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Minutes of the Ordinary Meeting Of Kaipara District Council In The Council Chambers,
Station Road, Dargaville On Wednesday 23 February 2011 Commencing 1.00 pm

Minutes

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confirmed

Minutes: 23 February 2011

1 Karakia: Cr Brian McEwing

Councillor Hal Harding to open the 23 March 2011 meeting.

1.1 Present

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

1.2 In Attendance

Chief Executive, Community Infrastructural Assets Manager, Finance Manager, Development Manager, Governance Manager, Corporate Services Manager

2 Confirmation of Minutes

2.1 Extraordinary Council Meeting : 19 January 2011

Governance Manager 1601.14

A copy of the minutes was circulated.

Resolved Sutherland/Geange

That the minutes of the Extraordinary Meeting of Council 19 January, 2011 as circulated, be confirmed as a true and correct record.

2.2 Ordinary Council Meeting : 26 January 2011

Governance Manager 1601.14

A copy of the minutes was circulated.

Resolved Sutherland/Harding

That the minutes of the Ordinary Meeting of Council 26 January, 2011 as circulated, be confirmed as a true and correct record.

3 Declaration of Conflicts of Interest

3.1 Declaration of Conflicts of Interest

Governance Manager 1902.0

Audit has asked that this item be included on Council's Agenda each month. People's personal situations change and Audit believes it is appropriate that both Councillors and Managers give regular consideration as to whether or not they have a potential conflict of interest in respect of anything before Council.

No Declarations of Conflicts of Interest were made.

4 Strategic

4.1 Proposed Kaipara District Plan: Hearing Panel Recommendations

This Item has been moved to the Public Excluded Section of the Agenda.

4.2 Financial Health and Sustainability Review

Councillor Geange introduced this Item under Section 3.75 of Standing Orders.

Councillors recently undertook KnowHow Training, Module - Financial Governance 101. As a result of this training Councillors have asked for an independent review of the financial health of the organisation. This has the full support of the Chief Executive.

Resolution One Geange/Sutherland

That Council agrees to include item Financial Health and Sustainability Review to its 23 February 2011 Agenda.

Resolution Two Geange/Sutherland

That Council instructs the Chief Executive to engage P J & Associates of Tauranga to undertake an independent review of the financial health and sustainability of the organisation; and

That this Review is undertaken immediately and the results reported in full to the Council.

Reason for the decisions

Council has recently undertaken Financial Governance 101 training and would like some more information about the financial health of the organisation. The Chief Executive believes that Councillors should be well informed and fully supports the review.

5 Policy

5.1 Kaiwaka Hall / Rugby World Cup Welcome Centre

Community Spaces Manager

4603.07

A copy of a report from the Community Spaces Manager dated 10 February 2011 was circulated regarding the Kaiwaka community having the opportunity to become the Welcome Centre for Northland to coincide with the Rugby World Cup, should the Kaiwaka War Memorial Hall be approved as the official welcome site. Fast tracking the structural grant to the Kaiwaka Hall Committee would enable the Hall Committee to undertake and complete works on the Hall before the start of the Rugby World Cup 2011. New public toilets were needed in Kaiwaka.

Discussion and agreement of a new public toilet facility alongside the Kaiwaka War Memorial Hall was needed with the Hall Committee to enable construction of the toilet to be completed in time for the Rugby World Cup 2011. A lease would need to be entered into for the site of the new public toilet facility.

The original report included two resolutions in respect of a "new public toilet facility" which Council asked to have removed because it had yet to make the decision as to where any new toilets in Kaiwaka would be situated.

