

Private Bag 1001, Dargaville

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

## Confirmed Minutes

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Confirmed

**Minutes: Wednesday 23 March 2011**

1 Opening: Cr Hal Harding

Councillor John Blackwell to open the 27 April 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 Presentation

2.1 New Zealand Citizenship Ceremonies: March and April 2011

Governance Manager 1401.0

At 3.00 pm Mayor Neil Tiller presented Noppawun Buckthought (Thai), Viliami Koloï (Tongan), the Harrop Family (British), the Morley Family (Spanish) and the Rowe Family (South African) with their New Zealand Citizenship Certificates

The Mayor will be presenting Margit McLennan (German) with her New Zealand Citizenship Certificate at a private ceremony on Tuesday 19 April 2011 in Mangawhai.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 23 February 2011

Governance Manager 1601.15

A copy of the minutes was circulated.

Resolved Geange/Blackwell

***That the minutes of the Ordinary Meeting of Council 23 February, 2011 as circulated, 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 changed and Audit believed it was appropriate that both Councillors and Managers gave regular consideration as to whether or not they had a potential conflict of interest in respect of anything before Council.

No Declarations of Conflict were made.

## 5 Policy

### 5.1 Council Decision-making Function For Resource Consents Requiring Hearings

Development Manager 1204.0

A report dated 15 March 2011 from the Development Manager was circulated regarding Council decision-making function for resource consents requiring Hearings. The new Council needed to determine how Hearings for resource consents were to be held. This report had assessed five options against several criteria. These options were: status quo (i.e. revert to Judicial Committee), revert to past arrangement i.e. full Council, appoint independent Commissioner(s), a combination of independent Commissioner(s) and Councillors, and finally as with the fourth option except appoint the Commissioner from a neighbouring Council's Judicial Committee. The criteria for considering the options were: separation of regulatory functions from other Council functions, legally sustainable decisions, takes account of Council member workloads, reflects favourably on Council, applies District Plan consistently and fairly, transparent process, and cost effective.

Taking these criteria into account it was concluded that the best solution was for Council to appoint a panel of independent Commissioners chosen for their qualifications and expertise, any one of whom would conduct the Hearing. They could be assisted by a Councillor unless a party to the Hearing requested the matter to be heard by an independent Commissioner. This option could be seen to meet the Council's obligation under s39 of the Local Government Act 2002 to separate out its regulatory decision-making functions from other Council functions, and yet also limited the impact on Councillor workload in the coming term.

The Councillors could be drawn from a panel of three members who ideally had trained and qualified as 'Good Decision-makers' under the Ministry for the Environment accreditation scheme. This would allow a combination of knowledge bases and cross-pollination of ideas. The Commissioner could provide an understanding of the various statutory and legislative documents and the Councillor could provide local knowledge and ensure community representation to the decision-making process.

While using independent Commissioners, either alone or with Council members, may add to the cost of the Hearing process, Council's decision should not be primarily driven by cost in this case.

The Development Manager's report had been discussed with the Regulatory Portfolio Holder Councillor McEwing, who supported its recommendation, although he was interested to hear the views of others on the subject.

Council agreed that the initial decision of which three Councillors it would be was that of the Mayor and the Regulatory Portfolio Holder, Councillor McEwing.

Resolved Geange/Larsen

***That in accordance with s34 of the Resource Management Act 1991, Council appoints a panel of independent Commissioners, any one of whom will act on Council's behalf in determining resource consent applications which require a Hearing in terms of Council's delegations. Unless specifically requested otherwise by a party to an application, the independent Commissioner will be assisted by a Councillor selected from a panel of three Councillors. The independent Commissioner will chair the Hearing Panel when not sitting alone.***

***That the interim arrangement for Hearings is to continue until membership of the respective Panels has been formalised.***

Reason for the Resolution

Having independent professionals involved should produce consistent, high quality decisions, will ensure transparency in separating the Regulatory decision-making function from Council's other roles, and the involvement of Councillors in the process will provide local knowledge and ensure community representation in resource consent decisions.

