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Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 25 May 2011 Commencing 1.00 pm

Confirmed Minutes

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Confirmed

Council Minutes: Wednesday 25 May 2011

1 Opening: Cr Larsen

Councillor Geange to open the 22 June 2011 meeting.

1.1 Present

Councillors J Blackwell, J Geange (Chair), H Harding, J Larsen, W Linton, B McEwing, J Sutherland, A Wade.

1.2 In Attendance

Chief Executive, Community Infrastructural Assets Manager, Development Manager, Governance Manager, Community Spaces Manager.

1.3 Apologies

Resolved Sutherland/Blackwell

That the apology of Mayor Neil Tiller be received.

2 Confirmation of Minutes

2.1 Ordinary Council Meeting : 27 April 2011

Governance Manager 1601.15

A copy of the minutes was circulated.

Page 4 Item 2.1

Kaipara District Plan Review: Hearings Panel Recommendations and Budget

Councillor Linton abstained from voting in respect of the first motion.

Page 20 Item 5.9**Alamar Crescent Boat Ramp, Mangawhai**

The following additions (in bold) and deletions (crossed out) are made

Resolved Geange/Sutherland

That Council receives the report and plans from the Mangawhai Boating and Fishing Club regarding reducing congestion and improving traffic circulation around the Mangawhai Boat Ramp **off Alamar Crescent**, and

That the Proposed Plan, along with the future of the Mangawhai Campground and the Alamar Crescent area, be workshopped ~~by Council to give guidance to staff and community of the future development in the area on site.~~

Reason for the Resolution

Council has received a proposal from the Mangawhai Boating and Fishing Club, with the support of the Mangawhai Harbour Restoration Society, to increase the capacity of the existing boat ramp and alter the existing pontoon in order to reduce boat trailer and vehicle congestion, rationalise traffic circulation, improve traffic flow and increase safety in the Alamar Crescent area of Mangawhai Heads. Further information is needed including the likely costs and works associated with the proposal before Council can make any decision. ~~The Proposal is to be treated as a 2011/12 Annual Plan submission.~~

Resolved Harding/Sutherland

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

3 Declaration of Conflicts of Interest

3.1 Declaration of Conflicts of Interest

Governance Manager 1902.0

No Declaration of Conflicts of Interest was made.

4 Policy

4.1 Te Kopuru Hall: Endowment Status

Community Spaces Manager 4603.13

Council resolved on 25 June 2010 to transfer the Te Kopuru Coronation Hall (the hall) to the community and to make a grant to the Te Kopuru Hall Society (the Society) 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 in 1972 the property was transferred to the Public Trustee following the death of the then registered proprietors. The property was then transferred to the Hobson County Council. 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 will then not be necessary to comply with the offer back provisions of the Public Works Act and Council can transfer the hall property to the Committee in the existing 25 June 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 remains 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 purchase price grant figure of \$75,000 is the valuation on the building.

Resolved McEwing/Harding

That Council, following legal advice, notes it holds the Te Kopuru Coronation 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 25 June 2010 where Council requests land tenure be satisfactorily resolved, the Te Kopuru Coronation Hall be sold to the Te Kopuru 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 of \$75,000 provided for in Council's 25 June 2010 resolution be applied, for the purposes of compliance with Section 140(4)(b) Local Government Act 2002, as 'the proceeds of sale' for the purpose of enabling the

Te Kopuru Coronation Hall to continue to be used as a community hall; and

That an encumbrance instrument in favour of the Council be registered against the title of the Te Kopuru Coronation Hall property to ensure the continuance of the use of the property as a community hall in accordance with the Trust under which the property is held.

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

4.2 Sale of Council Land: 20 and 22 Gordon Street, Dargaville

Community Spaces Manager 5105.12

A report from the Community Spaces Manager dated 18 May 2011 was circulated which discussed the sale of two surplus properties from Council's Properties portfolio. Council was now in a position to sell 22 Gordon Street, Dargaville, the old pool site and 20 Gordon Street, the neighbouring villa. The villa had been purchased to accommodate any potential development of the public pool, should Gordon Street be the preferred site. Selwyn Park was the chosen site for the new 50 metre pool. This facility was now open so both Gordon Street properties were superfluous to Council's needs.

