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**Not for Publication until after Commencement of Meeting**

**Notice Of Ordinary Meeting Of Council**

**Date** 10.00 am on Wednesday 23 September 2009

**Venue** Council Chambers, Station Road, Dargaville

**Timetable**

**9.45 am Morning Tea**

**10.00 am Workshops**

**1 District Plan Workshop (This is a Public Excluded Workshop)**

A number of District Plan matters are to be work shopped with Council in support of the agenda item asking Council to adopt the Plan for public notification. This includes discussing the two Maori Purposes Chapters, a Resource Management Act amendments legal review, notification processes and communication plan and the Engineering Standards.

**12.15 pm Lunch**

**1.00 pm Commencement of Council Meeting**

**3.00 pm Afternoon Tea**

**3.15 pm Recommencement of Council Meeting, if required**

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,  
Dargaville On Wednesday 23 September 2009 Commencing 1.00 pm**

**Recommendations contained in the order paper and reports are NOT Council decisions  
Please refer to Council minutes for Resolutions.**

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**Order Paper: 23 September 2009****1 Opening : Cr Geange**

Councillor to be selected to open the 28 October 2009 meeting.

**1.1 Present****1.2 In Attendance****1.3 Apologies****2 Confirmation of Minutes****P1 2.1 Ordinary Council Meeting : 26 August 2009****Governance Manager 1601.13**

A copy of the minutes is attached.

**Recommended**

*That the minutes of the Ordinary Meeting of Council 26 August 2009, as circulated, be confirmed as a true and correct record.*

**3 Strategic****P27 3.1 Engineering Standards 2009****Community Infrastructural Assets Manager and Development Manager 3803.01**

A report from the Community Infrastructural Assets Manager and Development Manager regarding the Engineering Standards 2009 is attached. A copy of the Engineering Standards 2009 is circulated separately. Engineering Standards have been developed that ensure consistency of design and construction for subdivisions, land development and infrastructure that will be vested in Council or managed and maintained by Council. It is proposed to incorporate these Engineering Standards into the Kaipara District Plan by reference.

In developing Engineering Standards, Council has consulted with practitioners to ensure the Standards are reasonable and workable. A Working Party including a representative from Council, consultants and external survey and engineering firms has helped to develop and review the Engineering Standards in detail.

Workshops were held with Council and independent practitioners on three occasions during 2008. This process provides a great degree of confidence that the final Engineering Standards will achieve its objectives in practice.

### **Recommended**

*That Council adopts the Engineering Standards 2009, with the Mangawhai Wastewater Standard as the basis for Wastewater treatment and reticulation across the District.*

### **Reason for the recommendation**

The Engineering Standards 2009 have been developed in consultation with independent practitioners and implements Council policies in respect of infrastructure design, construction and management.

## **P31 3.2 District Plan Review: Approval of draft Proposed District Plan for Public Notification**

### **Chief Executive 3807.01**

A report from the Chief Executive is attached discussing the District Plan Review and related to the supporting documents: the draft Proposed District Plan.

Copies of the draft District Plan have been circulated to Councillors. Copies are available for viewing at Council's offices in Dargaville and Kaiwaka and a copy will be available for viewing at this September Council meeting.

A single copy of the Section 32 Analysis Summary Report will be tabled at the meeting. This is a very large technical document. If Councillors would like a copy (approximately 400 pages) please contact the Governance Manager.

The purpose of this agenda item is to seek Council approval of the draft Proposed District Plan for public notification as the Proposed District Plan.

The review of the District Plan has been driven by the Environmental Outcomes, as identified by Council, and confirmed by the community. The importance of Kaipara's harbours, coasts and waterways is reflected in this document. The reviewed District Plan will guide development in a way that encourages growth while protecting the environment.

The Plan also contains two Maori Purposes Chapters that have been re-worked as a result of further discussion. The Project Team consider now both chapters deliver a win-win to Council and Te Roroa and Te Uri o Hau.

This document shows Council's leadership for Kaipara District. As such, full Council should hear all of the submissions on the Proposed Plan, with the support of an Independent Commissioner as Chair.

This report outlines the changes resulting from the amendments to the Resource Management Act, reports back to Council on an outstanding matter raised at the 12 and 13 August 2009 workshop, the feedback from the legal review, outlines the notification process, and means by which it is proposed to communicate with the community about the Proposed Plan, and how the hearings of submissions should be held.

