

## **Kaipara District Council**

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# **Minutes**

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<b>Meeting</b>	Ordinary Meeting Of Kaipara District Council
<b>Date</b>	Tuesday 28 July 2015
<b>Venue</b>	Mangawhai Club, Molesworth Drive, Mangawhai.
<b>Time</b>	Meeting commenced at 10.00am Meeting concluded at 11.55am
<b>Status</b>	Confirmed

### **Membership**

Chair: Commissioner John Robertson  
Members: Commissioner Richard Booth  
Commissioner Peter Winder

**Anna Curnow**  
**Governance Services Manager**

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**Ordinary Meeting Of Kaipara District Council, Tuesday 28 July 2015**
**1 Opening**
**1.1 Present**

Commissioner J Robertson (Chair)

Commissioner R Booth

Commissioner P Winder

**In Attendance**

Name	Designation	Item(s)
Jill McPherson	Acting Chief Executive	All
Glennis Christie	General Manager Finance	All
Venessa Anich	General Manager Community	All
Curt Martin	General Manager Infrastructure	All
Peter Marshall	General Manager Corporate Services	All
Duncan McAulay	Executive Officer	All
Linda Osborne	Administration Manager	1-2.1
Anna Curnow	Governance Services Manager	All (Minute-taker)
Christine Johnson	Administration Support	All

**Absences**

Name	Reason	Item(s)
Richard Booth	Conflict of Interest	8.5 on the agenda

**1.2 Apologies**

Nil

**1.3 Confirmation of Agenda**

The Agenda was confirmed.

**1.4 Conflict of Interest Declaration**

Name	Conflict of Interest
Commissioner Richard Booth	Item 7.5 "Reserves Status Revocation of Council owned Land: Lot 67 DP81939 and Lot 12 DP111969

## 2 Deputations and Presentations

### 2.1 Mangawhai Community Wastewater Scheme Community Advisory Panel

4505.21

The Chair welcomed representatives of the Community Advisory Panel to the meeting. Darryl Reardon, Peter Wethey, Belinda Vernon and Dr Gordon Hoskings.

**Moved Robertson / Winder**

*That Kaipara District Council suspends Standing Order 3.19.6 "Time limit on deputations" to allow a period greater than 10 minutes for the deputation by Mangawhai Community Wastewater Scheme Advisory Panel at this meeting.*

**Carried**

The Panel presented their deputation and their report.

- In particular the Panel publicly acknowledged the work of Dr Ian Greenwood;
- The report makes 22 recommendations;
- The panel noted that this form of community engagement sets a precedent for Council / community involvement that may well be a beneficial model for the future;
- The Panel also commended the community on the way in which they engaged with the project and acknowledged the work of Council officers in supporting the Panel;
- The Commissioners acknowledged the work of the Panel and thanked the members for their work in coming up with the recommendations and the way they had engaged with the community;
- Commissioners endorsed the Panel's view on the benefits of the panel model;
- Noted that the next steps are that the Advisory Panel's report will be presented to Council. Council will then work through the 22 recommendations getting further advice as needed. Council is aiming to come to conclusions by end of calendar year so that community engagement can begin; and
- Noted that the Report will be made public later today on the Council website.

**Moved Booth / Winder**

*That Kaipara District Council receives the Advisory Panel's report on the Mangawhai Community Wastewater Scheme and thanks the Community Advisory Panel for their work.*

**Carried**

## 3 Confirmation of Minutes

### 3.1 Ordinary Council Meeting: 30 June 2015

**Governance Services Manager 1601.19**

A copy of the unconfirmed minutes was circulated.

**Moved Robertson / Winder**

*That the Minutes of the Ordinary Meeting of Kaipara District Council held 30 June 2015, as circulated, be confirmed as a true and correct record.*

**Carried**

### **3.2 Extraordinary Council Meeting: 23 June 2015, Memorial Park**

**Governance Services Manager 1601.19**

A copy of the unconfirmed minutes was circulated.

**Moved Winder / Booth**

*That the Minutes of the Extraordinary Meeting of Kaipara District Council held 23 June 2015 (Memorial Park), as circulated, be confirmed as a true and correct record.*

**Carried**

### **3.3 Extraordinary Council Meeting: 23 June 2015, Gambling Policies**

**Governance Services Manager 1601.19**

A copy of the unconfirmed minutes was circulated.

