

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 26 October 2011 Commencing 1.00 pm**

confirmed

Minutes

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Confirmed

Minutes : 26 October 2011**1 Opening: Councillor Sutherland**

Councillor Wade to open the 23 November 2011 meeting.

(The running order for opening the meetings: Councillors Blackwell, Geange, Harding, Larsen, Linton, McEwing, Sutherland, Wade)

1.1 Present

Mayor N Tiller, Councillors J Blackwell, J Geange, H Harding, Jonathan Larsen, W Linton, B McEwing, J Sutherland, A Wade.

1.2 In Attendance

Chief Executive, General Manager Operations, General Manager Policy and Governance, Corporate Services Manager, Policy Analyst (Minutetaker)

1.3 Apologies

There were no apologies.

2 Presentation**2.1 Presentation (1.00pm): 2010/2011 Annual Report and 2010/2011 Audit Report****General Manager Policy and Governance 2303.17**

Item 5.1 referred.

A letter from Ms Karen MacKenzie was circulated to Council. This letter stated that Audit New Zealand's fieldwork was largely completed; however, at this stage they were unable to provide clearance on Council's financial statements. The reason for this was that Audit New Zealand was awaiting further information from the Council and its valuers in respect of certain asset valuations.

Ms MacKenzie, Auckland-based Director of Audit New Zealand, will attend a Council meeting in the future to discuss the Audit opinion once the valuations have been completed.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 28 September 2011

General Manager Policy and Governance 1601.16

A copy of the minutes was circulated.

Moved Sutherland/Harding

That the minutes of the Ordinary Meeting of Council 28 September 2011 as circulated, be confirmed as a true and correct record.

Carried

3.2 Extraordinary Council Meeting : 5 October 2011

General Manager Policy and Governance 1601.16

A copy of the minutes was circulated.

Moved Linton/Blackwell

That the minutes of the Extraordinary Meeting of Council 5 October 2011 as circulated, be confirmed as a true and correct record.

Carried

4 Declaration of Conflicts of Interest

4.1 Declaration of Conflicts of Interest

General Manager Policy and Governance 1902.0

There were no Conflicts of Interest.

5 Policy

5.1 2010/2011 Annual Report Adoption and Audit Report Receipt

General Manager Policy and Governance 2303.17

Refer item 2.1 of these minutes.

This Item was withdrawn.

This item will be presented to Council at a later date.

A letter from Ms Karen MacKenzie was circulated to Council. This letter stated that Audit New Zealand's fieldwork was largely completed; however, at this stage they were unable to provide clearance on Council's financial statements. The reason for this was that Audit New Zealand was awaiting further information from the Council and its valuers in respect of certain asset valuations.

Ms MacKenzie, Auckland-based Director of Audit New Zealand, will attend a Council meeting in the future to discuss the Audit opinion once the valuations have been completed.

5.2 Mangawhai Community Wastewater Scheme: Revised Terms of Reference for Independent Review

General Manager Policy and Governance 4505.0

A report by the General Manager Policy and Governance dated 14 October 2011 was circulated.

Concerns had been raised by a group of Mangawhai ratepayer representatives about the legality of rates in relation to the Mangawhai Community Wastewater Scheme (previously Mangawhai EcoCare project). Council wished to gain further assurance that the rates and rating processes were legally compliant and, where they were not, that the appropriate action was taken.

Council was aware of one area of non-compliance with the Mangawhai Community Wastewater Scheme Uniform Targeted Rates and had prepared a Statement of Proposal to remedy this. Prior to undertaking the special consultative procedure on this, Council required legal signoff that the Statement of Proposal was in order and that there were no other areas of non-compliance that would require special consultation.

An independent review of the Mangawhai Community Wastewater Scheme rating issues had been mooted and agreed in principle for some time. However agreement had not been reached around the provider for this service and the scope and terms of reference.

The current situation was that Council and the Mangawhai ratepayer representatives wished to progress this review in a timely and cost efficient manner. For this review, it was appropriate that only significant legal compliance issues were addressed. Going forward it was acknowledged that there were improvements that could and should be made as part of the Long Term Plan process leading into the next rating year. It was accepted that Council should focus on getting it right for the future.

The recommended revised Terms of Reference build on previous versions of the Terms of Reference, took into account current fiscal constraints and recognised that there were a number of stakeholders concerned about these issues.