Resolved Geange/Sutherland

That the Kaipara District Council agree, in principle, to 'fast track' the payment of the structural grant already agreed as part of the Kaiwaka War Memorial Hall handover process. This will allow the Kaiwaka Hall Committee to participate in the Northland 2011 (Rugby World Cup Welcome Centre) plans and deliberation, subject to:

- *The Kaiwaka Hall Committee providing a business plan for the Northland Welcome Centre which has been approved in concept by the Northland 2011 Organising Committee for Northland and the Kaipara District Council Chief Executive;*
- *Kaipara District Council gaining assurances from the Hall Committee that it will fulfil its legal obligations with the handover to the satisfaction of Council; and*
- *Confirmation that Kaiwaka War Memorial Hall is granted status of being the Northland 2011 Welcome Centre for the Rugby World Cup; and*

That for the purposes of the Council resolution dated 25 June 2010 the Kaiwaka War Memorial Hall be sold to the Kaiwaka War Memorial Hall Society Incorporated under the authority of and in accordance with the processes set out in sections 140 and 141 of the Local Government Act 2002; and

That the purchase price grant provided for in Council's 25 June 2010 resolution be applied, for the purposes of compliance with section 140(4)(b) Local Government Act 2002, as 'the proceeds of sale' for the purpose of enabling the Kaiwaka War Memorial Hall to continue to be used as a community hall; and

That an encumbrance instrument in favour of Council be registered against the Title to the Kaiwaka War Memorial Hall to ensure the continuance of the use of the property as a community hall in accordance with the Trust under which the property is held; and

Reason for the Resolution

The Kaiwaka Hall is proposed to be used as the Northland Welcome Centre to coincide with the Rugby World Cup and if successful will receive funding and support for hosting and running the centre from the Rugby World Cup organising committee for Northland (Northland 2011) and Kaipara District Council. The fast tracking of the handover of the Hall will enable the Hall Committee to undertake structural works ahead of the Rugby World Cup. A new public toilet facility is urgently needed in Kaiwaka. This will cater for the current and future expected increase in visitor and tourist numbers in the District.

5.2 Proposed Kaipara District Plan Variation 1 - Landscapes: Kaipara District Council Submission

Governance Manager 3807.05.01

A copy of a report by the Governance Manager and its associated documents were circulated. Council requested that a submission on Variation 1 - Landscapes to the Proposed Kaipara District Plan be prepared on its behalf. Council needed to approve the draft Submission prior to the closing of the Submission period on 28 February 2011.

During its District Plan Review Council decided to halt action on the Landscape Chapter of the Proposed District Plan. A consequence of this decision was that the Environmental Defence Society sought a declaration from the Environment Court on the 'missing chapter' within the Proposed Kaipara District Plan 2009 for Outstanding Landscapes. The Environment Court would not countenance the extension of time required by Council to carry out more work on the Variation prior to notification and subsequently directed Council to notify Variation 1 - Landscapes forthwith. Council notified the Variation 02 December 2010 with the closing date for submissions being 5pm, Friday 28 February 2011.

As part of this process there was the opportunity for Council to make its own submission. This would enable it to incorporate issues Council identified to the Court as requiring further work when it sought the extension of time. The scope of the issues that could legally be included in any Council submission was limited and had been discussed at a workshop held early February 2011.

Resolved McEwing/Sutherland

That Council approves the draft Submission to Variation 1 - Landscapes of the proposed Kaipara District Plan, prepared on its behalf; and

That Council includes in its Submission on Variation 1 - Landscapes:

- any amendments to boundaries required as a result of site visits with landowners during February 2011
- any additional District Plan methods identified as a result of recent consultation with Iwi
- other technical amendments to the text and maps of Variation 1 - Landscapes; and

That Council approves, pursuant to Clause 16, Schedule 1 of the Resource Management Act 1999, attachment 2 Minor Amendments to Variation 1 - Landscapes to the proposed District Plan

Reason for the Resolution

Council has requested that a submission on Variation 1 - Landscapes to the Proposed Kaipara District Plan be prepared on its behalf. Council needs to approve the draft Submission and attachments to it prior to the closing of the Submission period on 28 February 2011.