## 5.2 Ruawai Tokatoka War Memorial Hall: Endowment Status

Community Spaces Manager 4603.12

A report from the Community Spaces Manager, dated 16 March 2011, was circulated. Council resolved on 26 May 2010 to transfer the Ruawai Toka Toka War Memorial Hall (the hall) to the community and to make a grant to the Ruawai Toka Toka Hall Committee to enable payment of the purchase price. The Council's resolution was that the Sale and Purchase of the hall was conditional on all legal processes being carried out and land tenure being satisfactorily resolved.

Council had received information stating that the property had been transferred by the Ruawai Settlers Club Incorporated to the Otamatea County for charitable purposes. As the transfer clearly stated it was transferred for charitable purposes, this circumstance enabled Council to consider the hall property as land held 'in trust or endowment' in terms of sections

140 and 141 of the Local Government Act 2002. Subject to Council complying with the processes set out in those provisions, it would then not be necessary to comply with the offer back provisions of the Public Works Act and Council would then be able to transfer the hall property to the Committee in the existing 26 May 2010 resolution of Council.

In order to comply with Sections 140 and 141 of the Local Government Act 2002 Council must take steps to ensure that the building remained in use as a Community Hall. As an added surety, Council had an encumbrance on the property stating that if the building was no longer being used for a Community Hall, Council had first option to purchase the building back for a consideration of \$1.00. The information had been provided to the Portfolio Holder, Councillor Julie Geange.

Resolved Geange/Blackwell

***That*** Council, following legal advice, notes it holds the Ruawai Tokatoka War Memorial Hall property for the purposes of a community hall and holds the property 'in trust' for such purpose, and that Section 140 of the Local Government Act 2002 applies to this sale and that the provisions of the Public Works Act do not; and

***That*** for the purposes of the Council resolution dated 26 May 2010 where Council requests land tenure be satisfactorily resolved, the Ruawai Tokatoka War Memorial Hall be sold to the Ruawai Tokatoka 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 26 May 2010 resolution be applied, for the purposes of compliance with section 140(4)(b) Local Government Act 2002, as 'the proceeds of sale' and in terms of Council's previous resolution any GST component as required for the purpose of enabling the Ruawai Tokatoka War Memorial Hall to continue to be used as a community hall.

Reason for the Resolution

The report ensures that Council has complied with all statutory obligations and gives effect to Council's public intention to transfer the hall to the community.

### 5.3 Kauri Coast Community Pool Financial Position

Community Spaces Manager 4701.03

A report from the Community Spaces Manager dated 17 March 2011 was circulated. The Kauri Coast Community Pool, Northland 50 metre swimming pool was in its second successful season. It had been well used by the general public and had gained a top reputation as a competitive swimming venue with Swim Northland transferring its significant swim meets to Dargaville. This had also provided significant economic benefit to the local

economy, especially the accommodation industry. It had a reputation as a “fast” pool and Swim Northland credited the pool with creating Northland’s largest swim team to travel to the Nationals.

The construction of the pool came in just over budget (3.47%) and this over-run had been caused by the delay in starting construction. However, the project also gained some extra facilities not included in the contract. The most apparent was the Spray Park. This was considered a most successful outcome for a construction project.

Funding of \$5,917,064 had been confirmed leaving a shortfall of \$442,517. However, in a report to Council in December 2008 Council recognised a number of funding sources that could be used short term should fundraising not be successful. Today there were options for funding of up to \$1,940,000 previously identified as being potential sources of funds.

The Project had been successful in attracting Government funding of \$3,081,483, a Northland Regional Council Grant of \$700,000, other grants of \$60,000 as well as the ratepayer funded loan of \$1,000,000 and other Council funding of \$905,000.

Discussions with the Pool Trust were about to commence to develop a strategy for funding the shortfall which was at present being bankrolled by Council.