Council needed to decide whether it was in the ratepayers' best interests to keep these properties or sell them.

Private rental was not a part of Council's core business and there was no use for an old pool site. Both properties needed substantial maintenance. There had been alterations to the tenancy law and there was more responsibility for the property owner to provide rental premises that met all the requirements of the building and occupational and safety codes with substantial penalties for non-compliance. Number 22 Gordon Street was at a stage where substantial maintenance was required.

Local Real Estate agents had been contacted. Two had provided consistent market price information and one suggested an auction.

Resolved Blackwell/Wade

That Council continues to market 20 Gordon Street, Dargaville (all DP 4611) and 22 Gordon Street, Dargaville (all DP 11540 Sec 23 SO 44125) for sale, and

That the Chief Executive be delegated authority to finalise the agreement details and this comes back to Council for consideration, and.

That the Council-owned land at 20 Gordon Street, Dargaville (all DP 4611) and 22 Gordon Street, Dargaville (all DP 11540 Sec 23 SO 44125) be investigated for redevelopment for social and elderly housing and that this information come back to Council for consideration.

Reason for the Resolution

Both properties are superfluous to requirement and it is not in the best interests of ratepayers for Council to keep the properties.

4.3 Mangawhai Camp Ground Management Contract

Community Spaces Manager 4703.04

A report from the Community Spaces Manager dated 18 May 2011 was circulated. There had been a camp ground on the Mangawhai Reserve area for many years. There were some issues that now required certainty and Council needed to consider the future of the Mangawhai Camp Ground and make a decision about the direction it wished to take with the management of the Mangawhai Camp Ground. The Mangawhai Foreshore area that included Alamar Crescent and the boat ramp as a whole needed a comprehensive review and any decision about the camp ground will need to be a part of that review.

Clarity needed to be given to how Council land will be administered to facilitate an enjoyable holiday experience. Consideration needs to be given to how the community and visitors use this area, minimising ratepayer cost and providing a viable business to lessees while complying with relevant legislation.

Council has agreed to increase camp ground fees to service the raising of a loan for the construction of a new ablution block at the northern end of the camp ground, this tender is due for notification at the end of May 2011. Council needed to consider increasing the camp ground fees to cover a shortfall in camp ground income that had occurred. Council's policy on camp grounds was that they were cost neutral.

Resolved Sutherland/Blackwell

That Council offers a short term management agreement for the Mangawhai Camp Ground for twelve months from 1 July 2011 to 31 June 2012 pending Council's consideration of the future operation and management of the camp ground and issues associated with boating and traffic; and

That casual camping and concession fees be raised to cover the servicing of a loan for the construction and shortfall in camp ground income, the projected fee increase coming back to Council for final approval.

Reason for the Resolution

A comprehensive review will provide clarity for Council for the Mangawhai Foreshore area, along with possible options and associated costs. It will also help minimise ratepayer cost in the Mangawhai Camp Ground and provide a viable business for any lessee of the camp ground. Camping fees need to be increased to cover the servicing of a loan to be raised for the construction of a new ablution block and the shortfall in camp ground income.

4.4 Stock Underpass: Zwaans, Pouto Road, Dargaville

Community Infrastructural Assets Manager

4102.37

A report from the Community Infrastructural Assets Manager dated 18 May 2011 was circulated. A policy for stock underpasses was under development and will be available to Council for consideration in July 2011. Until then the current well-established practice of offering limited assistance to landowners by sealing the affected pavement from the existing maintenance budget should continue.

When the Zwaans contacted Council for assistance it led to a lengthy investigation on the practices in place for stock underpasses used by the NZ Transport Agency and other local authorities. This resulted in a significant amount of work to try and accommodate the Zwaans request. In hindsight, rather than being helpful this caused frustration for all concerned.

