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**Confirmed Minutes of the Ordinary Meeting Of Kaipara District Council Held In  
Maungaturoto Centennial Community Hall, View Street, Maungaturoto On  
Wednesday 25 March 2009 Commencing 1.00 pm**

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Confirmed

**Confirmed Minutes: 25 March 2009****1 Opening : Cr Smith**

Councillor Sutherland to open the 29 April 2009 meeting to be held in Dargaville.

**1.1 Present**

Mayor N Tiller, Councillors R Alspach, J Geange, W Guest (left prior to Public Excluded), B McEwing, T Smith, J Sutherland, G Taylor

**1.2 In Attendance**

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

**1.3 Apologies**

**Resolved Alspach/Geange**

*That the apology of Councillor Burnett be received.*

**2 Confirmation of Minutes****2.1 Ordinary Council Meeting : 25 February 2009**

**Governance Manager 1601.13**

A copy of the minutes was circulated.

Pages 11/12 Item 5.1 Pou Tu O Te Rangi / Harding Park Reserve Management Plan: Chow Hill Endorsement:

The figure of \$70,000 was to be included in the resolution for Item 5.1 'Pou Tu O Te Rangi / Harding Park Reserve Management Plan: Chow Hill Endorsement' and will now read:

*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 being \$70,000, for Pou Tu O Te Rangi Pa and Harding Park, Dargaville.*

Council discussed the presentation of the Minutes in general and the Chief Executive undertook to provide a report on Minute presentation to the next meeting of Council on 29 April 2009.

**Resolved Sutherland/Taylor**

*That the minutes of the Ordinary Meeting of Council 25 February 2009, as amended, be confirmed as a true and correct record.*

## **2.2 Special Council Meeting : 11 March 2009**

**Governance Manager 1601.13**

A copy of the minutes was circulated.

**Resolved Smith/Sutherland**

*That the minutes of the Special Meeting of Council 11 March 2009, as circulated, be confirmed as a true and correct record.*

## **3 Policy**

### **3.1 Borrowing Programme**

**Finance Manager 2305.01**

Council's liquidity/working capital position will shortly require cash replenishment. \$3,459,000 was the recommended amount of the first tranche, and the amount provided for in the 2008/09 Annual Plan. This amount was purely to refinance maturing debt, and will simply maintain total debt levels, without increase.

#### **Reason 1: Maturing Stock**

The 2003 Consolidated Loan for \$1,714,000 matured on 16 February 2009, the 2004 Refinancing Loan for \$906,000 on 15 November 2008, and the 2005 Refinancing Loan for \$839,000 matures in April 2009. These loans were all for twenty-year periods, with variable interest reset dates determined by the formal re-tendering of the stock.

#### **Reason 2: Borrowings for New Infrastructure**

Not applicable for this resolution. A further borrowing resolution will be needed in April for the second tranche.

#### **Prospective Lenders**

Management will market the debt parcel to obtain the most competitive interest rate.

The security offered (Deed of Charge over Rates Revenue), will be identical for all parties.

The three prospective lenders were likely to be:

Bank of New Zealand

First NZ Securities Ltd (Formerly Credit Suisse First Boston)

ABN-AMRO Bank N.V.

#### **Compliance with Council Liability Management Policy**

The Liability Management Policy was detailed on pages 48 - 53 (Volume Two) of *Kaipara's Future - Working Together 2009/2019*, (Long Term Council Community Plan) and the following checklist certifies compliance with each component, thus:

1601.13

cminutes March 25 2009 public confirmed

1	Interest Rate Exposure	<input checked="" type="checkbox"/>
2	Liquidity	<input checked="" type="checkbox"/>
3	Credit Exposure	<input checked="" type="checkbox"/>
4	Debt Repayment	<input checked="" type="checkbox"/>
5	Provision of Security	<input checked="" type="checkbox"/>
6	Giving Loan Guarantees	N/A
7	Internal Borrowing	<input checked="" type="checkbox"/>
8	Borrowing Limits	<input checked="" type="checkbox"/>