Operational issues, notably the heating system, had been resolved and an effective and efficient operating regime had been developed to minimise the cost of operating the pool. It appeared on current evidence that the pool would operate to its business plan and would continue to be a valued facility not only for Dargaville, the Kaipara and Northland but also to the national swimming community.

Resolved Geange/Harding

***That Council identifies all shortfalls in funding including delay costs, operational issues, additional expenditure and reports back to Council with all available options for funding these; and***

***That Council requires the Kauri Coast Community Pool Trust to submit a repayment programme to Council for approval in order to repay the \$169,581 for client supplied items to the Kaipara District Council; and***

***That Council requires the Kauri Coast Community Pool Trust to report back to Council at its meeting to be held 27 May 2011 on the shortfalls, available options for funding these and how the Trust proposes to repay the \$169,581 for client supplied items; and***

***That the Kauri Coast Community Pool Trust reports to Council on the issues raised in the Community Spaces Manager’s report dated 17 March 2011, namely the need for a windbreak, sheltering the hydrotherapy pool and the operating costs and revenue as compared to the business plan.***

#### Reason for the Resolution

The pool has been successfully constructed and is providing an excellent amenity to Dargaville, the Kaipara District, Northland and New Zealand. Council needs to understand how the Kauri Coast Community Pool has been funded and how it is proposed to fund shortfalls and any further capital works. Council also needs confirmation that the pool is operating as per its business plan.

#### 5.4 Taharoa Domain: Works Programme Funding

Community Spaces Manager 4702.24.02

A report from the Taharoa Domain Governance Committee dated 16 March 2011 was circulated regarding the Annual Works Programme funding for 2011/12 for the Taharoa Domain. The Taharoa Domain Governance Committee was charged with implementing the Reserve Management Plan Taharoa Domain, adopted by the Kaipara District Council in 2002. The Taharoa Domain Governance Committee had developed an Annual Works Programme for 2011/2012 along with the agreement for the employment of a full time person to undertake the works programme. The Committee sought Council funding of \$62,200 towards the total cost of plants budgeted for planting in 2011.

This funding from Council would enable the Committee to build on the planting undertaken as part of the removal and harvesting of Pine trees in 2010. The Taharoa Domain Governance Committee required the support of and agreement from Kaipara District Council for the funding allocation and sought Council approval for funding from Council's Reserve Contribution Fund in 2011/2012.

Resolved Geange/Harding

***That Council approves the funding of \$62,200 from Council's Reserves Contribution Fund to the Taharoa Domain Governance Committee; and***

***That the funding be for the purchasing of plants as highlighted in the Taharoa Domain Governance Committee's Annual Works Programme 2011/2012.***

#### Reason for the Resolution

The Taharoa Domain Governance Committee has developed and approved an Annual Works Programme for the Taharoa Domain 2011/2012. This will see a number of projects carried out that will produce immediate results for the Domain outside of the camp ground sites. To fully implement the Annual Works Programme requires extra funding of \$62,200. The Committee is seeking support and approval from the Kaipara District Council for the extra funding from Council's Reserves Contribution Fund to enable the purchasing of plants for planting in the 2011/2012 year. This planting will build on the planting started in 2010. The allocating of funds for plants allows for the full implementation of the works programme 2011/2012.

## 5.5 Provision of Environmental Health Officer and Liquor Licensing Inspection Services by Council

Development Manager 3602.0

A report by the Development Manager dated 16 March 2011 was circulated relating to the Kaipara District Council's contract with the Northland District Health Board for the provision of Environmental Health Services in addition to Liquor Licensing Inspection services. This contract was to conclude by 30 June 2011. Local authorities had a statutory duty to provide these services. The main options for providing these services were; status quo (contract), staff appointment, and shared services arrangement with another council.

