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**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 24 August 2011 Commencing 1.00 pm**

Minutes

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Confirmed

Minutes: Wednesday 24 August 2011**1 Opening: Councillor Linton**

Councillor McEwing to open the 28 September 2011 meeting.

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

1.1 Present

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

The Mayor stood down from Item 5.5 to 5.13 inclusive, to meet with the Minister, the Hon Steven Joyce at the Dargaville High School. Deputy Mayor Julie Geange took the Chair in his absence.

1.2 In Attendance

Chief Executive, General Manager Policy and Governance, General Manager Operations, Corporate Services Manager.

2 Public Forum / Presentation

The Public Forum and Presentation took place during Council business, as at times indicated below.

2.1 Club Targa Inc: Rally 2011 (1.00 pm)

Item 5.1 referred.

2.2 Volunteer Rural Fire Force Long Service Medal: R B Donald (3.00pm)**General Manager Operations 6201.0**

This presentation was to formally acknowledge Bob Donald's 14 years of services to Volunteer Fire fighting both with the New Zealand Fire Service and Kaipara District Council's Volunteer Rural Fire Force.

Bob Donald was currently the Controller of the North Kaipara Volunteer Rural Fire Force having served first as a Volunteer Fire Fighter with the New Zealand Fire Service. Bob had completed more that 14 years of service with the New Zealand Fire Service and the North

Kaipara Volunteer Rural Fire Force. In recognition of this milestone it was customary in the emergency response services, including Council's Volunteer Rural Fire Forces, to recognise this achievement of Long Service.

Bob's dedication and ongoing commitment to the community and other Volunteer Rural Fire Forces was an inspiration. It was a privilege to recognise this achievement.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 27 July 2011

General Manager Policy and Governance 1601.16

A copy of the minutes was circulated.

Amendments:

Page 3 Item 2.2 Public Forum/Presentation: C Hawley

Note that both Catherine and John Hawley spoke to Council.

**Page 9 Item 5.5 Kaipara Refuse Limited; Rubbish Bag Charge Increase
First Paragraph, line five.**

Note that the last price increase was 2009, not 2008 as indicated.

Resolved Sutherland /Blackwell

That the minutes of the Ordinary Meeting of Council 27 July 2011 as amended, be confirmed as a true and correct record.

3.2 Extraordinary Council Meeting : 2 August 2011

General Manager Policy and Governance 1601.16

A copy of the minutes was circulated.

Resolved Harding/Sutherland

That the minutes of the Extraordinary Meeting of Council 2 August 2011 as circulated, be confirmed as a true and correct record.

4 Declaration of Conflicts of Interest

4.1 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 change 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.

There were no conflicts of interest declared.

5 Policy

5.1 Targa New Zealand Rally 2011: Application for Road Closure

General Manager Operations 3208.0

A report from the General Manager Operations dated 9 August 2011 was circulated. Council had received an application from Club Targa Inc for the Targa New Zealand Rally 2011, asking Kaipara to host two stages of their up-coming car rally. The application asked for three roads in the eastern area, Paparoa-Oakleigh Road, Baldrock Road and Kaiwaka-Mangawhai Roads to be closed for up to two days while the rally was on.

Resolved Larsen/Wade

That Council

- 1 Approves the application to close Paparoa-Oakleigh Road, Kaiwaka-Mangawhai Road and Baldrock Road for the Targa New Zealand Rally 2011 in the Kaipara District; and
- 2 Requires that Club Targa Inc provides a bond for this event.

Reason for the resolution

While there are a number of issues about using the sealed roads in question, the Targa presentation reassured Council that the issues highlighted by officers could be managed effectively.

5.2 Electoral System Maori Representation and Representation and Boundary Review

General Manager Policy and Governance 1301.01

A report from Independent Election Services Ltd was received on 5 August 2011 entitled 'Electoral System, Maori Representation and Representation Arrangements Reviews'. This report was written by Dale Ofsoske, Electoral Officer for the Council. The report was circulated for Council's review.

Council may change the electoral system by 12 September 2011, but must advertise its decision by 19 September 2011. Council may consider the introduction of Maori representation, but if it to be implemented for the 2013 triennial election, a decision must be made by the 23 November 2011. The representation arrangements review must be completed by 31 August 2012.

Resolution One McEwing/Sutherland

That the Independent Election Services Ltd report dated 5 August 2011 is received and:

- i) That pursuant to section 27 of the Local Electoral System for the Kaipara District Council resolves to Retain the Single Transferable Voting electoral system for the Kaipara District Council for the 2013 triennial local body election; and*
- ii) That public notice be given by 19 September 2011 of the decision and of the right of electors to demand a poll on the electoral system to be used by the Kaipara District Council.*

Reason for Resolution One

The spirit of the Act encourages continuity for two elections in order to better assess its effectiveness in delivering representation that reflects the District's demographics.

Resolution Two Sutherland/Blackwell

That the issue of Maori representation will be discussed at a later date. Council is to meet with Ngati Whatua, Te Uri O Hau and Te Roroa.

