

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

## Minutes

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**Council Minutes : Wednesday 26 January 2011**

1 Karakia: Cr Andrew Wade

Councillor Brian McEwing to open the Council meeting on 23 February 2011.

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, Community Spaces Manager, Development Manager, Corporate Services Manager

2 Presentation/Public Forum

2.1 Royal Society of New Zealand: Acknowledgement of Teacher Fellowship Support

Development Manager 3844.0

A letter dated 13 December 2010 from the Royal Society was circulated, that expressed appreciation for Council's involvement in supporting Diane Bell as she completed a year's research as a Teacher Fellow of the Society. Ms Bell's final report was also circulated.

Resolved Sutherland/Geange

***That the information be received.***

### 3 Confirmation of Minutes

#### 3.1 Ordinary Council Meeting : 15 December 2010

Governance Manager 1601.14

A copy of the minutes was circulated.

#### **Amendments**

#### **Page 31 Item 6.10 Rodney North Harbour Trust: Lease for Social Housing, Units at Fagan Place, Mangawhai. After resolution.**

It was to be noted that Councillor Sutherland did not vote against the motion as stated and it was to be deleted.

#### **Page 42 Item 9.1 Kaipara District Council Public Excluded Resolutions: 24 November 2010.**

Councillor Smith did not move the resolution and was to be replaced by Councillor Geange.

Resolved Harding/McEwing

*That the minutes of the Ordinary Meeting of Council 15 December 2010 as circulated be amended and confirmed as a true and correct record.*

### 4 Declaration of Conflicts of Interest

#### 4.1 Declaration of Conflicts of Interest

Governance Manager 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.

## 5 Policy

### 5.1 Dargaville Community Cinema Charitable Trust: Proposed Agreement

Corporate Services Manager 2105.51

Item 4.11 of Council's 22 September 2010 minutes referred.

A report dated 10 January 2011 from the Corporate Services Manager discussing the proposed agreement from the Dargaville Community Cinema Charitable Trust, was circulated. The Dargaville Community Cinema Charitable Trust had approached Council with a proposed plain-English agreement for the provision of space for the Cinema to operate. The agreement was based on the Trust obtaining a loan which Council would guarantee and broker. A copy of the agreement and plans of the area were circulated with the Corporate Service Manager's report.

Staff concern was that the business plan appeared to be based on optimistic projections of income and for this reason recommend that Council continued to work with the Trust until such time as it was able to provide Council with greater certainty on the viability of the proposal.

This report had also been discussed with the Portfolio Holder Councillor McEwing, who was aware of the risks, however supported the proposal as the risk was mitigated by the high calibre and good faith of the Trust members.

Resolved Geange/McEwing

***That Council enters into an lease agreement with the Dargaville Community Cinema Charitable Trust for an area of the Dargaville Town Hall identified for use as a cinema; and***

***That Council agrees in principle to guarantee the raising of a loan by the Dargaville Community Charitable Trust for the purpose of construction a cinema at the Dargaville Town Hall subject to Council approval of finalised architected plans and costings for work; and***

***That Council promotes the funding of the project through the 2011 Annual Plan process and showed this gain approval that this funding be used to repay the loan guaranteed by Council.***

Reason for the Resolution

Council wants to support the Trust to provide a facility which will benefit the community.

## 5.2 Alcohol Reform Bill: Kaipara District Council Submission

Development Manager 3706.0

A report from the Development Manager dated 13 January 2011 was circulated relating to Kaipara District Council's submission to the Alcohol Reform Bill. The Alcohol Reform Bill was made in response to the Law Commission's 2010 Report on Alcohol. The Law Commission's Report was in reply to a number of highly publicised incidents involving alcohol over the last few years. These incidents ranged from the supply of alcohol to minors to the committing of crime in which the consumption of alcohol had been a major contributing factor. It had been recognised that harm created as a result of excessive consumption of alcohol, including crime and injury, places additional burdens on the Justice system, the Health system, and Social Services.

Many elements of the Sale of Liquor Act 1989 were retained in this Bill, including the fundamental requirement that a licence was required to sell alcohol to the public. The measures contained in the Bill related to the following:

- The operation of the licensing system, including licence criteria, licence conditions and licensing bodies;
- The alcohol buying age;
- Supply of alcohol to under-18-year-olds by parents and other people;
- Promotion of alcohol;
- The management of alcohol in public places through alcohol-control bylaws;
- Provision to ban alcoholic products; and
- Enforcement of licences and alcohol offences.

The licensing system, alcohol-control bylaws, policy appeal process and associated costs were the main areas which would have some direct implications for the Kaipara District Council and formed the basis of the submission.