Discussions had been held with staff from both Whangarei and Far North District Councils about the possibility of joining forces to carry out this function in some way. Their circumstances were different. Whangarei provided the service by means of in-house staff, and they did examine the possibilities of extending their operations to include Kaipara. Far North District Council had the same contractor as Kaipara for health services, but used their own staff for District Licensing Agency functions. Discussions with them were positive about potentially going to the market with a single proposal to cover both Councils but it had not been possible to put a joint proposal together in time for the tendering process to be completed before the beginning of the new financial year.

A contractual arrangement was the preferred option as responsibility for coping with fluctuations in workflow rest with the contractor, and the burden of legal liability could be redistributed to a certain extent. It also meant that the Council's organisational establishment and associated overheads were kept low, and the full costs of service delivery were more readily apparent. A contract also had the potential to operate as a form of shared services arrangement with a neighbouring Council should they wish to take up the opportunity.

The Development Manager's report had been discussed with the Regulatory Portfolio Holder Councillor McEwing, who was in agreement with the conclusions reached.

Resolved McEwing/Geange

***That Council negotiates a six month extension of the current contract and if these negotiations prove unsuccessful then tenders be called for an external contractor to undertake Environmental Health Officer and Liquor Licensing Inspection services for a term of three years with two one-year renewal options, the term commencing on 1 July 2011.***

Reason for the Resolution

Council seeks to extend the current contract by six months to enable all options to be explored. The advantage of an external contractor is that responsibility for coping with fluctuations in workflow rest with the contractor, and the burden of legal liability can be redistributed to a certain extent. It also means that the Council's organisational establishment and associated overheads are kept low, and the full costs of service delivery are more readily apparent.

## 5.6 Proposed Baylys Community Wastewater Scheme: Postponement of Project

Community Infrastructural Assets Manager

4510.0

A report by the Community Infrastructural Assets Manager dated 15 March 2011 was circulated. On 1 June 2010 Council resolved to adopt the Baylys Community Wastewater Scheme Statement of Proposal May 2010 for public consultation. In August 2010 Council postponed the proposed communication programme until after the 2010 Triennial Local Body Elections. To put on hold the proposed Baylys Community Wastewater Scheme Council needs to rescind its resolution of 1 June 2010.

This may disappoint community advocates of a Community Wastewater Scheme at Baylys, however it was a prudent measure to take in the current recessionary environment. Council would continue to look at options that were more affordable to the community.

This item had been discussed with the Portfolio Holder.

Resolved Geange/Blackwell

***That Council rescinds its resolution of 1 June 2010, 'That Council adopts the Baylys Community Wastewater Scheme Statement of Proposal May 2010 for public consultation'; and***

***That Council continues to investigate the provision of a viable wastewater options for Baylys.***

Reason for the Resolution

Rescinding the resolution is in response to community concerns regarding the evidence supporting the need for a Community Wastewater Scheme and community interest in better septic tank education and management. Council believes it needs to investigate this matter further and find a viable affordable option before progressing any further.

## 5.7 Elected Members Expenses Policy: Remuneration Authority Recommendation

Governance Manager

1801.0

At its meeting dated 26 January 2011 Council considered a report; Elected Members Expenses Policy Update. Council resolved to submit an Elected Members Expenses Policy which met all criterion required by the Remuneration Authority with one exception. Council resolved that the "threshold distance" be five kilometres instead of the required thirty kilometres.

Council sent its Elected Members Expenses Policy to the Remuneration Authority for ratification. On 25 February 2011 Council received a letter, circulated, addressed to all councils which set out the Authority's rationale behinds its decisions. Whilst they had made

minor concessions, the threshold distance itself was not one of them and this remained at thirty kilometres. What the Authority had agreed to in respect of threshold distance was that it would not apply it to one event but rather to each day. This meant if several trips were made in one day the distance threshold need only be applied once rather than for each individual trip.

The Authority advised in the final two paragraph of its letter:

“We have been asked to approve expense rules which do not comply with the above. We will not be approving those expense rules.

Where councils have submitted expense rules which do not comply with the above, rather than the Authority declining each set individually, we would be very grateful if councils would re-submit expense rules which do comply.”