**Resolved            Guest/Smith**

***That** in pursuance of the powers conferred on it by the Local Government Act 2002 and the regulations made thereunder, and any other powers enabling it the Kaipara District Council*

***Hereby** resolves to raise a loan of \$1,714,000 by the issue of stock or any other means to be known as the Kaipara District Council Consolidated Loan 2009 - \$1,714,000 - for the following purpose:*

	\$
a) <i>To refinance maturing 2003 loans for the upgrading of the Stormwater Services in the Dargaville Urban Area</i>	(148,000)
b) <i>To refinance maturing 2003 loans for the upgrading of the Wastewater Services in the Dargaville Urban Area</i>	(274,000)
c) <i>To refinance maturing 2003 loans for the upgrading of the Wastewater Services in the Maungaturoto Urban Area</i>	(124,000)
d) <i>To refinance maturing 2003 loans for the upgrading of Water Services in the Dargaville Urban Area</i>	(860,000)
e) <i>To refinance maturing 2003 loans for the capping of three closed refuse disposal sites within Kaipara District</i>	(108,000)
f) <i>To refinance maturing 2003 loans for the establishment of a service centre at Kaiwaka</i>	(200,000)

***And that** the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.*

***And that** security for the loan and interest thereon shall be as follows:*

a) <i>Dargaville Stormwater Upgrading</i>	\$ 148,000
---	------------

*A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

b) *Dargaville Wastewater Upgrading* \$ 274,000

*A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

c) *Maungaturoto Wastewater Upgrading* \$ 124,000

*A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

d) *Dargaville Water Upgrading* \$ 860,000

*A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

e) *Closed Refuse Disposal Site Capping* \$ 108,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

f) *Kaiwaka Service Centre Establishment* \$ 200,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

**And that** *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

**And that** *due and careful consideration has been given, both at the time of inclusion of this loan in the 2008/9 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

**And that** *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council.*

### **Reason for Decision One**

Implementation of the loan refinancing programme approved in the 2008/09 Annual Plan, so as to ensure adequate Council liquidity.

## **Resolution Two      Guest/Smith**

*That in pursuance of the powers conferred on it by the Local Government Act 2002 and the regulations made thereunder, and any other powers enabling it the Kaipara District Council*

*Hereby resolves to raise a loan of \$906,000 by the issue of stock or any other means to be known as the Kaipara District Council No 1 Refinancing Loan 2009 - \$906,000 - for the following purpose:*

- |  |                   |
|--|-------------------|
|  | \$                |
| a) <i>To refinance maturing 2004 loans for the upgrading of the Town Centre in Dargaville</i>                    | <i>( 450,000)</i> |
| b) <i>To refinance maturing 2004 loans for the upgrading of Stormwater Services in the Dargaville Urban Area</i> | <i>( 456,000)</i> |

**And that** *the Chief Executive Officer and the Finance Manager be delegated authority to determine the conditions of the said loan*

**And that** *security for the loan and interest thereon shall be as follows:* \$

- |  |                |
|--|----------------|
| a) <i>Dargaville Town Centre Upgrading</i> | <i>450,000</i> |
|--|----------------|

*A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Rating Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- |   |                |
|---|----------------|
| b) <i>Dargaville Stormwater Upgrading</i> | <i>456,000</i> |
|---|----------------|

*A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

**And that** *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

**And that** *due and careful consideration has been given, both at the time of inclusion of this loan in the 2008/09 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

**And that** *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council*

### **Reason for Decision Two**

Implementation of the loan refinancing programme approved in the 2008/09 Annual Plan, so as to ensure adequate Council liquidity.