Reason for Resolution Two

The spirit of the Act encourages continuity for two elections in order to better assess its effectiveness in delivering representation that reflects the District's demographics.

Resolution Three Harding/Linton

That Council notes a representation arrangements review is required to be undertaken during 2012 but no later than 31 August 2012.

Reason for Resolution Three

The spirit of the Act encourages continuity for two elections in order to better assess its effectiveness in delivering representation that reflects the District's demographics.

5.3 Maori Ward Options for Kaipara District

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.

In a letter to the Race Relations Commissioner in October 2010, the Governance Manager stated that the Council would be reviewing its stance on establishing Maori wards before the next local body elections. As part of this process Council will meet with Ngati Whatua, Te Uri O Hau and Te Roroa. Once these meetings had occurred, a recommendation will then be prepared for the Council's consideration.

The formula set out in Schedule 1A, Local Electoral Act 2001 calculated that with the current Maori electoral population and general electoral population, the Kaipara District was eligible for one Maori ward. The options under consideration were:

- No Maori seat, in which case no action needed to be taken;
- Yes, a Maori seat, in which case a public notice must appear advising that electors can require that a poll be held on the question if more than 5% of the number of electors enrolled as eligible to vote at the previous triennial general elections request it;
- Decide to hold a poll to ask the question.

These options were also highlighted in Dale Ofsoske's 'Electoral System, Maori Representation and Representation Arrangements Review' report on this agenda.

Resolved Sutherland /McEwing

That Council receives the information on Maori Ward Options for Kaipara District and notes that a report will be prepared for Council at a later date.

Reason for the resolution

Council needs to meet with local iwi so it is able to have all relevant information to compile a report with recommendations to the Council at a later date.

5.4 Mangawhai Camp Ground 2011/12 Season: Proposed Fee Increase

General Manager Operations 4703.04

A report from the General Manager Operations dated 11 August 2011 was circulated. Council needed to make a decision to accept the proposed casual and concession camp fee increases for the 2011/12 season. Council previously agreed in May 2011 to increase the camp ground fees to cover the shortfall in camp ground income that had occurred and rising operational costs. It was also agreed that there was a potential for servicing any loans required and the provision to improve camp facilities. Council was awaiting the proposed fee increase from Council Officers and the Camp Ground Manager. Council's policy on camp grounds was that they were cost neutral.

This report had been discussed with Councillors Geange, Larsen and Sutherland prior to the Council meeting.

Resolved McEwing/Sutherland

That Council approves the proposed fee increase for the Mangawhai Camp Ground 2011/2012 season for casual camping fee be raised in accordance with the camp ground manager 2011 proposal, as set out below:

	<i>Camp Ground Manager 2011 Proposal</i>
<i>Adult tent site</i>	<i>\$16.00</i>
<i>Child tent site (3-14yrs)</i>	<i>\$8.00</i>
<i>Adult powered site</i>	<i>\$18.00</i>
<i>Child tent site (3-14yrs)</i>	<i>\$8.00</i>
<i>Annual concession site</i>	<i>\$3,000.00</i>
<i>Annual offsite storage</i>	<i>\$650.00</i>
<i>Unit : Peak 2 people</i>	<i>\$110.00</i>
<i>Unit : Non-peak 2 people</i>	<i>\$85.00</i>

Reason for the resolution

Camping fees need to be increased to offset the increasing operational costs related to the age, condition and maintaining of some of the camp ground's facilities and assets as well as main service charges (power, water and waste). Council has also been absorbing the GST increase since October 2010.

In the short term Council needs to increase the fees for the 2011/12 season to ensure the camp ground is self-funding and remains cost neutral.

The Mayor stepped down to attend a meeting with Minister, the Hon Steven Joyce at the Dargaville High School.

Resolved Linton/McEwing

That His Worship be granted leave and that Deputy Mayor Julie Geange assumes the Chair.

5.5 Licence To Use Unformed Road Or Road Reserve

General Manager Operations 4102.20

A report from the General Manager Operations was circulated regarding Agreement to Licence for the Kaipara District. Council had received increased interest from the community to use unformed roads and road reserves in the District. With no satisfactory method previously to be able to handle these queries, staff approached Crown Property Services Limited to gauge how this was dealt within Northland. Crown Property Services Ltd produced an Agreement to Licence that was used in the Whangarei District.

Under Council's Delegations Schedule, section 45(1), the Chief Executive had the ability to sign these agreements. As this was a new process, Council approval was sought. A sample agreement that staff can modify on a case by case basis to suit a variety of situations was circulated.

This agreement will offer staff a mechanism to register that an unformed road or road reserve may be used. It created a tool to manage usage, and offered the ability to charge for staff time to monitor the areas of use.

The report had been sent to Councillor Linton for his comment.

Resolved Linton /McEwing

That Council adopts the Agreement to Licence for the Kaipara District; and

That Council's Chief Executive sign these agreements in the future under delegated authority with these being recorded in the Chief Executive's monthly report to Council; and

That adjoining owners of the land in question are notified.

Reason for the resolution

To enable staff to handle these applications for usage in a standardised and timely manner.