Council’s proposed Elected Members Expenses Policy had been amended to reflect the “threshold distance” of thirty kilometres in a day as required by the Remuneration Authority.

This report and the recommendation contained therein had been discussed with the Mayor and Deputy Mayor who had agreed that Council has no alternative than to comply with the direction provided by the Remuneration Authority.

Council despaired at the Remuneration Authority’s lack of genuine consultation and its failure to recognise those costs incurred through being an elected member on a rural council. Council noted that there was no public transportation available in the Kaipara that could be used as an alternative to using one’s car. Council also believed that the strictures of the policy required by the Remuneration Authority discouraged good democracy and representation.

Resolved Geange/Harding

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

***That Council will reimburse actual reasonable:***

- a) *Expenses incurred by Councillors attending pursuant to a resolution of the Council or of a Committee: National Conferences or Zone Meetings of the New Zealand Local Government Association or when carrying out any similar work pursuant to a resolution of the Council.*
- b) *Registration, travel (economy airfares in the case of air travel), accommodation, meal and related incidental expenses incurred by members in attendance at conferences, courses, seminars and training programmes.*

***Provided:***

- *the related expenditure can be accommodated within existing budgets*
- *the major subject of the event (conference, course, seminar or training programme etcetera) is of significant relevance to the Council and includes a significant policy/governance content*

- *attendance at the event is relevant for obtaining an understanding of policies and initiatives taken by other local authorities relevant to the Council's activities*
  - *in selecting which member(s) should attend the event, preference is given to those members who have a responsibility for or who take a lead on the issues which the event is related to.*
- c) *The Council will pay a kilometre allowance when Councillors are:*
- i) *attending meetings of the Council or any Committee thereof*
  - ii) *attending Council or Committee Workshops and Open Days*
  - iii) *representing the Council at meetings called by other organisations and bodies at which the particular Councillor has been appointed as its representative (or to attend), or attending such meetings when requested by the Mayor*
  - iv) *representing the Council pursuant to a resolution of the Council or a Committee at a public meeting called by the Council/Committee*
  - v) *attending Hearings Committee and District Plan Committee site visits*
  - vi) *attending meetings of ratepayer associations etcetera within the Ward which they represent*
  - vii) *attending informal meetings but only when the meeting has been requested or been authorised in advance by the Mayor.*
- d) *When Councillors are travelling to areas outside the Kaipara District they are expected to ensure that an unnecessary number of vehicles do not travel to the same destination.*
- e) *The Council will reimburse reasonable meal and/or morning/afternoon tea costs in those instances where a kilometre allowance is payable and the meeting or site visit necessitates the meal and/or morning/afternoon tea being purchased (receipts to be provided).*
- f) *The Council will provide stationery necessary for Councillors in their role as Councillors, on request.*
- g) *That Council policy is to pay Elected Members \$0.70 per kilometre for approved mileage with the first thirty kilometres of the distance travelled by the member in a day 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 in a day with a maximum payment to any one Elected Member in any financial year of 100 hours.*
- h) *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*

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

**That** Council write a strongly worded letter to the Remuneration Authority and Local Government New Zealand with regard to the lack of genuine consultation and recognition for rural councils.

Councillor Sutherland voted against the motion.

Reason for the Resolution

The proposed Elected Members Expenses Policy meets the requirements of the Remuneration Authority.

## 6 Reports

### 6.1 Mayor's Report

1701.02.03

The Mayor report for information on matters of interest.

### 6.2 Councillors Reports

Councillors 1904 (various)

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

Councillor Larsen provided a written report which is appended to the Minutes.

### 6.3 Chief Executive's Report: March 2011

Chief Executive 2002.02.10

The Chief Executive's report was circulated separately.

Resolved Harding/Mayor Tiller

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

## 7 Information Items

### 7.1 Correspondence Addressed to Mayor and Councillors: 9 February 2011 to 8 March 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.