**Resolution Three      Guest/Smith**

*That* in pursuance of the powers conferred on it by the Local Government Act 2002 and the regulations made thereunder, and any other powers enabling it the Kaipara District Council

**Hereby** resolves to raise a loan of \$839,000 by the issue of stock or any other means to be known as the Kaipara District Council N<sup>o</sup> 2 Refinancing Loan 2009 - \$839,000 - for the following purpose:

	\$
a) To refinance maturing 2005 loans for the upgrading of Water services in the Ruawai Water Supply Area	( 77,000)
b) To refinance maturing 2005 loans for the upgrading of Wastewater services in the Kaiwaka Urban Area	( 37,000)
c) To refinance maturing 2005 loans for the upgrading of District Landfills within Kaipara District	( 151,000)
d) To refinance maturing 2005 loans for the upgrading of Closed Landfills within Kaipara District	( 88,000)
e) To refinance maturing 2005 loans for the upgrading of a District Landfill at Awakino Road, Dargaville	( 48,000)
f) To refinance maturing 2005 loans for the establishment of a District Landfill at Hakaru	( 309,000)
g) To refinance maturing 2005 loans for the upgrading of Wastewater services at the Mangawhai Motor Camp	( 129,000)

**And that** the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.

**And that** security for the loan and interest thereon shall be as follows:

a) Ruawai Water Upgrading	\$ 77,000
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A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Ruawai Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

b) Kaiwaka Wastewater Upgrading	\$ 37,000
---------------------------------	-----------

A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaiwaka Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

c) *District Landfill Upgrading* \$ 151,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

d) *Closed Landfill Upgrading* \$ 88,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

e) *Awakino Road Landfill Upgrading* \$ 48,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

f) *Hakaru Landfill Establishment* \$ 309,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

g) *Mangawhai Motor Camp Wastewater Upgrading* \$ 129,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

**And that** *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

**And that** *due and careful consideration has been given, both at the time of inclusion of this loan in the 2008/09 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

**And that** *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council.*

### **Reason for Decision Three**

Implementation of the loan refinancing programme approved in the 2008/09 Annual Plan, so as to ensure adequate Council liquidity.

### **3.2 Walker Subdivision, Mangawhai: Possible Alternative Access Arrangement**

**Development Manager RM060205**

At its February 2009 meeting Council resolved not to allow an unformed legal road to be formed with a gradient of one in four to provide access for two lots in this proposed subdivision off the end of Pearl Street, Mangawhai. This was largely because of concerns about potential liability for the consequences of failure arising from the road being formed. Since that time, two further options had arisen out of discussions with Judicial Committee members, and Council's legal advisors. These had been raised with Mr Walker's lawyer in the context of the outstanding Environment Court appeal on a without prejudice basis.

The first option was to provide parking spaces for lot owners at the beginning of the paper road, and the other option was to stop the road so that it could be formed as a private access, on the proviso that an easement is granted back to Council for pedestrian access only, to facilitate a future walkway connecting with the continuation of the paper road.

Either of these options will enable the subdivision to proceed without it adversely affecting the Council's interests.

**Resolved Alspach/Guest**

*That Council confirms it is prepared to allow for access to Lots 1 and 3 in the Walker subdivision (Ref RM060205) by either of the following means:*

- a Parking spaces 'for residents only' are provided at the beginning of the unformed road, and pedestrian access is provided from there to the sites*
- b The affected section of unformed road is stopped in accordance with provisions of the Local Government Act 1974, with the applicant or consent holder meeting all costs as negotiated as well as paying for the land at valuation, taking into account the provision of an easement in favour of Council for pedestrian purposes only (if required); and*

*That Council advises it agrees to settle the appeal if the terms of such settlement incorporate either of the access proposals outlined in a) or b) above.*

**Councillor Geange abstained.**

#### **Reason for the Decision**

While Council has indicated it does not wish the road to be formed as a public road, it is prepared to consider other alternatives for access to enable the development to proceed.

### **3.3 Road Legalisation and Stopping: Corner Cove and Tara Roads**

**Community Infrastructural Assets Manager** **4102.17**

A report from the Community Infrastructural Assets Manager was circulated relating to the road legalisation and stopping at the intersection of Cove and Tara Roads.