The Zwaans became aware of the Council decision made on the Schick underpass and were looking for comparable assistance. The Zwaans wanted Council to reconsider their request for subsidy. However, at this stage Council had not supported subsidy requests for stock underpasses based on NZ Transport Agency policy. The decision to provide subsidy to the Shicks was based on a commitment made by Council in September 2006 that was not honoured.

Council supported the construction of stock underpasses as they improved road safety and limit the damage to roads from the movement of stock. The Zwaans should have been offered limited assistance of sealing the affected road section as had been Council's practice since 1999. Unfortunately, this was overlooked and should be rectified. The Zwaans should be offered sealing the affected pavement assistance for the two underpasses constructed in July 2009 up to the value of \$14,000 from the maintenance budget.

Resolved Harding/McEwing

That Council applies the current informal practice of providing limited assistance to the Zwaans for the two constructed underpasses on Pouto Road, Dargaville by funding the cost of resealing for those sections of Pouto Road, up to the value of \$14,000 from the existing maintenance budget.

Reason for the Resolution

To address the Zwaans request in April 2011 to review the decision made on the original request for assistance in August 2009.

4.5 Stock Underpass Policy Direction

Community Infrastructural Assets Manager 4102.37

A report from the Community Infrastructural Assets Manager dated 12 May 2011 was circulated that provided an update on the development of the draft Stock Underpass Policy and sought direction from Council on funding assistance to finalise the draft Policy and supporting documents.

The development of the Stock Underpass Policy was approved by Council in September 2010 with the expectation it would be ready for implementation in the 2011/12 financial year. It became apparent once the work began on the Policy that a complete suite of documents was required to ensure that going forward Council had a consistent approach to each request received on stock underpasses. Significant work had gone into the development of the Draft Stock Underpass Policy but it was now at a point where it required input from Council on the level of funding assistance Council would like to contribute to the installation of underpasses, if any. This will enable the finalisation of the draft Policy for Council consideration.

There were a range of options for funding assistance for stock underpasses that had been explored through a review of other local authorities' policies and practices. There was also a detailed criterion for funding assistance for stock underpasses outlined by the NZ Transport Agency. The options range from no assistance to varying levels of funding assistance which all had different cost implications.

Since 1999 Council had been informally applying a practice of providing limited funding assistance for sealing affected sections of road where construction of underpasses had occurred. This practice had been well received by landowners looking to install underpasses. It was a sensible option and it can be accommodated within existing maintenance budgets. It was for that reason the limited assistance approach was recommended.

Resolved Linton/Harding

That Council receives the Stock Underpass Policy Direction report of May 2011; and

That Council provides limited funding assistance for sealing the affected section of road that construction of stock underpasses has occurred on. This will be limited to the sum of \$7,000 plus GST for sealed roads. A report is to be brought back to Council quantifying the level of assistance required for unsealed roads.

Reason for the Resolution

Council direction of the funding assistance will enable the draft Stock Underpass Policy to be finalised and submitted to Council for final approval.

4.6 Genetic Engineering: Update

Governance Manager 2105.37

A report from the Governance Manager dated 13 May 2011 was circulated. The report, together with its recommendations, had been written with the Kaipara District Council's Vision, Mission and Values in mind. It was felt that the recommendations, if adopted, would contribute to the Vision, Mission and Values, particularly to the values of customer first, innovation, excellence and visionary leadership.

The collaborative approach to the genetic engineering issue undertaken by local authorities in the Northland and Auckland regions had been a cautious yet responsible way to proceed with this highly contentious issue. It was an excellent example of local government working together to address common concerns raised by their respective communities.

It had also been a fiscally responsible approach to adopt. By sharing the costs of research and possible regulation amongst all local authorities in the Northland/Auckland region, the cost to individual councils and to ratepayers had been minimised.

