

Private Bag 1001, Dargaville

Phone 439 7059

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 22 June 2011 Commencing 1.00 pm**

Minutes

Contents

1	Opening:	3
1.1	Present.....	3
1.2	In Attendance	3
2	Presentations	3
2.1	Mangawhai Historical Society Inc: Museum Project Update (1.00pm).....	3
2.2	Kaipara District 2011 Citizens Awards (3.00pm)	3
3	Confirmation of Minutes	4
3.1	Ordinary Council Meeting : 25 May 2011	4
4	Declaration of Conflicts of Interest	4
4.1	Declaration of Conflicts of Interest.....	4
5	Policy	5
5.1	Fees and Charges 2011/12: Adoption	5
6	Public Excluded Council Items 22 June 2011 Part One	7
Open Council Meeting - 22 June 2011 Part One		8
6.1	Kaiwaka Toilets Refurbishment	8
6.2	Kaipara Biodiversity Improvement Fund: Allocation 2011/12	8
6.3	Proposed District Plan Variation 1 – Landscapes: Acceptance of Late Further Submissions .	9
6.4	Rates Resolution 2011/2012.....	10
6.5	Civic Assurance Annual General Meeting Wellington 24 June 2011	16
6.6	Regional Policy Statement Mapping Project.....	17
6.7	Electoral Officer Appointment	17
6.8	Road Legalisation: 178 and 605 Baldrock Road, Kaiwaka.....	18
6.9	Road Stopping and Legalisation: Intersection of Tinopai and Metcalfe Road, Hukatere	19
6.10	Road Legalisation: Paparoa-Oakleigh Road, Paparoa, Choiceland Farms	20
6.11	Dargaville Wharf Pontoon and Waka Ama Club.....	21
6.12	Engineering Standards 2009: Review.....	22
6.13	Department of Conservation's Kauri National Park Proposal May 2011: Kaipara District Council Submission.....	23
6.14	Cames Road, Mangawhai: Opening	23
6.15	Strategic Plan for Kaipara Libraries 2011	24

1601.15

cminutes 2011 June 22 public confirmed

6.16	Warrant of Appointment: Dog Stock and Noise Control Officer and Parking Warden and Delegation of Future Appointments to Chief Executive	25
7	Reports	27
7.1	Mayor's Report.....	27
7.2	Councillors Reports.....	27
7.3	Chief Executive's Report: June 2011	27
8	Notices of Motion	27
8.1	Notices of Motion: Councillor Larsen	27
9	Public Excluded Council Items 22 June 2011 Part Two	32
	Open Council Meeting - 22 June 2011	33
9.1	Potential Claims against Council	33
9.2	Verano Properties Limited: Overpayment of Development Contribution.....	33
9.3	EcoCare Complaint: Request for Independent Review Update	33
9.4	Developer Sewer Issues, Northcoast Developments Ltd Mangawhai Wastewater.....	34
	Closure	35

Confirmed

Minutes: Wednesday 22 June 2011

1 Opening:

Planned opening by Councillor Geange was deferred until the 27 July 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, Development Manager, Community Spaces Manager, Corporate Services Manager.

2 Presentations

2.1 Mangawhai Historical Society Inc: Museum Project Update (1.00pm)

Governance Manager 2105.35

Representatives from the Society presented at the commencement of the Council meeting and explained the background to their project and brought Council up to date with progress.

They also sounded Council out about ways in which Council may be able to assist with bringing the project to a successful, timely conclusion.

2.2 Kaipara District 2011 Citizens Awards (3.00pm)

Item 7.4 referred.

The three recipients of the Kaipara District 2011 Citizens Awards received their awards during the afternoon session of this Council meeting, at 3pm. They were Ron Halliday, Jean Finlayson and Gordon Murray.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 25 May 2011

Governance Manager 1601.15

A copy of the minutes as amended

Page 17 Item 4.13 Statement of Proposal: Mangawhai Community Wastewater Scheme: Targeted Rate: Appointment of Committee.

First Paragraph, third line "...declared invalid if *they were* subjected to ..." be amended to "... declared invalid if *it was* subjected to..."

The first paragraph of that item would then read:

"The purpose of the proposal was to set a replacement rate because the Council had obtained an opinion from its solicitor that the rate in question would be likely to be set aside or declared invalid if it was subjected to judicial review by the High Court."

Resolved Sutherland/Blackwell

That the minutes of the Ordinary Meeting of Council 25 May, 2011 as amended, be 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.

The items in the minutes were renumbered due to added public excluded item at the beginning of the Council meeting

Councillor Geange	item 5.3 (6.3 of Minutes) Biodiversity and Item 5.4 (6.4 of Minutes) Kaipara District Plan Variation 1
Councillor McEwing	Item 5.4 (6.4 of Minutes) Kaipara District Plan Variation 1

5 Policy

5.1 Fees and Charges 2011/12: Adoption

Development Manager 2301.07

Council considered a schedule of draft Fees and Charges at its Extraordinary meeting held on Wednesday 8 June 2011. Rather than adopt them as presented, it was requested that the Resource Management Fees section be amended to allow for a more rigid fees structure for processing applications, so that the initial charge would be the full charge. The Development Manager was asked to revise the fee amounts to allow for the possibility of the need for specialist advice beyond the scope of the usual planning and engineering nature usually encountered. The amount of money assigned to this allowance was based on experience in the last couple of years, where the additional expense ranged from about \$3,000 to up to \$10,000. It will however depend very much on the nature of applications (and applicants!) coming forward in the next year as to the total cost which could be involved. The change to the fee structure as originally proposed was intended as a means of managing this uncertainty without exposing Council to the risk of having a shortfall in income.

The fee structure had been revised on the following assumptions: there will be ten applications requiring extra input costing on average \$5,000 each; the extra cost will be applied as a percentage increase across all fees with some rounding up and down; there will be the same number of applications in each category, and there will be a total of 147 applications. This will produce a gross income of \$678,265. The \$50,000 extra allowance being made represented 7.3% of this, so the original draft figures had been increased by 7.3% on average.

The revised Resource Management Fees had been circulated, and documents tabled at the meeting for information.