The revised Terms of Reference and the recommended provider had been discussed with Councillor Blackwell. They had also been sent to the Mangawhai ratepayer representatives for their comment.

Moved Blackwell/McEwing

That Council proceeds with the Mangawhai Community Wastewater Scheme independent review in accordance with the revised Terms of Reference as set out in the "Independent Review for Mangawhai Community Wastewater Scheme Rating Issues Revised Terms of Reference and Scope" dated October 2011; and

That Jonathan Salter, Graeme Palmer, Grant Hewison or John Shepherd associated with the Simpson Grierson and Kensington Swan firms be asked if they can to undertake the review, and if so provide a quote; and

That the Mayor, Deputy Mayor and Wastewater Portfolio Holder be delegated the authority to approve the final Terms of Reference and the provider.

Carried

Reason for the decision

Council wishes to be sure that Council's processes for setting and levying rates for the Mangawhai Community Wastewater Scheme are in order and those stakeholders' concerns are addressed to the extent possible.

5.3 Mangawhai Community Wastewater Scheme: Proposal to Extend Sewer Line along Old Waipu Road

General Manager Operation 4505.01

A report from the General Manager Operation dated 12 October 2011 and associated maps were circulated.

The report provided options and approximate costs so that Council could decide whether it wished to pursue engineering designs for a sewer line to be extended along Old Waipu Road, Mangawhai.

Given the subdivision application that Council was currently processing it was prudent to conduct investigation of the costs and benefits of extending the sewer line along Old Waipu Road to service the additional lots and existing properties on Old Waipu Road.

This item had been sent to Portfolio Holder, Councillor John Blackwell for his information and comment.

Moved Blackwell/Harding

That Council agrees in principle to obtain relevant engineering designs from Council's engineers regarding the proposal to extend the Mangawhai Wastewater sewer line along Old Waipu Road, so an accurate cost of the work can be brought back to Council for consideration.

That Council commences communication with other affected landowners.

Carried

Reason for the decision

Extension of the Mangawhai wastewater line along Old Waipu Road would enable the Nextel subdivision to connect to the scheme and make the service available for approximately 21 further properties.

5.4 Kauri Coast Community Pool: Shortfall Funding Options

General Manager Operations 4701.03

Moved Larsen/Sutherland

That the Kauri Coast Community Pool: Shortfall Funding Options item lies on the table pending a further report which is to include a list of the properties and maps showing their whereabouts.

Carried

Reason for the decision

Council officers are to produce a report and subsequent map of the District which outlines all properties with the status of non-required surplus land and which can be subsequently sold. Council can then make a decision on which sale proceeds can be used to offset the shortfall of funding for the construction of the Kauri Coast Community Pool.

5.5 Kaiwaka Sports Association: Request for Funding, Drainage Work

General Manager Policy and Governance

4702.09

A report from the General Manager Policy and Governance dated 13 October 2011 was circulated.

The Kaiwaka Sports Association sought Council support to assist it with drainage improvements to one of the playing fields at the Kaiwaka domain. The total cost of installing the drains was \$61,830 plus GST and the Association had managed to raise \$22,950 plus GST of this total. Council's assistance was sought to contribute the \$38,880 balance.

Council had collected reserves contributions from the Kaiwaka/Oneriri area totalling \$464,768 and these funds were to be used within the area collected on capital improvements to reserve areas. The drainage work qualifies as it was a capital improvement and the sports complex stands on reserve land vested in the Kaipara District Council. Funding this project would not impose a financial burden on ratepayers.

Without assistance from Council the Association had built and maintained a multi-purpose sports facility that it and the community can be justifiably proud of. Much of this work has been undertaken by volunteers. All money generated from hireage, use of the complex and the proceeds of gaming machines owned by the Association was put back into the complex to maintain its current level of service to the community and to fund a part-time position.

The Association was a good caretaker of this land and had not sought any assistance from Council to maintain the land to date. Council had contributed to capital works on two occasions in the recent past for carpark sealing and a grandstand roof. The proposed drainage work will result in the playing fields being useable for most of the year.

Council had a Reserves Contribution Fund available for capital works on reserves that benefit the community and the Association asked for Council assistance from this fund to undertake this work. While Council was moving towards a strategy of considering applications such as this as part of the Annual Plan/Long Term Plan process, this practice as not yet fully in place.

The proposal had been discussed with the Sports Portfolio Holder, Councillor Harding, who agreed with the staff recommendation.