The rationale for the collaborative approach had been threefold. Firstly, a collaborative approach would assist in lobbying of Central Government to amend the Hazardous Substance and New Organisms Act. Secondly, it would lower costs, both for research and for future plan changes if that was the course of action agreed to. Lastly, to ensure regulation by local authorities under the Resource Management Act and Local Government Act was most effective it would be best co-ordinated and implemented on a regional basis. Individual district or city councils could regulate unilaterally on aspects dealing with liability, such as compensation requirements, posting bonds for genetically modified organisms releases, etcetera, but would have difficulty enforcing genetically modified organisms exclusion zones, for example.

On a regional basis, however, there was a realistic possibility of setting in place a comprehensive system of management under the Resource Management Act and Local Government Act if that system as agreed to by all (or most) local authorities in the region. For example, because of its unique geography, the Northland peninsula was especially well-placed to undertake such a regional approach. Should all (or most) territorial authorities north of the Auckland urban area agree upon a common regulatory system it was possible that this could be successfully implemented, administered and enforced.

Council is to consider whether it needs a counter opinion to that of Dr Grundy after it hears his presentation.

Resolved Geange/Harding

- 1 ***That Council invites Dr Kerry Grundy, Convenor of the Working Party, to present an update on Genetic Engineering current status; and***
- 2 ***That Council continues to support the precautionary approach and continue to monitor other Working Party council members in their actions in this regard; and***
- 3 ***That Council provides the Working Party with directions as to its vision of the Inter-council Working Party's future functions and Kaipara's representation.***

Reason for the Resolution

There is widespread concern amongst communities in relation to the current national genetic engineering regulation. Communities believe this regulation to be deficient, particularly in regard to liability, not adequately providing them with opportunities to be involved in decisions or providing any opportunity to give a formal response with which to address the risks associated with the field trialling and release of genetically modified organisms.

Continue working collaboratively with other councils will assist in addressing these community concerns as well as providing Council with a sustainable approach forward on this complex issue.

4.7 Lease of Foreshore Reserve: Brett Taylor, Whakapirau

Development Manager and Community Spaces Manager 3837/RMTyp/110020

A report by the Development Manager and Community Spaces Manager dated 18 May 2011 was circulated. Mr Brett Taylor proposed to carry out some alterations to the former Kaipara Dairy Factory building on the Whakapirau wharf in order to use it for visitor accommodation and a building for the community to use. He had made

application to the Northland Regional Council for a coastal permit, an application for which a submission was prepared on this Council's behalf and this submission had been circulated with the Managers' 18 May 2011 report. The legal research involved in preparing the submission concluded that as the building was on Council land (an esplanade reserve), Council in effect owned the building. This meant there were several legal matters to be addressed before Mr Taylor can give effect to this proposal including the need for resource consent from this Council under the Operative District Plan for the proposed use of the building.

The two main options available to Council were to decline Mr Taylor's request so that the status quo continues, or to enter into an agreement with him along the lines suggested by Council's solicitors.

The advantage of the first option was that there was no change to rights of public access from Whakapirau Road, however the Council now had a building it did not know previously it owned. In the circumstances it might be considered equitable to appoint Mr Taylor as its caretaker and grant him rights of occupation in accordance with that role.

The second option provided a way to resolve the ownership/use situation more comprehensively as well as ensuring an historic building was maintained and giving the opportunity for an innovative business concept to 'get off the ground'. The problems were that there were several statutory processes to be followed, any one of which could stymie the proposal, and considerable costs will likely be incurred along the way. This was a risk which Mr Taylor would have to carry.

Council considered the options before it but believed that it was up to Mr Taylor to find a way to resolve the problems he faced. It was not for Council to use ratepayer money and find a solution.

Resolved Harding/McEwing

That Council works with Mr Brett Taylor to assist him in finding solutions to the ownership/use issues around the Kaipara Dairy Factory on Whakapirau Wharf and that the potential solutions are brought back to Council for its consideration.

Reason for the decision

Council believed it was up to Mr Taylor to fund the finding of solutions rather than Council expending ratepayer money to find solutions for Mr Taylor. That said Council is willing to work with Mr Taylor to find the best solution for all.