Moved Geange/Linton

That Council adopts the Fees and Charges 2011/12, as amended.

This Motion was LOST

Resolved McEwing/Sutherland

That all application fees as set out below are the fixed charges pursuant to s36(i) of the Resource Management Act and the fee is shown in accordance with the formula shown.

The fixed charge covers the planning and engineering assessments routinely required in processing applications.

In cases which require advice beyond that of a routine application an additional charge may be required as provided for in Section 36(3) of the Act. Such additional charges may include the cost to Council of advice from a lawyer, or other technical expert (where that cost is incurred after consultation with the applicant).

Councillor Larsen voted AGAINST.

Confirmed

6 Public Excluded Council Items 22 June 2011 Part One

Resolved Geange/Sutherland

That the public be excluded from the following part of the proceedings of this meeting namely, Kaiwaka toilets Refurbishment, Contract Prices

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>Kaiwaka Toilets Refurbishment</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(b)(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)(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 - 22 June 2011 Part One

Resolved Sutherland /McEwing

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

Please Note:

At the conclusion of the "Public Excluded Part One", the Council then continued with items in Open Meeting as listed in "Item 5 Policy Section" of the Agenda . Note these items are now numbered as 'Item 6.2, Item 6.3 etcetera' in the Minutes .

6.1 Kaiwaka Toilets Refurbishment

Community Spaces Manager 4603.07

Resolved Sutherland /McEwing

That Mark Pickering Builders Ltd be awarded the contract to develop a new public toilet facility at the Kaiwaka War Memorial Hall and that authority be delegated to the Chief Executive and Deputy Mayor to approve plans and costs up to \$100,000 for the construction of the new facility and upgrading of the existing toilets.

Reason for the Resolution

A new public toilet facility is urgently needed in Kaiwaka. The Kaiwaka Hall Committee has given approval and developed plans for a new facility along side the Kaiwaka Hall and the refurbishment is according to these plans. This new facility will cater for the current and future expected increase in visitor and tourist numbers in the District.

6.2 Kaipara Biodiversity Improvement Fund: Allocation 2011/12

Community Spaces Manager 3833.07

A report dated 8 June 2011 from the Community Spaces Manager regarding the Kaipara Biodiversity Improvement Fund allocation for 2011/12 was circulated. As part of this year's Annual Plan, Council set aside \$15,000 for a contestable Kaipara Biodiversity Improvement Fund which was successfully started in 2004/05. Eight applications from individuals and groups from across the District were received by Council requesting over \$12,047.50.

Council staff met where necessary with applicants to view and discuss their project in relation to the Fund's criteria. A schedule was prepared, and was circulated with the report, which briefly outlined the projects, location, current biodiversity rating, long term potential biodiversity rating, type of habitat, representation of habitat within the Kaipara, community involvement and overall rating.

Of the eight applications received, six were recommended for funding from the Biodiversity Improvement Fund and had the support of the Community Spaces Manager and Portfolio Holders concerned, who together valued the merits of all applicants received. With these applications totalling \$12,047.50, the Committee agreed that \$2,952.50 be allocated to the long term enhancement of biodiversity in Kaipara and a recommendation will be put to the Biodiversity Improvement Fund Committee that the \$2,952.50 be allocated to assist with the continued planting of Lake Rototuna on the Pouto Peninsula in association with Pouto Primary School, Waikare Marae and the Department of Conservation.

Resolved Larsen/Sutherland

That Council funds the applications from the Kaipara Biodiversity Improvement Fund as follows:

· Rex Roadley Family Trust	\$6,000.00
· Otamatea Eco Village	\$1,500.00
· Chases George Camp Club	\$1,000.00
· Northland Field Days Incorporated	\$2,500.00
· New Zealand Fairy Tern Charitable Trust	\$407.50
· Marunui Conservation Ltd	<u>\$640.00</u>
Total	\$12,047.50

Note: Funding indicated includes GST

Reason for the Resolution

The allocation of the Kaipara Biodiversity Improvement Fund will help contribute to the 'strong communities' and 'special character of Kaipara' community outcomes.

6.3 Proposed District Plan Variation 1 – Landscapes: Acceptance of Late Further Submissions

Governance and Policy Manager

3807.05.01.02

A report from the Governance and Policy Manager dated 14 June 2011 was circulated. The further submission period for Proposed District Plan Variation 1 – Landscapes closed on 7 June 2011. Council had received three late further submissions and must formally consider whether it will accept these or not.

Setting of Rates for the 2011/12 Financial Year

General

Because the rate of GST increased part-way through the 2010/11 rating year most local authorities, including Kaipara District Council, expressed their Rates Resolutions that year on a GST exclusive basis. Now that the GST rate of 15% applies for the whole of 2011/12, Council now reverts to expressing all the following rate factors on a GST inclusive basis.

Resolved McEwing/Mayor

That the Kaipara District Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the District for the financial year commencing 1 July 2011 and ending on 30 June 2012.

(a) Uniform Annual General Charge

A Uniform Annual General Charge of \$353.00 (GST inclusive) per rating unit, set under Section 15 of the Local Government (Rating) Act 2002.

(b) General Rate

A general rate set under Section 13 of the Local Government (Rating) Act 2002 made on every rating unit, set on an undifferentiated basis as follows:

- A rate of 0.2320 cents in the dollar (GST inclusive) of land value on every rating unit within the Kaipara District.