Moved Harding/Linton

- 1 *That Council approves the Kaiwaka Sports Association's request for funding to a maximum of \$38,880 plus GST from its Reserves Contribution Fund to assist with the cost of installing field drains at the Kaiwaka Domain, subject to the Kaiwaka Sports Association obtaining two further quotes for the work; and*
- 2 *That the General Manager Operations be authorised to approve the release of the funds once the quotes have been received, the contract let and the work completed satisfactorily.*

Carried**Reason for the decision**

Council has collected reserve contributions for the Kaiwaka/Oneriri area totalling more than \$460,000 for capital acquisitions and improvements to reserves within this area. The Kaiwaka Sports Association sits on reserve land vested in the Council and it is appropriate that these funds be used for upgrading the playing fields.

The Association wishes to carry out the drainage works over the coming 2011 summer period which means that if this request were deferred to the Long Term Plan process it would result in a further full year's delay in providing this benefit.

5.6 Genetic Engineering: Council Direction**General Manager Policy and Governance****2105.37**

A report from the General Manager Policy and Governance dated 14 October 2011 was circulated.

The report followed up on the resolutions made at the Council meeting on 25 May 2011 relating to direction from the Council on Genetic Engineering issues and also to nominate an elected representative Kaipara on the Inter-Council Working Party on Genetic Engineering. This Working Party had investigated options for protecting councils from liability in the event of damage arising from the release of genetically engineered material. Representations had been made to Parliament seeking amendment of the Hazardous Substances and New Organisms Act without success; various ways of making changes to the District Plan were now being considered. The purpose of the changes would be to regulate the outdoor use of genetically modified organisms. The Inter-Council Working Party favours a joint approach in preparing the analysis that would precede a Plan Change, and was interested in having Kaipara contribute to the cost involved.

The appointment of an appropriate nominee to represent this Council on the Inter-Council Working Party was discussed by Councillors at the Portfolio Holder meeting held on 5 October 2011.

Moved McEwing/Geange

That Council nominates Mayor Neil Tiller as the Kaipara District Council's elected representative to the Inter-Council Working Party on genetically modified organisms; and

That Council continues to support the Inter-Council Working Party on genetically modified organisms.

Carried

Reason for the decision

Having an elected representative on the Inter-Council Working Party on genetic modified organisms will ensure that Kaipara is involved and is kept informed on genetically modified organisms issues. The Mayor's presence will convey a message as to the importance which Kaipara attaches to this issue. Continued involvement in the Working Party will show there is a commitment from Council to address genetically modified organisms issues.

5.7 General Bylaws 2008 Traffic Restriction Amendment

General Manager Operations 3204.0

A report from the General Manager Operations dated 12 October 2011 was circulated. The report was prepared with a view to amending the Kaipara District Council General Bylaw 2008 to include a new Schedule G. Sections of roads in Kaipara District that were restricted to use by specified classes of vehicles should be identified in a separate and new Schedule of the General Bylaw 2008. The Bylaw needed to be amended to give legal effect to this Schedule which should immediately include Council's decision in June 2011 to open Cames Road, Mangawhai, to Class 1 vehicles only.

Moved Sutherland/Harding

That the Kaipara District Council's General Bylaw 2008 be amended to include a Schedule G (Restricted Classes of Vehicles) and for this Schedule to be given effect by a new clause:

"1503.1(c) The portions of roads mentioned in Schedule "G" of this part of this bylaw as "Restricted Classes of Vehicles" are hereby deemed to be authorised under clause 1503.1."

Carried

Reason for the decision

The General Bylaw 2008 Schedules already clearly state for public reference other traffic restrictions such as parking and speed limits and should similarly identify roads where Council has resolved to restrict the classes of vehicles permitted to use them.

5.8 2011/2012 Water Supply Capital Development Programme

General Manager Operations 4810.0

A report from the General Manager Operations dated 12 October 2011 was circulated.

The 2011/2012 Water Supply Capital Development Programme outlined in the Annual Plan 2011/2012 had been identified. Since the adoption of the Annual Plan, specific projects will be detailed in this report for Council's consideration. The Water Supply Capital Development Programme proposed in the resolution will satisfy Council's legal and community obligations.

The report had been sent to the Portfolio Holder, Councillor Brian McEwing for his information and comment.