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 McEwing/Mayor Tiller

***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 McEwing/Mayor Tiller

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

### 7.3 Potential New Units of Demand at Mangawhai

Development Manager 2304.11

There had been discussion around the Council table about likely future growth at Mangawhai, and the validity of projections about the number of additional Units of Demand which might be created in the next few years with implications for the amounts of development contributions and targeted rates to be collected. There was no one correct answer, the predictions would need to be modified as the future became the present. One indicator was the number of new units for which consent had been granted, but which had not yet been implemented. The table below did not include consents which had been completed in the same timeframe.

<b>Decision Date</b>	<b>Additional Lots</b>
July-December 2006	1
January-June 2007	129
July-December 2007	87
January-June 2008	21
July-December 2008	6
January-June 2009	3
July-December 2009	3
January-June 2010	33
July-December 2010	2
	285

The raw totals indicated that 27 consents were granted which enabled an additional 285 units to be created. This figure required some interpretation however. Historically about 80% of consents had been implemented within three years. The economic situation was having an impact, and these developments were generally coming through more slowly, and indeed it was possible they may lapse as a result of bankruptcy and the like. To keep a subdivision consent live it was necessary to lodge the survey plan within five years of consent being granted, and to satisfy the conditions within a further three. For land use consents, they must be implemented within five years to avoid lapsing.

On the one hand the figures are inflated by at least one parcel of land for which several consents had been granted (only one can be implemented), on the other hand the table did not include applications which may be implemented in the next five years, but which had not yet been lodged.

Resolved      McEwing/Mayor Tiller

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

#### 7.4 Liquor Advertising Kaipara District Council Submission

Development Manager      3706.0

In January 2011 Council made a submission to the Sale of Liquor Act Review. One of Council's submission points concerned liquor advertising. It was Council's view that liquor advertising should follow similar criteria to tobacco advertising as the social and health harm created by excessive alcohol consumption was similar if not worse than tobacco smoking.

A submission had therefore been made to the Advertising Standards Authority supporting Council's position on the advertising of liquor, as highlighted in the circulated Sale of Liquor Review submission.

Resolved      McEwing/Mayor Tiller

***That the information be received***

## 7.5 Awakino Road Transfer Station, Dargaville: Progress Report

Community Infrastructural Assets Manager 4202.03

A report from the Community Infrastructural Assets Manager dated 15 March 2011 was circulated for information. The progress report was in regard to the Awakino Road Transfer Station in Dargaville, and Council's long term goal of contracting out the transfer station facilities in Dargaville, based on the proposal that had been received by Northland Waste Limited / Kaipara Refuse Limited. They were one of the two organisations that had been shortlisted from the Expression on Interest process that occurred early 2010. The aim from this process was to re-establish and develop a viable proposal in order to contract out the Awakino Road Transfer Station. The model that was the basis for the proposal was that which currently occurred at the Hakaru facility.

This had been discussed with the Portfolio Holder, Councillor Wade, who supported the Community Infrastructural Assets Manager's report.

Resolved McEwing/Mayor Tiller

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

## 7.6 M&amp;M Power RM100116: Final decision of Commissioner

Development Manager 3837.0/RM100116

The decision of Commissioner Alan Bradbourne, in relation to the Application made by M and M Power, to exceed the site coverage standard at 11 Robert Street, Mangawhai Heads, was circulated for the information of Council. The building was already under construction when the infringement was discovered.

Resolved McEwing/Mayor Tiller

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

## 7.7 Westmoreland Developments Ltd, RM100079: Interim decision of Commissioner

Development Manager 3837.0/RM100079

The decision of Commissioner Robert Chan, in relation to the Application made by Westmoreland Developments, for a multi-unit residential development in Kawau Lane off Molesworth Drive, Mangawhai Heads, and associated plans were circulated attached for the information of Council.

Resolved McEwing/Mayor Tiller

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

7.8 2010 Local Body Triennial Elections: Summary of Kaipara District Election Process

Governance Manager 1301.01

A report from Independent Election Services Ltd dated 4 March 2011 was circulated which summarised the 2010 Local Body Triennial Elections process for the Kaipara District and stated they were conducted satisfactorily, on time and met all legislative and practical requirements.