(c) Water Supply Rates

- A targeted rate set under Section 19 of the Local Government (Rating) Act 2002, for the supply of water as recorded by meter to consumers in the Water Supply Areas as set out below will be charged at the rate shown as from the next meter reading after 1 July 2011, with a minimum rate of \$10.00 in respect of any one reading:

Water Supply Area	Rate per cubic metre (GST inclusive)	Special Conditions
Dargaville	\$1.93	-
Ruawai	\$5.05	-
Glinks Gully	\$3.92	-
Maungaturoto, excluding Station Village	\$1.56	Annual non-charged quantity 100m ³ (rated separately)
Maungaturoto, Station Village	\$2.36	Minimum of \$99.20 per reading

- A targeted rate for water supply, set under Section 16 of the Local Government (Rating) Act 2002:

Water Supply Area	Annual Rate (GST exclusive)	Special Conditions
<i>Glinks Gully</i>	\$349.00	\$174.50 for non-connected properties
<i>Maungaturoto, excluding Station Village</i>	\$222.00	

(d) Stormwater Rates

A targeted rate for stormwater disposal, set under Section 16 of the Local Government (Rating) Act 2002, and assessed on land values:

Stormwater Rating Area	Cents per \$ Land Value
<i>Dargaville - Urban Stormwater Differential</i>	0.3123
<i>Dargaville - Rural Stormwater Differential</i>	0.2082
<i>Te Kopuru</i>	0.1330
<i>Baylys</i>	0.0631
<i>Mangawhai</i>	0.0319
<i>Kaiwaka</i>	0.0955

(e) Wastewater Disposal Rates

A targeted annual rate for wastewater disposal, set under Section 16 of the Local Government (Rating) Act 2002, in lieu of drainage rates for each WC or urinal, in respect of each rating unit in the defined wastewater areas set out below, served either directly or through a private drain by public sewerage drain, AND

A 'One-off' Targeted Rate in lieu of a drainage rate in respect of each premises within areas situated within thirty (30) metres of a public sewerage drain to which it is capable of being effectively connected, either directly, or through a private drain, but the property is not so connected. All figures include GST.

<i>(a) Dargaville Wastewater District</i>	\$
<i>Connection Charge</i>	341.00
<i>Non Connection Charge</i>	170.50
<i>Special 75% School Charge</i>	255.75
<i>Special 50% School Charge</i>	170.50
<i>(b) Te Kopuru Urban Drainage District</i>	
<i>Connection Charge</i>	454.00
<i>Non Connection Charge</i>	227.00
<i>Special 75% School Charge</i>	340.50
<i>Special 50% School Charge</i>	227.00
<i>(c) Maungaturoto Urban Drainage District</i>	
<i>Connection Charge</i>	869.00
<i>Non Connection Charge</i>	434.50
<i>Special 75% School Charge</i>	651.75
<i>Special 50% School Charge</i>	434.50

(d) Kaiwaka Urban Drainage District

<i>Connection Charge</i>	666.00
<i>Non Connection Charge</i>	333.00
<i>Special 75% School Charge</i>	499.50
<i>Special 50% School Charge</i>	333.00

(e) Glinks Gully Effluent Disposal Area

<i>Connection Charge</i>	745.00
--------------------------	--------

(f) Mangawhai Urban Drainage District

(The following charges are applicable only to those properties for which connection to the reticulation network will be available before 30 June 2012)

One-off Uniform Targeted Rate, based on location only. The deciding location is either within, or outside, the original scope of servicing in the Mangawhai Community Wastewater Scheme Contract.

<i>(i) Within original contract scope</i>	1,482.50	<i>(first 50%)</i>
<i>(ii) Outside original contract scope</i>	4,198.50	<i>(first 50%)</i>

<i>Uniform Annual Charge</i>	\$
<i>Residential: per annum</i>	773.00
<i>Non-Residential: per pan per annum</i>	773.00
<i>Vacant Lots</i>	386.50

(f) Land Drainage Rates

A targeted rate for land drainage, set under Section 16 of the Local Government (Rating) Act 2002 and assessed on land value: All rate factors include GST.

Drainage District	Cents per \$ Land Value
(1) Raupo Drainage District Targeted Rates	
<i>Rural A</i>	0.1474
<i>Rural B</i>	0.0848
<i>Township</i>	0.2432
(2) Targeted Land Drainage Rates (Hobson Area)	
<i>Aoroa</i>	0.1272
<i>Arapohue No 1</i>	0.0318
<i>Arapohue No 2</i>	NIL
<i>Aratapu Swamp</i>	NIL
<i>Aratapu Village</i>	0.0299
<i>Awakino Point</i>	0.0486

<i>Awakino Valley</i>	0.0372
<i>Greenhill</i>	0.0192
<i>Hoanga</i>	0.1177
<i>Horehore</i>	0.0472
<i>Kaihu</i>	0.0282
<i>Kopuru Swamp</i>	0.0749
<i>Koremoa</i>	0.0286
<i>Manganui</i>	0.0064
<i>Mangatara</i>	0.0348
<i>Mititai</i>	0.0416
<i>Notorious</i>	0.0601
<i>Oruariki</i>	0.0872
<i>Otiria</i>	NIL
<i>Owairangi</i>	0.0272
<i>Tangowahine No 1</i>	0.0919
<i>Tangowahine No 2</i>	0.0695
<i>Tangowahine Valley</i>	0.0117
<i>Tatarariki No 1</i>	0.0341
<i>Tatarariki No 2</i>	0.0913
<i>Tatarariki No 3</i>	0.0437
<i>Tikinui</i>	0.0579
<i>Whakahara</i>	0.0326

(g) Mangawhai Harbour Restoration Rate

A targeted annual rate for Mangawhai Harbour restoration works, set under Section 16 of the Local Government (Rating) Act 2002, of \$80.50 (GST inclusive), on each rating unit within the Mangawhai Harbour Restoration Rating Area.

(h) Dargaville Development Rate

A targeted rate for development within Dargaville, set under Section 16 of the Local Government (Rating) Act 2002, and assessed on land values within the Dargaville Rating area:

Dargaville Urban Differential at the rate of 0.0555 cents for each dollar of land value.

Dargaville Rural Differential at the rate of 0.0111 cents for each dollar of land value.

(i) Dargaville Town Hall Development Loan Rate

A targeted annual rate for servicing the Dargaville Town Hall loan, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$10.45 (GST inclusive) on every rating unit within the area of the Former Dargaville Borough.*
- \$3.50 (GST inclusive) on every rating unit within the area of the Former Hobson County.*

(j) Dargaville Pool Loan Rate

A targeted annual rate for servicing the Dargaville Pool Loan, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$51.10 (GST inclusive) on every rating unit within the area of the former Dargaville Borough.

(k) Ruawai Tokatoka Hall Rate

A targeted annual rate for the Ruawai Tokatoka Hall, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$36.40 (GST inclusive) on every rating unit under the Raupo Drainage District catchment area.

