as capital expenditure. This was generally funded by loan. This loan could cover the total cost, returning funds to the Forestry Equalisation Account for use on community projects or just to fund the costs from 1 July 2009. Such a loan to be serviced from Resource Consent Processing Fees and the General Rate apportioned in terms of the Council's Funding Policy.

The Chief Executive advised Council that each additional workshop required after the 18 March 2009 workshop would cost Council an additional \$4,000 per workshop. He said that Council should take as many workshops as they required to work through and agree the draft document.

Councillor Guest said he was keen to get a handle on how the money was being spent saying until he had seen the figures in the Agenda he had been unaware the cost to date to Council, much of which had been approved before he joined the Council.

Resolution One Guest/Geange

That Council receives details of costs incurred in undertaking the District Plan Review in the Quarterly Financial Report to 30 September 2008 presented to Council instead of a cumulative figure.

Reason for Decision One

The ensure Council as the Governance body had sufficient information to ensure outcomes were being achieved and budgets appropriately managed.

Resolution Two Smith/Alspach

That Council commences consideration of the Draft Reviewed District Plan at its workshop on 18 March 2009 without further workshops on direction.

Reason for Decision Two

This would enable early notification of the reviewed District Plan while minimising costs.

Resolution Three Smith/Alspach

That Council approves a total budget of \$1,265,570 to the Review of the District Plan with a budget to complete of \$483,000 to be included in Kaipara's Future - Working Together 2009/19 (LTCCP).

Reason for Decision Three

This budget would enable Council to complete the project to notification while achieving its identified outcomes.

Resolution Four Smith/Alspach

That the budget to complete the Review of the District Plan be funded by loan, the servicing of which would be funded in terms of Council's Funding Policy from Resource Consent Processing Fees and the General Rate.

Reason for Decision Four

This proposal is more equitable than the alternative of funding the cost from the General Rate and treats the District Plan on a similar basis to other Council infrastructure. The balance of the budget is already funded and there is no financial need to reallocate funding.

3.2 Montgomery Avenue / Huia Crescent, Dargaville: Chicanes**Community Infrastructural Assets Manager 4104.310; 4104.201**

The decision to install traffic calming devices in Montgomery Avenue, Dargaville was to support the community and provide a solution other than policing to an excessive speed issue. These devices were installed October 2008.

At Council's 26 November 2008 meeting Mr Bargh presented a petition to Council expressing Huia Crescent residents' displeasure with the chicanes at the intersection of Huia Crescent and Montgomery Avenue. The petition requested the removal of this one chicane as soon as possible, as signatories to the petition consider it to be a major inconvenience serving no

useful purpose. While the Huia Crescent/Montgomery Avenue chicane was causing tension it was doing what it was meant to do, slow traffic down.

Since this petition Council had also received a letter from the Dargaville Volunteer Fire Brigade who had concerns about the difficulty of fire appliances traversing the chicanes. An onsite meeting had been held with the Brigade and a minor adjustment was to be made to address this concern.

Resolved Alspach/Burnett

That Council acknowledges the petition from Huia Crescent, Dargaville residents dated 5 January 2009 however, due to the success of the chicanes at the Huia Crescent / Montgomery Avenue intersection and in upper/lower Montgomery Avenue, Council retains the current configuration.

Reason for the decision

To formally consider a petition presented to Council at its November 2008 meeting.

3.3 Road Status Change: Reserve to be Dedicated as Road: Awakino Road, Dargaville

Community Infrastructure Assets Manager 4102.08

In 1983, Council approved a subdivision on the deposited plan 101531. Lot 4 of this subdivision had been designated as a Local Purpose Reserve (road to vest). The registration of this Local Purpose Reserve was completed by surveyors Reyburn and Bryant. The purpose of the land was for roading. By the original surveyors identifying the land as Local Purpose Reserve, it was subject to the Reserves Act.

