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**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 25 January 2012 Commencing 1.00 pm**

Unconfirmed Minutes

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Minutes : 25 January 2012

1 Opening: Councillor Geange

Councillor Harding to open the 22 February 2012 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, W Linton, B McEwing, J Sutherland.

1.2 In Attendance

Chief Executive, General Manager Operations, General Manager Policy and Governance, Corporate Services Manager, Personal Assistant to the Chief Executive (Minutetaker)

1.3 Apologies

Moved Harding/Linton

That the apologies of Councillor Jonathan Larsen and Councillor Andrew Wade be received.

Carried

2 Public Forum

2.1 St John Ambulance Service (1.00pm)

(Item 5.1 referred) St John Ambulance Service representatives spoke to Council on the concept plan for the Mangawhai Park Ambulance station site.

2.2 Riverside Holiday Park (1.35pm)

(Item 5.2 referred) Riverside Holiday Park representatives spoke to Council on the request for a Right of Way on esplanade reserve at Mangawhai.

3 Declaration of Conflicts of Interest

3.1 Declaration of Conflicts of Interest

General Manager Policy and Governance 1902.0

Audit had asked that this item be included on Council's Agenda each month. People's personal situations changed and Audit believed it was appropriate that both Councillors and Managers gave regular consideration as to whether or not they had a potential conflict of interest in respect of anything before Council.

Councillor Sutherland	Advised she has a property located directly opposite Riverside Holiday Park, which was the subject of item 5.2
General Manager Operations	Advised he leases a block of land off the road that was the subject of item 5.6

3.2 Late Item for Consideration: Resource Management Act Delegations

The Chief Executive requested that Council placed item "Resource Management Act Delegations" on its Agenda for 25 January 2012 for consideration in accordance with section 46A(7) of the Local Government Official Information and Meetings Act 1987 which stated:

"An item that is not on the Agenda for a meeting may be dealt with at the meeting if:

- a) the local authority by resolution so decides; and
- b) the presiding member explains at the meeting at a time when it is open to the public,
 - i) the reason why the item is not on the agenda; and
 - ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting."

Moved Harding/Linton

That Council places item 'Resource Management Act Delegations' on its Agenda for 25 January 2012 for its consideration and subsequent decision.

Carried

Reason for the decision

The issue of who has delegated authority to make decisions in accordance with the provisions of the Resource Management Act 1987 came to light after the close of the Agenda for the 25 January 2012 meeting when the Regulatory Manager took annual leave.

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Staff are entitled to take leave and it is important that Council is able to exercise its authority under the Resource Management Act 1987 in a timely and efficient manner when they do so. To avoid a similar situation occurring again, we do not believe the item should be delayed until a subsequent meeting.

3.3 Resource Management Act Delegations

General Manager Operations 1202.0

A report by the General Manager Operations dated 24 January 2012 was tabled at the meeting. The report sought Council's approval to update the delegations to key management positions with Council's staff structure. The approval of the proposed changes to the delegations provided minimum risk to Council and ensured that recent staff and restructuring changes were reflected in Council's decision-making processes.

Moved Geange/Sutherland

That Council:

- 1 *Receives the General Manager Operation's report dated 24 January 2012; and*
- 2 *Determines that it believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Pursuant to section 34A (1) of the Resource Management Act 1991 ("the Act") Council hereby delegates to its:*
 - a) *Chief Executive;*
 - b) *General Manager Operations; and*
 - c) *Regulatory Manager*

all of its functions, powers and duties under the Act and the Resource Management (Simplifying and Streamlining) Amendment Act 2009 ("the RMAA2009") other than:

*The approval of a proposed Policy Statement or Plan; and
This power of delegation.*

Carried

Reason for the decision

It is important that Council is able to exercise its authority under the Resource Management Act in a timely and efficient manner. In order to meet the legislative processing times it is necessary to have the power(s) to make decisions delegated to Senior Staff.

4 Confirmation of Minutes

4.1 Ordinary Council Meeting 14 December 2011

General Manager Policy and Governance 1601.16

A copy of the unconfirmed minutes was circulated.

Moved Linton/Geange

That the minutes of the Ordinary Meeting of Council on 14 December 2011 as circulated, be confirmed as a true and correct record.

Carried

4.2 Special Council Meeting 20 December 2011

General Manager Policy and Governance 1601.16

A copy of the unconfirmed minutes was circulated.

Moved Harding/Sutherland

That the minutes of the Special Meeting of Council 20 December 2011 as circulated, be confirmed as a true and correct record.