(l) Forest Owners' Roading Impact Rate

A targeted rate, set under Section 16 of the Local Government (Rating) Act 2002, on land appearing in Council's Rating Information Database with a Valuation New Zealand Category Code of FE (Exotic Forest), and calculated by the following formula:

$$\begin{aligned} \text{Targeted Rate applied to Exotic Forest land} = \\ (4 - 1) \times \text{Exotic Forest Land-Valued Rates} \\ \text{Less the Equivalent Council Share of any} \\ \text{Regional Development Funding} \end{aligned}$$

Should the result produced by that formula be zero or negative for any financial year, then no targeted rate shall be set for that year. In that instance only the general rate would be applied.

The Targeted Rate would be in addition to the General Rate applied to land classified as Exotic Forest.

No Targeted Rate will apply for the 2011/12 rating year.

Due Dates for Payment of Rates

That all rates will be paid in six instalments due on:

Number	Date	Number	Date
1	20 August 2011	4	20 February 2012
2	20 October 2011	5	20 April 2012
3	20 December 2011	6	20 June 2012

Penalties

That the Council delegates authority to the Chief Executive and the Management Accountant to apply the following penalties on unpaid rates:

- A penalty of 10 per cent will be added to each instalment or part thereof which are unpaid after the due date for payment.
- Previous years' rates which remain unpaid will have a further 10 per cent added on 10 July 2011, and again on 10 January 2012.

Payment of Rates

That payment of rates will be accepted in the following ways:

- 1 *By hand, during normal business hours, at either of the following two Council offices:*

42 Hokianga Road	State Highway 1
Dargaville	Kaiwaka

- 2 *By mail to:*

The Chief Executive	The Chief Executive	The Chief Executive
Kaipara District Council	Kaipara District Council	Kaipara District Council
Private Bag 92201	Private Bag 1001	State Highway 1
Auckland 1020	Dargaville 0300	Kaiwaka

- 3 *By telephone banking*
- 4 *By automatic payment*
- 5 *By direct debit*
- 6 *By Eftpos*

Early Payment of Rates

That early payment of current or future rates will be accepted, but will attract neither a discount, nor interest on the sum paid.

Reason for the Resolution

Compliance with the Local Government (Rating) Act 2002.

Councillor Larsen recorded vote AGAINST.

6.5 Civic Assurance Annual General Meeting Wellington 24 June 2011**Governance Manager 2113.07**

A Notice of Meeting for the Annual General Meeting of New Zealand Local Government Insurance Corporation Limited had been called for 24 June 2011 in Wellington. Kaipara District Council needed to appoint a proxy for this meeting, and set the direction it wished the proxy to vote. The two existing candidates, Tony Marryatt and Robert Lineham had offered themselves for re-election. David Ogden had offered himself for election. The curriculum vitas of the three candidates were circulated for the information of Council.

Resolved Geange/Sutherland

That Council appoints Darryl Griffin as Council's proxy; and

That Council supports the existing candidates who have offered themselves for re-election, being Tony Marryatt, and Robert Lineham.

Reason for the Resolution

This enables Council to have a voice in the process.

6.6 Regional Policy Statement Mapping Project**Governance Manager 3820.01**

A report from the Governance Manager dated 15 June 2011 was circulated, the purpose of which was to update Council on progress with the review of the Regional Policy Statement and the Mapping Project by the Northland Regional Council.

This report had been discussed with the Planning Portfolio Holder, Councillor John Blackwell, who supported the recommendation put to Council.

Resolved Sutherland /McEwing

That the Regional Policy Statement Mapping Project information be brought back to the 27 July 2011 meeting as two separate reports.

Reason for the Resolution

The report covers two aspects, the first relates to the Council's Variation while the second relates to the Regional Policy Statement.

In order that Councillors who may have a conflict of interest on one topic will still be able to consider the other the two matters need to be dealt with separately.

6.7 Electoral Officer Appointment**Governance Manager 1301.01**

Council was required to have a duly appointed Electoral Officer at all times. The position of Electoral Officer is presently held by Mrs Lichtwark-McInnes, Corporate Services Manager and as her role with Council was coming to an end, it was necessary to appoint a new Electoral Officer before 1 July 2011 so the position did not lie vacant..

It was recommended that Dale Ofsoske, a Director of Independent Election Services Limited be appointed to the position. Dale Ofsoske already provided Council with extensive electoral consultancy services by way of a contract with the Kaipara District Council. He acts as Electoral Officer for a number of councils including Whangarei District Council, Northland Regional Council and the Far North District Council. He also

acts for the Northland District Health Board.

Section 14(5) of the Local Electoral Act 2001 expressly prohibited the Chief Executive being appointed or acting as an electoral officer unless there was no other option:

“(5) The Chief Executive of a local authority (however described) must not be appointed or act as an electoral officer, deputy electoral officer, or other electoral official, unless the local authority concerned is satisfied that no other course of action is reasonably practicable in the circumstances.”

Resolved McEwing/Sutherland

That Council appoints Dale Ofsoske of Independent Election Services as the Electoral Officer under Section 12 of the Local Electoral Act 2001.

Reason for the Resolution

To ensure Council is not left without an Electoral Officer.

6.8 Road Legalisation: 178 and 605 Baldrock Road, Kaiwaka

Community Infrastructural Assets Manager 4102.08

As a result of improvements to Baldrock Road, Kaiwaka in 2010 an area of 4,131 square metres of privately owned land was required from two separate parties for road. Council engaged Crown Property Services on its behalf to acquire the land from all parties involved.

Crown Property Services had obtained valuations and reached agreement with all parties for compensation of land taken for road.

Agreement had been reached to acquire 2,459 square metres of land for road with Robert William Hastie, Deborah Lynne Hastie and Warner David Cullen who own 178 Baldrock Road, Kaiwaka. The land was described as Section 2 on SO 438723 and Section 3 SO 438723 on the circulated maps. A registered valuation had been undertaken and the value of the land to be taken for road was \$3,830 excluding GST being \$566 for Section 2 and \$3,264 for Section 3.