Council had requested Crown Property Services to complete a report regarding this piece of road reserve land in Awakino Road, Dargaville. Council approved a subdivision in 2007 on Awakino Road. In order to be a legal access way, Lot 4 DP 101531 needed the status changed to Dedicated Road from Road Reserve. The Local Purpose Reserve status was not appropriate and the land should have been Road to Vest from the 1983 subdivision.

Crown Property Services reported that when the land on DP101531 was subdivided, Lot 4 was vested in the Council as Local Purpose (Road) Reserve, subject to the Reserves Act 1977. It had now become necessary that the land become legal road so that it could link with land adjoining to the west that was to vest as road so that the subdivider was able to begin selling properties in the subdivision.

Section 111 of the Reserves Act provided for the road reserve to be dedicated as road by resolution of the Council and lodged with the District Land Registrar.

Resolved Smith/Geange

That pursuant to Section 111 of the Reserves Act 1977, Lot 4 DP 101531 situated at Awakino Road, Dargaville, be dedicated as road.

Reason for the decision

To change the land status from Local Purpose (Road) Reserve, to road.

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

In September 2007 under the Local Government Act 1974 Council approved the road stopping of an unformed portion of paper road at the northern end of Garbolino Road. This road runs between two properties. Mr Alec Critchfield was the owner of one of these properties which was situated on the corner of Tara Road and Cove Road. Currently Cove Road encroached on the corner of Mr Critchfield's property. No new alignment work was to be undertaken. This was a retrospective legalisation of work which had occurred.

Council approved the road stopping subject to engineering advice, that to do so would not undermine traffic safety and on the condition that a valuation was undertaken on both pieces of land and the monetary difference was paid to Council.

Resolved Alspach/Smith

That Council let the item "Road Legalisation and Stopping: Corner Cove and Tara Roads, Kaiwaka" lie on the table for one month (until Council meeting on 25 February 2009) pending further engineering advice.

Reason for the decision

The Council did not believe it had sufficient information to make an informed decision.

3.5 Review of Partnerships with the Private Sector Policy: Re-adoption**Chief Executive 2304.10**

A report was circulated which related to the Policy on Partnerships with the Private Sector that Council was obliged to review every three years. Any significant amendment that happened to arise from such review must be formally consulted on as part of the *Kaipara's Future - Working Together* 2009/19 process.

Resolved Sutherland/Smith

That the existing Policy on Partnerships with the Private Sector be re-adopted by Council, unchanged.

Reason for the decision

This policy has stood the test of time well, and has worked effectively since the last review three years ago.

3.6 Review of Significance Policy: Re-adoption**Chief Executive 2304.09**

A report was circulated regarding the Policy on Significance, which Council was obliged to review every three years. Any significant amendment that happened to arise from such review must be formally consulted on as part of the *Kaipara's Future - Working Together* 2009/19 process.

Resolved Sutherland/Smith

That Council readopts the existing Policy on Significance, unchanged.

Reason for the decision

This policy has stood the test of time well, and has worked effectively since the last review three years ago.

3.7 Kaipara Heritage Assistance Fund Allocation 2008/09**Chief Executive 3839.02.03**

A report by the Policy Planner was circulated that recommended to Council the allocation of the funds following assessment of the received applications to the Kaipara Heritage Assistance Fund. As part of this year's Annual Plan, Council set aside \$10,000 for a contestable Kaipara Heritage Assistance Fund. The aim of the Fund was to help and encourage people to protect and preserve resources of heritage value within Kaipara. It was considered that such a fund would help contribute to the 'strong communities' and 'special character' of Kaipara's Community Outcomes.

Of the twelve applications received, seven were recommended to be funded from the Heritage Assistance Fund. Where possible applications that were not proposed to be funded would be sent letters suggesting other sources of funding.

Councillor Sutherland asked that the assistance provided by Paula Hansen, Policy and Planning, during the recent fund allocation round be acknowledged. Councillor Sutherland also noted that the Committee would be reviewing the criteria to see if they were still effective or required amendment.