The ongoing discussions between Council and Mr Critchfield had not provided a resolution. The necessity for Council to conclude these discussions with either a land swap or a purchase had been reviewed and it appeared that there were other more desirable options that should consider the long term development of the roading network.

**Resolved** **Smith/Sutherland**

*That Council places negotiations on hold pending the completion of the Mangawhai Roothing Strategy Study as provided for in the draft Kaipara's Future - Working Together 2009-19.*

**Reason for the Decision**

To ensure that the intersection is developed in a cost effective and safe manner.

### **3.4 Dargaville Library Service and Dargaville Information Centre Merge Update**

**Stakeholder Engagement Manager** **2124.03; 2124.04.03; 2132.03.01**

Council withdrew this item from its 25 February 2009 meeting, to lie on the table as it had been awaiting receipt of further information from the Dargaville Kauri Coast Promotion Society.

Council asked that a full report be provided to it, including the history of the issue to date, at its next meeting to be held 29 April 2009.

**Resolved** **Alspach/Geange**

*That this item lie on the table until Council's 29 April 2009 meeting.*

**Reason for the Decision**

To allow the Dargaville Kauri Coast Promotion Society time to provide further information to Council.

### 3.5 Mangawhai Historical Society: Request for Support for Museum Project

**Development Manager RM080152**

A report from the Development Manager was circulated. For a number of years now, the Mangawhai Historical Society had been working towards establishment of a new museum to serve the area. The existing site in the village was too small to meet current or future needs properly. A plan of the proposed new building had been prepared, and Council had agreed to provide a one hectare site at the corner of Thelma Road and Molesworth Drive, Mangawhai, part of the land known as Mangawhai Park.

In mid September 2008, the Society lodged an application for land use consent for the museum. This had been necessary because the site was zoned rural, and community and recreational activities were a discretionary activity in this zone. The draft consent conditions do not take account of the fact that Council itself was a major supporter of the proposal. There was justification for deviating from the usual standard conditions, particularly relating to bonds and quality assurance requirements because of this involvement. While Council was not itself the applicant, apart from having made its support for the project, Council will also be the landlord. Taking a more sympathetic and flexible approach here will not compromise the resource consent process because an independent commissioner will be making the decision.

**Resolved Smith/Sutherland**

- 1 *That Council confirms its support for the Mangawhai Historical Society's museum building project at Mangawhai Park, and allows that for any works which might be carried out by Council's contractors under Council direction, any conditions requiring bonds to be entered into, or quality assurance records and the like to be provided, will be regarded as satisfied, and the requirement for a construction bond be replaced with a requirement for all operators of construction machinery and vehicles on the site to carry appropriate insurance against damage, and,*
- 2 *That Council provides a facilitator/advocate from current staff resources to enable the Mangawhai Historical Society's museum building project at Mangawhai Park to proceed expeditiously.*

#### **Reason for the Decision**

Council is a supporter of the project, and this approach is a further way to demonstrate its support. The resource consent process is not compromised because an independent commissioner will make the decision on the application.

This situation can be distinguished from those involving private developers because Council is a supporter of the project, and will be the landlord.

### 3.6 Glinks Gully Camping Ground: Lease Expiry

**Community Spaces Manager**

**4703.03**

The Council may have been aware that for sometime, the current lessees of the Glinks Gully Camping Ground, Mr Geoff Nicoll and Ms Cindy Maude had been struggling to run the camping ground in a way that makes it viable. This was not seen as a reflection on either their combined ability or their commitment to the camping ground. As lessees they had made major improvements in the way the camp looks and was run.

The previous lessee of the Glinks Gully Camping Ground terminated their lease as they also struggled to make it viable. It was at this point that Mr Geoff Nicoll and Ms Cindy Maude stepped in, not wanting to see the area lost to this activity.