### **Recommendation**

*That Council adopts the draft Proposed District Plan for public notification in October 2009; and*

*That the submissions to the draft Proposed District Plan be heard by full Council chaired by an Independent Commissioner.*

### **Reasons for the Recommendation**

The review of the District Plan is now complete and the document contains all of Council's direction, and can achieve the Outcomes Council has identified, and the community has confirmed. The District Plan represents one of Council's most influential documents to lead the District into the future.

As such, Council needs to show leadership and sit on the Hearings, with the support of an Independent Commissioner as Chair.

The two Maori Purposes Chapters represent a true partnership approach between Council and Te Uri o Hau and Te Roroa. It is a partnership Council can be proud of, and delivers equality to all of Kaipara. The two chapters will ensure that environmental outcomes are achieved, while providing a platform for a better future for the two Iwi.

## **P41 3.3 Kauri Coast Community Pool Trust Deed**

### **Community Spaces Manager 4701.02.02**

A report from the Commercial Manager is attached, the purpose of which is to describe and seek adoption of the formal arrangements between the Kauri Coast Community Pool Trust and the Kaipara District Council. The prime purpose is to ensure the community continues to have available the 50 metre pool and associated facilities in perpetuity. A copy of the amended Trust Deed is attached with this report.

With the construction of the Kauri Cost Community Pool underway and on target, it is necessary to finalise the arrangement between Council and the Kauri Coast Community Pool Trust. As required by Council the Trust Deed has been reviewed and now meets the requirements of Council. It has been amended to ensure the Trust maintains its charitable status while ensuring it caters for the wider community, including Maori, in its operation.

The Deed also protects the community interest in its ongoing operation of the pool and will ensure it remains available as the public community facility always intended.

This will be further reinforced by the Trust and the Council entering into a contract which clearly details the obligations of these two parties.

The contract will be centred around the following clauses and will be negotiated by the Chief Executive on behalf of Council:

- a) Public Access
- b) Financial Obligations
- c) Maintenance of Assets
- d) Public Safety
- e) Future of Assets
- f) Compliance with Trust Deed

### **Recommended**

*1 That the amended Trust Deed for the Kauri Coast Community Pool, between the Kauri Coast Community Pool Trust and the Kaipara District Council be approved; and*

*2 That the Chief Executive be authorised to negotiate a contract between the Trust and Council, outlining the obligations of each in relation to:*

- a) Public Access;*
- b) Financial Obligations;*
- c) Maintenance of Assets;*
- d) Public Safety;*
- e) Future of Assets; and*
- f) Compliance with Trust Deed*

*and this contract to be reported back to Council for approval.*

### **Reason for the recommendation**

The Trust Deed adequately protects the community's (and Council's) interests and reflects Council's requirements for its involvement in this project. The contract will provide a legally binding arrangement which also protects the community's and Council's interests.

## **3.4 Appointment of the Electoral Officer**

### **Governance Manager 1301.01**

In September 2007 Council appointed Miss Ware as Governance Manager. The responsibilities of this role include managing the triennial elections and if necessary by-elections and polls.

The position of Electoral Officer is presently held by Mrs Lichtwark-McInnes, Stakeholder Engagement Manager and it is both timely and appropriate that this position now pass to Miss Ware at the Council's Governance Manager.

Section 14(5) of the Local Electoral Act 2001 expressly prohibits the Chief Executive being appointed or acting as an electoral officer unless there is no other option:

*"(5) The Chief Executive of a local authority (however described) must not be appointed or act as an electoral officer, deputy electoral officer, or other electoral official, unless the local authority concerned is satisfied that no other course of action is reasonably practicable in the circumstances."*

### **Recommended**

*That Council appoint Barbara May Ware as the Electoral Officer under Section 12 of the Local Electoral Act 2001.*

### **Reason for the recommendation**

The position forms part of the role of the Governance Manager.

## **4 Policy**

### **4.1 Mangawhai Coastal and Harbour Reserves Management Plan: Adoption**

#### **Governance Manager 4702.13.03**

Section 41 of The Reserves Act 1977 requires that Council prepare a Reserve Management Plan for its reserves. Over a period of nearly two years Council has worked on the preparation of the draft Mangawhai Coastal and Harbour Reserves Management Plan. A copy of the draft Mangawhai Coastal and Harbour Reserves Management Plan is circulated separately. A public consultation process has been undertaken and submissions sought. Council considered the 21 submissions it received at its meeting dated 2 June 2009 and amendments were agreed to and have been made to the draft document.