5.6 Short Term Parking: Hokianga Road and Parenga Streets, Dargaville

General Manager Operations 4102.11

Council had been approached regarding a lack of short term parking for customers using Orrs Pharmacy in Dargaville. Short term parking was ten minutes or less. Currently there were three short term parks available outside the pharmacy on Hokianga Road in Dargaville.

Council's Manager Infrastructure had visited the site and found that the request can be catered for with minimal cost to the ratepayer. What was proposed was to convert two existing long term parking spaces at the Hokianga Road end of Parenga Street carpark to short term parking. This can be achieved at minimal cost, a resolution from Council and new signage will accomplish a result for the community.

This had been discussed with the Roding Portfolio Holder, Councillor Linton.

Resolved Harding/Linton

That Council converts two long term parking spaces to short term parking on the Hokianga Road end of the large parking bay on Parenga Street, Dargaville.

Reason for resolution

This is a reasonable and minor request that can be accommodated with Council's operating budgets this financial year.

5.7 Deed of Grant New Zealand Railway Corporation Agreement: Central Road Bridge N° 47 Taipuha

General Manager Operations 4107.659

A Deed of Grant was required from New Zealand Railways Corporation to work within and above the railway land to enable the construction of a new replacement bridge at Central Road, Taipuha. The existing Central Road Bridge N° 47, Taipuha over the railway had reached the end of its useful life and was due for replacement. The construction of the new replacement bridge alongside the old bridge involves activities that were within and above the railway land. Following construction of the new replacement bridge, the old bridge will be removed. The Deed of Grant had been forwarded to Kaipara District Council on 22 December 2010. A grant fee of \$300.00 per annum plus GST was payable. The term of the grant was for one year from 1 August 2011 which shall continue from year to year and may be terminated at any time by either party giving twelve calendar months notice in writing.

Council's legal advisors, Brookfields, had looked over the deed and recommended minor amendments. New Zealand Railway Corporation was notified and some minor amendments had been made. The amended document was returned to Council on 4 July 2011 for execution.

Resolved Blackwell/Harding

That Council approves signing of the Deed of Grant, with New Zealand Railway Corporation, received on 4 July 2011, granting the right to erect/construct an overbridge on railway land at Central Road, Taipuha known as Bridge N° 47.

Reason for the resolution

To continue with the new replacement bridge at Central Road, Taipuha, it is necessary to accept the New Zealand Railways Corporation Deed of Grant document in its present form.

5.8 Leaky Homes Financial Assistance Package Participation Request**General Manager Operations 3114.0**

A report from the General Manager Operations dated 10 August 2011 and a letter from the Hon Maurice Williamson, Minister of Building and Construction dated 9 August 2011 were circulated. Council had been invited by the Department of Building and Housing to sign up to participate in the Leaky Homes Financial Assistance Package. Council's decision on acceptance of this invitation was requested. This report provided information on which to base that decision.

The Leaky Homes Financial Assistance Package requires participating councils to contribute 25% of the costs of leaky home repairs. Participation may encourage new claimants who might not otherwise have claimed and these claims would not be covered by Council's insurance. Councils that do not participate were potentially liable for greater costs, but these would need to be sufficiently great to encourage the homeowner to seek those costs through litigation. Council was insured for its current claims, and any future large claims would need to be lodged before 2014. However, there were no known potential claims in Kaipara.

Resolved McEwing/Linton

That Council declines the Department of Building and Housing's invitation to participate in the Leaky Homes Financial Assistance Package.

Reason for the resolution

The existing claims are covered by insurance. Building Control Officers are unaware of any new potential claims. Should there be any new claims made, they would need to be sufficiently large to encourage the claimant to seek redress from Council through litigation. It is considered that such claims are unlikely. On balance, participation in the scheme may be more costly to Council if new claims are lodged for which Council is no longer insured and therefore liable for 25% of the repair costs.

5.9 Affordable Housing Finlayson Park, Dargaville: Te Uri O Hau Request

General Manager Operations

5105.12

A letter from Te Uri O Hau dated 2 June 2011 was circulated, in which they approached Council asking for the Council land at Finlayson Park to be considered for affordable housing. Te Uri O Hau also provided a possible staged subdivision. They had asked Council to consider they purchase the land at a nominal price, preferably nil. Council needed to consider whether it wanted to pursue this in greater depth. Council needed to reflect on the possible long term effects of having a whole group of social housing in any one particular area. For example, Housing New Zealand tended to 'spread' their clients throughout the community to avoid a 'ghetto' scenario.

Council also needed to give consideration to who will pay for the survey costs and valuations, building consents, resource consent and, development contributions. Once the individual sections were created and valued, Council needed to consider whether it wanted to sell at valuation, market, or give the sections to Te Uri O Hau. The last three sections in Finlayson Park were sold at half the government valuation to Habitat for Humanity. Another consideration was who will pay Council's legal costs. If Council did agree to pay for all of the legal costs it will be a considerable cost to the ratepayer. The circulated plan talks about stages. There was no indication of what the timed stages could be.