**Moved Robertson / Winder**

*That the Minutes of the Extraordinary Meeting of Kaipara District Council 23 June 2015 (Gambling Policies), as circulated, be confirmed as a true and correct record.*

**Carried**

## **4 Policy**

### **4.1 Northern Wairoa Memorial Park Reserve Management Plan: Adoption**

**Policy Analyst 4702.16**

The Policy Analyst's report 'Northern Wairoa Memorial Park Reserve Management Plan: Adoption' dated 13 July 2015 was circulated.

**Discussion points:**

- The historical notes included in the Plan were felt to be useful and informative;
- That the Council thanks staff for getting the Plan to this point – that provides a current and appropriate framework for where to go from here.

**Moved Booth / Winder**

*That Kaipara District Council:*

- 1 *Receives the Policy Analyst's report titled 'Northern Wairoa Memorial Park Reserve Management Plan: Adoption' dated 13 July 2015; and*

- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives the Housing New Zealand late submission to the Draft Northern Wairoa Memorial Park Reserve Management Plan; and*
- 4 *Accepts the suggested changes to the Draft Northern Wairoa Memorial Park Reserve Management Plan to address the comments of submitters; and*
- 5 *Adopts the Northern Wairoa Memorial Park Reserve Management Plan.*

**Carried**

#### **4.2 Community Assistance Policy – Proposed Amendments**

**Policy Planner 2109.01.01**

The Policy Planner's report 'Community Assistance Policy – Proposed Amendments' dated 14 July 2015 was circulated.

**Discussion points:**

- The amendments to the Local Government Act mean there was no longer an opportunity to consult on applications as per the existing Policy;
- The feedback from submitters was that the length of time between applications and decisions was too long so this has been shortened.

**Moved Winder / Robertson**

*That Kaipara District Council:*

- 1 *Receives the Policy Planner's report 'Community Assistance Policy – Proposed Amendments' dated 14 July 2015; and*
- 2 *Believes it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the amended Community Assistance Policy 2015, circulated with the above-mentioned report.*

**Carried**

## 5 Operational

### 5.1 Audit and Risk Committee Meeting: 16 February 2015

Governance Services Manager 1610.03

A copy of the confirmed minutes was circulated.

**Moved Booth / Winder**

*That the Minutes of the Meeting of the Audit and Risk Committee held on 16 February 2015, as circulated, be received.*

**Carried**

### 5.2 Licence to Occupy Application – Komiti Road Reserve, Tinopai

Policy Analyst 2109.01.04

The Policy Analyst's report 'Licence to Occupy Application – Komiti Road Reserve, Tinopai' dated 13 July 2015 was circulated.

#### **Discussion points:**

- Because the land was gifted to Council, Department of Internal Affairs (DIA) had to be consulted about whether the reserve purpose could be changed. DIA advised that the process was not necessary so legal advice is that as it remains in community use the change can proceed;
- That the draft Development Agreement does not require Contract Works Insurance (CWI) and whether it should be included. CWI was primarily for the benefit of the community group to provide cover during the construction period;
- That the community is in consensus about the location of the building.

**Moved Robertson / Winder**

*That Kaipara District Council:*

- 1 *Receives the Policy Analyst's report 'Licence to Occupy Application – Komiti Road Reserve, Tinopai' dated 13 July 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the terms and conditions as outlined in the above-mentioned report for a Licence to Occupy Agreement with the Tinopai Volunteer Emergency Services Inc. (the Applicant); and*

- 4 *Delegates the Kaipara District Council Acting Chief Executive to finalise and sign the Licence to Occupy Agreement and associated Development Agreement, with the Tinopai Volunteer Emergency Services Inc.*

**Carried**

**5.3 Development Contributions Postponement: Moir Point Park Developments Ltd, Parkview Waters RM140146**

**Principal Planner 3837.0/RMtyp/RM140146**

The Principal Planner's report 'Development Contributions Postponement: Moir Point Park Developments Ltd, Parkview Waters RM140146' dated 08 July 2015 was circulated.

**Discussion points:**

- The Development Contributions Policy allows development contributions to be postponed;
- Interest is charged on deferred development contributions and is charged from the time the Statutory Land Charge is put on the title;
- Treasury advice is that there is one interest rate charged across all Council interest bearing activities and that this is based on a 30 year average. The interest rate is not reviewed unless Council receives specific treasury advice;
- Infrastructure costs are already being incurred as a result of this and other developments in the area.