Alan Charles Collins and Sharron Caitcheon were the registered owners of 605 Baldrock Road, Kaiwaka. Agreement had been reached for 1,672 square metres of land required for road. The land was described as Section 7 SO 438723 on the circulated map and had a registered valuation of \$4,180 including GST.

This had been discussed with the Portfolio Holder who supported the recommendation put to Council.

Resolved Linton/Geange

That Council compensates:

Robert William Hastie, Deborah Lynne Hastie and Warner David Cullen \$3,830 excluding GST for a total of 2,459 square metres of land for road, being Section 2 SO 438723 and Section 3 SO 438723 who own 178 Baldrock Road, Kaiwaka; and

Alan Charles Collins and Sharron Caitcheon \$4,180 including GST for 1,672 square metres, being Section 7 SO 438723 at 605 Baldrock Road, Kaiwaka for land taken for roading due to improvements on Baldrock Road, Kaiwaka.

Reason for Resolution

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

6.9 Road Stopping and Legalisation: Intersection of Tinopai and Metcalfe Road, Hukatere

Community Infrastructural Assets Manager 4102.17 and 4102.08

As a result of discussions with Thomas Fennessey Beazley and upgrades to Metcalfe Road, Hukatere a small piece of land owned by Mr Beazley was required for road at the intersection of Tinopai and Metcalfe Roads.

When upgrades to Metcalfe Road were undertaken in approximately 2000, road legalisation work was undertaken at this time. This legalisation encroached on Mr Beazley's land and had meant that he has had minimal road reserve causing access issues to his property. A deal had been negotiated with Mr Beazley to legalise a small portion of land being one square metre for road at the corner of Tinopai and Metcalfe Roads. In exchange Council will stop 111 square metres of road and swap this for the land required. The land in question was shown on the circulated map as Section 1 and Section 2 SO 443288.

There was a difference of 110 metres that Council will stop in order to gain the land from Mr Beazley, however this had been an ongoing issue since the work was completed in 2000. The deal negotiated was the best solution for Council and Mr Beazley. The land Mr Beazley will give to Council was currently being used as road and as such needed to be gazetted. The natural road did not encroach on the area that Council was stopping and swapping with Mr Beazley. This had been a difficult matter for staff due to a variety of issues occurring and the deal that had been negotiated was the best way forward for all involved.

This Item had been discussed with Councillor John Blackwell who supported the recommendation put to Council.

Resolved Blackwell/Linton

That Council stops 111 square metres of road being Section 1 SO 443288 and swaps this for Section 2 SO 443288 being owned by Thomas Fennessey Beazley at the intersection of Tinopai and Metcalfe Roads, Hukatere.

Reason for Resolution

Council needs to legalise an area of land for road and has worked closely with the land owner in order to negotiate a deal that is suitable for all parties involved.

6.10 Road Legalisation: Paparoa-Oakleigh Road, Paparoa, Choiceland Farms**Community Infrastructural Assets Manager****4102.08**

Due to road realignment on Paparoa-Oakleigh Road, Paparoa, two small areas of land totalling 920 square metres were required and Council engaged Crown Property Services on its behalf to acquire the land for roading purposes.

Crown Property Services had obtained a valuation and reached agreement for compensation of land taken for road.

Agreement had been reached with Choiceland Farms Limited to acquire 17 square metres and 903 square metres of land, with a total valuation for both pieces of \$1,500.00 plus GST if any. The lands were described as Section 3 SO 422811 and the larger piece being Section 4 SO 422811 on the circulated map.

This had been discussed with the Portfolio Holder who supported the recommendation put to Council.

Resolved Sutherland/Geange

That Council compensates Choiceland Farms Limited \$1,500, plus GST if any, for two pieces of land 17 square metres, being Section 3 SO 422811 and 903 square metres, being Section 4 SO 422811 of land required for road on Paparoa-Oakleigh Road, Paparoa.

Reason for Resolution

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

6.11 Dargaville Wharf Pontoon and Waka Ama Club

Community Spaces Manager

2130.03

A report from the Community Spaces Manager of 9 June 2011 was circulated regarding a letter of 23 May 2011 received from the Chairperson of the Waka Ama Club. The local Waka Ama Club proposed to have the Dargaville Wharf pontoon modified and repaired so that it can be reinstated and used by the Club and other river users. They proposed that the work be carried out by the local boat builder who built the original pontoon.

The Club had indicated the cost of repair and reinstatement will be \$5,000 but had not specifically asked for any funding. However, Council needed to consider if this proposal was the best long term solution or whether other pontoon options similar to the Mangawhai boat ramp would be more cost effective and provide a better outcome for the reinstatement of the pontoon. The pontoon reinstatement will once again make the Dargaville wharf accessible to all river users.

The Portfolio Holders Councillors McEwing and Wade had been provided with a copy of the Community Spaces Manager's report.

Resolved Harding/Wade

That the Kaipara District Council supports the proposal by the Waka Ama Club to reinstate the pontoon at the Dargaville Wharf; and

That Council staff, along with representatives of the Waka Ama Club, investigates further the best pontoon option for the Dargaville Wharf; and

That the preferred option, funding options and costs be brought back to Council at its August 2011 meeting.

That the Waka Ama Club be asked to show evidence that other avenues of funding are also being pursued.

Reason for the Resolution

The Waka Ama Club will provide an additional activity for the community and through this project will make the Dargaville Wharf available to a wide range of river users. This will contribute to the community's social cultural and potentially economic well-being. Council needs to be sure that the reinstatement of the original pontoon is the best long term and cost effective option for community and Council.

6.12 Engineering Standards 2009: Review

Community Infrastructural Assets Manager

3803.01

A report from the Community Infrastructural Assets Manager dated 13 June 2011 was circulated. At Council's August 2010 meeting Council resolved to partially review the Engineering Standards 2009 through an Independently Facilitated Workshop Process to address submissions received on the Proposed District Plan that related to issues contained within the Engineering Standards. The proposed Workshop Process had now been completed with some useful amendments to the standards worked into a revised Engineering Standard document.