5.3 Kauri Cycle Trail: Technical Feasibility and Mapping Report

Community Spaces Manager 4702.04.01

A copy of a report by the Community Spaces Manager dated 10 February 2011 was circulated regarding a proposed cycleway through Kaipara. Council had supported the investigation and development of a cycleway in the Kaipara District. Council investigated and settled on a proposed cycleway in 2009, calling the cycleway the 'Kauri Cycle Trail'. A concept proposal was made to the Ministry of Tourism on 18 December 2009 to undertake a feasibility study along with a business plan for a cycleway from which funding from the Ministry of Tourism could be made. Its application for funding for the proposed cycleway from the Ministry of Tourism had been unsuccessful. Council allocated \$10,000 through the Annual Plan 2010/11 for further work on the cycleway, endorsing the work already carried out on the proposed route and supporting the continuation of this project. The cycleway was seen as a project that could deliver economic, social, cultural and health benefits to the Kaipara. A Technical Feasibility and Mapping Report had been completed, a copy of which was circulated with the Council agenda for February 2011. This had been discussed at the Portfolio Holders meeting.

Resolved Harding/Geange

That Council receives the report titled 'The Kauri Cycle Trail - Technical Feasibility & Mapping'; and

That all stakeholders involved in the development of the proposed trail be informed of the process to date and the Technical Feasibility & Mapping Report; and

That Council staff, with the support of the major stakeholders, look to open part of the cycleway; and

That a final report be brought back to Council after meeting with all stakeholders on what part of the cycleway is to be opened and when.

Reason for the Resolution

Council has supported the investigation and development of a cycleway in the Kaipara, a Technical Feasibility and Mapping Report has been carried out as part of the investigation process to provide the Council with further technical information and to take to its stakeholder partners for further discussion. While highlighting the costs of opening the entire proposed cycleway, it is believed that some of the cycleway can be opened for very little cost.

5.4 New Zealand Fire Service: Section 15 Agreement with Kaipara District Council

Community Infrastructural Assets Manager 6208.0

A copy of a report from the Community Infrastructural Assets Manager dated 10 February 2011 was circulated relating to an opportunity to join the New Zealand Fire Service in an Agreement under Section 15 of the Forest and Rural Fires Act 1977, which Council had received. The report identified issues and further consideration required prior to entering into this type of agreement with the New Zealand Fire Service. It appeared the main driver of the Section 15 Agreement of the Forest and Rural Fires Act 1977 was financial. With the New Zealand Fire Service trend being more aggressive at cost recovery from local authorities Council needed to consider the current position. The terms and conditions outlined in the proposed Section 15 Agreement by the New Zealand Fire Service were onerous in terms of cost and resourcing. Further consideration was required prior to entering this type of agreement.

Resolved McEwing/Harding

That the opportunity by the New Zealand Fire Service to enter into an Agreement under Section 15 of the Forest and Rural Fires Act 1977, be declined; and

That Council enters into discussions with the New Zealand Fire Service to identify areas that may be mutually acceptable to both parties in a formal agreement.

Reason for the Resolution

The New Zealand Fire Service is seeking to extend the Agreement under Section 15 of the Forest and Rural Fires Act 1977 to all parts of New Zealand. The terms and conditions outlined in a draft Section 15 Agreement provided by the New Zealand Fire Service are not acceptable to Council. There may be areas that Council would like more formal agreement on with the New Zealand Fire Service and these can be identified with further discussion.

5.5 Northern Wairoa Aero Club Lease: Hoanga Road, Dargaville

Community Spaces Manager 5105.09

A report from the Community Spaces Manager dated 9 February 2011 was circulated regarding the Northern Wairoa Aero Club (the Club), who had approached Council and asked that the agreement with Kaipara District Council to use the land situated at Hoanga Road, Dargaville for an airstrip be renewed. The Club had been based at the Hoanga Road site for the last twenty years and currently had a twenty one (21) year lease that provided for two (2) further rights of renewal.

The Club had upgraded the facilities and provided an airport for members and visiting clubs at no cost to Council for many years. It wanted to continue to improve the facilities, the objective to establish commercial traffic in the future.

Council also needed to consider future growth of the District and the possibility of any commercial or industrial growth in the area. This facility could be a significant factor for any potential growth. Any renewal of the agreement gave Council an opportunity to engage in dialogue with the Club about a possible variation of the lease.