Moved McEwing/Blackwell

That Council adopts the Water Supply Capital Development Programme work for completion in the 2011/2012 financial year as set out below:

Water Supply	Amount 2011/12
<i>Pump and Pipe Renewals</i>	\$25,000
<i>Treatment Plant Upgrade</i>	\$206,140
<i>Water Meter Renewals</i>	\$50,000
<i>Improved Supply Security , Dargaville</i>	\$176,000
<i>Telemetry</i>	\$5,200
<i>PH Risk Management / AMPS</i>	\$87,500
<i>Contract Management; 3 Waters</i>	\$48,500
<i>Asset Valuations</i>	\$18,000
<i>Resource Consents; Renewal</i>	\$53,800
Total	\$670,140

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plan and other asset management planning documents.

5.9 2011/2012 Wastewater Capital Development Programme

General Manager Operations 4508.0

A report from the General Manager Operations dated 13 October 2011 was circulated.

The Wastewater Capital Development Programme proposed in the recommendation will satisfy Council's legal and community obligations.

The report had been sent to the Portfolio Holder, Councillor John Blackwell for his information and comment.

It is possible that the desludging of ponds at a cost of \$150,000 may be deferred until next financial year.

Moved Blackwell/McEwing

That Council adopts the 2011/2012 Wastewater Capital Development Programme work for completion in the 2011/2012 financial year as set out below:

Water Supply	Amount 2011/12
<i>Pump and Pipe Renewals</i>	<i>\$170,000</i>
<i>Oxipond Efficiency Survey</i>	<i>\$10,000</i>
<i>Onsite Disposal Sanitary Assessment</i>	<i>\$10,000</i>
<i>Reticulation Modelling / Investigation</i>	<i>\$10,000</i>
<i>Data Capture</i>	<i>\$16,500</i>
<i>PH Risk Management / AMPS</i>	<i>\$79,000</i>
<i>Contract Management; 3 Waters</i>	<i>\$48,500</i>
<i>Telemetry Contract Management</i>	<i>\$6,200</i>
<i>Asset Valuations</i>	<i>\$18,000</i>
<i>Resource Consents; Renewals</i>	<i>\$83,500</i>
<i>Reticulation and Treatment Upgrade</i>	<i>\$30,000</i>
<i>Desludge Ponds</i>	<i>\$150,000</i>
<i>Infiltration Investigations</i>	<i>\$20,000</i>
Total	\$651,700

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plan and other asset management planning documents.

5.10 Kaipara District Council Delegations Review

General Manager Policy and Governance

1202.01

A report from the General Manager Policy and Governance dated 14 October 2011 and updated Delegations, were circulated. The Council's Procurement Strategy September 2010 was circulated separately with the Agenda.

Delegations were adopted by Council to ensure that day to day business can be undertaken efficiently and effectively while ensuring that appropriate accountability is maintained. The current Delegations from Council to staff were last adopted in 2000 with a couple of minor updates since then. With the recent Council restructure and numerous changes in legislation since 2000, it was timely that the current Delegations be reviewed.

The current Delegations had been updated for the new structure and going forward can accommodate on-going changes to legislation and staff positions. The revised Delegations were in effect the modified status quo, leaving the opportunity for a more indepth review at a later stage.

Moved Geange/Linton

That the Kaipara District Council Delegations Review item lies on the table until it has been workshopped with Council and then brought back to Council at its November 2011 meeting.

Reason for the decision

This allows for further discussion with Councillors.

5.11 Rating Policy: Amendment

Corporate Services Manager

2306.20

A report from the Corporate Services Manager is dated 13 October 2011 was circulated.

Council was undertaking a redesign of its website and wanted to be able to offer an online payment service which would allow people to pay rates and other accounts rendered on line should they wish to. To do this Council needed to amend Policy 4 Method of Payment of its Rating Policies.

There was no cost to Council in being able to offer this service. There was no Merchant Service Fee nor was there any set up fee. It was a Bank of New Zealand hosted payment page therefore there were no additional website hosting and maintenance costs to the Council. All administration costs associated with using a credit card were

paid for by the credit card account holder.

Council's ability to offer this service means that it was able to provide another method of payment and one that would be available on 24 hour a day, 7 days a week basis for those who wished to use it.