4.8 Waste Minimisation Plan: Adoption

Community Infrastructural Assets Manager 4201.03

In 2008 Central Government introduced the Waste Minimisation Act. The aim of the Act was for Territorial Authorities to 'encourage waste minimisation and a decrease in waste disposal'. This was to 'protect the environment from harm' and 'provide environmental, social, economic, and cultural benefits. For Council this recognised the Council's Mission Statement to "Work with the community to preserve our heritage, enhance our environment, and provide the best possible services and facilities to make Kaipara an excellent place to live".

Central government imposed a \$10.00 per tonne levy on all waste that goes to landfill. A portion of this levy was returned to Council quarterly and was to be used on waste minimisation initiatives (which were listed in descending order of importance); that reduced, reused, recycled, recovered, treated or disposed.

Currently Council spent the majority of the returned levy on supporting the recycling initiative that was undertaken by Kaipara Refuse. Other initiatives that had been supported were; the preparation of the Waste Minimisation and Management Plan and a beach clean up undertaken by the Mangawhai Beach School. These had all been at nil cost to the ratepayer and had been funded out of the levy returned from Central Government.

Part of the Waste Minimisation Act required Council to prepare and adopt a Waste Minimisation and Management Plan before July 2012. This document will also form the basis for future Refuse Asset Management Plans.

Resolved Wade/McEwing

That Council adopts the Waste Minimisation and Management Plan 2010 as prescribed by Section 43 of the Waste Minimisation Act 2008.

Reason for the Resolution

Central Government requires Council to prepare and adopt a Waste Minimisation and Management Plan before July 2012.

4.9 Northland Regional Council 2011/2012 Draft Annual Plan: Kaipara District Council's Submission to the Northland Regional Council

Governance Manager 2117.01

The Kaipara District Council submitted on Northland Regional Council's Draft Annual Plan 2011/12. Council was generally supportive of the Draft Annual Plan, provided that

1601.15

cminutes 2011 May 25, 2011 public confirmed

the comments made in the submission were given effect to. The Northland Regional Council Draft Annual Plan 2011/12 gave direction for the Region, therefore it was important for Council to contribute to its formulation. A draft submission had been prepared for Council's consideration and was circulated for information.

Resolved McEwing/Sutherland

That Council receives the Kaipara District Council's draft submission dated 6 May 2011 to the Northland Regional Council's 2011/2012 Draft Annual Plan.

Reason for the Resolution

To ensure Kaipara has input into the Draft Annual Plan as it affects the Kaipara District.

4.10 Appointments: Conduct Review Committee

Governance Manager 1904.0

At its meeting dated 27 April 2011, Council adopted its Code of Conduct. As a part of this process Council now needed to appoint members to the Conduct Review Committee.

The purpose of the Committee was to convene when required to consider any complaint made by a member of the public about an alleged breach of the Code of Conduct by an Elected Member. The complaint under consideration by the Review Committee cannot be about any matter than can be dealt with under Statute.

This report had been discussed with the Mayor and Deputy Mayor who had suggested the recommendation put before Council.

Resolved Sutherland/Blackwell

That Council appoints the Mayor, Deputy Mayor and Councillor Linton to the Conduct Review Committee; and

That Council reconsiders the membership of the Conduct Review Committee after the next Triennial Local Body Elections at the same time it considers the membership of other Council Committees.

Reason for the Resolution

Council has adopted a Code of Conduct and as a part of this now needs to appoint members to the Conduct Review Committee.

4.11 Local Government New Zealand Conference 2011: Wellington 10-13 July 2011 Future Focus

Governance Manager 2113.02

Registrations were now open for the Conference, to be held in Wellington. Council had usually sent the Mayor, Deputy Mayor and Chief Executive along with a small number of other Councillors to gain a wider local government experience.

The theme of the Conference was "Future Focus". The Conference would commence on Sunday afternoon with a technical tour of the Rugby World Cup 2011. This tour would take in the indoor community sports centre and Te Whaea and conclude at the wharewaka. Participants will hear about Wellington City Council's planning for Rugby World Cup 2011, and how these venues will be used to ensure the success of this major sporting event.