Carried

5 Policy

5.1 Mangawhai St John Ambulance Service: Concept Plan Mangawhai Park Site

General Manager Operations 5105.09

At Council's 14 December 2011 meeting it was resolved:

“That Council receives the community consultation feedback from Council officers and Mangawhai St John Ambulance Service’s consultation with the Mangawhai community regarding the Mangawhai St John Ambulance Service lease site in Mangawhai Park, Mangawhai; and

That following recent consultation with the community, Council approves in principle the proposed 5,000 square metre lease site for St John Ambulance Service, situated next to the Mangawhai Historical Society on Molesworth Drive, Mangawhai Park, Mangawhai.

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That Mangawhai St John Ambulance Service submits to Council for its approval, prior to the lodging of building or resource consent, an overall concept plan including building and landscape design."

A Commercial Designer's impression of the concept plan showing the street view was circulated and a hard copy available for viewing.

Council had asked for St John Ambulance Service to provide a landscape design. The Ambulance Service, as good neighbours, was approaching this in a collaborative way. It wanted community and neighbourly input and will liaise with the Mangawhai Historical Society to ensure a mutually agreed shared approach to the joint planted border. Tentative discussions had already been held, pending a definitive answer from Council.

Peter Ferguson, Commercial Designer for St John Ambulance Service, had advised that landscapers will remove wilding pines, wattles and other exotics of poor form, retaining good specimens and natives where possible. These will be underplanted with natives and grasses as selected by a landscaper. A local landscaper will advise and assist and two had shown expressions of interest. The areas surrounding the parking areas will be planted with low native grasses and smaller shrubs to blend in with surrounding vegetation. The colours of the building had been selected to reflect the coastal setting and ensure that the building sits unobtrusively with its surroundings. St John Ambulance Service building a station at Mangawhai Park ensures the Mangawhai community continues to have an ambulance service that meets growing needs.

During the community consultation conducted in late 2011, a number of submitters requested an opportunity to review the design. While it was unlikely that the consent application will be legally required to be publicly notified, it can be if the applicant requested this treatment. An initial assessment by Council's Consultant Planner had identified that the resource consent application will most likely need to be notified to some extent.

This report had been sent to the Otamatea Councillors Larsen, Linton and Sutherland.

Moved Geange/Harding

That Council approves, subject to the removal of the helicopter pad, the concept design submitted by St John Ambulance Service for its proposed station on Molesworth Drive, Mangawhai Park, and that St John Ambulance Service reach an agreement with Mangawhai Historical Society on the type of screening to occur between the two properties.

Carried

Reason for the decision

The concept proposed by St John Ambulance Service is for an attractive contemporary design that will blend with the site and complement the adjoining museum building

however Council requested the removal of the helicopter pad as it was aware of a number of concerns raised by local residents in respect of this. Council was also aware of concerns raised by members of the Mangawhai Historical Society as to the proposed plant screening between the two properties and asked that St John Ambulance Service reaches an agreement with the Society as to what form the screening should take.

5.2 Riverside Holiday Park: Request for Right of Way

General Manager Operations 5105.09

A report from the General Manager Operations dated 11 January 2012 was circulated.

Riverside Holiday Park had for many years used a portion of the esplanade reserve that boundaries their property for access to northern areas of the holiday park. They had come to Council with a request to formalise this access arrangement.

No physical works were needed to provide for the creation of the Right of Way and it was unlikely to cause the reserve to be unfit for the purpose intended. It was not anticipated that the creation of the Right of Way will be contrary to the purposes and functions of the reserve. Riverside Holiday Park had stated that public access to the coastal area will be maintained at all times. Four maps were attached to the General Manager Operation's report; a view of the area, the 10 chain area, the proposed Right of Way, and an enhancement concept.

Moved Geange/Linton

That Council does not approve Riverside Holiday Park's application for a Right of Way providing legal access across the adjoining esplanade reserve (Lot 2 DP 83638).

Carried

Reason for the decision

Council did not believe that providing Riverside Holiday Park with a legal Right of Way over the esplanade reserve which adjoined the Park's boundary was in the best interest of the public. Council noted that Riverside Holiday Park could legally continue to use the esplanade reserve without a formalised Right of Way.

5.3 Dargaville Wharf Pontoon: Deferment of Reinstatement or Replacement

General Manager Operations 2130.03

A report from the General Manager Operations dated 12 January 2012 was circulated. Council's 22 June 2011 resolution for Item 6.11 Dargaville Wharf Pontoon and Waka Ama Club required a report back to Council on best pontoon options, costs and funding.