Moved Geange/McEwing

That Council amends Policy 4 Method of Payment of its Rating Policies so that it reads as follows:

Policy 4 Method of Payment

Payment of rates will be accepted in the following ways:

- 1 *By hand (refer Policy 6 - Place of Payment)*
- 2 *By mail to:*

<i>The Chief Executive</i>	<i>The Chief Executive</i>	<i>The Chief Executive</i>
<i>Kaipara District Council</i>	<i>Kaipara District Council</i>	<i>Kaipara District Council</i>
<i>Private Bag 92201</i>	<i>Private Bag 1001</i>	<i>State Highway 1</i>
<i>Auckland 1020</i>	<i>Dargaville 0340</i>	<i>Kaiwaka 0542</i>
- 3 *By telephone banking*
- 4 *By automatic payment*
- 5 *By direct debit*
- 6 *By eftpos*
- 7 *By Online banking*
- 8 *By Credit card online, MasterCard and Visa only*

Carried

Reason for the decision

Council wishes to extend its accepted method of payment to include paying on line by MasterCard or Visa.

5.12 Appointment of an Acting Chief Executive

Mayor 1202.0

Council was aware that its current Chief Executive had resigned effective from 28 October 2011. Council was in the process of appointing a new Chief Executive but there was likely to be a gap between the resignation of one and the appointment of another. This gap was likely to be for a duration of one to three months. The duration will depend entirely on when Council was in a position to appoint a new Chief Executive and when he/she could commence his/her employment with Council.

Section 42(1) of the Local Government Act 2002 says a local authority must appoint a Chief Executive and clause (4) stated that this person was also the Principal Administrative Officer. As there would be a period of time where Council would be without a Chief Executive, the staff recommendation was that Council appointed an Acting Chief Executive.

Moved Mayor Tiller/Geange

That Council appoints John Burt as Acting Chief Executive for that period that will exist between the resignation of the current Chief Executive on 28 October 2011 and the commencement of employment with the Kaipara District Council of the newly appointed Chief Executive.

Carried

Reason for the decision

Council requires an Acting Chief Executive until the newly appointed Chief Executive is available to commence his/her employment.

5.13 Credit Card Replacement

General Manager Policy and Governance 2307.02

Council had one credit card, issued to Jack McKerchar as Chief Executive. This card was used to pay for a number of transactions and where it was not cost effective or possible to set up a creditor. With the present Chief Executive leaving at the end of October 2011, Council needed a replacement person to hold the credit card. The bank required the credit card to be in an individual's name (not a corporate body). Until the new Chief Executive arrived it was recommended that it be a member of the Executive Team; General Manager Policy and Governance.

Moved Geange/McEwing

That Council authorises the General Manager Policy and Governance to be Council's credit card holder to enable Council to make those payments that need to be made by credit card.

Carried

Reason for the decision

The bank requires the credit card to be in an individual's name (not a corporate body) and with the present Chief Executive leaving at the end of October 2011; it is timely to elect another credit card holder.

5.14 Resource Management Act Survey of Local Authorities 2010/2011

General Manager Operations 3825.0

A report from the General Manager Operations dated 13 October 2011 was circulated.

This report presented the key findings for Council arising from the publication of the Ministry for the Environment Survey of Local Authorities 2010/2011. It also indicated how improvements could be made to Council's performance in implementing the Resource Management Act 1991.

Council's performance in the processing of resource consents continued to improve with 93% of all applications processed to a decision within statutory timeframes during 2010/2011. However, there were further efficiencies that could be found and best practices that can be introduced, although these may entail adjustments to Council's fees and charges and working arrangements with Council's consultants.

Moved Geange/Sutherland

That, in regard to the Ministry for the Environment's Resource Management Act Survey of Local Authorities 2010/2011, the Regulatory Manager continues to explore and implement means of improving operational efficiencies in processing resource consents.

Carried

Reason for the decision

The Ministry for the Environment's Survey of Local Authorities 2010/2011 highlights improvements in Council's consent processing, but also shows that further improvements in performance and efficiency are necessary if Council is to be "the best little Council in New Zealand".

5.15 Department of Internal Affairs: Conflict of Interest, Discussion Document

General Manager Governance and Policy 1902.0; 2110.12

Item 8.5 of 28 September 2011 Council Minutes referred.

A report from the General Manager Policy and Governance dated 13 October 2011 was circulated.

The Minister of Local Government had released the long-awaited Discussion Document which signalled the start of a review of the Local Authorities (Members' Interests) Act 1968. The purpose of the Discussion Document was to elicit ideas and suggestions on how Conflicts of Interest in public bodies should be managed, with particular focus on local government.