Thought also needed to be given to any special conditions attached to this development. For example Council may want to consider that if it did give this land to Te Uri O Hau for either a nominal price or for free, if no build happened within a set timeframe, the land was transferred back to Council.

This report had been discussed with the Councillors Geange, McEwing and Wade.

Resolved Wade/Blackwell

That Council receives the information from Te Uri O Hau in its letter dated 2 June 2011 and that the land at Finlayson Park (Lot 9 DP 158864) be investigated for redevelopment for affordable housing and other options and that this information come back to Council for consideration.

Reason for the resolution

The information received from Te Uri o Hau does not give Council enough information to make an informed decision.

5.10 Road Naming: Five Private Roads and Accessways off Pearl Street, Mangawhai

General Manager Operations 4102.09

Resolved Linton/Sutherland

That this item, Road Naming: Five Private Roads and Accessways off Pearl Street, Mangawhai, lies on the table until the 28 September 2011 Council meeting pending clarification about the names, developers preference for names and Council's Road Naming Policy.

Reason for the resolution

Seeking further information.

5.11 Engineering Standards 2011: Adoption

General Manager Policy and Governance 3803.01

Resolved McEwing/Harding

That this item lie on the table until the 28 September 2011 meeting so that the Engineering Standards 2011 document can be completed.

Reason for the resolution

Document needs more work so that Council can have a final complete copy of the Engineering Standards 2011.

Note: The new Engineering Standards will take effect from 1 October 2011 not 1 September 2011 as originally intended.

5.12 Kauri Coast Community Pool Trust Statement of Financial Position March 2011

General Manager Operations 4701.03

A report from the General Manager Operations dated 12 August 2011 was circulated, which provided Council with the Statement of Financial Position as at 31 March 2011. The annual financial accounts from the Kauri Coast Community Pool Trust and a report dated 27 July 2011 from their legal representative were circulated.

This report on the financial position of the Trust identified the difficult position the Trust finds itself in, which had come about due to the pool running at a deficit for the last season. The Trust was highlighting in this report that without additional support from Council there may be a risk that the pool may not open this season. However no request or submission from the Trust for additional funding was made in this year's Annual Plan process. Consequently additional funding sources would need to be identified.

While there were a number of options for future governance and management of the pool identified in this report, they were unlikely to be in place before the commencement of the next season. Therefore Council may need to consider a short term solution such as a loan from reserve funds to enable the Trust to continue operating the pool for the next season.

A meeting with the Trust and all concerned parties was currently being arranged. The outcome of this meeting and a further report covering actual construction costs and funding will be reported back to Council.

This report had been discussed with Councillors Geange, Harding and Wade prior to the Council meeting.

Resolved Harding/ McEwing

That Council receives the Kauri Coast Community Pool Trust's Statement of Financial Position accounts as at 31 March 2011 and the covering letter from their legal representative in respect of 'Agreement for Land Use and Management of Dargaville Community Pool' dated 27 July 2011, as circulated with the General Manager Operation's report dated 11 August 2011; and

That a further report covering actual construction costs and funding will be prepared for the 28 September 2011 Council meeting.

Reason for the resolution

The Kauri Coast Community Pool Trust and Community Leisure Management have completed their first full season of managing and governing the pool. This report provides information for Council.

5.13 Former Dairy Factory, Whakapirau

General Manager Operations 4702.28

Mr Brett Taylor recently approached Council with a proposal to carry out some alterations to the former Kaipara Dairy Factory building, situated on an Esplanade Reserve at Whakapirau. This reserve was vested in the Kaipara District Council. Mr Taylor proposed to use the building for visitor accommodation and a community hall space. This building was currently listed with the New Zealand Historic Places Trust (the Trust) as a place of historic and cultural significance. However, recent investigation had shown that Council had been identified as

the legal owner of the building and the Trust recognised Council as such.

The Trust had recently highlighted to Council the process originally used by the Trust to register the building was deficient and as such was asking that Council as owner signified support for remedying this. In order to remedy the deficiency was it necessary for the Trust to carry out the prescribed registration process to place the building on the Register. A draft report had been prepared by the Trust as a part of this process and that draft dated 3 June 2011 was circulated for Council's information.

There was a 'fast track' process available under Section 32B of the Historic Place Act 1993, if the owner of the building signifies a support for registration. The Trust sought Council's approval to 'fast track' the registration process as the legal owner of the Dairy Factory. Mr Taylor, who was previously believed to be the owner, had been approached and given his approval. If Council did approve to 'fast track' the registration the proposal will go to the New Zealand Historic Places Trust Board for consideration.

Alternatively, this process can be publically notified. If this was the case, Council will be contacted by the Trust along with other interested parties and there will be a public notice requesting formal written submissions. This does extend the process time line and increase costs for the Trust.

This deficiency in the original registration process had come to light during the transaction involving Mr Taylor. The Trust says that the deficiency was a matter of legal process and in no way diminished the historic or cultural significance or affects its status on Council's District Plan.