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Further investigation and quoted pricing of \$25,650 to \$75,695 for the reinstatement repairs or replacement of the Dargaville Wharf Pontoon was significantly greater than the initial \$5,000 estimated cost, and did not include any works or changes to the existing piles to secure the pontoons in place. There was no Council funding allocated for the reinstatement or replacement of the wharf pontoon and the Waka Ama Club was not in a position to fund the project. The Waka Ama Club had also indicated that after further investigation the Northern Wairoa River was not a suitable training ground given the strong currents at times.

The Portfolio Holders Councillors McEwing and Wade had been provided with a copy of General Manager Operations report.

Moved Harding/Linton

That Council defers the reinstatement or replacement of the Dargaville Wharf Pontoon; and

That Council actively seeks to engage with a community group willing to spearhead the reinstatement or replacement of the Dargaville Wharf Pontoon and works with that group to secure external funding for the project.

Carried

Reason for the decision

There was no Council funding allocated for the reinstatement or replacement of the wharf pontoon but Council believed it was important to look at how it could support a community group to raise the external funding necessary to either reinstate or replace the Dargaville Wharf Pontoon.

5.4 Sanitary Works Subsidy Scheme (SWSS) Tinopai and Paparoa/Pahi: Withdrawal of Applications

General Manager Operations 4511; 4513

A report from the General Manager Operations dated 12 January 2012 was circulated. In 2005 the Council received preliminary approval for partial funding (\$2.4 million) towards the development of sanitary works to service the Tinopai and Paparoa/Pahi communities from the Ministry of Health via the Sanitary Works Subsidy Scheme. The Council component of the funding for these projects was estimated to be in the order of \$6-8 million.

The Ministry of Health Sanitary Works Subsidy Scheme and funding offer expires in 18 month's time, 30 June 2013. It was unlikely that the Council will be able to, or want to, have the available funding in place to complete the schemes prior to the expiry of the Sanitary Works Subsidy Scheme.

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The Ministry of Health had requested that Council withdraw its applications for funding subsidy for the Tinopai and Paparoa/Pahi sanitary works if the Council was not likely to use the subsidy, to free the money up for works elsewhere.

The information in the General Manager Operations report had been sent to the Portfolio Holder, Councillor John Blackwell.

Moved Geange/Sutherland

That Council defers Item 5.4 Sanitary Works Subsidy Scheme (SWSS) Tinopai and Paparoa/Pahi: Withdrawal of Applications until its meeting dated 22 February 2012 pending receipt of further information.

Carried

Reason for the decision

Council required further information to enable it to make an informed decision.

5.5 Service Contract Extension: Environmental Northland Limited

General Manager Operations 3501.0

A report from the dated 11 January 2012 was circulated.

Council's contract for the provision of dog, stock and noise control, parking and bylaw management was due to expire on 31 March 2012. Although a review of the existing contract and future service delivery options was well underway, it was now unlikely that new arrangements will be in place by this date. Therefore an extension to the current contract period needed to be negotiated to enable discussions and agreements to be concluded regarding potential shared services, new contracts and tenders, or establishing new in-house Council services.

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

Moved Blackwell/McEwing

That Council negotiates an extension of time for the delivery of dog, stock, noise, parking and bylaw management services by Environmental Northland Limited under its existing contract (which ends 31 March 2012) for a period up to a maximum of 12 months or until arrangements for the future provision of these services are implemented, whichever is the sooner.

Carried

Reason for the decision

Council is anxious to implement new service provisions as soon as possible, but recognises that negotiations over service arrangements, contract terms and tendering processes take time to conclude. The maximum time of 12 months is included to provide Council with opportunities to negotiate with Environmental Northland Limited.

5.6 Road Naming Private Right of Way off Cames Road, Mangawhai: West Farm Drive

General Manager Operations 4102.09

Mangawhai Ridge Limited had completed a 42 lot subdivision (RM030029) located off Cames Road, Mangawhai. Currently one of the private Rights of Way opposite Kokopu Lane off Cames Road had been named locally as West Farm Drive. The developer had erected a sign with this name some time ago. This name had not been approved by Council but did meet Council's Road Naming Policy 2009. The circulated map showed the section of private road in question.

West Farm Drive derived from the fact that the road accessed the west area of the Wintle farm, the site where the subdivision occurred. Although the subdivider had not approached Council, residents of the area had seeking approval for the naming of the road.