**Moved Winder / Booth**

*That the Kaipara District Council:*

- 1 *Receives the Principal Planner's report 'Development Contributions Postponement: Moir Point Park Developments Ltd, Parkview Waters RM140146' dated 08 July 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Believes, in accordance with section 80 of the Local Government Act 2002, that the decision to approve this postponement of development contributions constitutes a decision that is consistent with its Policy on Development Contributions 2012; and*
- 4 *Agrees to postpone the payment of development contributions by means of Statutory Land Charges on developed but unsold sections of RM140146, payable upon the sale of titles on a lot-by-lot, pro rata basis, or on the issue of a Building Consent, whichever occurs first on terms and conditions to be determined by the Acting Chief Executive.*

**Carried**



#### 5.4 Stopping of Unformed Te Opi Road Whakapirau

Roading Manager 4102.17

The Roding Manager's report 'Stopping of Unformed Te Opi Road Whakapirau' dated 01 July 2015 was circulated.

**Moved Booth / Winder**

*That the Kaipara District Council:*

- 1 *Receives the Roding Manager's report 'Stopping of Unformed Te Opi Road Whakapirau' dated 01 July 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees in principle to the stopping of the section shown on the map attached to the above-mentioned report, of unformed Te Opi Road in Whakapirau under section 116 of the Public Works Act subject to reaching prior agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement, and that the purchaser meets all costs associated with the transaction.*

**Carried**

#### 5.5 Capital Budget Carryovers 2014/2015

General Manager Infrastructure 4100.0

The General Manager Infrastructure's report 'Capital Budget Carryovers 2014/2015' dated 08 July 2015 was circulated.

**Discussion points:**

- This decision will not add any extra burden to Council's financial position.

**Moved Winder/ Robertson**

*That Kaipara District Council:*

- 1 *Receives the General Manager Infrastructure's report titled 'Capital Budget Carryovers 2014/2015' dated 08 July 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the carryover of the following capital works budgets from the 2014/2015 financial year to the 2015/2016 financial year:*

<b>Project</b>	<b>Budget Carryover</b>
<i>Water Supply - Ruawai SCADA</i>	\$35,000.00
<i>Wastewater – Estuary Drive, Mangawhai Reticulation Extension</i>	\$149,319.27
<i>Dargaville Pipe Renewal, Murdoch Street</i>	\$10,000.00

**Carried**

**5.6 Response to Office of the Auditor-General Conclusions on Kaipara District Council Performance and Alan Bickers Report : Final Report**

**Executive Officer 2110.36.02**

The Executive Officer's report 'Response to Office of the Auditor-General Conclusions on Kaipara District Council Performance and Alan Bickers Report : Final Report' dated 06 July 2015 was circulated.

**Discussion points:**

- A Council legal counsel has been appointed and now reviews such matters as rating resolutions, bylaws, corporate planning, statutory policies, statutory consultation matters; Council would like reporting on the progress on outstanding Resource Consent appeals;
- Shared services on building consents is no longer being considered by the Northland councils. Each is taking its own approach.

**Moved Robertson / Winder**

*That the Kaipara District Council receives the Executive Officer's report 'Response to Office of the Auditor General Conclusions on Kaipara District Council Performance and Alan Bickers Report : Final Report' dated 06 July 2015 and the information contained therein.*

**Carried**

**5.7 Digital Infrastructure – Northland Registration of Interest – Support: Receipt**

**Governance Services Manager 2111.18**

The Governance Services Manager's report 'Digital Infrastructure – Northland Registration of Interest – Support: Receipt' dated 09 July 2015 was circulated.

**Discussion points:**

- Progress on the Digital Enablement Plan (phase two of the project) is regularly reported to the Northland CE's Forum;
- This Digital ROI document represents a good example of Northland councils working together for the benefit of Northland.

**Moved Robertson / Booth**

*That the Kaipara District Council:*

- 1 *Receives the Governance Services Manager's report 'Digital Infrastructure – Northland Registration of Interest – Support: Receipt' dated 09 July 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Receives Northland Inc's document 'Digital Infrastructure – Northland Registration of Interest – Support' as attached to the above-mentioned report.*

**Carried**

## **5.8 Water Services Capital Works Programme: Budget Re-allocation**

**Water Services Manager 4801.0**

The Water Services Manager report 'Water Services Capital Works Programme: Budget Re-allocation' dated 20 July 2015 was circulated.

### **Discussion points:**

- The Gordon Street and Ranfurly Street projects are priorities and neither project can proceed without reallocation of budget;
- These two projects are ready to go to market now and have high ongoing costs associated with deferring the projects further;
- The increased costs of these project is due to the scope of works being increased to make the connections compliant with better practise and to lower subsequent maintenance costs.