The Glinks Gully Camping Ground had limited appeal because of its isolation and because safe swimming off the beach was not always possible, particularly for those with young children. It tended to attract those groups and families into fishing but even then really only at the height of the summer season. However the Glinks Gully community value this area and did not want to see it lost as a camping ground, as it was an integral part of the community. The period of the lease held by Mr Nicoll and Ms Maude was up in October 2009 and the leaseholders approached Council and requested if it would take over the cost of the outgoings until the end of the lease period. The current lessees had said they were prepared to continue to look after the camping ground until their lease expired. Between March and October 2009 camping ground numbers were expected to drop from the present handful per week to nothing, with outgoing costs being only for the mowing of the camping ground and cleaning of the toilet and shower facilities.

It was Council's policy that a camping ground needed to be self-funding with no impact on ratepayers and the Glinks Gully Camping Ground was not able to achieve this.

Councillor Geange expressed her disappointment at not being included in the discussions surrounding the camping ground at Glinks Gully as she was the portfolio holder of Community Spaces (Northern) and asked that she be included in future discussions and negotiations. Councillor Guest apologised saying his involvement had arisen from a personal friendship with the current camping ground managers.

**Resolved      Guest/Alspach**

*That Council assumes the cost of the outgoings of the Glinks Gully Camping Ground until October 2009 when the current lease on the camping ground expires.*

*That Council accepts the offer of the current lessees, Mr Geoff Nicoll and Ms Cindy Maude to manage the Glinks Gully Camping Ground until their current lease expires in October 2009.*

*That Council continues to work with the Glinks Gully community and the current lessees to achieve a satisfactory solution that meets the needs of the community and the Council.*

*That Council be advised of the outcome arrived at and the proposed future of the Glinks Gully Camping Ground at its September 2009 meeting by way of a report to Council.*

**Reason for the Decision**

The current lease arrangement is not viable to the lessee concerned in its present form, however the Glinks Gully community has indicated that the camping ground is an integral part of Glinks Gully and would not like to see it lost.

The community and current lessees want to find a solution that benefits all concerned and wants to work with Council to find a solution that suits this community.

**3.7 Infringement Notices under the Building Act**

**Development Manager 3107.0**

A report from the Development Manager was circulated. The Building (Infringement Offences, Fees and Forms) Regulations 2007 came into force on 1 July 2008. Since that time Council had been capable of opting into an arrangement for issuing infringement notices under the Building Act for a specified range of actions (Appendix circulated).

Options currently available for enforcement include issuing a Notice to Fix, or formal prosecution under the Summary Proceedings Act in serious cases. A prosecution could cost up to \$20,000 in preparation and presentation, with the outcome by no means a certainty. It can also be a lengthy, time consuming process. Costs may be imposed by the Court, as well as a portion of any fine imposed, but advice from the Department of Building and Housing was that these reimbursements rarely match the cost of the prosecution.

**Resolved Geange/Sutherland**

*That Council adopts the Building (Infringement Offences, Fees and Forms) Regulations 2007 to take effect from 1 May 2009; and*

*That Council delegates to the Chief Executive (or his nominee) the authority to issue infringement notices in accordance with these Regulations.*

**Reason for the Decision**

Infringement notices are an effective deterrent which will encourage rectification and should reduce persistent re-offending where people who have breached provisions of the Building Act have shown an unwillingness to comply. It is a more cost effective approach than formal prosecution.

### 3.8 Elected Members Remuneration Authority Pool for 2009/10

#### Governance Manager 1801.0

A report from the Governance Manager was circulated relating to the Remuneration Authority's release of its indicative pool for 2009/2010, which for Kaipara was \$278,530. The Authority had not made any changes to the basis for calculating the indicative pools for 2009/10.

The Mayor's salary was set by the Authority at \$67,408. Council's recommendation for the remainder was needed by 01 April 2009. The current division was recommended by Council taking into account that unless a very complicated structure was developed there would always be some workload remuneration imbalance. The current division was working well and therefore the recommendation of this report was to use the same formula which would result in the following application of the pool.