Moved Geange/Blackwell

That Council endorses the private road name, West Farm Drive located off Cames Road opposite Kokopu Lane in Mangawhai, from the Mangawhai Ridge Limited subdivision (RM030029).

Carried

Reason for the decision

The name suggested complies with Council's Road Naming Policy 2009.

5.7 Road Naming Five Private Roads and Access ways off Pearl Street, Mangawhai: Taranga View Road, Cape Rodney Place, Fern Bird Place, Matata Way and Pakiri Way

General Manager Operations 4102.09

At the 24 August 2011 meeting, Council resolved to let the road naming item for five road names off Pearl Street, Mangawhai, lie on the table, pending more information clarifying the road names. The circulated plan showed the roads proposed for naming as submitted to Council in August 2011. The roads were created as part of a subdivision undertaken by Joydon Productions Ltd (RM001102) in 2000.

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The recommended names were Taranga Views, Cape Rodney View, Fern Bird Place, Matata View and Pakiri View. More information had been sought to have the appropriate suffixes for the proposed road names. These were now proposed as Taranga View Road, Cape Rodney Place, Fern Bird Place, Matata Way and Pakiri Way.

The name for the largest road, numbered (1) on the circulated plan, Taranga View Road, was accepted.

Off this road was a small private right of way, numbered (2) on the plan. The Cape Rodney Place was accepted for this private Right of Way.

The name for the private road numbered (3) on the plan, Fern Bird Place, was accepted.

The name for the accessway numbered (4) on the plan, Matata Way, was accepted for this road

The last road in this series was numbered (5) on the plan. The name, Pakiri Way, was accepted.

Other name selections were put to Council however were either already in use in the District or did not comply with the Road Naming policy.

All the names accepted by Council complied with its Road Naming Policy 2009.

Moved Linton/Geange

That Council endorses the following private road names located off the end of Pearl Street in Mangawhai; Taranga View Road, Cape Rodney Place, Fern Bird Place, Matata Way and Pakiri Way as private road names and private accessways from the Joydon Productions Ltd subdivision (RM001102).

Carried

Reason for the decision

The names suggested comply with Council's Road Naming Policy 2009.

6 Reports

6.1 Mayor's Report

1701.02.03

The Mayor reported on matters of interest.

6.2 Councillors Reports

Councillors **1904 (various)**

No written reports were received.

Driver's Licence Testing

Councillor Geange spoke to the issue of losing essential services in Dargaville, specifically Driver's Licence Testing.

Moved **Geange/Sutherland**

That Council actively lobbies to retain driver's licence testing in Dargaville and that this issue is included in the agendas for the next meetings of the Regional Land Transport Committee, Northland Mayoral Forum and Northland Road Safety Forum.

Carried

6.3 Chief Executive's Report: December 2011 and January 2012

Chief Executive **2002.02.10**

The Chief Executive's report for December 2011 and January 2012 was circulated separately.

Moved **Geange/Blackwell**

That the Chief Executive's report for December 2011 / January 2012 be received.

Carried

7 Information Items

7.1 Delegated Authority: Schedule of Decisions

General Manager Operations **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 gave an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

Moved **Sutherland/Blackwell**

That the Delegated Authority Schedule of Decisions be received.

Carried

7.2 Northland Intersectoral Forum Monthly Briefing Report 20 December 2011

General Manager Policy and Governance

1908.01.04

The Northland Intersectoral Forum Monthly Briefing Report for 20 December 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.

The Forum discussed the serious rural fire problems which Northland faced, and how a 10% reduction in wild fires would save \$300,000 for the region per year. There were also other discussions which were listed in the Briefing Report.

This month's Forum was the first for Kaipara District Council's new Chief Executive.

Moved Sutherland/Blackwell

That the information be received.

Carried

7.3 Proposed District Plan Appeals and Variation N°1 Update

General Manager Policy and Governance

3807.06.04 & 3807.05.01.02

Proposed District Plan: Settling of Appeals

With the close of the appeals period to the Proposed Plan, other interested parties had 15 working days within which to notify the Environment Court of their interest. Fifteen of the 18 appeals had attracted other parties who had indicated an interest in the proceedings greater than the general public.

Informal discussions had commenced with the appellants, to gain a better understanding of the matters raised and to identify issues which may be capable of resolution by mutual consent. By the end of 2011 three such meetings had been held, with more scheduled for the months of January and February 2012. The Environment Court had indicated a wish to see the appeals resolved as quickly as possible.