Resolved McEwing/Mayor Tiller

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

7.9 Northland Intersectoral Forum Achievement Report 2009

Governance Manager 1908.01.04

The Northland Intersectoral Forum Achievement Report 2009 Executive Summary was circulated for information. The Mission Statement was 'Working together for the wellbeing of Northlanders'.

Resolved McEwing/Mayor Tiller

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

7.10 Northland Regional Council Environmental Management Committee Minutes of meeting 22 February 2011

Governance Manager 2117.01

A copy of the Northland Regional Council Environmental Management Committee meeting minutes for 22 February 2011 was circulated for information. Councillor McEwing was the Kaipara Council's representative on this Committee.

Resolved McEwing/Mayor Tiller

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

7.11 Northland Civil Defence Emergency Management Group Minutes: 1 March 2011

Governance Manager 6107.0

A copy of the Northland Civil Defence Emergency Management Group Minutes for 1 March 2011 was circulated for information. Councillor McEwing was the Kaipara Council's representative on this Committee.

Resolved McEwing/Mayor Tiller

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

7.12 Sport Northland: Taitamariki Tu Ora Initiative

Governance Manager 2122.03

Sport Northland contracted the Whariki Research Group to undertake a qualitative process and short-term impact evaluation of the Taitamariki tu Ora initiative. The purpose of the evaluation was to explore the delivery and effectiveness of that initiative. The initiative comprised the Hip Hop dance and Hga Mahi Tu Taua programmes. The evaluation focus was on programmes being delivered in the Kaitaia and Dargaville communities. The Executive Summary of the Evaluation Report September 2010 was circulated for Council's information.

Resolved McEwing/Mayor Tiller

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

7.13 Baylys Beach Access Report: May 2010

Community Infrastructural Assets Manager 4104.449

Council had requested a copy of the circulated Baylys Beach Access Report May 2010. This access over the years had been problematic with weather events at times leaving the access impassable to vehicular traffic. This had led to a number of community requests for a more permanent solution that would keep the access open at all times.

Over the years Council had considered both 'hard' (rock walls) and 'soft' (planting) engineering solutions. Currently, the access was being monitored and maintenance undertaken when required. The natural forces at work here had been well documented since 1952 and the circulated report of May 2010 provided the detailed history and anecdotal evidence available to date.

Resolved McEwing/Mayor Tiller

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

## 7.14 Rodney-Kaipara Co-ordinating Land Use Study October 2010

Community Infrastructural Assets Manager 3802.01

In 2010 the NZ Transport Agency began the network planning for the Puhoi to Wellsford Roads of National Significance (RONS). As part of this process a study group was established to consider local connections and integration for Kaiwaka, Maungaturoto, Mangawhai, Te Hana and Wellsford. On 2 March 2010 the NZ Transport Agency held a Wellsford/Kaiwaka-Mangawhai Land Use Connections Workshop. As a result of this workshop a scoping report was developed, information gathered which resulted in the circulated October 2010 Rodney-Kaipara Co-ordinating Land Use Study (Dome-Brynderwyn sub-region).

The Rodney-Kaipara Co-ordinating Land Use Study covered the area from the Dome Forest to the Brynderwyn Range. The main settlements within the study area were Maungaturoto, Mangawhai, Kaiwaka, Te Hana and Wellsford. A brief overview of Dargaville/Ruawai, Whangarei/Marsden Point, Ruakaka/Waipu and Warkworth/Matakana was also provided to give a better understanding of the study area in a wider context. The study encompassed a good understanding of the social, cultural, economic and land use dynamics of the study area. There were aspects of this study which will be useful for the structure plan process for Kaiwaka and in the future Maungaturoto.

A structure plan discussion document was now being prepared for Council's meeting in April 2011.