	2009/2010	2008/2009
Mayor (set by the Remuneration Authority)	\$ 67,408	\$ 65,117
Deputy Mayor (46% of the Mayor)	\$ 31,005	\$ 29,954
Councillors (equal division of remainder)	\$ 25,731	\$ 24,688

It was the Remuneration Authority's intention that the increase due each Council was taken up. The Far North District Council endeavoured to decline the increase last year and to have it collectively donated to the Himalayan Trust UK. This had been rejected by the Remuneration Authority who determined that such donations must be exercised by individual elected members rather than by the Council organisation.

If a Councillor particularly wished to acknowledge that he/she was satisfied with the amount received given the recession and the resulting unemployment that was occurring then he/she was able donate the increase to anyone they wish including Council. Councillors had always had the ability to pass on any or all of their salary to the Council, a charity of their choice or anyone else, this was nothing new. It provided a solution for those with a dilemma.

Mayor Tiller said he believed that the Councillors gave value for money as they worked long hours in their local communities. He noted that they were paid considerably less than their local counterparts across the border for what amounted to a similar job.

Councillor Guest said that he would be donating his increase back to Council and urged other Councillors both within the Kaipara District Council and in Northland generally to do the same.

**Resolved Geange/Taylor**

*That Council recommends that the Remuneration Authority apply the \$278,530 pool for its Elected Members for 2009/2010 as follows:*

	2009/2010
<i>Mayor (set by the Remuneration Authority)</i>	<i>\$ 67,408</i>
<i>Deputy Mayor (46% of the Mayor)</i>	<i>\$ 31,005</i>
<i>Councillors (equal division of remainder)</i>	<i>\$ 25,731</i>

**Reason for the Decision**

To provide an equitable division of the remuneration pool that is simple and low cost to administer. The Remuneration Authority's intent is that all councils accept the increase due, however individual Councillors are able to pass all or any portion of their salary on should they wish to by donating the money to charity or to Council.

**3.9 Kaipara District Plan: Totara Park Limited Private Plan Change N° 25: Operative**

**Chief Executive 3809.25**

Council adopted Plan Change N° 25 at the 17 December 2008 meeting. The appeal period had now finished, with no appeals being lodged with the Environment Court. Plan Change N° 25 was now required to come before Council to formally become operative with the affixing of the Common Seal of the Kaipara District Council.

Public notice will then announce that Plan Change N° 25 was operative with the operative date being five working days after the notice appeared.

**Resolved Taylor/Smith**

- 1 That pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, the proposed Plan Change N° 25 to the Kaipara District Plan be made operative.*
- 2 That the approval of Plan Change N° 25 be effected by affixing the Common Seal of the Kaipara District Council to Plan Change N° 25.*
- 3 That the resolution of Council to make Plan Change N° 25 operative be publicly notified in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991.*
- 4 That Plan Change N° 25 becomes operative on 6 April 2009.*

**Reason for the Decision**

As no appeals have been lodged with the Environment Court, Plan Change N° 25 can formally become operative and part of the Kaipara District Plan.

### 3.10 Traffic Management Co-ordinators Appointments

#### **Community Infrastructural Assets Manager 4101.01**

Formal appointments of Traffic Management Co-ordinators were required to ensure that traffic management measures such as temporary speed restrictions were legally enforceable, and also that the roading network was managed safely.

The Council had no appointed Traffic Management Co-ordinator. The Council's Engineers had been approving Temporary Traffic Management Plans and liaising with each other to prevent conflicts.

The Council's two seconded Engineers (Northern Area Engineer and Southern Area Engineer) had to date been approving Temporary Traffic Management Plans and Temporary Speed Restrictions as acting Traffic Management Co-ordinators. To ensure that these measures were legally enforceable Council needed to formally appoint these positions as Traffic Management Co-ordinators.

#### **Resolved Alspach/Geange**

*That Council appoints the Northern Area Engineer and Southern Area Engineer as Traffic Management Co-ordinators.*

#### **Reason for the Decision**

To ensure consistent, legal, safe and practical temporary traffic management throughout the District roading network.