It should be noted that Councillors received the Discussion Document at the 28 September 2011 meeting and the report was a follow up. At that meeting Council was informed that the Local Authorities (Members' Interests) Act 1968 was seen to be out of date, and the provisions had caused a degree of concern and confusion for some years. This document aimed to bring out ideas about the Act and its strengths and weaknesses, as well as opportunities and innovations for dealing with Conflict of Interest provisions in the future. It also posed 22 questions to stimulate debate on the topic. The Discussion Document was re-circulated for Council's information.

The discussion in this document focused particularly on the application of the Local Authorities (Members' Interest) Act 1968 in regards to local government institutions. The document listed the current Act's components and outlined the common pitfalls or issues with this legislation. The document also listed specific questions for respondents to review and comment on the submission of the Conflict of Interest Discussion Document from the Department of Internal Affairs, September 2011.

The proposed response to the initial stage of this review, 'Managing Conflict Interest in Local Government: The Local Authorities (Members' Interests) Act 1968 and Associated Issues' paper, was circulated.

Moved Geange/McEwing

- 1 **That** Council forwards its submission on *Managing Conflict Interest in Local Government* dated 10 October 2011 to Local Government New Zealand in response to the Department of Internal Affairs Conflicts of Interest Discussion Document.
- 2 **That** Councillor Sutherland to be delegated authority to approve the final submission.

Carried

Reason for the decision

This will allow Council to have an input into the first stage of the review of Local Authorities (Members' Interests) Act 1968. Specific questions were posed by the Department of Internal Affairs to elicit ideas and suggestions on how Conflicts of Interest in public bodies should be managed, with a particular focus on local government.

5.16 District Council Forest Tree-growing Forecast Silvicultural Pruning Budget and Regime

General Manager Operations 4901.0

Chandler Fraser Keating was Council's forestry consultant and provided professional industry expertise and guidance in Council's forestry short and long term planning and direction. Chandler Fraser Keating provided a detailed report in August 2011 on forest tree-growing regime for Kaipara District Council forests with recommendations that will reduce Council's forest operational costs that will fit better within the current economic environment and milled timber wood type pricing.

Council accepted and moved those recommendations along with a request of further information regarding the cash flow implications of different pruning and management options.

On request from Council, Chandler Fraser Keating had provided further information which was circulated, in relation to the cost of Kaipara District Council forestry pruning (operational contract costs) excluding management and supervision. It provided the current forecasted Kaipara District Council Silvicultural budget estimated to complete the pruning that was undertaken prior to the 2011/2012 budget, at which time any new lift was taken out. A summary of four years was; 2011/2012 \$85,943, 2012/2013 \$7,590; 2013/2014 \$37,895 and 2014/2015 \$20,670.

To date \$183,377 had been spent on prior pruning and thinning for all forestry blocks.

The Net Stumpage return Comparisons per hectare, excluding all associated costs from growth to harvest, was included within Chandler Fraser Keating Review Of Tree-growing Regime for Kaipara District Council Forests August 2011 being; Pruned clearwood timber \$21,500 per hectare; Unpruned timber \$16,800 per hectare. On this basis the additional projected return will offset any additional costs.

The recommendation of Chandler Fraser Keating and Northland Forest Managers was it made economical sense to complete the pruning on all forest blocks where the first lift/prune had already been completed to recoup the money spent. If the completion pruning was to be stopped thinning was still required so there would still be expenditure.

This item had been sent to Portfolio Holder, Councillor Jonathan Larsen, for his information and comment.

Moved Larsen/McEwing

That Council accepts Chandler Fraser Keating's information on the current forecasted Kaipara District Council Silvicultural costs as at October 2011, and the recommendation to complete pruning where started, to obtain a return on the money already spent.

Carried

Reason for the decision

It is recommended to continue pruning of forestry where pruning lifts have already occurred regardless of if it is the first, second or third lift (prune) to recoup on cost spent, and not to lose or reduce potential income from the future intended clear wood harvests.

6 Reports

6.1 Mayor's Report

1701.02.03

The Mayor reported on matters of interest.

6.2 Deputy Mayor's Report

Review of 2011/2012 Budgets

Deputy Mayor 2304.0

A report by Councillor Julie Geange dated 17 October 2011 was circulated.

Council contracted PJ & Associates to assess its financial position and report this back to Council with recommendations going forward. Council had already started implementing the recommendations in the report including improving financial reporting, reviewing financial policies and the use of treasury advisors to assist in debt management. Whilst these steps were being taken Council also needed to actively be ensuring that any savings that could be realised within existing budgets was achieved.