The Trust had approached Council requesting assistance to ensure their internal procedures were correct. The outcome of this process was to ensure that the building continued to be recognised for its historic and cultural significance. The purpose of this report enabled the Trust to ensure its internal process had been correctly followed and this achieves the Trust's outcome. This process was cost neutral to Council.

This building had been in use for at least 100 years and throughout this time it appeared that it had been privately occupied. However, there had been no records of any sale (disposition) of this building by Council to any third party over the years. Given this, legal opinion was of the view that Council, as owner of the land by vesting, owned the improvements affixed to the land, in this case the former Kaipara Dairy Factory building. As any improvements affixed to the land they formed part of the land. This was a fundamental legal position regarding improvements which were affixed to the land.

Council considered a report brought to the May 2011 meeting regarding a potential lease for the building. The two main options available to Council were to decline Mr Taylor's request so that the status quo continued, or to enter into an agreement with him along the lines suggested by Council's solicitors. The resolution from that meeting was as follows:

"That Council works with Mr Brett Taylor to assist him in finding solutions to the ownership/use issues around the Kaipara Dairy Factory on Whakapirau Wharf and that the

potential solutions are brought back to Council for its consideration.”

Council believed it was up to Mr Taylor to fund the finding of solutions rather than Council expending ratepayer money to find solutions for Mr Taylor. That said Council was willing to work with Mr Taylor to find the best solution for all. Council's solicitors had provided a way forward for Council and Mr Taylor and this information had been sent to Mr Taylor to enable him to make a decision. He had also been asked to give an undertaking to meet Council's costs should he wish to proceed.

This report had been sent to Councillors Geange, Larsen, Sutherland and Wade prior to the Council meeting for their information and comment.

Resolved McEwing/Sutherland

That Council approves the proposed Registration of the North Kaipara Dairy Factory building at Whakapirau (LOT 2 DP 47660 KARAKA TSH IP BLK III HUKATERE SD-ESP RES), requested by the New Zealand Historic Places Trust, thereby recognising its historic and cultural significance.

Reason for the resolution

The New Zealand Historic Places Trust has advised that the original process used by them to register the former Kaipara Dairy Factory building at Whakapirau was deficient. They have asked that Council as owner signify support to remedy this. The outcome is to ensure that the building continues to be recognised for its historic and cultural significance to the District. Assisting the Trust to ensure their internal process has been correctly followed achieves this outcome.

At 2.41pm Deputy Mayor Julie Geange stepped down, His Worship the Mayor returned to Chair the meeting.

6 Notices of Motion

6.1 Notice of Motion: 2011/2012 Annual Plan (Councillor Larsen)

General Manager Policy and Governance 1904.0

Motion Larsen/Wade

That Council immediately and with urgency establishes a subcommittee to review the 2011-2012 Annual Plan with a view to reducing any requirements for further borrowing during the year.

Reason for the Notice of Motion

In light of the financial crisis and the prospect of continuing years of little or low growth, the underlying assumptions on borrowings and debt servicing should be immediately revisited by Council.

This review should not wait for appointment of a new CEO or Treasury consultants, as the questions and issues that will come out of such a review can be inputs to both the new CEO's role and the role of Treasury consultants.

Councillor Jonathan Larsen, 9 August 2011

The Motion was LOST

Taken by Division

For: Larsen, Linton and Wade

Against: Blackwell, Harding, Geange, Sutherland and McEwing

Abstained: Tiller

[In accordance with Council direction, Treasury consultants had been appointed. Staff and advisors were reviewing current borrowing, financial policies and reporting. The debt, debt maturity profile and the cash flow for the 12 months to 30 June 2012 was on this month's (August) Chief Executives report.]

The meeting broke for the presentation of the Volunteer Rural Fire Service Medal for R B Donald, and afternoon tea and resumed at 3.45pm.

6.2 Notice of Motion Councillor Larsen: Temporary Suspension Of Standing Orders

General Manager Policy and Governance 1904.0

Motion Tiller/Geange

That Council temporarily suspends Order 3.10.1 of Standing Orders so that Councillor Larsen's Notice of Motion 2 can be accepted for consideration at the 24 August 2011 meeting as it has not been submitted within the eight clear working days notice normally required.

Carried unanimously

[Note: Temporary suspension of Standing Orders during a meeting requires a vote of not less than 75% of the members present and voting.]

6.3 Notice of Motion Councillor Larsen: Press Releases

General Manager Policy and Governance 1904.0

Motion Larsen/Wade

That the Mayor and Chief Executive cease issuing purported official Press Releases that are not authorized by Council in accordance with Council's adopted policy as set out on pages 5 and 6 of the Council's Code of Conduct as excerpted below:

"Public statements representing Council policy or reporting decisions of the Council will be made only with the authority of the Council:

Generally:

- *The Mayor is the first point of contact for the official view on any issues. Where the Mayor is absent any matters will be referred to the Deputy Mayor.*
- *Committee Chairpersons are authorised to make statements reporting decisions of their Committees, and factual statements relating to decisions of the Council or its Committees.*
- *The Chief Executive is authorised to make statements relating to any of the areas for which the Chief Executive has statutory or delegated responsibility.*
- *Department managers may make factual statements relating to the functions of their departments.*

Otherwise the Chief Executive, Mayor, or any elected member or officer may make statements on behalf of the Council only with the authority of the Council.