Resolved McEwing/Blackwell

That Council grants the Northern Wairoa Aero Club a renewal of a further twenty-one (21) year period of their lease for the land situated on Hoanga Road, Dargaville (Lot 1 DP 31529 PT Lots 1 2 5 DP9673 PT Lot 19 DP16391 BLK XIII Maungaru SD Hoanga Aerodrome) for a peppercorn rental; and

That all legal costs for the renewal are at the expense of the licensee as noted in the lease; and

That Council enters into discussion with the Club about a variation of the lease agreement that recognises future commercial options.

Reason for the Resolution

Renewing the lease for the airstrip and adjacent land will allow the Northern Wairoa Aero Club to continue its positive work in the community and provide an avenue for possible economic and industrial growth in the area.

5.6 Dargaville Community Cinema Charitable Trust: Draft Agreement

Corporate Services Manager 2105.51

The Dargaville Community Cinema Charitable Trust had provided Council with a proposed draft Plain English agreement dated 21 December 2010, which was circulated for information. This followed on from a resolution Council made at its January 2011 meeting to support, in

principle, the Trust. Council believed that whilst the agreement was generally in line with what it had resolved to date, it required . The Trust needed Council to sign this draft agreement so that it could commence making applications to external funders.

This matter had been discussed with Councillor McEwing.

Resolved Linton/Harding

That Council authorises Deputy Mayor Geange, Councillors McEwing and Wade and the Chief Executive to re-draft Plain English agreement, dated 21 December 2010, proposed by the Dargaville Community Cinema Charitable Trust; and

That Council authorises the Chief Executive to sign it on behalf of Council once it is completed to the satisfaction of all parties.

Reason for the Resolution

Council wants to support this active community group.

5.7 Stock Droving: Ararua Road, Ararua

Development Manager 3204.0

A copy of a report by the Development Manager dated 10 February 2011 and the associated Bylaw extract, were circulated. There was an existing problem of Ararua Road, Ararua being used regularly as a race to connect two separate parts of a dairy farm. The option of the farmer obtaining other land to enable the two parts of the farm to be used together without having to use the road was not available at present. There were practical difficulties in utilising the road verge for a use as a cattle race, but this would require some work and warranted further investigation. This would incur costs, and the party responsible should underwrite these as an alternative to enforcement action being taken. Council had powers under its Bylaw to force the practice to stop, but this was considered to be a last resort.

Resolved Geange/Harding

That Mr and Mrs Langridge of Ararua Road, Ararua, be requested to meet the costs of survey and engineering investigations to establish the feasibility of forming a stock race on the verge of Ararua Road so as to minimise the impact of livestock on the sealed carriageway.

Reason for the Resolution

Alternatives to enforcement action should be exhausted before such action is taken.

5.8 Awakino Road, Dargaville: Grazing Licence

Community Spaces Manager 5105.09

A copy of a report from the Community Spaces Manager dated 8 February 2011 was circulated regarding Council-owned land at 199 Awakino Road, Dargaville, (Lots 1 and 3 DP 116318) situated adjacent to the current Transfer Station that had been leased out for grazing purposes at \$1,620 per annum excluding GST for some years.

A recent valuation carried out by Quotable Values had shown that the rental charged was not in alignment with current rental values. The current occupier was prepared to pay the market rate and enter into a five year lease with Council.

It was important for the community as a whole that Council assets were well managed and providing a positive return to Council, either by a group utilising space for the community good, or a good economic return that could then be invested back in the community.

Resolved Harding/Blackwell

That Council grants a grazing licence to Mr P and Mrs B Williamson for the land at 199 Awakino Road, Dargaville, (Lots 1 and 3 DP 116318) for \$2,100 per annum excluding GST, for a period of five years.

Reason for the Resolution

Granting this licence will ensure Council gains a realistic economic return from the land.

5.9 Health Licenses for Mobile Shops

Development Manager 3606.0

A copy of a report by the Development Manager dated 7 February 2011 was circulated relating to feedback from a mobile shop operator about excessive fees for mobile shops in Kaipara. Kaipara District Council's current fees for Health licences required someone to pay the full fee for mobile shops regardless of whether or not the vehicle was registered for the same purpose in an adjoining territorial authority. There were currently six such licences held by operators in the Kaipara District. At least one operator had complained about this being an unnecessary imposition on his business.

