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**Extraordinary Meeting Of The Kaipara District Council held in the Council Chambers,
Station Road, Dargaville on Wednesday 9 November 2011 at 10.00am**

Confirmed Minutes

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Extraordinary Meeting Minutes: 9 November 2011

1 Opening : Mayor Tiller

1.1 Present

Mayor N Tiller, Councillors J Blackwell, J Geange, H Harding, W Linton (arrived 10.28am), B McEwing.

1.2 In Attendance

General Manager Operations, General Manager Policy and Governance, Corporate Services Manager, Policy Analyst, Planning Consultant (for item 2.2).

1.3 Apologies

Councillors Larsen, Sutherland and Wade had tendered their apologies.
Apologies for Lateness from Councillor Linton (arrived at 10:28am)

Moved Blackwell / McEwing

That the apologies of Councillors Larsen, Sutherland and Wade be received.

2 Declaration of Conflicts of Interest

2.1 Declaration of Conflicts of Interest

General Manager Policy and Governance 1902.0

Councillors and Managers will be asked to give consideration as to whether or not they have a potential conflict of interest in respect of the items before Council.

There were no conflicts of interest declared.

2.2 Proposed Kaipara District Plan Decisions Version: Council Appeal of Rule 17.10.2

General Manager Policy and Governance 3807.06.04

A report from the General Manager Policy and Governance dated 8 November 2011 was circulated.

Rule 17.10.2 controlled earthworks around heritage sites across Kaipara District. The current wording of Rule 17.10.2 could be interpreted to mean that any earthworks around the fringes of the Kaipara or Mangawhai Harbours will require a resource consent. This was an unintended outcome and considered a large burden on the community. Council had legal advice that suggested that the best means to re-draft this rule was for Council to appeal the decision on this rule, as Council had submitted on this rule. Alternatively, Council could undertake a variation to the Proposed District Plan. The appeal process was considered a more effective remedy in this situation.

This item sought Council's approval to lodge an appeal with the Environment Court on Rule 17.10.2. If Council agreed, then the appeal needed to be lodged forthwith as the 30 working day appeal period finished on approximately 16 November 2011.

Once the appeal was lodged, the re-drafting of the rule can be achieved by a Consent Order. The other submitters to this rule may join Council's appeal. This had the potential to complicate the resolution of the appeal. Through the negotiation process the suggested wording of Rule 17.10.2 may be altered. Having a Councillor as part of the negotiation process, and with delegated authority from Council to settle with the other parties and the Court will ensure completion of the process in a timely manner.

This report had been discussed with the Planning Portfolio Holder, Councillor John Blackwell, who supported the recommendations put to Council..

Moved Blackwell / Harding

- 1) *That Council lodges an appeal with the Environment Court to Rule 17.10.2 of the Decisions version of the Proposed District Plan requesting that the rule be changed to:*

Rule	Parameter	Heritage Activity Performance Standard
17.10.2	<i>Earthworks within 20m of a site containing a Category A Resource or Feature identified in Appendix 17.1 or within an Area of Significance to Maori identified in Appendix 17.2</i>	<i>Any activity involving earthworks within 20m of any Category A heritage resource or feature listed in Appendix 17.1 or within an Area of Significance to Maori identified in Appendix 17.2 is permitted if:</i> a) <i>Earthworks do not exceed 500mm in depth or cumulatively 100m² in area per site unless in the case of a Category A heritage resource or feature listed in Appendix 17.1 the Site Management Protocol (Rule 17.9.1) and in the case of both sites in Appendix 17.1 and 17.2, the Accidental Discovery Protocol (Rule 17.9.2) are followed; and</i>

		<p>b) <i>It complies with the relevant Rules and Performance Standards in Part B.</i></p> <p><i>Note 1: In addition to the Standards above, any works that would modify, damage or destroy an archaeological site require approval from the New Zealand Historic Places Trust in accordance with the Historic Places Act 1993.</i></p>
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- 2) ***That*** Council nominates an appeals panel of Councillors Blackwell (Chair), Geange, McEwing and Sutherland, and Council delegates the authority to negotiate with the Court and other parties to achieve resolution of the appeals. One or two members are to be appointed to the panel as required; and
- 3) ***That*** remuneration of \$100.00 per day is set as compensation to the members who participate on the panel.

Carried

Reason for the decisions

The current wording of Rule 17.10.2 places an unintended burden on the community around both the Kaipara and Mangawhai Harbours. Due to the constraints of the Resource Management Act processes, there are limited means by which a rule in the Proposed District Plan Decisions version can be changed. As Council is a submitter to this rule, lodging an appeal is considered the best remedy to correct the drafting of this rule and the recommendations are to facilitate this outcome.

3 Public Excluded Council Items: 9 November 2011

The meeting went into Public Excluded at 11:00am

Moved McEwing / Harding

That the public be excluded from the following part of the proceedings of this meeting.

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>Appointment of Chief Executive</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(i) Section 7(2)(b)(ii)</i>
<i>Mangawhai EcoCare Project: Public Excluded Minutes and Discussions</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii), Section 7(2)(g)</i>

Carried

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)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).

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.

Section 7 (2)(g) maintain legal professional privilege.

Open Council Meeting: 9 November 2011

The meeting came out of Public Excluded Session at 12:11 pm

Moved Blackwell / Linton

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

Carried

3.1 Appointment of Chief Executive Update

General Manager Policy and Governance 2205.12

Moved Geange/Harding

That Council approves the amended contract with the preferred candidate for the position of Chief Executive. The amendment is as follows:

9.2 ... "that the Mayor and/or nominated sub committee" be replaced with ... "Chief Executive's Review Committee"; and

That Council approves the membership of the Chief Executive's Review Committee to be the Mayor, Deputy Mayor and Councillor Linton.

Carried

Reason for the recommendation

The whole of Council has been involved in the selection process. In order to finalise the appointment Council needs to approve the contract.

3.2 Mangawhai EcoCare Project: Public Excluded Minutes and Discussions

Corporate Services Manager 4505.0

Moved Geange / Blackwell

- 1 *That Council brings the following documentation out into Open Committee:
25 October 2006: Item 2.1: Mangawhai EcoCare Project, Mangawhai EcoCare, Discussion Paper on Rates and Charges Report and associated Minutes; and*
- 2 *That all other documentation lie on the table pending a decision at a subsequent meeting.*

Carried

Reason for the decision

In order to provide the transparency and accountability it is seeking Council needs to bring the documentation associated with Public Excluded items into Open Committee.

Closure

The meeting closed at 12:12 pm

Confirmed 14 December 2011

Mayor Tiller

Confirmed