The Chief Executive, management and staff will not comment publicly on the performance of the Council or elected members.

The Mayor may deal with the news media and make public statements relevant to the non-statutory role as a community leader, only where it is clearly stated that the views expressed are the Mayor's own and are not made on behalf of the Council. No statements made in this capacity shall undermine any existing policy or decision of the Council".

Reason for the Motion

Since the beginning of this term all of the Press Releases issued by the Mayor and Chief Executive have not been authorised by the Council. These Press Releases include the following recent releases:

Kaipara's Future Focused on Benefits to its People (19 August 2011)

Kaipara's District Plan Due in September (12 August 2011)

Financial Sustainability Review Shows No Significant Issues (27 July 2011)

When making these press releases the Mayor has not stated that the views expressed are his own and are not made on behalf of Council as required by the Code of Conduct.

If this pattern of purported official but unapproved Press Releases continues the other views of Councillors or indeed the correct official view of Council can then only be represented by each Councillor issuing their own press releases.

There is a difference from a blog which is clearly neither purporting to be “official” nor being anything other than a comment or personal point of view.

The logical absurdity of the current practice of the Mayor and Chief Executive issuing purported official Press Releases, is that each Councillor may have to then issue their own “official” Press Release. The obvious outcome is that the District will be brought into disrepute, and resuming the correct official practice of having Press Releases approved by Council in meetings, where individual minority views can be heard by the community as an exercise in democracy, can at least avoid the Council being portrayed so unfavourably.

Councillor Jonathan Larsen - 21 August 2011

The motion was LOST

Taken by Division

For: Larsen

Against: Blackwell, Harding, Geange, Sutherland, McEwing, Wade and Linton

Abstained: Tiller

7 Reports

7.1 Mayor's Report

1701.02.03

The Mayor reported verbally on matters of interest

7.2 Councillors Reports

Councillors **1904 (various)**

This was an opportunity for Councillors to inform Council of activities they had undertaken on behalf of Council. Written reports were preferred as these were then attached to the Minutes. Verbal reports were not recorded in accordance with Section 3.17.2 of Standing Orders.

No written reports were received. Verbal reports from Councillors McEwing, Sutherland, Blackwell and Geange were heard.

7.3 Chief Executive's Report: August 2011

Chief Executive **2002.02.11**

The Chief Executive's report was circulated separately.

Resolved **Geange /Linton**

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

[Note: The Chief Executive's Report will be discussed in more detail at the Portfolio Holders meeting and that notes taken will be reported through to the next Council meeting as information.]

8 Information Items

Resolved **Geange/Sutherland**

That the recommendations of all information items 8.1 to be moved.

8.1 Correspondence Addressed to Mayor and Councillors: 13 July-9 August 2011

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.

Note the agenda timetable necessitated this information to be collated two weeks prior to the meeting. Correspondence received after that date would 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.

Resolved **Geange/Sutherland**

That the information be received.

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

Resolved **Geange/Sutherland**

That the Delegated Authority Schedules of Decisions be received.

8.3 NZ Transport Agency Targeted Changes to Co-Investment Ratios: Kaipara District Council Submission

General Manager Operations 4106.06

NZ Transport Agency had released a consultation document proposing changes to some of the Funding Assistance Rates (FAR). Funding Assistance Rates was used to determine what portion of a roading programme could be funded from the National Land Transport Programme. While some of these proposed changes will have little to no impact for Kaipara e.g. reduction in funding for public transport, other proposed changes will impact e.g. removal of in kind donations being used as part of local contributions for programmes.

Council had made a submission to NZ Transport Agency regarding their proposal and the effects for Kaipara. The submission made before the NZ Transport Agency 21 July 2011 deadline was circulated. This submission had been discussed with the Portfolio Holder, Councillor Wayne Linton.

Resolved Geange/Sutherland

That the information be received.

8.4 Mosquito Gully Fire, Pouto: National Rural Fire Authority Operation Review Suggestions for Improvement

General Manager Operations 6204.0

The National Rural Fire Authority Operational Review of the Mosquito Gully fire at Pouto on 9 December 2010 critically examined all aspects of the management of the fire and made a number of recommendations for improvement of Kaipara District Council's response. The opportunity to have the management of such major incident examined dispassionately by independent experts in fire management had been rare in Kaipara District previously and of immense value for the future of rural fire management. These matters had been addressed as shown in the circulated paper by the Emergency Support Officer titled 'Mosquito Gully Fire, Pouto National Rural Fire Authority Operation Review Suggestions for Improvement. Consolidated List' dated 4 August 2011.