Resolved Sutherland/Geange

That Council funds the 2008/09 applications to the Kaipara Heritage Assistance Fund as follows:

Applicant	Heritage Resource	Funding
<i>Tangiteroria Marae Trustees</i>	<i>Church of Epiphany</i>	<i>\$3,100.00</i>
<i>All Saints Church Mititai</i>	<i>All Saints Anglican Church</i>	<i>\$387.12</i>
<i>NZ Society of Genealogists Inc.</i>	<i>Historic Directories</i>	<i>\$165.00</i>
<i>Anglican Parish of Paparoa</i>	<i>St Albans Church</i>	<i>\$615.00</i>
<i>Trevor Linnell</i>	<i>Gittos Mission House</i>	<i>\$3,137.59</i>
<i>Pahi Community Hall Society Inc</i>	<i>Pahi Community Hall</i>	<i>\$367.00</i>
<i>Dargaville Lions Centre</i>	<i>Former Old Folks Association building</i>	<i>\$2,228.29</i>
Total		\$10,000.00

Reason for the decision

The allocation of the Kaipara Heritage Assistance Fund would help contribute to the 'strong communities' and 'special character' of Kaipara's Community Outcomes.

3.8 Kaipara District Council's 2008/09 Business Plan Six Monthly Review

Chief Executive 2310.09.02

Council's Business Plan update was circulated which set out the actions required and timeframes for implementing the annual work programme. The 2008/09 Business Plan, adopted in June 2008, required that the Business Plan itself be reviewed and updated after six months to take into account factors that had influenced Council's ability to achieve the proposed work programme. The rationale for updating the Business Plan was to ensure that the Business Plan remained a relevant and operational document and that progress reports to Council continue to be as accurate as possible.

Key changes affecting projects were largely as a result of project scopes being expanded due to further strategic direction from Council; or the need for the project to be more comprehensive in public and/or Councillor involvement, or the project timeframe had been extended due to third party agencies, like the Regional Council or consultants.

Council asked that item "Dargaville Skate Park" be removed from the section titled "Community Facilities"

Resolved Alspach/Sutherland

That Council adopts the revised sections of the 2008/09 Business Plan; and

That the 2008/09 Business Plan be amended accordingly.

Reason for the decision

To ensure that the Business Plan remains relevant and accurate, and is able to be reported against.

3.9 Contract 586 Reseals 2008/11**Community Infrastructural Assets Manager 4107.586**

A report from the Community Infrastructural Assets Manager was circulated, the purpose of which was to advise Council of budget reallocations required to ensure the full Reseals programme could be achieved in terms of the current Asset Management Plan. The prices received for the three year Reseals contract were above the current budget. Reseals were considered to be the critical activity to sustain the life of the District's sealed roads. Accordingly funding reallocation was necessary. The budget most able to sustain a modest reduction was the Unsealed Road Metalling budget, given recent favourable weather.

Resolved Alspach/Geange

That Council receives and endorses Blacktop Construction as the successful tenderer with a price of \$2,455,475.00 for Contract 586: Reseals 2008/11.

Reason for the decision

To ensure the Reseals programme can be completed in accordance with the current Asset Management Plan.

3.10 Dargaville Information Centre and Dargaville Library Proposed Merge**Stakeholder Engagement Manager 2124.03; 2132.03.01**

A report from the Stakeholder Engagement Manager was circulated proposing a merge of the Dargaville Library and Dargaville Information Centre forthwith. Council had previously considered the option of merging information services with the Library. This proposal was sidelined awaiting the outcome of further investigations into the possibility of relocating the Library to the Old Post Office. While the Old Post Office project was still being considered by Council it was awaiting further information, at best it would be several months before such a move could occur.

A letter from the Dargaville Kauri Coast Promotion Society Incorporated dated 27 January 2009 was tabled for Council's consideration.

Resolved Alspach/Sutherland

That Council let the item "Dargaville Information Centre and Dargaville Library Proposed Merge" lie on the table for one month (until Council meeting on 25 February 2009) pending a further report which is to be predicated on suggestions received from Councillors no later than Wednesday 03 February 2009.