Resolved McEwing/Blackwell

***That the Development Manager's report titled 'Alcohol Reform Bill: Kaipara District Council Submission' dated 13 January 2011 be adopted and that a submission be presented to the Justice and Electoral Select Committee regarding the Alcohol Reform Bill in the following terms:***

- *Supporting the overall objectives of the legislation,*
- *Supporting the implementation of a Liquor policy at a local authority's discretion,*
- *Opposing the inclusion of an appeal stage to the end of the formal consultation process undertaken for a draft liquor policy,*
- *Requesting staged introduction of new signage requirements,*
- *Supporting councils being able to recover costs in relation to processing liquor applications,*
- *Requesting nationally organised and funded training,*

- *Requesting greater flexibility in how the decision-making process is operated to help keep costs down,*
- *Also requesting that further consideration be given to raising the drinking age,*
- *Advertising restrictions,*
- *Increasing Tax.*

#### Reason for the Resolution

The Alcohol Reform Bill will have implications for the Kaipara District Council, including costs and changes in procedures, and the submission process enables Council to have a say in the final form of the legislation.

### 5.3 Elected Members Expenses Policy Update

Corporate Services Manager 1801.0

Item 6.9 of 15 December 2010 Council minutes referred. At its December 2010 meeting, Council considered a report by the Governance Manager dated 7 December 2010, relating to the Elected Members Expenses Policy, a copy of this report was circulated. Council resolved that the matter lie on the table until its 26 January 2011 meeting and requested that staff explore the issue further and bring back a revised draft policy.

Inquiries had been made regarding what other councils' approaches had been. There were still three approaches, some had not made a decision, some had adopted a policy that met the 'guidelines', some had proposed an alternative policy. It was difficult to get information on how these had been received because of the holiday period and many councils had only a skeleton staff on prior to agenda closing. However from the responses the Corporate Services Manager had received no-one had yet had a response from the Remuneration Authority. The situation had not changed. Council still had only two options:

Option 1: Recommend an Expense Policy that met the guidelines; and

Option 2: Recommend an Expense Policy that met Councillors' needs, which was the 2009/10 one.

Option 1 could be done simultaneously with lobbying Central Government to investigate the disadvantages to rural local authorities. The risk to Option 2 was still that there was no right of appeal to what the Remuneration Authority decided and the results could be even less favourable than the guidelines.

This issue had been discussed with the Deputy Mayor who supported proposing a more equitable policy of only the first five kilometres of any trip not qualifying. There was significant justification for this approach as follows:

- Five kilometres was a reasonable distance to walk or cycle, any further was not and public transport was not an option in Kaipara.
- The impact on future representation if those elected members who live out of town were to be penalised was that Kaipara would end up with only those who live close to the centre standing for election. This cuts to the foundations of democracy. Can the remote citizens be effectively represented in this way?
- Kaipara had always applied the rules in a way which recognised the ratepayer need to receive value, sharing vehicles where possible, limiting the type of trip that qualified for reimbursement, and requiring advance approval. It did not deserve to be penalised.
- The negative financial effect of the Remuneration Authority's proposed rules were such that some Councillors would not have stood had they been aware.
- The community will be disenfranchised as Councillors would not be in a position to attend as many community meetings.
- Mileage claimed over the last few years showed that disallowing the first 30 kilometres would only affect those Councillors who worked hard on behalf of the community; does the Remuneration Authority want to discourage this? Councillors that were rural based and could be considered isolated would be impacted on more. Was that democratic? Council was anticipating the Remuneration Authority would want to encourage responsible and transparent application of the rules whatever was adopted. As some Councillors claimed almost none the recommended system could be open to abuse in the sense that decisions would be made concerning vehicles that were not based on efficiency.

All these issues would be provided to the Remuneration Authority in support of the recommended policy.

Resolved Tiller/Geange

***That Council submits a recommended policy for Remuneration Authority approval as follows:***

- 1 ***That Council's Expenses Policy be amended to include the following as required by the Remuneration Authority:***

***That Council policy is to pay Elected Members \$0.70 per kilometre for approved mileage with the first five kilometres of any one event (round trip) not qualifying for payment; and***

***That Council policy is to pay the first 5,000 kilometres qualifying for payment at \$0.70 per kilometre and any qualifying kilometres claim for after the threshold of 5,000 kilometres has been met be paid at \$0.35 per kilometre; and***

***That Council policy is to pay \$15.00 per hour or prorated per part portion of any hour for any travel time in excess of two hours for any one event (round trip) with a maximum payment to any one elected member in any financial year of 100 hours; and***

**That** Council policy is to pay a communications allowance of up to \$500.00 to each elected member being a contribution towards the cost of:

- a) mobile telephone;
- b) computer or ancillary equipment;
- c) an internet connection; and

**That** the communications allowance applies to the period beginning 20 October 2010 and ending 30 June 2011 provided that the Kaipara District Council does not provide the member with a mobile telephone, computer or ancillary equipment and/or an internet connection.

