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**Minutes of the Ordinary Meeting Of Kaipara District Council In The Council Chambers,  
Station Road, Dargaville On Wednesday 17 December 2008 at 1.00 pm**

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**Minutes Council Meeting held 17 December 2008****1 Opening : Cr Geange**

Councillor Guest to open the 28 January 2009 meeting.

**1.1 Present**

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

**1.2 In Attendance**

J McKerchar, B Holden, V Anich, B Ware, M Vincent, S Soole, Gavin Gribben

**2 Public Forum****2.1 Kauri Coast Community Pool: Public Forum Speakers**

**Mr Chris Harris** spoke in support of the new swimming pool project saying if the project was not to proceed then Dargaville would not have a pool. He said that the people he had spoken were in support of a pool although many had their own ideas of what the finished product should look like. He urged the Council to have courage and take a chance.

**Mr Des Subritzky** spoke not against the pool but against the process or rather the inadequacy of it. He agreed that the community wanted a pool but asked that it be one that it could afford suggesting a cost of \$3 million would be more appropriate.

**Mr Antonio** spoke against the new swimming pool project saying that the cost of it appeared to be continually increasing. He expressed concern that the ratepayer would be left to shoulder the burden of the increases which would not be acceptable particularly in the current financial climate.

**3 Strategic****3.1 Kauri Coast Community Pool: Tender Recommendation****Chief Executive 4701.02.01**

A report from the Commercial Manager was circulated which sought to address the shortfall in funding for the project. The report identified Council properties considered surplus and which might be used to underwrite the remaining fundraising.

The Chief Executive tabled a report at the meeting which further clarified the position and which reflected the further information gathered since the Agenda was issued. It also included responses to Councillor Guest's letter of 12 December 2008 and Chairman Mark Farnsworth, Northland Regional Council's letter of 15 December 2008.

Each Councillor spoke to the issue and in the main supported the proposal noting that the Council needed to be proactive and provide for the future. Many noted that those responsible for the original pool had undoubtedly had concerns but had made the right decision. It was acknowledged that this would be not only a District asset but would also be a regional asset. The one note of caution expressed by those in support was that it should not place any extra burden on ratepayers other than that already agreed.

**Resolved Mayor Tiller/Geange**

- 1 *That Council accepts that there is adequate contingent funding available to fund the \$6.0 million Kauri Coast Community Pool project should fundraising not cover the shortfall.*
- 2 *That Council recommends to the Kauri Coast Community Pool Trust that they accept Barfoote Construction Ltd as the tenderer for the construction of the Kauri Coast Community pool with a project cost of \$5,982,479.50.*
- 3 *That Council works with the Kauri Coast Community Pool Trust to establish suitable governance and management structures for the pool, such arrangements to be submitted to Council for approval as soon as possible and that the Kauri Coast Community Pool Trust by signature endorses this recommendation before recommendations 1, 2 and 4 are actioned.*
- 4 *That the Trust be required to continue to fundraise to the maximum of their capacity to cover the remaining \$2.44 million.*

**Reason for the decision**

The Council accepts that delaying the construction any further compromises the ability to have an operating swimming pool for the 2009/10 season as demonstrated by Hunt Davies Tennant Ltd in their letter dated 16 December 2008. Also, this is an opportunity to obtain an iconic facility for the District which will get increasing use as the community seeks to find leisure activities closer to home in tighter economic times. The case projections are achievable and the Kauri Coast Community Pool Business Plan is also achievable. The funding of last resort detailed in this paper (Chief Executive's memorandum dated 16 December 2008) is realistic while it is considered the Trust will be able to raise significant funds resulting in a very reduced use of the contingency funding. Finally the Council needs to ensure the ratepayer investment in the project is protected by ensuring robust governance and management structures and processes are put in place.

## **4 Policy**

### **4.1 Dargaville Drainage District: Extension of Rating Area**

**Finance Manager** **2306.12; 4401; 4501**

A report from the Finance Manager was circulated, relating to a review of the Dargaville stormwater boundary which arose from a commitment made by Council to Mr Leo Glamuzina at the Council meeting on 24 April 2007. The services of Duffill Watts Consulting Group was retained to re-define the boundaries, and their advice WAS contained in the circulated letter of 13 June 2008, which WAS over cover of their drawing (Reference 2397 Sheet 01) showing the recommended new boundaries.

**Resolved** **McEwing/Smith**

*That the boundaries of the present Dargaville Drainage District be extended to align with the Duffill Watts Consulting Group drawing referenced 2397 Sheet 01.*

#### **Reason for the decision**

Equity and fairness to existing stormwater ratepayers.

### **4.2 Dargaville Skate Park Preferred Site: Mangawhare, Dargaville**

**Community Spaces Manager** **4702.03.02**

A report from the Community Spaces Manager was circulated regarding the development of concept plans for a skatepark in Dargaville, for which Council allocated \$20,000 to as part of its Annual Plan process. The initial idea and submission for the skatepark coming from the Kaipara Youth Leadership Group who were concerned with a lack of activities for youth in the Dargaville and surrounding areas. From this a Committee was formed to move the project along with the idea being to identify the preferred site and develop concept plans based on that location.