Reason for the decision

New information had been tabled which required further investigation.

3.11 Dargaville Town Hall Maintenance Update

Stakeholder Engagement Manager 4603.03.08

Following concerns expressed to Councillors, a report on possible upgrading of the catering equipment in the Town Hall kitchen was considered by Council at its November 2008 meeting. Council requested a further report in relation to the ovens and asked that this report include feedback from professionals and other users of the current facilities. An update report from the Stakeholder Engagement Manager was circulated.

The current ovens were perceived by many users as being temperamental. Although the information gathered did not appear to support this perception, it was real in its effect. Because the ovens were not fan-forced the ability to cater for large numbers was limited and yet the hall was designed to accommodate large functions.

Replacing the gas ovens with electric fan-forced ones would address both these issues.

Council agreed that any shortfall would be deficit funded.

Resolved Burnett/Guest

That the Dargaville Town Hall ovens be replaced with the best value electric fan-forced oven/s with sufficient capacity to cook for 300 when combined with the other facilities currently available and that no more than \$24,000 be spent.

Reason for the decision

To allow for increased usage of a first rate facility.

3.12 D Smith Resource Consent Application: Proposal for Public Foreshore Access

Development Manager RM080130

Mr Dave Smith had submitted a land use consent application relating to a proposed boat storage facility on his property at Moir Point Road, Mangawhai. Council's Judicial Committee declined consent to a facility for 200 boats on this site, in June 2006. The current revised proposal was for half the number of boat parks.

As a preliminary issue before the resource consent application was taken further, the applicant sought confirmation that Council would accept provision of an esplanade strip along the foreshore boundary of the site. Council would not own the land; the arrangement would be much like a right-of-way easement in favour of the Council, and the inner boundary would not need to be surveyed because the inner boundary would be determined by reference to the position of Mean High Water Springs.

This approach was supported by the Mangawhai Structure Plan. Providing access to and along the foreshore areas of Mangawhai had also been indicated as a high priority for the community to investigate and provide for. No compensation would be required.

Resolved Geange/Burnett

That Council advises Mr Smith that without prejudice it would accept either an esplanade reserve or esplanade strip to a width of at least five metres but up to 20 metres along the foreshore boundary of his property in conjunction with his land use consent application (RM080130).

Reason for the decision

To facilitate access for the public along the foreshore of the Molesworth peninsula.

4 Reports

4.1 Mayor's Report

1701.02.03

The Mayor reported on matters of interest. His report was tabled at the meeting.

4.2 Councillors Portfolio Reports

Councillors **1904 (various)**

The Councillors discussed this section of the Agenda and it was agreed that Councillors could provide written reports on Monday, the week of the Council meeting. These would be photocopied and circulated at the meeting. However, those who still wished to provide written reports earlier and have these included in the Agenda could continue to do so.

The written report of Cr Alspach was circulated.

Cr Alspach

- **Roading**

4.3 Chief Executive's Report: December 2008 / January 2009

Chief Executive **2002.02.08**

The Chief Executive's report for December 2008 / January 2009 was circulated separately.

- 11 Councillor Sutherland asked if more information could be provided on the work being done across the District by the Community Facilitator.

Resolved **Sutherland/Geange**

That the Chief Executive's report for December 2008 / January 2009 be received.

5 Receipt Items

5.1 Road Naming: Private Right of Way off Comes Road, Mangawhai: Kokopu Lane

Community Infrastructure Assets Manager **4102.09**

Mangawhai Ridge Society had completed a forty two lot subdivision located off Comes Road, Mangawhai. In line with Council's Road Naming Policy, the developer had submitted for Council approval the names for the three private right-of-ways. Council resolved at its meeting on 17 December 2008 to let the item on naming the three private right of ways lie on the table, pending the completion of the review of the Road Naming Policy.