At its meeting dated 26 August 2009 Council completed the classification of a further 36 reserves taking the number of reserves pertaining to the proposed Reserves Management Plan to 69 and comprising some 74 parcels of land.

The next step is for Council to adopt the draft Mangawhai Coastal and Harbour Reserves Management Plan which will then be forwarded to the Minister of Conservation for sign-off.

### **Recommended**

*That Council, pursuant to Section 14 of The Reserves Act 1977, adopts the Mangawhai Coastal and Harbour Reserves Management Plan August 2009.*

### **Reason for the recommendation**

This completes the final legislative step for Council in the Reserve Management Plan process under The Reserves Act 1977.

## **P57 4.2 Mangawhai Foreshore Reserve**

### **Governance Manager 4702.13.02**

A report from the Governance Manager is attached. Council held a Workshop on Tuesday 01 September 2009 to give consideration to what future development, if any, it might undertake on its reserves in the Alamar Crescent and Robert Street areas.

Councillors viewed a short Powerpoint which highlighted the issues both it and the community faced in this area. This was followed by a walkover that enabled the Councillors to better familiarise themselves with the area and on the ground issues. Council then looked at a number of options prepared by SOUL Environments with price tags ranging from approximately \$800,000 through to the original option presented to the community at \$4 million plus.

The first question Council asked itself was did it want to maintain a campground at Alamar Crescent and the answer to this was a yes but the campground must be self funding if it was to remain. Council needed to look at ways to upgrade the facilities within the campground at no cost to ratepayers.

The second question it asked itself was did it cater for parking for the peak Christmas/New Year period in the Alamar area. Council strongly believes in people and open spaces over vehicles and parking and the provision of large areas that then remain unused outside the peak summer period. Building giant car parks on premier pieces of land that would remain virtually empty for 10 months plus a year was not a viable option.

Also raised for Council's consideration with the area known as Sellars Land which comprises three lots in fee simple purchased by the Council some twenty years ago and the water supply in the Alamar area as the bore is unable to sustain any further demands upon it.

Council asked that a number of Small Wins projects be put together that it could give consideration to and possibly have in place by the summer holiday season 2009/10. These include:

- |  |          |
|--|----------|
| • Robert Street to the Pontoon                 | \$49,000 |
| • Cheviot Street Access Way to Lincoln Reserve | \$18,000 |
| • Jordon Street Access Way to Lincoln Reserve  | \$ 4,100 |

- Alamar Beach Front Furniture \$23,000
- No Parking on Beach Signage \$ 4,440
- Bollards Preventing Access to the Beach from Sellars Land \$ 7,000

### **Recommendation**

1 **That** Council asks the Chief Executive to have prepared the following reports for its consideration:

- (a) *paid parking options in the Alamar Crescent, Mangawhai area, and,*
- (b) *the development potential in the area known as Sellars Land, Mangawhai, with the front portion to be kept as a public open space, and,*
- (c) *funding options for the Mangawhai Campground including the possibility of a fee restructure and an indication of the debt that the Campground would be able to service if required to.*

2 **That** Council supports the continued improvements to the Mangawhai Campground facilities provided this can be done from the Mangawhai Campground revenue.

3 **That** Council approves the implementation of the Small Win projects at a total cost not exceeding \$120,000

- *Robert Street to the Pontoon*
- *Cheviot Street Access Way to Lincoln Reserve*
- *Jordon Street Access Way to Lincoln Reserve*
- *Alamar Beach Front Furniture*
- *No Parking on Beach Signage*
- *Bollards Preventing Access to the Beach from Sellars Land*

### **Reason for the recommendation**

To provide instruction and direction for the Chief Executive and his staff in respect of the Alamar Crescent, Mangawhai area as a number of the issues raised fall outside the current Business Plan and to continue to keep faith with the Mangawhai community.

**P68 4.3 Community Max Scheme: Taharoa Domain and Other Reserves**

**Stakeholder Engagement Manager and Community Spaces Manager**

**4702.24**

A report is attached relating to a current opportunity to make improvements to community facilities and to progress community projects at a fraction of the normal cost. This opportunity comes in the form of the government's 'Community Max' Scheme which provides subsidy for organisations employing young people for a minimum of 30 hours per week on projects of twenty six weeks duration. The main stipulation being that it is only available for non-commercial work which would not otherwise be undertaken, i.e. it must not displace current or planned employment.

A six month project for a group of up to eight workers and supervisors will enable a considerable amount of work to be done on a number of reserves throughout the District including Taharoa Domain.