A deliberately lit vegetation fire on 9 December 2010 resulted in a major fire occurring in plantation forestry, owned by the New Zealand Superannuation Fund and managed by Northland Forest Managers Ltd, on Pouto Road at Mosquito Gully. The fire took several days to contain and suppress at a cost in excess of \$600,000. The total cost including reinstatement, fence repairs, replacement of trees and loss of production amounted to over \$1.5 million. The ferocity of the fire in the initial stages was such that the National Rural Fire Incident Management Team was requested by the Principal Rural Fire Officer to assist in the management of the fire.

The enormity of the cost of the arson and the efforts of the several organisations in the

suppression of this fire prompted the request from the Principal Rural Fire Officer for not only a Police investigation but also a forensic fire investigation and an Operational Review of the fire management. The reasons for this were to exhaust all avenues in detection of the offender who lit the fire but also to examine the management of the suppression response to learn from the experience, not only for Council's fire management benefit but also other rural fire management organisations also.

It will be noted that the containment and suppression effort was commended by the review team but a number of issues that need to be addressed in future fire management were highlighted. An explanation of what steps will be taken to address areas requiring improvement was included. It was noted that not all of these issues were able to be controlled by Council.

Resolved Geange/Sutherland

That the information be received.

8.5 Contract 527: Water Supply and Wastewater Services Operations and Maintenance 2007-2010 Renewal

General Manager Operations 4107.527

Contract 527 Water Supply and Wastewater Services Operations and Maintenance 2007/2010 was a three year contract with two one-year rights of renewal. The primary objective of the contract was to operate and maintain the water supply and wastewater networks of the Kaipara District. The contract was held by Downer EDI Works Limited. The first three-year period expired on 31 January 2011 based on the letter of acceptance dated 29 November 2007. The final end date of the contract was 31 January 2013 if all the rights of renewal were exercised, or earlier as determined by extensions.

The engineer to the contract, Garson Bell of Resolve Group had completed a performance review. He had recommended that Downer EDI Works Limited be awarded an extension to the current contract under the existing conditions until 30 June 2012. Council concurs with the recommendation. A proposal for the extension is currently with Downer EDI Works Limited for signature.

There was a possible restructure by the current contractor's organisation. Local contractors and larger national providers were interested in submitting a competitive bid for the maintenance and operation of Council's infrastructure. This interest suggested it would be appropriate that a new tender be prepared and placed on the market early in 2012.

This item had been discussed with the Portfolio Holders, Councillors John Blackwell and Brian McEwing.

Resolved Geange/Sutherland

That the information be received.

8.6 C and A Burn, Wintle Road, Mangawhai

General Manager Operations

3837/RM typing RM100119

In December 2010 the applicant was granted resource consent for the construction of a new dwelling. As the circulated page from the Notification Report on Review of Resource Consent RM100119 made clear, further information was later obtained that placed Council in an invidious position. This resulted in a decision to review the consent decision under section 128 of the Resource Management Act 1991.

Following the decision to grant consent it was made known to Council that neighbouring residents were entitled by covenant to be notified of such resource consent applications, and that this had not occurred. For this reason, it was decided that the decision to grant resource consent should be reviewed. It also became known that there were possible inaccuracies contained within the original resource consent application. Consequently, Council offered to forego only half of the cost of the review.

Mr Burn had now accepted Council's offer to forego 50% of the Council's processing and hearings costs in relation to its review of RM100119 under section 128 of the Resource Management Act 1991, up to a maximum of \$5,000.

Mr Burn had threatened judicial review of Council's decision to review this resource consent. There was also the potential for further judicial review by the neighbouring residents. By making its offer Council sought a quick resolution to this matter at minimal cost, and this had now been accepted.

This item had now been withdrawn from the Potential and Current Claims Schedule.

Resolved Geange/Sutherland

That the information be received.

8.7 Wintle versus Kaipara District Council, Settlement of Appeal. ENV-2010-AKL-000256

General Manager Operations

3837/RM typing/100001

The sealed Consent Order resolving this issue had been received by Council and was circulated with a copy of the locality plan and the site plan.

The applicant had appealed against some of the terms of consent. The resulting changes did not compromise Council's interests.

Resolved Geange/Sutherland

That the information be received.

8.8 Mangawhai Community Funds

General Manager Policy and Governance 2109.01

A report from the General Manager Policy and Governance dated 11 August 2011 was circulated for information. The report set the scene for consideration of approaches which had been made by two community groups at Mangawhai requesting financial assistance and other potential calls on the funds. It was timely to review the origins of the schemes Council had available for making grants to community organisations, the basis upon which they operate, and also potential candidates that may make calls on the funds.

As Council moved into the Long Term Plan process and, given that it had limited resources and a number of potential calls on funds available, it was timely to review funding available. It was important to look at it in a holistic manner over the longer term when reviewing funding requests. Council has two main funds available for funding qualifying community projects on a contestable basis:

- 1 The Mangawhai Endowment Fund of \$5.5 million of which \$2.3 million was land. The capital of this fund was preserved and grants were made each year from the income of the fund. The Mangawhai Harbour Preservation Society had first call and the balance was allocated on a contestable basis each year.
- 2 The Reserves Contribution Fund of which \$2.5 million was available for the Mangawhai area.

In addition, each year as part of the Annual Plan deliberations grants out of rates may be allocated.