### 3.11 Notices of Motion: Kauri Coast Community Pool Trust

#### **Governance Manager 1904.04**

Councillor Guest tabled seven Notices of Motion at the Council meeting held 25 February 2009. These were set out below for Council's consideration:

#### **Notice of Motion 1**

**Moved Guest/motion lapsed, not seconded.**

**Notice of Motion 2****Moved Guest/Geange**

*The Council instructs the Chief Executive to provide an evaluation on all of the land asset holdings that Council is planning to sell to provide funding for the Kauri Coast Community Pool Trust, such evaluation to include current Government valuations and the risk factor of these properties not obtaining these realisations due to the economic downturn. Also to include an opportunity cost, what is the ratepayer going to gain or lose through these properties being sold for other than local purposes pertaining to ratepayers in that immediate area.*

**Motion lost.****Notice of Motion 3****Moved Guest/motion lapsed, not seconded.****Notice of Motion 4****Moved Guest/Geange**

*That the Chief Executive be required to give an evaluation on current forestry values and projected income streams and the projected time he expects to fund the Trust by funding off the balance sheet.*

**Motion lost.****Notice of Motion 5****Moved Guest/motion lapsed, not seconded.****Notice of Motion 6****Moved Guest/motion lapsed, not seconded.****Notice of Motion 7****Moved Guest/motion lapsed, not seconded.**

## **4 Reports**

### **4.1 Mayor's Report**

#### **1701.02.03**

The Mayor provided a verbal report on matters of interest.

These included:

- Kauri Coast Community Swimming Pool
- *Kaipara's Future - Working Together* (LTCCP) consultation process
- Heads of Mission Tour of Northland

### **4.2 Councillors Portfolio Reports**

#### **Councillors 1904 (various)**

The following Councillors written reports were circulated, on portfolio matters and other items of interest.

#### **Cr Alspach**

- **Roading**

#### **Cr McEwing**

- **Water; existing wastewater, water supply and land drainage**
- **Emergency Management**

### **4.3 Chief Executive's Report: March 2009**

#### **Chief Executive 2002.02.08**

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

#### **Resolved Sutherland/McEwing**

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

## 5 Receipt and Adoption Items

### 5.1 Mangawhai Endowment Fund Committee Emergency Meeting 25 February 2009 Minutes

**Development Manager 1605.11**

The Mangawhai Endowment Fund Committee Emergency Meeting minutes of 25 February 2009 were circulated.

**Resolved Geange/Sutherland**

*That the Mangawhai Endowment Fund Committee Emergency Meeting minutes of 25 February 2009 be received.*

### 5.2 Road Naming: Private Right of Way off Cames Road, Mangawhai: Pukatea Way

**Community Infrastructure Assets Manager 4102.09**

Mangawhai Ridge Society had completed a forty two lot subdivision located off Cames Road, Mangawhai. In line with Council's Road Naming Policy a resident within the subdivision had submitted, for Council approval, the names for one of the private right of ways. The circulated map showed the section of road in question.

The names proposed were Ghyll Lane, Pukatea Way and Kawaka Way. The reasons being offered were Ghyll was a ravine. The resident stated that there ere three streams coming down off the ridge on to the lane. Ghyll as also a variation of the name of the resident proposing the name. The other two proposed names were of native trees and this was in keeping with the native theme from 'Kokopu', which had been recently named. The current policy weights the names by historical, cultural, geographical and nature based order. Pukatea was keeping in theme with the nature based naming that was currently occurring in the region.

As a ravine was not a term commonly used, and none were to be found in the Kaipara District, this was the reason why the resident's first choice was not recommended.

Pukatea Way was confirmed as complying with Council's current Road Naming Policy.

**Resolved Geange/Sutherland**

*That the information be received.*

## **6 Information Items**

### **6.1 Delegated Authority: Schedule of Decisions**

**Development Manager 3803.0**

A 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 Sutherland/Alspach**

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

### **6.2 District Plan Review: Monitoring Report March 2009**

**Chief Executive 3807.01.08**

Circulated was the monthly Monitoring Report from the Project Manager of the District Plan Review.