The next step in the process will be completed once the recommendations from the Hearing in respect of the Proposed District Plan had been actioned by Council. This will allow the resolution of policy issues that impact on both the Engineering Standards and the Proposed District Plan or the setting of technical standards that had multiple acceptable solutions but require policy rather than technical determination.

Resolved McEwing/Geange

That Council adopts the revised Kaipara District Council Engineering Standards 2011 by making the following changes

"5.1.1 4 lots amended to 8 lots

8.2 (a) Water supplies to all developments shall meet the requirements of the Building Act

(b) New clauses:

(iii) Be adequate for fighting purposes in accordance with NZ Fire Service's Code of Practice SNZ PAS 4509:2008

(iv) Meet the requirements of the New Zealand Drinking Water Standards."; and

That the Kaipara District Council Engineering Standards 2011 be reviewed in 2012.

Reason for the resolution

This would finalise the partial review which was the result of the Independently Facilitated Workshop Process as resolved by Council in August 2010 and allow the Engineering Standards to be considered as part of the District Plan Review process
Councillor Larsen voted AGAINST.

6.13 Department of Conservation's Kauri National Park Proposal May 2011: Kaipara District Council Submission

Governance Manager 2110.03

The Kaipara District Council's submission dated 9 June 2011 was circulated, regarding the Department of Conservation's Proposal of May 2011 to establish a Kauri National Park around the Waipoua Forest. Council had requested it be heard in support of its submission.

A copy of the Kauri National Park May 2011 proposal document was circulated separately for information.

Resolved Sutherland /Geange

That Council endorses its submission to the Department of Conservation on the Kauri National Park Proposal May 2011, amended to include the necessity to upgrade Maitahi Road as well as the Trounson Park/Donnelly's Crossing/State Highway 12 connection.

Reason for the Resolution

Council has long supported the establishment of a Kauri National Park around the Waipoua Forest.

6.14 Games Road, Mangawhai: Opening

Chief Executive 4104.069

A letter from MWH Ltd, Council's Engineers, received 16 June 2011 was circulated. There had been numerous complaints and petitions received on changing the unformed road status of Games Road, Mangawhai. The community was divided on whether to sever or join the unformed road. During the meeting for *Deliberation on Submissions to the 2011/2012 Draft Annual Plan* held on 19 May 2011 Council decided to open Games Road to through traffic. This report considered the various implications surrounding this decision in terms of legislation, road usage, signage, speed restrictions and ongoing road maintenance responsibilities.

Council had decided to open Games Road to through traffic and in doing so they needed to be conscious of the legislation and operational issues surrounding that decision.

On Games Road there was a section of road, approximately 350 metres long by 3.5 metres wide, which was constructed in concrete by the developer, Mangawhai Ridge Limited, as access to an adjacent subdivision. With the increased traffic volumes

expected the existing pavement will deteriorate faster resulting in higher maintenance costs and associated safety risks for Council.

Through recent changes to the Land Transport Act the Road Controlling Authority, Kaipara District Council, had the ability to limit the type of vehicles using Cames Road to only light vehicles and emergency vehicles and can also limit the speed of vehicle passing through this section using other legislation. In placing these restrictions this will enhance the overall safety on Cames Road and minimise the ongoing maintenance costs. The approximate cost for regulatory signs place at either end of Cames Road and in close proximity to the concrete section of road is \$12,500 plus design costs. Given the road ultimately belongs to Kaipara District Council regardless of who constructed it, Council needed to engage in dialogue with developer to agree on the maintenance responsibilities.

With the history and controversy surrounding the Cames Road opening, Council may wish to consider a more in-depth implementation strategy with media releases. The letter from MWH suggested three recommendations, which were set before Council.

Resolved McEwing/Sutherland

That Cames Road, Mangawhai, be open to Class 1 restricted traffic; and

That Council erects restricted signs in accordance with the MWH Ltd report, received by Council on 16 June 2011, and one pair of agreed warning signs; and

That maintenance will be to existing standards and become Kaipara District Council responsibility.

Reason for the resolution

This implements the Council's resolution made at the meeting for Deliberation on Submissions to the 2011/2012 Draft Annual Plan held on 19 May 2011

6.15 Strategic Plan for Kaipara Libraries 2011

Corporate Services Manager

2124.04.03

The Strategic Plan for Kaipara Libraries had been prepared to give direction to the District's library service over the next five years and to position it for the future. The Plan outlined steps to modernise the service across the District and provide equality of service and digital capabilities. A copy of the Plan was circulated separately for information.

The Portfolio Holder Councillor Sutherland had been provided with a copy of this Plan.

Resolved Sutherland/Harding

That Council adopts the recommendations of the Strategic Plan for Kaipara Libraries, and incorporates the recommendations into Council's Long Term Plan for consultation with the community.

Reason for the Resolution

To ensure that Kaipara's citizens benefit from a modern, equal library service that caters for their needs and that there is a Plan to inform the libraries' direction.

6.16 Warrant of Appointment: Dog Stock and Noise Control Officer and Parking Warden and Delegation of Future Appointments to Chief Executive

Development Manager 6404.0 WOA

Approval was sought to appoint Raymond Richard Lovelace Bull as an authorised Dog, Stock and Noise Control Officer and Parking Warden pursuant to the Dog Control Act 1996, the Impounding Act 1955, the Local Government Act 2002, the Resource Management Act 1991 and the Transport Act 1962.

Mr Bull was currently residing at Matakohē and employed by Environmental Northland Limited, Council's contractor for providing these services. The Contractor was responsible for ensuring that all staff were suitably qualified and trained to carry out their duties.

The proposed warrant will not have an expiry date but will rather be valid until the officer was no longer in that position or when there was a need to update the warrant because of new legislation.

In addition, and for future reference, approval was sought to delegate the authority to appoint future enforcement officers, to the Chief Executive. This was proposed in order to avoid unnecessary delays in making such appointments, as the current situation causes operational difficulties for the contractor. As originally enacted, the seventh schedule to the Local Government Act 2002 specifically excluded the power to warrant enforcement officers from the functions which could be delegated. Several years ago the seventh schedule was amended by repealing paragraph (g) of Clause 32, which meant that it was now lawful for the warranting of enforcement officers to be delegated. While this issue will be addressed in the comprehensive review of current delegations which will take place later in the year, there will be an immediate operational benefit if Council agreed to this step now. Resolution Three below related to this.