Monday morning Brett O'Riley, the Chief Executive Officer of the NZICT Group, will talk about 'Building 21st century intelligent communities' and Melissa Clark Reynolds will discuss 'Growing a Green Future'. The workshops take place on Monday afternoon, the four consecutive sessions being 'Spatial Planning; the future panacea for integrated local development', 'An inconvenient Truth', 'Realising Maori Potential; Realising New Zealand Potential', and 'The Legacy of Events'. These workshops will be followed by Ngahi Bidois who will speak on 'Ancient wisdom modern solutions for leaders'.

Tuesday will complete the Conference programme with sector meetings and the Sector Annual General Meetings.

The Local Government New Zealand Annual General Meeting will be held on Wednesday morning.

As Local Government New Zealand was holding its conference at the beginning of July, there was no conflict with the Kaipara District Council July monthly meeting, which will now revert to its normal scheduled date of 27 July 2011, being the fourth Wednesday in the month.

Resolved Sutherland/Wade

That the Mayor, Deputy Mayor, Councillors Linton and McEwing and Chief Executive attend the Local Government New Zealand Conference (Sunday 10 July to Wednesday 13 July 2011).

Reason for the Resolution

To ensure that the Kaipara District is adequately represented at this important forum and to enable the Council to gain from the sharing of experiences and the learnings from the Conference in the most effective way.

4.12 Warrant of Appointment: Dog Stock and Noise Control Officer and Parking Warden

Development Manager 6404.0 WOA

Dylan Brandt made a request to the Kaipara District Council to be appointed as 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 Brandt was 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, and wished to call upon Mr Brandt for relief work if required in Kaipara.

The proposed warrant would 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.

Resolution One McEwing/Harding

That Council appoints Dylan Paul Brandt 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 McEwing/Harding

1 *That Council warrants Dylan Paul Brandt 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 Dylan Paul Brandt as an authorised parking warden pursuant to s.7 of the Transport Act 1962.*

Reason for Resolution Two

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

4.13 Statement of Proposal: Mangawhai Community Wastewater Scheme Targeted Rate: Appointment of Committee

Governance Manager 4505.0

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.

The proposal had been publicly notified and the submissions close at 5.00 pm on Tuesday 07 June 2011.

Council will need to hear submissions from those submitters wishing to be heard. It will then need to deliberate on the issues raised.

Resolved Sutherland/McEwing

That the whole Council rather than a subcommittee hears submissions from submitters wishing to be heard in respect of Council's Statement of Proposal: Mangawhai Community Wastewater Scheme Targeted Rate.

Reason for the Resolution

Council believed that the Mangawhai Community Wastewater Scheme is one of Council single biggest assets and it was important for the full Council to hear submitters.

5 Reports

5.1 Mayor's Report

1701.02.03

No report was tabled.

5.2 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 are preferred as these were then attached to the Minutes. Verbal reports are not recorded in accordance with Section 3.17.2 of Standing Orders.

5.3 Chief Executive's Report: May 2011

Chief Executive 2002.02.10

The Chief Executive's report was circulated separately.

2.1.1 Active Projects

Council asked for further information in respect of Projects 638 and 654 as it believed that there were other intersections which should be sealed ahead of these. It wanted to know why these two qualified and others had not.

3.3.6 Emergency Works and Slip Repairs

The item referred to Mangawhai Road, there was no such road and Council wanted to know which road this item was really referring to.

4.3.5 Mangawhai Community Wastewater Scheme

Council asked for a report which set out why there had been no further action on connecting properties at the Sands and the west side of Molesworth Drive. It also asked when it was to receive a report on the implications of the dam level being higher than desirable. Water Infrastructure Group is to bring a report to Council's June 2011 meeting.

Resolved Sutherland/McEwing

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

6 Information Items

6.1 Local Government League Table: A Comparative Report on Council Sustainability and Community Affordability

Chief Executive 2309.0

The Local Government League Table compiled by Larry Mitchell, Finance and Policy Analyst (Local Government) was circulated separately with the agenda. The report was compiled using data as at 30 June 2010, the latest Annual Reports available.