It was proposed that where an operator already had a licence from a neighbouring council, a copy of that was included with their mobile shop licence application to the Kaipara District Council. Kaipara would then process the application for a much reduced cost in reliance upon the licence provided with it.

Council needed to be able to demonstrate that it had assessed the risks appropriately and acted prudently. This can be demonstrated if Kaipara obtains from its neighbours documented assurance about the quality of the process they follow in issuing licences for mobile shops.

Without a change to the basis of paying the provider of its health services, Council could be exposed to a possible reduction in gross income of about \$3,000. This would assist the profitability of the mobile shop businesses however.

Resolved Geange/Sutherland

That from 1 July 2011 Kaipara District Council accepts a current mobile shop licence issued by a neighbouring territorial authority as sufficient evidence that the vehicle concerned is suitable to operate as a mobile shop within the Kaipara District without the need for a further inspection, provided that the licence is validated by the issuing authority, and Kaipara District Council has been provided with sufficient evidence of the quality of the process which that territorial authority follows in issuing licences for mobile shops; and

That a special reduced fee be introduced at that time in recognition of the reduction in work involved in processing the application.

Reason for the Resolution

The suggested solution is a means of addressing a concern raised by a mobile shop owner while still protecting the well-being of the community at large at a minimal cost to Council.

5.10 Dargaville Saleyards: Deed of Renewal and Recalculation of Discharge Fee

Community Spaces Manager 5105.09

PGG Wrightson Limited and Elderstock Limited were the registered proprietors of the premises known as the Dargaville Saleyards. Part of the saleyards was used for the sale of livestock and parts were either concreted or sealed and curved and channelled to provide channels for effluent disposal. The effluent disposal system for the saleyards required the wastes to be discharged into the Council sewerage system and Council had agreed to accept and treat the waste on the terms and conditions of the agreement with Associated Auctioneers.

Council owned and operated the sewerage plant and oxidisation pond. Council needed to ensure that the introduction of the saleyards waste was not having a detrimental effect on the oxidisation ponds. The head agreement gave Council power to take any steps it considered necessary to halt any deterioration and restore the ponds at Associated Auctioneers expense.

The present fee was \$3,303.95 (plus GST). Stock numbers currently being put through the saleyards were only slightly higher than when the original calculation has been undertaken in 2001. The proposed increase was approximately \$600.00. Information from Associated Auctioneers advised that for the year ended 30 June 2009 the total stock throughput at the Dargaville Saleyards had been 13,571. For the eight month period to February 2010 the total stock throughput had been 9,694. Given these stock numbers it was reasonable to assume

the total stock throughput for the year ended 30 June 2010 would not exceed 15,000. The head agreement was based of a calculation considering a stock throughput of 13,000 per annum.

Reassessment of the charges showed that based on a throughput of 15,000 stock per annum \$3,941.96 (plus GST) would be a fair reflection of the cost of the effluent disposal. The calculation was:

43.27 kilograms x 1.5 = \$ 64.91 kilograms per sale day

64.91 kilograms x 40 (sale days per year) = 2596.4 kilograms per year

On the basis of a household of 5 = 128 kilograms of Biological Oxygen Demand (solids) per year

Therefore 2596.4 divided by 128 = 20.28

This gives a multiplying factor of 20.28 on the average household sewerage charge of \$194.35

\$194.35 x 20.28 = \$3,941.42 per annum

Council's Regulatory Officer had been notified regards the Waste Bylaw. There were no ablution services kitchens or catering services onsite. The yards were washed down after sales into the sewer with a stormwater diversion used once the yards had been washed. The stock truck driver's effluent holding tanks were not being dumped onsite. Associated Auctioneers had notified Council that Northland Regional Council had advised a stormwater consent was no longer required as the stormwater discharge from the saleyards was able to meet the conditions of Rule 21.1.2 of the Regional Water and Soil Plan for Northland.