Resolution One Harding/Blackwell

That Council appoints Raymond Richard Lovelace Bull as an Authorised Officer under the Kaipara District Council General Bylaw No.1 2008 and authorises him to carry out the functions and powers of an Authorised Officer under this Bylaw.

Reason for Resolution One

Making the appointment as recommended, will allow the warrant to be issued to the officer in order for him to undertake his duties under the Kaipara District Council General Bylaw No.1 2008.

Resolution Two Harding/Blackwell

1 That Council warrants Raymond Richard Lovelace Bull as an authorised officer pursuant to s.13, s.14, s.17, s.19, s.19A, s.59 and s.60 of the Dog Control Act 1996; and pursuant to s.8 of the Impounding Act 1955; and pursuant to s.164, s.171, s.172, s.173, s.177, s.245 of the Local Government Act 2002; and pursuant to s.38(1)(2)(5)(6), s.327, s.328 of the Resource Management Act 1991.

2 That Council warrants Raymond Richard Lovelace Bull as an authorised parking warden pursuant to s.7 of the Transport Act 1962.

Reason for Resolution Two

This authorisation is necessary to enable Raymond Richard Lovelace Bull to undertake the duties of a Dog, Stock and Noise Control Officer and a Parking Warden in the Kaipara District.

Resolution Three Harding/Blackwell

That pursuant to Clause 32 of the Seventh Schedule to the Local Government Act 2002, the Kaipara District Council delegates to the Chief Executive the authority to warrant enforcement officers under legislation administered by it, such as the Dog Control Act 1996, the Impounding Act 1955, the Local Government Act 2002 and the Resource Management Act 1991 and the Council's Bylaws in force at the time of appointment.

Reason for Resolution Three

The delegation of this authority to the Chief Executive will enable appointments to be made in a timely way without having to rely on the Council meeting cycle.

7 Reports

7.1 Mayor's Report

1701.02.03

The Mayor tabled a report, for information, 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.

7.3 Chief Executive's Report: June 2011

Chief Executive 2002.02.10

The Chief Executive's report was circulated separately.

Resolved Sutherland/Geange

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

Due to time constraints, all Receipt Items and Information Items were not considered by Council at this June 2011 meeting, and will be placed on the 27 July 2011 agenda.

8 Notices of Motion

8.1 Notices of Motion: Councillor Larsen

Chief Executive 1905.0

Cr Larsen had forwarded 15 Notices of Motion for inclusion in the Council agenda. Councillor Larsen had since withdrawn one of these. The Mayor had instructed that only three (3) of the remaining Notices of Motion be included in the agenda.

a) “Notice of Motion 1

That, in accordance with best practice, Council engage independent consultants to carry out a full review of the Ecocare project including the lessons learnt on-

- a. The cost control of the project
- b. Costs that can be avoided in the future
- c. The management of the project
- d. The expected performance of the infrastructure going forward; and

The effect of the findings on the financing of the project and issues with the loan agreement terms for affected Mangawhai ratepayers.

Reasons for Notice of Motion 1

There has been much debate about the costs and issues with the performance of the Ecocare project.

The first issue is that affected ratepayers (many of whom are on fixed incomes) are worried that, given-

- the inflation in the project cost; and
- the apparent increase in operating costs; and
- the apparent issues with the long term reliability of the infrastructure; and
- the unknown terms of the financing agreement; and
- the reliance of the schemes financial success on rapid expansion of the number of connections and the glut of sections and downturn in holiday home building,

they face a future of increasing targeted rates demands and development stalled by requests for uneconomic development contributions or new connection contributions.

It is important that Council also, in accordance with best practice for major projects, undertake a review to determine what lessons can be learnt so that future management of the scheme and future project management of other such major projects can be improved.”

b) “Notice of Motion 7

That an independent RMA mediator be appointed as a matter of urgency to mediate on matters of process and costs relating to disputes between applicants and council staff/ consultants. The RMA mediator will make recommendations to Council and will liaise with a committee Comprised of the

Mayor and two appointed councillors with current MfE Making Good Decisions certification when available; and

That in appointing the RMA mediator, preference shall be given to candidates with the following characteristics:

- A professional person with extensive experience and expertise, and qualifications covering the many sectors of development regulated by Council.
- Experience in Engineering, Construction, Land Development and Project Financing.
- Be certified by the MfE Making Good Decisions programme
- Experience in negotiation between parties with conflicting interests and who need to perceive that at the end they have been treated according to the principles of natural justice.
- Demonstrable access to international experts and networks will be an advantage, as Council wants to be advised of best international experience as well as local experience and legislative requirements.
- Able to communicate with the parties and the general public through high quality reports and commentaries. Therefore proven capabilities in communication and good relationships with the various media will be necessary.
- Able to complete or transfer any projects currently being undertaken for clients prior to appointment to ensure genuine independence; and

That preference given to suitably qualified persons residing within the Kaipara District

Reasons for Notice of Motion 7

Feedback to me as a Councillor is that this Council is anti-development. The official position of Council (in being for growth and development in the District) appears to be undermined in ratepayer perception by Council's battles with developers and the affect on property rights of recent Council initiatives.

The paradox is that Council has set itself growth objectives that must be achieved (e.g. Mangawhai growth) if the Council is going to be able to reduce its debt.

The appointment of a mediator will provide both a clear alternative to objectors and signal to ratepayers that the Council is serious about transparency and avoiding impact on the costs to ratepayers of easily solvable issues. It will improve the economic viability of such proposals and accordingly give a clear signal that Council is not opposed to economic growth within the district.”

c) “Notice of Motion 8

That, in addition to the appointment of an RMA mediator, a disputes procedure be established for RMA applicants. Applicants can apply on the prescribed form to have their dispute or grievance resolved. If the matter is not resolved by council staff/ consultants within 15 working days (excluding s357A and s357B matters which may require a hearing) then the applicant is entitled to have the matter referred to the RMA mediator. A draft procedure shall be provided to Council by 20 July 2011 with amendments being made and presentation to Council for adoption on 24 August 2011.