Moved Geange/Sutherland

That Management review the 2011/2012 budgets with a view to identifying potential savings of at least 5% from activities funded by General Rates; and

That this be reported back by activity to the 14 December 2011 meeting of Council along with details of impacts on the levels of service and any long term effects of not funding activities from which the savings could be made.

Carried

Reason for the decision

Given the current financial situation the Council considers it prudent to reduce expenditure wherever possible and considers a target of 5% of General Rate is a reasonable, achievable target.

6.3 Councillors Reports

Councillors **1904 (various)**

No written reports were received.

6.4 Chief Executive's Report: October 2011

Chief Executive **2002.02.10**

The Chief Executive's report was circulated separately.

Moved **Geange/Harding**

That the Chief Executive's report for October 2011 be received.

Carried

7 Information Items

7.1 Correspondence Addressed to Mayor and Councillors

General Manager Policy and Governance **1701.01**

For the information of Councillors, circulated were copies of all correspondence received addressed to the Mayor and Councillors, with a copy of the response where applicable, and file notes for all others. An additional letter had been received by the Mayor but had been excluded for privacy reasons.

Note the agenda timetable necessitated this information to be collated two weeks prior to the meeting. Correspondence received after that date will be reported to the next meeting along with responses which had been sent after the cut-off date.

All letters were acknowledged on receipt unless they were answered the day of receipt, or the Mayor specifically requested no acknowledgement.

Moved **Sutherland/Harding**

That the information be received.

Carried

7.2 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 to give an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

Moved Sutherland/Harding

That the Delegated Authority Schedule of Decisions be received.

Carried

7.3 Northland Intersectoral Forum Monthly Briefing Report 19 September 2011

General Manager Governance and Policy 1908.01.04

The Northland Intersectoral Forum Monthly Briefing Report for 19 September 2011 was circulated for information.

The Northland Intersectoral Forum had an overarching view on social monitoring, community renewal, engaging the community in learning, helping with the environment and the promoting and highlighting of the economic well-being of the region, among other topics.

This month's briefing report outlined the new Northland Intersectoral Forums Co-Chairpersons. Mark Simpson had been appointed on behalf of local government, and Walter Wells had been nominated as co-chair on behalf of central government and the social sector.

This month's briefing report also outlined the various taskforces which operated under the Forum. The Forum had agreed to development a Northland Intersectoral Forum website. The report also outlined the huge success of the Rugby World Cup regional effort with the 'Paint it Red Campaign' and the Forum received an update on the Northland District Health Board's Meningococcal vaccination campaign.

Moved Sutherland/Harding

That the information be received.

Carried

7.4 Kaiwaka Structure Plan Update N° 1

General Manager Policy and Governance **3802.01**

Moved Sutherland/Harding

That the Kaiwaka Structure Plan Update No 1 item lies on the table.

Reason for the decision

Information is to come back to the Council Portfolio Meeting to discuss this further. Councillor Sutherland is representing Council to help with completing the draft questionnaire.

Councillors asked that the map that is to be included with the questionnaire has a key provided to enable a clearer understanding of what the viewer is looking at.

7.5 Remuneration Authority: Review: Update October 2011

General Manager Policy and Governance **1801.01**

Item 8.9 of 28 September 2011 Council minutes referred.

At the September 2011 meeting an information item was received from the Remuneration Authority, entitled: "Remuneration Authority: Review of Local Authority Remuneration Setting Discussion Document.

The Discussion Document had been prepared by the Remuneration Authority to facilitate a review of how the Authority went about setting Remuneration for Elected Members of Local Authorities in a way that met the requirements for the Local Government Act 2002 and the Remuneration Authority Act. The Remuneration Authority had consulted with representatives of local government in order to gain their input and insights in the review.

The response to this Discussion Document was due on 15 November 2011. Regrettably due to time constraints and other priorities a draft submission was unable to be prepared for Council's consideration.

Moved Sutherland/Harding

That the information be received.

Carried

7.6 Financial Health and Sustainability Audit Report: Comment and Progress

General Manager Policy and Governance **2304.0**

The General Manager Policy and Governance reviewed PJ & Associates' Financial

Health and Sustainability Audit Report dated 7 July 2011 and provided progress and status comments. A copy of the review dated September 2011 was circulated for Council's information, together with progress and status.