**Recommended**

*That Council supports a Community Max Scheme application for a project to carry out work on Council reserves including Taharoa Domain.*

**Reason for the recommendation**

To take advantage of the opportunity the Community Max Scheme offers to make improvements to the reserve areas, and to leverage off this opportunity by applying to other funding opportunities.

**P72 4.4 Kaipara District Fire Plan: Adoption**

**Community Infrastructural Assets Manager**

**6203.0**

A copy of a report from the Emergency Support Officer on the requirement for an operative Fire Plan Part is attached. The purpose of this report is to advise Council of the requirement of the Forest and Rural Fires Regulations 2005 for Council as the Fire Authority for the area it administers that it is required to have an operative Fire Plan adopted by 1 October 2009 and to explain the format and content.

A copy of the Plan has been circulated separately for Councillors' information.

### **Recommended**

*That the Emergency Support Officer's report on the requirement for an operative Fire Plan be received; and*

*That the Rural Fire Plan for 1 October 2009 to 30 September 2014 be adopted.*

### **Reason for the recommendation**

Council is required by the Forest and Rural Fires Act and Regulations to have an operative Fire Plan in place by 1 October 2009.

## **P74 4.5 Twin Coast Discovery Highway Changes**

### **Community Infrastructural Assets Manager**

**2132.05**

Council has been approached by Highways North (see attached letter dated 5 August 2009) in regards to changes for the Twin Coast Discovery Highway. The intention is to improve the highway for tourists and in the interest of business.

Council considered a report by the Chief Executive in July 2008, which endorsed and supported the diversion of the route from State Highway 12 to Victoria Street in Dargaville and to also create a loop from State Highway 12, past the Kauri Museum along Matakohe West Road. Council also supported the current exit from State Highway 1 to Mangawhai.

The costs to implement this change were not considered in detail. However, it was assumed that the NZ Transport Agency Highway's Operation would be the funder given the original signage for Twin Coast Discovery Route has been a Highway Operations project. Unfortunately, this is not the case and while the Agency were prepared to fund investigations they are not in a position to fund changes to the route.

Highways North assessed the cost involved to change the Twin Coast Discovery Highway to encompass Council's resolution at \$91,000. These costs would indirectly be met by Council.

While Council initially supported changes to the Twin Coast Discovery Highway report and made recommendations there was no discussion on costs or who would fund the project until now. Council does not have a budget to fund the relocation of the Twin Coast Discovery Highways Signage.

The project initiator, Destination Northland, will need to be advised at this latest development. A way forward may be to agree to leave the current route as it is and augment change to the route over time as appropriate on a case by case basis. This will need to be discussed with the Agency.

### **Recommendation**

*That Council advise Destination Northland while it is supportive of changes to the Twin Coast Discovery Highway, there is no Council funding available for this project.*

### **Reason for recommendation**

To confirm to Destination Northland that while Council is supportive of changes to the Twin Coast Discovery Highway there is no local funding available for this project.

## **4.6 Increase of Charges for Awakino Transfer Station**

### **Community Infrastructural Assets Manager                      4202.01**

With the introduction of the Waste Minimisation Levy from 1 July 2009, Council needs to review the current charges at the Awakino Transfer Station.

Currently the cost of disposing a cubic metre of rubbish is \$40.00. This compares with \$42.50 for the same at Hakaru Transfer Station.

It has been calculated that charges for a cubic metre would need to be increased from \$40.00 to \$45.00 per cubic metre to allow for the Waste Minimisation Levy. This figure is based on two cubic metres weighing approximately one tonne. The Central Government Levy is currently \$10.00 per tonne for all rubbish that goes to landfill. This equates to a 12.5% increase on the current charge.

The proposed increase has been discussed with Kaipara Refuse Limited. They advise the price of \$2.25 per bag will remain the same and takes into consideration the recent Waste Minimisation Levy.

### **Recommendation**

*That Council increase the charge at the Awakino Transfer Station from \$40.00 to \$45.00 per cubic metre effective from 1 October 2009.*

### **Reason for recommendation**

To pay for the introduced levy due to the Waste Minimisation Act, imposed by Central Government which took effect on 1 July 2009.

#### **4.7 Notice of Motion: Forestry Policy**

**Governance Manager                      4901.0**

Councillor W Guest has asked that Council give consideration to the following Notice of Motion.