One of the first priorities of the Dargaville Skatepark Committee being to become an Incorporated Society and open a bank account. With this now well underway the Committee quickly moved to identify its preferred location for the concept design. This stage was now completed, with the preferred location being in Logan Street, Mangawhare, as per circulated map, property identified as Valuation Assessment Number 0096019200 Lot 2 DP34008.

Council gave the Dargaville Skatepark Committee endorsement for this location as the land was owned by the Council. Having Council's endorsement for this location enabled the Committee to continue with the development of concept plans based on the size and topography of the site and to place a trial piece of skatepark equipment onsite to gauge use. Once the concept plans were developed to a suitable stage these would then be brought

back to Council, along with information gathered from the trial, for further discussion and endorsement before moving to the next stage.

At the same time as developing the concept design the Committee would also be consulting with surrounding property owners, to ensure a robust process had been undertaken.

**Resolved      Geange/Burnett**

*That Council gives the Dargaville Skatepark Committee its endorsement for the Mangawhare site off Logan Street, Dargaville as identified in the map as Valuation Assessment Number 0096019200 Lot 2 DP34008, as the preferred location for the development of the concept plans for a skatepark in Dargaville, and allows the site to be used to trial some portable equipment to gauge interest as part of developing the overall concept design.*

**Reason for the decision**

With the identification of a preferred location by the Dargaville Skatepark Committee as being Logan Street, Mangawhare, Council's endorsement is required as the land is Council-owned and administered. With support in the form of an endorsement the Committee can, with confidence, continue to develop its concept plans for a skatepark in Mangawhare, Dargaville, and place temporary skatepark equipment onsite to gauge use and interest in the site

**4.3 Cames Road, Mangawhai: Options**

**Community Infrastructural Assets Manager      4104.069**

A report was circulated that provided Council options on a way forward for Cames Road, Mangawhai. All the identified options for Cames Road had advantages and disadvantages. They also had varying levels of community support and/or opposition. Council considered these options and determined best how to proceed.

The Mayor tabled a petition received and signed by 27 Cames Road residents asking that the illegal road between the top end of Cames Road and Cames Road West be closed.

**Resolved      Mayor Tiller/Alspach**

*That Council not maintain the illegally opened section of Cames Road, Mangawhai and ensures that this section is not available for vehicular use.*

**Reason for the decision**

Council has responsibilities to properly plan its roading network to ensure it is safe and effective while not adversely affecting adjacent landowners. Council has not studied the roading network requirements for this part of the district and therefore cannot identify likely impacts. Before such a roading change is made adequate planning is required to identify future needs and impacts. This is planned to be included in *Kaipara's Future - Working Together 2009/19* for implementation in 2009/10.



### **Reason for the decision**

Based on the consideration of the submissions to the Statement of Proposal Public Places Liquor Control Bylaw Extension Mangawhai, the Hearing Committee resolved that the adoption of the proposed bylaw with the modified times of 8.30pm to 7am as the most appropriate way to address the increasing problems associated with the consumption of liquor in specified public places in Mangawhai. In accordance with the Local Government Act 2002, Council must amend and adopt the Liquor Control Bylaw in order to extend the controls with regard to the possession and consumption of liquor in public places in Mangawhai. This extension is not to alter the year round liquor control in specified public places in Dargaville in any form.

#### **4.6 Plan Change N° 25 Totara Park Limited, Gorge Road, Maungaturoto: Request to the Kaipara District Plan Decision**

**Policy and Planning Manager                      3809.25**

Totara Park Limited requested that a private plan change be accepted and processed under the First Schedule of the Resource Management Act 1991 to rezone Lots 3-5 DP 344966 and part of Lot 3 DP360270, Gorge Road; Maungaturoto, from Rural and Commercial to Residential under the Operative Kaipara District Plan, enabling approximately 27 new lots to be created. Council resolved to accept the proposed plan change for processing at its March 2008 meeting. Since that time, the proposed plan change has been notified for public submission. Those submissions were summarised and further submissions were publicly requested.

Following the receipt of all submissions and further submissions, Council's consultant planner circulated a draft Planning Report to all parties. Several pre-hearing meetings were held between Council's planning consultants, submitters and the applicant. As a result of these meetings, a series of recommendations, including some modifications to the plan change request were agreed. A Recommended Decisions Report was produced and circulated. This report was also circulated to Council. All parties agreed to withdraw their request to be heard at a hearing on the understanding that, under Clause 8C of the first Schedule to the RMA 1991, no hearing would be required and that the recommended decisions as circulated would be placed before Council.

**Resolved                      Taylor/Sutherland**

*That Council adopts the recommended decisions contained in the Decisions Report by Council's Consultant Planners, dated 28 November 2008 to Proposed Private Plan Change 25; Totara Park Ltd, along with the schedule of decisions on the submissions to it, and in particular, those recommendations contained within Sections 11, 11.1 and 11.2 of that Decisions Report.*

### **Reason for the decision**

The recommendations represent an agreed resolution of issues raised by the proposed plan change and provides for the avoidance, remedying or mitigation of any adverse effects arising from the proposed plan change.