The saleyards activity and site was vital to the farming industry and needed by the town. It was well placed outside of the central business district away from commercial activity. If for any reason it was to shut down it would be difficult to replace or to find another site that was suitable.

Resolved Harding/Blackwell

That Council agrees to grant PGG Wrightson Limited and Elderstock Limited the Deed of Renewal and recalculation of Discharge Fee for a further five years for the disposal of the effluent from the area known as the Dargaville Saleyards.

Reason for the Resolution

Council needs to ensure that the introduction of waste is not having a detrimental effect on the oxidisation ponds.

5.11 Road Legalisation: Intersection of Devich Road and Kaiwaka-Mangawhai Road, Mangawhai

Community Infrastructural Assets Manager 4102.08

As part of its 2010/2011 Seal Extension Programme, Council was sealing 145 metres of Devich Road at the intersection of Kaiwaka-Mangawhai Road, Mangawhai. Council's engineers advised that this was being done under NZ Transport Agency Intersection Sealing fund.

As part of works Council needed to acquire, under the Public Works Act 1981, 231 square metres from Jeffery Field and Christine Ann Quin. This was to ensure that the intersection was future-proofed and designed in a safe manner to travel around. The circulated plan showed the area to be taken for road. While the area needed for road did not currently have a legal description, it was identified on Land Requirement Site Plan 702292 sheet 3102-LR Revision RO.

Crown Property Services had reached an agreement with the owners of the property of a purchase price of \$3,000 including GST "if any" for compensation of land. This was based on a registered market valuation, undertaken by Telfer Young Valuers. Crown Property noted that this sum of compensation was considered to be fair and reasonable.

This had been previously discussed with Council at the monthly Portfolio Holder Meeting.

Resolved Geange/Sutherland

That Council agrees to compensate Jeffery Field and Christine Ann Quin \$3,000 including GST, for 231 square metres of land taken under the Public Works Act 1981 being identified on survey plan Land Requirement Site Plan 702292 sheet 3102-LR Revision RO.

Reason for the Resolution

To undertake this formalisation work at a later date is likely to be at greater cost to Council.

5.12 Raupo Drainage District Committee: 2010 Election Outcome

Community Infrastructural Assets Manager 4303.24

The Raupo land drainage network was the largest land drainage district within Kaipara. The Drainage District's goal was to protect land from tidal waters, control surface water during flooding and divert runoff from inland hills in a cost effective manner. The network was managed by a drainage board with assistance from Council's Land Drainage Co-ordinator.

The Committee, consisting of the Drainage Board members plus one Councillor, was appointed by Council resolution and held elections every three years. This election occurred in the same year as the local body triennial elections, this being October 2010.

In November 2010 nominations had been called for appointments to the Raupo Drainage Committee. The current members were happy to stand for re-election. No additional nominations for the Committee had been received and therefore an election for the Committee was not required.

The current Committee comprised of up to seven appointed members from the drainage district and one West Coast/Central Ward Councillor.

It was recommended that Council appoint the current Committee for the next three year period.

Resolved Geange/Sutherland

That Council appoints Messrs Ian Beattie, David Hart, Ross McKinley, Brian Madsen, Ken Whitehead and Peter Wilson to the Raupo Drainage Committee for the next three years.

Reason for the Resolution

To appoint the Raupo Drainage Committee in line with Council's previous practise.

6 Reports

6.1 Mayor's Report

1701.02.03

The Mayor provided a verbal report.

Regional Policy and Development Committee

The Northland Regional Council is setting up a Regional Policy and Development Committee to advise and make recommendations in respect of the new Regional Policy Statement, to investigate and report to Council or the Audit and Finance Committee as appropriate growth and development options and to co-opt a person(s) as members of any working party established by the Committee to assist with special projects. The Northland Regional Council invited the Kaipara District Council to nominate a Councillor to sit on the Committee.

Resolved Sutherland/McEwing

That Council nominates Deputy Mayor Geange as its representative on the Northland Regional Council's Regional Policy and Development Committee and advises the Northland Regional Council accordingly.

6.2 Councillors Reports

Councillors 1904 (various)

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

No written reports were tabled.