Reasons for Notice of Motion 8

This is part 2 of a suggested programme (the first part being in Notice of motion 7) designed to promote transparency and assist those that can bring economic growth to the district as outlined in the reasons for Notice of Motion 7.”

Chief Executive’s Comment

Each of these matters could have significant impacts on Council ranging from legality through to cost implications. Each item, should Council wish to proceed with them should be referred to the Chief Executive to provide Council with a full report, in Council’s standard template, on the issues relating to each matter to ensure that Council is fully informed before it made a decision.

In addition, given the number of Notices of Motion received and the impact these could have on Council’s workflows and ability to achieve other outcomes Council was seeking, I had carried out some initial research. This had raised the following concerns about the process:

Decision-making Requirements

Currently, there were no guidelines in Standing Orders for the level of information to be contained in a Notice of Motion. The Local Government Act 2002, however, had specific decision-making requirements for local authorities and, as a general rule, Council must ensure that its decision-making processes "promote compliance" with sections 76-82 of the Act. The effect was that Council's decision-making processes must:

- Consider all reasonably practicable options, including the costs and the benefits of those options, the extent to which they achieve community outcomes and their impact on the capacity of Council to meet its statutory obligations.
- Consider the views and preferences of persons likely to be affected by or have an interest in the matter.
- Identify and explain any significant inconsistency between the decision and any policy or plan adopted by Council.

- Provide opportunities for Maori to contribute to the process.
- Promote compliance with the principles of consultation, including giving interested persons a reasonable opportunity to present their views*.

(*Local Government Know How - Decision Making, Local Government New Zealand)

Organisational Priorities

- When making decisions by way of Notice of Motion, Council needed to take into consideration that its decision can result in additional staff work that had neither been scheduled nor identified as a Council priority. This can result in staff having to reprioritise work schedules, possibly causing delays to already programmed work and/or creating the need for additional unbudgeted resources. A report from the Chief Executive would provide clarity as to how the Notice of Motion would fit with other organisational priorities and workloads.

Of the issues above those around decision-making were of most concern as Council could be in breach of the law if it did not have full information in relation to the matters being considered. This may make the decisions invalid and may cause liability for Councillors.

Resolved Larsen/Wade

That the three Notices of Motion received from Councillor Larsen lie on the table until 27 July 2011 meeting, pending a full report by the Chief Executive.

9 Public Excluded Council Items 22 June 2011 Part Two

Resolved Sutherland/Blackwell

That the public be excluded from the following part of the proceedings of this meeting namely, a) Potential Claims against Council, b) Verano Properties Limited: Overpayment of Development Contributions, c) EcoCare Complaint Independent Review Update, d) Developer Sewer Issues, Northcoast Developments Ltd Mangawhai EcoCare Project,

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>Verano Properties Limited: Overpayment of Development Contributions.</i>	<i>Section 48 (1)(a),Section 7, Section 7 (2)(i)</i>
<i>EcoCare Complaint Independent Review Update</i>	<i>Section 48 (1)(a),Section 7, Section 7(2)(g)</i>
<i>Developer Sewer Issues, Northcoast Developments Ltd Mangawhai EcoCare Project</i>	<i>Section 48 (1)(a),Section 7, Section 7(2)(g)</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).

Councillor Larsen recorded a vote AGAINST.

Open Council Meeting - 22 June 2011

Resolved Linton/Sutherland

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

9.1 Potential Claims against Council

Development Manager 3115.0; 3810.0

Resolved Sutherland/Harding

That the information be received.

9.2 Verano Properties Limited: Overpayment of Development Contribution

Development Manager 3837.RM070080A

Resolved Geange/Harding

That Council confirms payment of interest \$11,446.49 plus the applicable daily interest rate on the overpayment of development contributions by Verano Properties Limited on the basis of the formula in the letter dated 17 May 2011 from Alan Dormer on their behalf, and also to payment of \$5,640 in contribution to their legal fees as set out in that letter.

Reason for the Resolution

The additional development contribution overpayment arose from an error on Council's part, so it is proper that Council should reimburse them for interest costs and legal expenses involved. This course is much more cost effective than the alternative of defending the Council's position in a legal action where the costs to council would likely be greater even in the unlikely event that Council is successful in defending it.

9.3 EcoCare Complaint: Request for Independent Review Update

Governance Manager 4505.01

Moved Larsen/Linton

That Council refers the questions raised by Mr Boonham, Mr Dickie and the Mangawhai Residents and Ratepayers Association in their letters to Council dated 18 May 2011 to the High Court for determination on a case stated basis; and

That the Mangawhai Residents and Ratepayers Association be invited to join the proceedings as a representative party that can make submissions on behalf of the affected ratepayers.

The Motion was LOST

Division 2/3

Moved Blackwell /McEwing

That Council not proceed with the Mangawhai Community Wastewater Scheme (previously Mangawhai EcoCare Project) independent review.

The Motion was LOST

Division 2/4

Councillors Larsen /Linton voted AGAINST.

Note: The original resolution of 23 March 2011 stands and the Chief Executive advised he would put that resolution, Council's letter to complainants and complainants' agreement on the next agenda for Council's consideration.

9.4 Developer Sewer Issues, Northcoast Developments Ltd Mangawhai Wastewater

Chief Executive 4505.01/The Sands

Resolved Tiller/Geange

That Council pursues Option 1, continue to negotiate with Northcoast, but should this not achieve agreement by 31 July 2011 Council proceeds with Option 2 and build an alternative route to service Stages 1 -4.

Reason for Resolution

This option pursues the option which has significant advantages for both parties but places a timeframe to ensure that Council can give certainty to all parties including the property owners within Stages 1- 4 of the subdivision. It also ensures any adverse environmental impacts from the continued operation of the temporary disposal field are mitigated.

Note: Council is in ongoing negotiations with Northcoast in the hope that an agreement can be reached. Any changes in circumstances in the time between writing this agenda item and the Council meeting will be reported to the meeting.

Closure

The meeting closed at 5.50 pm

Confirmed 27 July 2011

Mayor Tiller

confirmed