Proposed District Plan: Appeals version District Plan

The compiling of the Appeals version of the District Plan was currently underway. This Plan will be on Council's 22 February 2012 agenda, for approval to be released.

This version of the Plan will no longer be a 'tracked changed' version, with strike-through and underlined text. Instead the Appeals version Plan will show which parts of the Plan had not been appealed, and which parts were subject to an Appeal. The parts

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not appealed will become operative, superseding the equivalent provisions in the currently Operative Plan (red Plan).

Included in this version of the Plan will be minor amendments, fixing things like typos and grammatical errors. Clause 16 of the First Schedule of the Resource Management Act allowed for minor errors to be fixed without a full public process, but by a resolution of Council.

Variation 1: Landscapes to the Proposed District Plan

The hearings on Variation N^o1 to the Proposed District Plan were completed in early December 2011 and Council's planners provided the commissioners with their revised views, resulting from the hearings, later in the month. The two commissioners gave a number of the submitters the opportunity to provide further information to support their arguments and the time for receiving this was the end of January 2012. The commissioners will then formally declare the hearings *closed*, and their deliberations will commence. It was expected that they will release their recommended decisions by March/April 2012.

Moved **Sutherland/Blackwell**

That the information be received.

Carried

7.4 Integrated Kaipara Harbour Management Group: On Farm Workshop

General Manager Policy and Governance **2130.02**

Notes taken from a wananga, or workshop session conducted under the auspices of the Integrated Kaipara Harbour Management Group at Tanoa on 10 November 2011 were circulated.

This was an opportunity for local farmers to see what had been done, and what could be done on their land to improve the quality of water running off their land and ultimately into the harbour. Hanerau Farms, owned by Te Uri o Hau, was a work in progress, and was to be used as a 'flagship site' to demonstrate techniques and practices leading to achievement of the Group's stated objective of "a Healthy Productive Kaipara Harbour".

Moved **Sutherland/Blackwell**

That the information be received.

Carried

7.5 Auditor-General's Annual Christmas Newsletter 2011**Chief Executive 2110.36**

The Auditor-General's Annual Christmas Newsletter was circulated for information. There was a focus around Council's accountability and planning for the 2012/2022 Long Term Plan. It gave an overview of the work done in 2011 by the Office of The Auditor General, and identified key influences for the coming year. Attached to the Christmas Newsletter was a paper containing short articles on the Office of the Auditor General's performance Audits and other reports of interest to the Local Government sector.

Moved Sutherland/Blackwell

That the information be received.

Carried**7.6 Civil Defence Emergency Management Group: Agenda and Minutes of Meeting 6 December 2011****General Manager Operations 6107.0**

The agenda and minutes of the Northland Group meeting held on 6 December 2011 at Northland Regional Council Chambers, Whangarei were circulated for information.

Moved Sutherland/Blackwell

That the information be received.

Carried

8 Public Excluded Council Items 25 January 2012

The meeting moved into Public Excluded at 3.30pm

Moved Geange/Linton

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>
1 <i>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(g)</i>
2 <i>Kauri Coast Community Pool Trust (Management Committee) Report November 2011</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(b)(ii)</i>

Note: *"The Kauri Coast Community Pool Trust (Management Committee) Report 2011" outlines proposals for increasing income streams from various sources, including sponsorship. Negotiations are ongoing and there is a need to consider this report without prejudicing these negotiations. Hence this report will be considered in the Public Excluded section of the meeting.*

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)(g) maintain legal professional privilege.

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 unreasonable to prejudice the commercial position of the person who supplied or who is the subject of the information.

Open Council Meeting: Wednesday 25 January 2012

The meeting moved back into Open Meeting at 3.50 pm

Moved Blackwell/Harding

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

Carried

8.1 Potential Claims against Council

General Manager Operations 3810.0

Moved Geange/Sutherland

That the information be received.

Carried

8.2 Kauri Coast Community Pool Trust (Management Committee) Report November 2011

General Manager Operations 4701.03

Moved Geange/Harding

That the information be received.

Carried

Note: The "Kauri Coast Community Pool Trust (Management Committee) Report 2011" outlined proposals for increasing income streams from various sources, including sponsorship. Negotiations were ongoing and there was a need to consider this report without prejudicing these negotiations. Hence this report was considered in the Public Excluded section of the meeting.

Closure

The meeting closed at 4.05 pm.

Confirmed..... 2012

Mayor