Resolved McEwing/Mayor Tiller

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

## 7.15 Northland Civil Defence Emergency Management Group Meeting: March 2011

Community Infrastructural Assets Manager 6107.0

Council was a member of the Northland Civil Defence Emergency Management Group which met on a quarterly basis. This group comprised of representatives from all the Northland District Councils, the Regional Council (who co-ordinated the group), Emergency Services, Department of Conservation, Ministry of Social Development, and Northland District Health Board.

The group met and discussed matters relating to Civil Defence Management for Northland. As the membership was diverse it offered the opportunity for information-gathering and sharing. As had been seen with recent events, with the Christchurch Earthquake, Civil Defence played an important role in the community in an emergency.

Circulated separately with the agenda were the 1 March 2011 meeting agenda and minutes. The Civil Defence group requested that the agenda be made available to Council.

Resolved        McEwing/Mayor Tiller

***That*** information be received.

Confirmed

## 8 Public Excluded Council Items 23 March 2011

Resolved Geange/Harding

***That the public be excluded from the following part of the proceedings of this meeting namely, Contract 522: Road Maintenance and Management 2007/2010 Renewal, and EcoCare Complaint: Request for Independent Review.***

*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>Contract 522: Road Maintenance and Management 2007/2010 Renewal</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>EcoCare Complaint: Request for Independent Review</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)(b)(ii) would be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Section 7 (2)(g) maintain legal professional privilege.

## Open Council Meeting Minutes: 23 March 2011

Resolved Harding/Larsen

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

## 8.1 Contract 522: Road Maintenance and Management 2007/2010 Renewal

Community Infrastructural Assets Manager 4107.522

Resolved Linton/Geange

***That Council rescinds its resolution of 23 July 2010, 'that prior to the expiry date of 30 June 2011 Council goes to the market in respect of the Road Maintenance and Management Contract'; and***

***That Council approves the second one-year right of renewal for Contract 522: Road Maintenance and Management to Transfield Services Limited giving a new expiry date of 30 June 2012; and***

***That Council goes to the market in respect of the Road Maintenance and Management Contract no later than February 2012, with a term contract which is compatible with Council's Professional Services Contract, to secure a Road Maintenance and Management Contract.***

Reason for the Resolution

Through its Professional Services Contract, Council has adopted a new approach to service delivery. To enable the same approach with the Road Maintenance Contract, a major re-write is needed which cannot be completed in time for the contract termination date of 30 June 2011.

## 8.2 EcoCare Complaint: Request for Independent Review

Chief Executive 4505.0

Resolved Larsen/Geange

***That Council receives the advice of Bell Gully dated 4 March 2010, that was circulated with the Chief Executive's report titled 'EcoCare Complaint: Request for Independent Review' dated 15 March 2011; and***

***That Council notes the advice in relation to the Rates Assessment notice and that this has been remedied; and***

***That Council notes the advice of the Minister of Local Government received by Council on 7 February 2011; and***

**That** Council commissions an independent review of the Mangawhai Wastewater rating in a manner agreed between Council and the complainants, Mr Clive Boonham, Mr John Dickie and the Mangawhai Residents and Ratepayers Association in accordance with 06 January 2011 meeting; and

**That** Council asks for a formal agreement from Mr Clive Boonham, Mr John Dickie and the Mangawhai Residents and Ratepayers Association that they will accept the findings of the independent review.

Councillor McEwing voted against the motion.

Reason for the Resolution

Council commissioned Bell Gully to provide independent legal advice on Mangawhai Wastewater Rating. This has been acted upon and any remedial actions necessary have been implemented. As a result the Minister of Local Government has indicated the Council has acted properly and met his requirement for an independent first principles review. However, in recognition of continued concerns expressed by three parties in particular, Council has agreed to carry out a further independent review in a manner acceptable to all parties and that all parties concerned must then accept these findings as full and final.

Closure

The meeting closed at 4.50 pm

Confirmed this 27<sup>th</sup> day of April 2011

Mayor Tiller