After further consultation with Cr Smith, it had been decided that the application for name approval for Kokopu Lane, be resubmitted for consideration. The remaining applications for Pohut Lane and Archey's Lane to be left to lie on the table until completion of the Road Naming Policy review.

Kokopu Lane was recommended as complying with Council's current Road Naming Policy.

Councillors Sutherland and Smith asked if the review of the Council's current Road Naming Policy could be an item at Council's next meeting in February 2009.

Resolved Sutherland/Smith

That the information be received.

6 Information Items

6.1 Delegated Authority: Schedule of Decisions

Development Manager 3803.0

Circulated was a schedule of decisions that had been made under delegated authority. 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 give an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

Resolved Geange/Sutherland

That the Delegated Authority Schedule of Decisions be received.

6.2 Audit New Zealand: Management Report for 2007/2008

Finance Manager 2303.02

The Audit Management Report for 2007/2008 was circulated for the information of Councillors. The opinion confirmed that no breaches of legislative compliance were identified, and that the management control environment was effective. There were no major issues raised, and management was working with Audit New Zealand to address matters which could be improved.

Resolved Geange/Sutherland

That the information be received.

6.3 Legislative Compliance Certification

Chief Executive 2112.01

The signed certificates for the period ended 31 December 2008 of the sign-off from Management to Council that was undertaken half-yearly, were circulated for the information of Councillors.

Resolved Geange/Sutherland

That the information be received.

**6.4 Northcoast Subdivision, Driftwood Place, Mangawhai: Stormwater Disposal
Development Manager RM030166; 4404.0**

There remain unresolved issues with disposal of stormwater for a subdivision granted consent in 2003. Council held a bond to ensure satisfaction in this regard. The solutions were complicated by the fact that the original developer no longer owned the land involved, and had no legal power to undertake remedial works on someone else's land.

Council had extensive powers under the Local Government Act to achieve the necessary outcome. The costs associated with this could be met from the bond held by Council. After meeting with the developers onsite and reports from Council's engineers, it was now proposed to write to the owners of two properties advising them of their responsibility to maintain the soakage pits on their right of way, and write to the owners of six properties seeking their agreement to drainage easements being registered on their titles to protect stormwater overland flowpaths through their properties. This would be at no cost to them. If not all owners agreed to the easements, the next option was for Council to commence the procedure for declaring the overland flowpaths to be public drains. This procedure would be governed by the decision making provisions in sections 77 and 78 of the Local Government Act 2002.

If the preferred easement option was successful, this matter would not need to come before Council again, but if the public drain declaration option was necessary, it would come to Council again for a decision after the views of those who may be affected had been sought.

Resolved Geange/Sutherland

That the information be received.

6.5 Development Contribution: Extension of Time for Payment

Development Manager 2304.11; RM070151; 0115033304

At its November 2008 meeting Council addressed the question of objections against imposition of development contributions, and accepted that there was no right of objection under the Council's Development Contributions Policy as it stood. Council also sought clarification of the options available to extend or postpone the time by when payment of the development contribution must be made.

Advice was sought from Council's solicitors on this question. The Local Government Act made reference to the option of registering a statutory land charge against the title of the affected land, and this could be construed as a means of establishing the obligation to fall due at a later time than would otherwise be the case.

Projects to be included in *Kaipara's Future - Working Together 2009/19* were in the process of being investigated.

Resolved Burnett/McEwing

That the information be received.

6.7 Cames Road, Mangawhai: Residents Petition 5 January 2009

Community Infrastructural Assets Manager 4104.069; 4102.20

Some time ago persons unknown placed lime rock on the alignment of an unformed portion of Cames Road enabling through traffic to use the two sections which were formally separated. The limerock section was not formed to the appropriate Council standards and had been illegally formed.

A petition had been received from 73 signatories who had concerns over the action Council had taken on this section of Cames Road. The petition was circulated and asked for Cames Road east and west to be reopened. Unfortunately, Council had a duty to ensure that this section was not available for vehicular use until such time that it was formed to an appropriate Council standard. This had been confirmed by Council's legal advisors.