Mr Mitchell stated in the report it was designed to encourage better Council performance in the current recessionary times.

The League Table Composite report showed Council rated as 16th best of the 73 councils listed. This was a combination of financial sustainability and affordability. Kaipara was ranked 13th for Sustainability and 27th for Affordability out of the 73 councils.

Kaipara's neighbours were ranked as follows:

Far North District Council, 57th, Rodney District Council, 58th, Whangarei District Council, 63rd and Waitomo, to which this Council has been compared is ranked, 62nd

Resolved Harding/Linton

That the information be received.

6.2 Correspondence Addressed to Mayor and Councillors: 31 March 2011 to 10 May 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/Sutherland

That the information be received.

6.3 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 Sutherland/Blackwell

That the Delegated Authority Schedule of Decisions be received.

6.4 Public Debt Portfolio: Additional Information

Acting Finance Manager 2305.01

At the 27 April 2011 monthly meeting, while considering the Borrowing Programme papers, Councillors requested that the May 2011 business papers included further detail about aspects of the Public Debt portfolio. Of particular interest was the start and finish date of each loan, and the quantum of sinking funds held by the Public Trust in respect of each loan. The circulated analysis at 30 June 2010 includes all loans at face value, and, on the far right of papers, the sinking fund balance for each loan for which sinking funds were applicable.

Council noted that the information provided was as at 30 June 2010 and asked that it receive a more up to date report which showed the effects of decisions made over the last nine months.

Resolved Geange/Linton

That the information be received.

6.5 Kaiwaka Structure Plan: Discussion Document

Community Infrastructural Assets Manager 3802.01

The draft Kaiwaka Structure Plan Discussion Document, which was circulated separately with the agenda, followed on from the 23 March 2011 Council agenda item on the Rodney-Kaipara Co-ordinating Land Use Study October 2010. The Rodney-Kaipara Co-ordinating Land Use Study covered the area from the Dome Forest to the Brynderwyn Range. The study encompassed a good understanding of the social, cultural, economic and land use dynamics of the study area.

The Kaiwaka Structure Plan Discussion Document outlined what Council knows about the area based on other established documents. These included the District Plan, Reserves and Open Spaces Strategy, Regional Council Documents and NZ Transport Agency documents to name a few. This document was a starting point in identifying community considerations and additional information in the development of a Structure Plan for Kaiwaka. It was a working document that will change over time and feed into the final Structure Plan.

The Discussion Document outlined a process to follow and highlighted where additional expertise may be required. There may be budget implications that will need further Council consideration. The timeline for this project was also likely to vary due to current commitments. However, a proposed timetable was located at the back of the document.

The draft Kaiwaka Structure Plan Discussion Document was now at a stage where it required input from Council prior to the commencement of discussions with the community.

The Kaiwaka Structure Plan: Discussion Document is to be the subject of a Council workshop. The purpose of this will be to enable Council to familiarise itself with the work undertaken to date and to have input into a public consultant document.

Resolved Sutherland/Blackwell

That the information be received.

6.6 National Dogs Database: 2011/12 Levy

Development Manager 3502.03

A letter from the Department of Internal Affairs dated 6 May 2011 was circulated, setting out the requirement for the annual levy to pay for the cost of maintaining the National Dog Database. The amount was similar to the 2010/11 year, and had been specifically provided for in the dog control budget for 2011/12.

It took approximately two hours per week for the contractor's staff to update the database for Kaipara. In the contractor's view, there was no corresponding benefit to him or the Council, other than satisfying a mandatory legal requirement.

Resolved Blackwell/Sutherland

That the information be received.

6.7 Mangawhai Historical Society: Museum Building Progress Update

Development Manager 2115.03

A report from the Mangawhai Historical Society dated 29 April 2011 was circulated for the information of Councillors, and provided the latest information on progress with the new Museum building project.

Resolved Sutherland/Blackwell

That the information be received.

7 Notices of Motion

7.1 Notice of Motion 1: Cr Larsen

Cr Larsen 1904.0

Councillor Larsen asked Council to consider the following Notice of Motion.