- 2 **That** Council provides a Mayoral vehicle which may be kept at the Mayor's home should the Mayor choose to do so.

Reason for the Resolution

This is a fair policy for the needs of Kaipara District.

5.4 Warrants of Appointment: Mangawhai Community Wastewater Scheme, Construction Crew

Community Infrastructural Assets Manager 6401.0/WOA

Water Infrastructural Group was Council's contracted service provider for the Mangawhai Community Wastewater Scheme. They were required to undertake new or remedial works or associated surveying or construction work to the wastewater piping from time to time within the Mangawhai area. This sometimes required their personnel to enter onto private land to perform these functions. To avoid the implications associated with trespassing on private land Council relied on the Local Government Act 2002 and in particular sections 171 and 174, Authority to Act.

Silverstone Civil Limited had been appointed as contractor to Water Infrastructural Group to help with the completion of The Sands connections in Mangawhai. Further Warrants of Appointments were required for two additional construction staff from Silverstone Civil Limited, being Mita Pita and Kerry Griffin.

Resolved Linton/Harding

**That** Council warrants Mita Horace Pita and Kerry Wayne Griffin from Silverstone Civil Limited engaged in the implementation to complete connections for The Sands to the Mangawhai Community Wastewater Scheme as authorised officers pursuant to sections 171 and 174 of the Local Government Act 2002.

#### Reason for the Resolution

This authorisation is necessary to enable M Pita and K Griffin to enter private property for the purpose of undertaking new or remedial works or associated surveying or construction work to the wastewater piping in Mangawhai without comprising the rights of affected property owners.

#### 5.5 Legislative Compliance Certification period ended 31 December 2010 Chief Executive 2112.01

The signed certificates were attached, for the period ended 31 December 2010 of the sign-off from Management to Council that was undertaken half-yearly.

Resolved Sutherland/Blackwell

*That the information be received.*

## 6 Reports

### 6.1 Councillors Portfolio 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 hard copy Minutes. Verbal reports were not recorded in accordance with Section 3.17.2 of Standing Orders.

Mayor Tiller

Councillor Blackwell

**Councillor Geange**

Councillor Harding

Councillor McEwing

Councillor Larsen

**Councillor Linton**

Councillor Sutherland

Councillor Wade

## 6.2 Chief Executive's Report: January 2011

Chief Executive 2002.02.10

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

Resolved Geange/Sutherland

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

## 7 Information Items

### 7.1 Correspondence Addressed to Mayor and Councillors: 1 December 2010 to 11 January 2011

Governance Manager 1701.01

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

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

### 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 Geange/Sutherland

***That the Delegated Authority Schedule of Decisions be received.***

7.3 Local Government New Zealand: Zone One Minutes 11 November 2010

Governance Manager 2113.05

A copy of the minutes of the Zone One meeting hosted by Auckland Council on 11 November 2010, was circulated for the information of Councillors.

Resolved Geange/Sutherland

***That the information be received.***

7.4 Rural and Provincial Sector Minutes 18/19 November 2010 Wellington

Governance Manager 2113.02.01

A copy of the Rural and Provincial Sector Minutes for the meeting held 18 and 19 November 2010, in Wellington, was circulated for the information of Councillors.

Resolved Geange/Sutherland

***That the information be received.***

Confirmed

## 8 Public Excluded Council Items 26 January 2010

Resolved Geange/Sutherland

***That the public be excluded from the following part of the proceedings of this meeting namely, Public Excluded Council Minutes 15 December 2010.***

*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:*

*Subject matter to be considered:*

*Ground(s) under Section 48 (1) for the passing this resolution:*

*Kaipara District Council 15 December 2010*

*Section 48 (1)(a), Section 7, Section 7 (2)(g)*

*Public Excluded minutes*

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.

Open Council Meeting - Wednesday 26 January 2011

Resolved Sutherland/Geange

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

8.1 Kaipara District Council Public Excluded Minutes: 15 December 2010

Governance Manager 1601.15

Resolved Blackwell/Tiller

***That the Public Excluded minutes of the Meeting of Council held 15 December 2010, as circulated, be confirmed as a true and correct record.***

Closure

The meeting closed 3.05 pm

Confirmed this ..... day of ..... 2011

Mayor Tiller .....