**Resolved Sutherland/Alspach**

*That the information be received*

### **6.3 Local Government New Zealand : 2009 Annual General Meeting Remit Process**

**Governance Manager 2113.02**

A memorandum was circulated that was received from Local Government New Zealand (LGNZ) outlining the remit process for LGNZ Annual General Meeting.

**Resolved Sutherland/Alspach**

*That the information be received.*

#### **6.4 Rural and Provincial Sector Minutes 19/20 February 2009, Wellington**

**Governance Manager**                      **2113.02.01**

A copy of the Rural and Provincial Sector Minutes for the meeting held 19 and 20 February 2009, in Wellington, was circulated for the information of Councillors.

**Resolved**                      **Sutherland/Alspach**

*That the information be received.*

#### **6.5 Minister of Agriculture, BioSecurity and Forestry: Briefing Paper**

**Community Infrastructural Assets Manager**                      **2110.01**

On 26 February 2009 the Hon David Carter visited the Northland Agricultural Field Days. A Kaipara District Council briefing had been prepared for the Minister in discussion with the Mayor, Deputy Mayor and Councillor Geange. The purpose of the briefing paper had been to give the Minister a brief overview of the Kaipara with regard to the Minister's portfolio areas. A copy of that Briefing Paper was circulated.

The Paper gave summaries on the following items:

- Agricultural, horticultural and forest production
- Key challenges
- Rural roadings,
- Financial Assistance Rate
- Regional Development Fund (RDF)
- Utility Risks; and
- Kaipara Moving Forward.

Across the Kaipara agriculture, horticulture and forestry production were primary industries. Kaipara's livestock numbers were the sixth highest across the country and its production of vegetables, seed and grain crops et cetera was ranked at eleventh and twelfth highest.

**Resolved**                      **Sutherland/Alspach**

*That the information be received.*

**Councillor Guest left the meeting prior to the Public Excluded.**

## 7 Public Excluded Items 25 March 2009

### **Resolved Smith/Sutherland**

*That the public be excluded from the following part of the proceedings of this meeting namely Wood Street, Mangawhai: Redevelopment, Ratepayer Complaint, Cr Guest*

*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>Wood Street, Mangawhai: Redevelopment</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Ratepayer Complaint, Cr Guest</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 - 25 March 2009**

### **Resolved Sutherland/Geange**

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

### **7.1 Wood Street, Mangawhai: Redevelopment**

**Chief Executive 3838.0, 3807.01.05, 5102.04, 5105.08**

#### **Resolved Smith/Sutherland**

*That Council enters into negotiations to determine:*

- a) *If it is feasible for the Rodney North Harbour Health Trust to develop elderly persons housing on the Wood Street / Fagan Place site in Mangawhai*
- b) *A concept that ensures the outcomes of the Mangawhai Structure Plan are not compromised, and that a budget of up to \$12,500 be allocated from Council's property account.*
- c) *If it is possible to design and implement a development which achieves the outcomes for Wood Street Business Policy Area 4 of the Mangawhai Structure Plan.*

#### **Reason for the Decision**

This proposal does not commit Council to any further action while developing proposals which are compatible with the strategic outcomes identified by Council and the community for the Wood Street area. This proposal provides Council with the opportunity to work in partnership with Central Government, the not-for-profit sector and the private sector to achieve outcomes desired by the Government, the Council and the community.

### **7.2 Ratepayer Complaint: Councillor Guest**

**Chief Executive 1203.01**

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

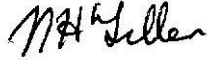
*That Council receives the information.*

**Closure**

The meeting closed at 4.30 pm

Confirmed this 29<sup>th</sup> day of April 2009

Mayor Tiller

A handwritten signature in black ink, appearing to read "M. Tiller".

Confirmed