6.3 Chief Executive's Report: February 2011

Chief Executive 2002.02.10

The Chief Executive's report was circulated separately.

Resolved Sutherland/Geange

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

7 Information Items

7.1 Correspondence Addressed to Mayor and Councillors: 12 January 2011 to 8 February 2011

Governance Manager 1701.01

For the information of Councillors, copies had been circulated 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 Blackwell/Geange

That the information be received.

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.

Resolved Blackwell/Geange

That the Delegated Authority Schedule of Decisions be received.

7.3 Mangawhai Historical Society: Museum Building Progress Update

Development Manager 2115.03

A copy of a report dated 30 January 2011 was circulated for the information of Councillors, received from the Mangawhai Historical Society providing the latest information on progress with the new Museum building project.

Resolved Blackwell/Geange

That the information be received.

7.4 Engineering Standards 2009: Legal Effect

Development Manager 3803.01

The question had arisen several times in the past about the scope for applying the Council's Engineering Standards to resource consent applications. The Engineering Standards had been adopted by Council at its September 2009 meeting. The intention was that they would be incorporated by reference into the Proposed District Plan. Advice had been sought last year on this issue, and further clarification had been obtained just recently. This had indicated that it was appropriate to call upon the Engineering Standards for consent conditions as a means of mitigating effects arising from a proposed development, although this was constrained by the category of application under the Resource Management Act.

The main scope for their use was in relation to 'discretionary' and 'non-complying' activities but they were generally not applicable to 'controlled' activities where the pre-2009 Standards would continue to apply until the Proposed District Plan had advanced to a further stage. The 2009 Standards would directly apply to works required in relation to public assets such as

roads. However, until such time as the decisions on submissions to the Proposed District Plan were released, it was not possible to apply those parts of the Standards which amount to a rule in relation to private land.

An example of this was the threshold on the number of lots which may be served by a private shared access. It was possible to apply the Standards in setting the standard of construction of the access, but not in determining whether or not it should be a public road. This meant that the request included in the application by Crikey Dingo Ltd at Council's December 2010 meeting had been unnecessary in that respect.

Resolved Blackwell/Geange

That the information be received.

confirmed

8 Public Excluded Council Minute Items 23 February 2011

Resolved Harding/Blackwell

That the public be excluded from the following part of the proceedings of this meeting namely, Contractors Bonding Limited, Mangawhai, and Kaipara District Plan Review: Hearing Panel Recommendations and Budget

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>Contractors Bonding Limited, Mangawhai</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g)</i>
<i>Kaipara District Plan Review: Hearing Panel Recommendations and Budget</i>	<i>Section 48 (1)(a), Section 7, Section 48 Section 2(a)(i)(ii)</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)(b)(ii) would be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Open Council Meeting - 23 February 2011

Resolved Geange/Harding

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

- 8.1 Contractors Bonding Ltd: Satisfaction of Subdivision Bond
Development Manager RM050071

Resolved Geange/Harding

That Contractors Bonding Limited be advised that Council will continue the proceedings against them to recover the bond money of \$85,950 outstanding for the Orapiu Bay Resort Limited subdivision (ref:RM 050071) unless they can suggest a way of varying the terms of the subdivision consent such that no further actions are required. This is expected to involve an agreement with the affected landowners.

Reason for the Resolution

To ensure that the subdivision conditions secured by the bond will be met.

- 8.2 Kaipara District Plan Review: Hearing Panel Recommendations and Budget

Resolved Linton/Geange

That Council lets Item 8.2 Kaipara District Plan Review: Hearing Panel Recommendations and Budget lie on the table for a decision; and

That Council refers Item 8.2 Kaipara District Plan Review: Hearing panel Recommendations and Budget to the Hearings Panel for the Proposed District Plan to confirm that the direction and scope of works proposed by Beca Consultants is consistent with the decisions of the Hearings Panel.

That Council lets this item remain on the table until it receives the report which will fall out of an independent review of the financial health and sustainability of the organisation to be undertaken by P J & Associates.

Closure

The meeting closed at 4.40 pm

Confirmed this 23rd day of March 2011

Mayor Tiller