Council was made aware of a number of potential candidates for calls on these funds e.g.

- 1 Mangawhai Museum
- 2 Mangawhai Activity Zone
- 3 Mangawhai Harbour Restoration Society
- 4 Mangawhai Park
- 5 Mangawhai camping ground and surrounds
- 6 Browns Road Farm.

There were likely to be others who come forward as part of the Endowment Fund application round or as part of the Long Term Plan process. The amounts sought may be small or large and range from one-off grants or expenditure, a series of grants or expenditure requirements to on-going assistance. These needed to be reviewed as a whole where possible as approval of one or more options may prohibit others. Council needed to weigh the balance before making a decision.

This report had been prepared to provide context to subsequent deliberations on requests for financial assistance from Council.

Resolved Geange/Sutherland

That the information be received.

8.9 Regional Policy Statement Review: Resource Management Issues of Significance to Tangata Whenua

General Manager Policy and Governance

2117.01.03

The Regional Policy Statement for Northland was the over-arching resource management document for the Northland Region and therefore very important. The purpose of a Regional Policy Statement was to provide an overview of the resource management issues of a region. It was also to provide policies and methods to achieve integrated management of the natural and physical resources of the whole region. Council must give effect to the Regional Policy Statement through the Kaipara District Plan. The Regional Policy Statement had a ten year life span and hence was up for review.

To assist with the review, the Northland regional Council had set up a Regional Policy and Development Committee made of elected members nominated from the local councils throughout Northland. The Deputy Mayor Julie Geange was Kaipara's representative. They had also set up a Technical Steering Group made up of staff from each local Council. Paula Hansen was the Kaipara Council's representative in this particular group. The Committee and the Steering Group were each given documents to review. These documents contained information on proposed objectives, policies and methods addressing particular issues.

The circulated document 'Resource Management Issues of Significance to Tangata Whenua' could be of particular interest to Council. It contained a Maori perspective on resource management throughout Northland. Outside of this process, this document could also be useful as an educational document to give an appreciation of a different world view. A section 32 Report had been prepared which evaluates the Consideration of Alternatives, Benefits and Costs to support the Resource management Issues of Significance to Tangata Whenua Report.

The document covered the resource management issues of significance to Tangata Whenua and the participation of Tangata Whenua in integrated management of natural and physical resources in the Northland Region.

The document showed a strong desire to work on a co-management or partnership basis. There were already two examples which Council was involved in which worked as a co-management or partnership basis. The first was the governance of the Taharoa Domain and second was the partnership in the Integrated Kaipara Harbour Management Group. The document also showed a strong desire to be more actively involved in the decision-making process particularly in areas of significance to Tangata Whenua.

The Resource Management Issues of Significance to Tangata Whenua report once approved by the Regional Policy and Development Committee will then be put into a draft Regional Policy Statement. Currently the proposed Regional Policy Statement was proposed to be released towards the end of this year. The next step after this was a proposed Regional Policy Statement will then be released towards the middle of 2012.

This document may be of interest to Council and is presented to keep Councillors informed of this particular issue.

Resolved Geange/Sutherland

That Council receives the circulated report on Resource Management Issues of Significance to Tangata Whenua.

8.10 Local Government New Zealand: Fortnightly Update from President and Chief Executive

General Manager Policy and Governance 2113.02

The fortnightly briefing papers from the President and the Chief Executive of Local Government New Zealand dated 1 August 2011 were circulated for Council's information.

Resolved Geange/Sutherland

That the information be received.

Confirmed

9 Public Excluded Council Items 24 August 2011

Resolved Mayor/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>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g))</i>
<i>Pohutukawa Cove Limited: Claims</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g))</i>
<i>Sale of Council land: 20 and 22 Gordon Street, Dargaville</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i)</i>

Reason for passing this resolution in relation to each matter

This resolution is made in reliance of Section 48 (1)(a) of the Local Authority Official Information and Meetings Act and the particular interest or interests protected by Section 7 of that Act Section 7 of the Official Information Act 1982, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Section 7 (2)(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).

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Resolved Sutherland/Blackwell

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

9.1 Potential Claims Against Council

General Manager Operations 3810.0

Resolved Harding/Wade

That the information be received.

9.2 Pohutukawa Cove Limited: Claims

General Manager Operations 3810.0

Resolved Geange/McEwing

That Council lets the 'Pohutukawa Cove Limited: Claims' item lie on the table pending further legal and insurance advice.

9.3 Sale of Council land: 20 and 22 Gordon Street, Dargaville

General Manager Operations 5105.12

Resolved Geange/McEwing

That Council accepts the offer of \$210,000 (inclusive of GST) for the properties at 20 and 22 Gordon Street, Dargaville (ALL DP 4611 and ALL DP 11540 SEC 23 SO 44125).

[Note: this money has been earmarked for swimming pool funding]

Reason for the resolution

The offer of \$210,000 for both properties is consistent with the advice that Council have been given in regards to market value.

Closure

The meeting closed at 5.08 pm

Confirmed: 28 September 2011

Mayor Tiller