The recommended decisions reflect Council's approach to planning.

## **4.7 Selwyn Park Camping Ground: Transfer of Lease**

**Community Spaces Manager                      4703.06**

The Selwyn Park camping ground is operated on an area of Selwyn Park situated at Onslow Street, Dargaville. In December 1999 Isobell Lowrie and Keith Lowrie signed a 15 year lease for the Selwyn Park camping ground expiring in 2014. In 2003 this lease was transferred to Isobel Creswell, Mary Lynette Gibb and Patrick Raukawa as Trustees.

Council was advised that the Trustees for Selwyn Park had changed, and Council had been asked to consent to a transfer of lease No D0609061.1 from the above group to Isobel Creswell and TW Trustees 2007 Ltd. Within this document discharge of mortgage 5893209.3 was also requested, and consent of registration of a new mortgage in favour of the National Bank of New Zealand Ltd.

In order for the registration of the change of Trustee on the Certificate of Title, consent from Council is required.

The Deed of Covenant confirmed the obligation of the Trust in terms of the lease. This confirmed that the covenanters would pay the rent to the lessor and perform all tasks as required under the lease.

### **Resolved                      McEwing/Burnett**

*That Council signs the consent form showing transfer of lease number D0609061.1 for Selwyn Park camping ground from Isobel Creswell and others to Isobel Creswell and TW Trustees 2007 Ltd; and*

*That Council signs the Deed of Covenant to confirm the obligation of the Trust in terms of the lease number D0609061.1 for Selwyn Park camping ground with Kaipara District Council.*

### **Reason for the decision**

Consent for this process will ensure the ongoing management of Selwyn Park camping ground.

#### **4.8 Judicial Hearing: Appointment of Independent Commissioner for Crosbie Application**

**Development Manager RM080118; 1204.01**

Hawkins Construction Limited had applied for retrospective land use consent to operate a depot in Black Swamp Road, Mangawhai, established for the Mangawhai EcoCare project. It was to terminate in April 2010. The site was owned by Mr and Mrs Crosbie, who had been operating an engineering workshop in a large shed there for several years. They had also applied for retrospective land use consent to legalise their business activity, which they intended to continue after the Hawkins depot operation had ceased.

In line with Council policy where Council had a perceived conflict of interest in a resource consent, an independent commissioner was appointed to make the notification decision and determine the substantive application as well. The hearing for the Hawkins application had now been held, and while the commissioner had concluded that it was capable of being considered separately from the Crosbie application, he had expressed the view that the two applications were sufficiently related that it would be beneficial for him to deal with both of them. In the interests of orderly and consistent decision making, this approach made sense. For this reason, approval was sought from Council to appoint Mr Harry Bhana to determine the Crosbie application. The notification period for this application had ended, and it will soon be scheduled for a hearing.

**Resolved Alspach/Geange**

*That pursuant to section 34A of the Resource Management Act 1991, Mr Harry Bhana be appointed to determine the application for land use consent by G and H Crosbie (Reference: RM080118).*

#### **Reason for the decision**

To enable a decision to be made which is consistent with another application affecting the same property which is being dealt with by the same commissioner.

## **5 Reports**

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

**1701.02.03**

The Mayor reported on matters of interest.

## **5.2 Councillors Portfolio Reports**

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

The Councillors written reports for November and December on portfolio matters and other items of interest were circulated.

## **5.3 Chief Executive's Report**

The combined reports for December 2008 and January 2009 would go before Council at its 28 January 2009 meeting.

## **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**                      **Geange/Smith**

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

### **6.2 Audit Report: 2008 General District Revaluation**

**Finance Manager**                      **2306.19**

Each triennial District Revaluation must receive formal audit signoff from the Valuer-General. Quotable Value Ltd carried out the 1 September 2008 revaluation, and the circulated audit certificate confirmed that the work met the Valuer-General's standards.

**Resolved**                      **Geange/Smith**

*That the information be received.*

### 6.3 Kaipara Heritage Assistance Fund Update

**Policy and Planning Manager**

**3839.02.03**

The Kaipara Heritage Assistance Fund was set up with the aim to help and encourage people to protect and preserve resources of heritage value within Kaipara. Recommendations for the allocation of grants from the Kaipara Heritage Assistance Fund Committee had been due to be endorsed by Council at this meeting. While the majority of the applications were straight-forward there were a couple of applications that require further research before a decision could be made.

The recommendations for the Kaipara Heritage Assistance Fund would therefore be put to Council's January 2009 meeting. This would enable the Committee to reach a fair and equitable recommendation of the limited funding available.

**Resolved      Geange/Smith**

*That the information be received.*

### Closure

The meeting closed at 3.55 pm

Confirmed this ..... day of ..... 2008

Mayor .....