**“Notice of Motion                      Cr Guest**

*That the Kaipara District Council Chief Executive reviews the current Forestry Policy and considers whether it is appropriate to place a moratorium on all further harvesting of Council forests during this current world-wide economic recession to ensure that the Kaipara District Council ratepayers receive the maximum forestry profits when world commodity prices for timber increase.*

*That the \$2.5 million bridging finance loan be deficit funded from the Forestry Equalisation account up to a maximum of five years allowing Council to maximise forestry returns.”*

## **5 Reports**

### **5.1 Mayor's Report**

**1701.02.03**

The Mayor to report, for information, on matters of interest.

### **5.2 Councillors Portfolio Reports**

**Councillors                      1904 (various)**

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

Cr Alspach	Strategy
Cr Burnett	Finance
	Refuse
Cr Geange	Community Spaces
	• Reserves
	• Halls
	• Council Land

Cr McEwing	Regulatory Emergency Management Land Drainage Water Environmental Management Committee Kaihu Drainage
Cr Smith	Roading Operation Planning
Cr Sutherland	Social <ul style="list-style-type: none"> <li>• Youth</li> <li>• Elderly</li> <li>• Sports</li> <li>• Schools</li> <li>• Arts</li> <li>• Libraries</li> </ul> Stormwater
Cr Taylor	Economic Development / Tourism Judicial Committee Wastewater

**Cir 5.3 Chief Executive's Report: September 2009**

**Chief Executive 2002.02.10**

The Chief Executive's report for September 2009 is circulated separately.

**Recommended**

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

**6 Receipt and Adoption Items**

**P76 6.1 Judicial Committee Meeting Minutes: 11 August 2009**

**Development Manager 1605.11**

A copy of the Judicial Committee unconfirmed minutes of 11 August 2009 are attached.

**Recommended**

*That the Judicial Committee unconfirmed minutes of 11 August 2009, as attached, be received.*

## 7 Information Items

### P96 7.1 Delegated Authority: Schedule of Decisions

**Development Manager 3803.0**

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

#### **Recommended**

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

### 7.2 Kaihu River Flood Management Scheme

**Community Infrastructural Assets Manager 4303.12**

Two years ago, Northland Regional Council took over the management of the Kaihu River Catchment from Council.

Northland Regional Council has commissioned Barnett and MacMurray to formulate a concept for a Kaihu River Flood Management System. This is to provide options for future flood control.

The concept gives a baseline for current flooding of the Kaihu Valley and models on two different scenarios. One scenario being calculating the effect of removing stop banks from the Kaihu River. The other of increasing the size of the lower river channel.

Council's Land Drainage Coordinator Wayne Crump along with Councillor Brian McEwing have met with the Kaihu Valley Drainage District and discussed the management scheme. Attached is the submission that Council has made to Northland Regional Council on the flood management.

The Council submission raises a number of issues regarding the report as well as suggesting alternatives for the scheme. Council wants any changes that may occur to the current approach to have robust investigation as it was felt that there was inadequate information to support the proposal in its present form.

#### **Recommendation**

*That the information be received.*

**P130 7.3 Technical Review of Kaipara District Council's Schedule and Building Warrants of Fitness Systems: Summary Report**

**Development Manager 3104.0**

Attached is the overview section of the report by the Department of Building and Housing following the technical review of Council's Compliance Schedule and Building Warrant of Fitness Systems. These issues arise where a building has specified systems such as fire alarms, lifts, or self-closing doors which need to be regularly checked and maintained in order to protect public safety. They could be likened to a warrant of fitness for a motor vehicle. There are 235 such building warrants of fitness in place at present. Council exercises an audit and enforcement role in relation to them.

In terms of the Building Act 2004, this function is carried out by Council as territorial authority, not as building consent authority. This explains why the technical review took place just months after Council achieved accreditation as a building consent authority.

The report shows that while a number of deficiencies have been identified, they have largely been remedied and our Building Team are doing a great job.

Copies of the full summary report may be obtained from Council upon request, or may be viewed on the Department's website at [www.dbh.govt.nz/technical-reviews](http://www.dbh.govt.nz/technical-reviews).

**Recommended**

*That the information be received.*

## **8 Public Excluded Items 23 September 2009**

### **Recommended**

*That the public be excluded from the following part of the proceedings of this meeting namely, Contract 526: Professional Services Year 4 Extension*

*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>Contract 526: Professional Services Year 4 Extension</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 – 23 September 2009**

### **Recommended**

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

### **Closure**

**Kaipara District Council**

**Dargaville**