That the Chief Executive's monthly report include a standard section advising council of any matters involving legal proceedings or claims against Council, including the details of the claims, what steps are being taken by the claimant, and an assessment of the Council's position on the claim as advised to the claimant.

Council discussed the ramifications of the proposed Notice of Motion. Whilst Council supported the idea in principle it believed that if it were to agree to it as written it would compromise Council's position in respect of any negotiations it might enter into. This would be to the detriment of the ratepayers it represented.

After a robust discussion and pursuant to Council's Standing Orders 3.10.4 Councillor Larsen amended the Notice of Motion with the consent of the meeting.

Resolved Larsen/Linton

That a standard item be included in the Public Excluded section of the Council's monthly Agenda Business Paper advising Council of any matters involving legal proceedings or claims against Council including the details of the claims.

Reasons for the decision

Council wished to have in place a more formal and regular way of being kept up to date with the status of any claims and legal proceedings against Council.

7.2 Notice of Motion 2: Cr Larsen

Cr Larsen 1904.0

Notice of Motion 2 Larsen/Linton

That the memorandum from Brookfields lawyers dated 11 April 2011 and entitled Proposed Plan Budget and Decision Making, which was not subject to public exclusion under the resolution, be made available to the public including on the Council's website as part of the Council business papers.

The Motion was LOST

A division was called: FOR: Larsen

AGAINST: Blackwell, Geange, Harding, Linton, McEwing,
Sutherland.

ABSTAINED: Wade

8 Public Excluded Council Items 25 May 2011

Resolved Harding/Sutherland

That the public be excluded from the following part of the proceedings of this meeting namely KSR Farms Limited: Settlement of Claim; and Dargaville Wastewater Treatment Plant Oxidation Pond

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>KSR Farms Limited: Settlement of Claim</i>	<i>Section 48 (1)(a), Section 7, Part 1 Section 7 (2)(g)</i>
<i>Dargaville Wastewater Treatment Plant Oxidation Pond</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.

Part 1, Section 7 (2)(g) maintain legal professional privilege.

Section **7 (2)(b)(ii)** would be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

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Resolved Sutherland/Blackwell

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

8.1 KSR Farms Ltd: Settlement of Claim

Development Manager 3837/RM Typ/040328

Resolved Sutherland/Linton

That the information be received.

8.2 Dargaville Wastewater Treatment Plant Oxidation Pond Update

Community Infrastructural Assets Manager 4501.0

Resolved Geange/McEwing

That the information heard in Public Excluded Session on the Dargaville Wastewater Treatment Plant Oxidation Pond be received.

That Council rescinds its commercial water rate decision of 19 May 2011 and that Council immediately enters into discussion with Silver Fern Farms with regard to a Trade Waste Agreement and commercial water rate.

Reason for Resolution

To provide Council with the latest information on the increased sludge levels found in the Dargaville Wastewater Treatment Plant Oxidation Pond.

When Council resolved to adopt a commercial water rate, it did not take into consideration information from this report.

9 Deliberations

9.1 Deliberations: Draft Class 4 Gambling Venue and Board Venue Policy

Councillors Geange (Chair), Blackwell, McEwing and Linton formed the Hearing Panel that heard submissions in respect of Council's draft Class 4 Gambling Venue and Board Venue Policy 2011 at Maungaturoto on Monday 09 May 2011.

Council considered it appropriate to delegate authority to the Hearing Panel to make decisions on behalf of Council in respect of this draft document.

Resolved Sutherland/Wade

That Council delegates authority to Councillors Geange, Blackwell, McEwing and Linton to make decisions in respect of its draft Class 4 Gambling Venue and Board Venue Policy 2011 as a result of the recent public consultation, submissions and hearing process.

Reason for the decision

Council believed it was appropriate that the four Councillors involved in the Hearing process should be delegated the authority to make decisions on behalf of Council.

Closure

The meeting closed 4.30 pm

Confirmed this day of 2011

Deputy Mayor Geange.....

confirmed