Resolved Alspach/Geange

That the information be received.

6.8 Rural and Provincial Sector Minutes 20/21 November 2008, Wellington

Governance Manager 2113.02.01

A copy of the Rural and Provincial Sector Minutes for the meeting held 20 and 21 November 2008, in Wellington, was circulated for the information of Councillors.

Resolved Alspach/Sutherland

That the information be received.

6.9 Northland Mayoral Forum Meeting Minutes of 8 December 2008

Chief Executive **1908.01.01**

The minutes for the Northland Mayoral Forum meeting held 8 December 2008 at the Whangarei District Council were circulated for information.

Resolved **Alspach/Sutherland**

That the information be received.

6.10 NZ Transport Agency: Northern Gateway Toll Road: Opening Date

Chief Executive **4106.06**

A letter from the New Zealand Transport Agency dated 5 January 2009 was circulated that, as part of the Agency's ongoing commitment to inform about progress on the project, updated Council on some key developments with the Northern Gateway Toll Road.

Resolved **Alspach/Sutherland**

That the information be received.

6.11 Local Government New Zealand: Schedule of Meeting Dates for 2009

Stakeholder Engagement Manager **2113.02.01**

The confirmed Local Government New Zealand 2009 meeting dates were circulated for the information of Councillors.

Resolved **Alspach/Sutherland**

That the information be received.

6.12 District Plan Review: Monitoring Report January 2009

Chief Executive **3807.01.08**

The monthly Monitoring Report for January 2009 from the Project Manager of the District Plan Review was circulated.

Resolved **Alspach/Sutherland**

That the information be received.

7 Public Excluded Council Items 28 January 2009

Resolved Alspach/Burnett

That the public be excluded from the following part of the proceedings of this meeting namely, Kaipara Refuse Limited: Review of Charges Litter Bins; Kaipara Refuse Limited: Eastern District Refuse Information;

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

<i>Subject matter to be considered:</i>	<i>Ground(s) under Section 48 (1) for the passing this resolution:</i>
<i>Kaipara Refuse Limited: Review of Charges Litter Bins</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Kaipara Refuse Limited: Eastern District Refuse Information</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>

Reason for passing this resolution in relation to each matter

This resolution is made in reliance of Section 48 (1)(a) of the Local Authority Official Information and Meetings Act and the particular interest or interests protected by Section 7 of that Act Section 7 of the Official Information Act 1982, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Section 7 (2)(b)(ii) would be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Open Meeting - 28 January 2009

Resolved **Alspach/Sutherland**

That the resolutions made whilst in Public Excluded, be confirmed.

7.1 Kaipara Refuse Limited: Review of Charges Litter Bins

Community Infrastructural Assets Manager **4201.01**

Resolved **Geange/Burnett**

That Council agrees to the increased charges of \$10.00 per 240 litre drum or wheelie bin, \$6.30 per 120 litre drum and \$2.50 per 60 litre drum, excluding GST which is an estimated cost increase of \$27,000 per annum, for the litter bin collection and disposal in the Kaipara District by Kaipara Refuse Limited effective from 1 November 2008.

Reason for the decision

The cost fluctuation adjustment clause provided for in the contract allows for increases in charges to be made.

7.2 Kaipara Refuse Limited: Eastern District Collection Information

Community Infrastructure Assets Manager **4201.01**

Resolved **Alspach/Burnett**

That Council Includes in Kaipara's Future - Working Together 2009/2019 a discussion document on rubbish collection that presents the issues and the four options for the solution:

- 1 *Charge a rate per property for kerbside collection in the future,*
- 2 *Have an approach of a rate/user pays system,*
- 3 *Let market forces decide which supplier they wish to use; or*
- 4 *Status quo.*

Reason for the decision

To enable Council to fully consider the community's views on the future structure of refuse collection.

Closure

The meeting closed at 4.10 pm

Confirmed this day of 200

Mayor