PJ & Associates had been asked to comment on the General Manager's review and their response, titled 'Update on Financial Health and Sustainability Audit' dated 27 September 2011, was also circulated. For completeness, the original PJ & Associates report dated 7 July 2011 was circulated.

The key points were that:

- 1 The recommendations were systematically being put in place and will be substantially in place by the end of the 2011 calendar year; and
- 2 The appropriate mechanism for ongoing management, debate and consultation was via the Long Term Plan process.

Moved Sutherland/Harding

That the information be received.

Carried

7.7 Maori Ward Representation: Update October 2011

General Manager Policy and Governance 1301.01

Council was able to review the establishment of Maori Wards under Section 19Z of the Local Electoral Act 2001. If a Council was to review its Maori Wards, a Council must make a resolution under Section 19Z (3) of the Act by 23 November 2011. However, the deadline of 23 November 2011 meant that Council did not have enough time to consult in an effective and meaningful way. This meant that it could not be put into place for the next triennial local body elections in 2013, assuming that was what Council would have resolved.

At the 24 August 2011 meeting Council considered a paper on Maori Ward representation and made the resolution for Council to meet with Ngati Whatua, Te Uri o Hau and Te Roroa. Once these meetings had occurred, a recommendation was then to be prepared for the Council's consideration.

Legally Council was not required to do anything. However it had been its intention to consult on Maori Ward representation. Given its present position and lack of available time, it was suggested that Council began consultation and managed it in an appropriate and timely manner with a recommendation for the incoming Council following the election in 2016.

Moved Sutherland/Harding

That the information be received.

Carried**7.8 Proposed Baylys Community Wastewater Scheme: Northland Regional Council and Northland District Health Board****General Manager Operations 4510.0**

At its 23 March 2011 meeting, Council resolved:

“That Council rescinds its resolution of 1 June 2010, ‘That Council adopts the Baylys Community Wastewater Scheme Statement of Proposal May 2010 for public consultation’; and

That Council continues to investigate the provision of a viable wastewater options for Baylys.”

The reason for the decision to rescind the resolution was in response to community concerns regarding the evidence supporting the need for a Community Wastewater Scheme and community interest in better septic tank education and management. Council believed it needed to investigate this matter further and find a viable affordable option before progressing any further.

In July 2011 Council informed both Northland Regional Council and the Northland District Health Board (letters circulated) that Council was reviewing the need for a community wastewater scheme and its affordability for the community. Council asked Northland Regional Council and Northland District Health Board’s of their position in relation to the need for a community wastewater scheme at Baylys and if there was any evidence supporting this position.

Council had now received the circulated responses from both Northland Regional Council (12 September 2011) and the Northland District Health Board (13 September 2011).

Northland Regional Council would support sewerage reticulation of the Baylys community if there was sound evidence to justify the need. At the present time it was considered that this did not exist and therefore, Northland Regional Council was not in a position to make any informed decisions on this matter.

Northland District Health Board had anecdotal evidence of failures of septic tanks in the Baylys community and general evidence re failings of septic tanks. Northland District Health Board supported a reticulated community wastewater scheme in the Baylys community.

This Information could now provide supporting background for Council when it looked to make a decision on whether to proceed with a scheme for Baylys.

Moved Sutherland/Harding

That this information be received.

Carried

confirmed

8 Public Excluded Council Items 26 October 2011

Moved Harding/Sutherland

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>Council Public Excluded Minutes</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i)</i>
<i>28 September 2011 Item 9.8 Pohutukawa</i>	<i>and 7 (2)(b)(ii)</i>
<i>Cove Ltd: Claims</i>	
<i>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, 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: 26 October 2011

Council moved out of the Public Excluded session at 2.47pm

Moved Sutherland/Blackwell

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

Carried

8.1 Council Public Excluded Minutes 28 September 2011: (Item 9.8 Pohutukawa Cove Limited: Claims)

General Manager Operations 1601.16

Moved Geange/Harding

That item 9.8 'Pohutukawa Cove Limited: Claims' of the Council Public Excluded Minutes of 28 September 2011, as circulated, be confirmed as a true and correct record.

Carried

8.2 Potential Claims Against Council

General Manager Operations 3810.0

Moved Geange/Sutherland

That the information on Potential Claims Against Council be received.

Carried

Closure

The meeting closed at 2:48 pm

Confirmed 23 November 2011

Mayor Tiller