**Moved Booth / Winder**

*That the Kaipara District Council:*

- 1 *Receives the Water Services Manager's report "Water Services Capital Works Programme: Budget Re-allocation" dated 20 July 2015; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the reprioritisation of the Water Services Capital Works Programme and reallocates the budgets to allow completion of the Gordon Street and Ranfurly Street Pipe Renewals projects in Dargaville.*

**Carried**

## **6 Performance Reporting**

### **6.1 Chair's Report to the Minister July 2015**

**Chair of the Commissioners 1909.01**

A copy of the Chair of the Commissioner's Report to the Minister for Quarter ended 30 June 2015 was circulated.

**Moved Robertson / Winder**

*That the Kaipara District Council receives the Chair of the Commissioner's Report to the Minister for Quarter ended 30 June 2015, as circulated.*

**Carried**

### **6.2 Chief Executive's Report July 2015**

**Chief Executive: 2002.02.14**

A copy of the Chief Executive's Report for July 2015 was circulated.

#### **Discussion points:**

- A decision by management has been made to optimise Council's core IT system, NCS;
- Changes to the accounting system will enable budget managers to better manage and report on their budgets;
- Work to improve LIMs is based on feedback from real estate agents;
- Regional collaboration has stepped up. Council is working collaboratively with other councils in Northland on one plan for Northland.
- Resource and building consents continue to be high and to be processed within the timeframe;
- District Plan Fire Rule has been appealed by the national Fire Service which has led to a further delay. This is continuing a higher level of resource consents as people apply to hold reduced levels of water;
- Council monitors traffic flow and dust levels with regards to quarries. The Regional Council monitors stormwater and groundwater. Health and safety is monitored by Worksafe.

**Moved Robertson / Winder**

*That the Kaipara District Council receives the Chief Executive's Report for July 2015, as circulated.*

**Carried**

**7 Public Excluded Council Minute Items: 28 July 2015**

The meeting went into Public Excluded session at 11.44am

Moved Robertson / Winder

That the public be excluded from the following part of the proceedings of this meeting namely:

- Ordinary Meeting of Council Public Excluded Minutes 30 June 2015
- Extraordinary Meeting of Council Public Excluded Minutes 08 June 2015
- Audit and Risk Committee Confirmed Minutes 16 February 2015 – Receipt of Public Excluded items
- Chief Executive Performance Review Committee 28 April 2015
- Reserve Status Revocation of Council owned Land – Lot 67 DP 81939 and Lot 12 DP 111969

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:

<b>General Subject of Each Matter to be considered:</b>	<b>Reason for Passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
<p>Ordinary Meeting of Council Public Excluded Minutes 30 June 2015</p>	<p>Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>
<p>Extraordinary Meeting of Council Public Excluded Minutes 08 June 2015</p>	<p>Section 6 – Conclusive reasons for withholding official information</p> <p>Good reason for withholding official information exists, for the purpose of section 5, if the making available of that information would be likely–</p> <p>(a) To prejudice the maintenance of law, including the prevention,</p>	<p>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</p>

<b>General Subject of Each Matter to be considered:</b>	<b>Reason for Passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
	<p><i>investigation and detection of offences, and the right to a fair trial; or</i></p> <p><i>(b) To endanger the safety of any person</i></p> <p><i>Section 7(d) avoid prejudice to measures protecting the health of safety of members of the public</i></p> <p><i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of</i></p>	
<p><i>Audit and Risk Committee Confirmed Minutes 16 February 2015 – Receipt of Public Excluded items</i></p>	<p><i>Section 7(2)(g) maintain legal professional privilege</i></p> <p><i>Section 7(2)(i) enable any authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).</i></p>	<p><i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i></p>
<p><i>Chief Executive Performance Review Committee – 28 April 2015</i></p>	<p><i>Section 7(2)(a) Protect the privacy of natural person, including that of deceased natural persons</i></p> <p><i>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</i></p> <p><i>Section 7(2)(i) Enable any local authority holding the</i></p>	<p><i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i></p>

<b>General Subject of Each Matter to be considered:</b>	<b>Reason for Passing this Resolution</b>	<b>Ground(s) under Section 48(1) for the passing this resolution:</b>
	<i>information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</i>	
<i>Reserve Status                      Revocation of Council owned Land – Lot 67                      DP 81939 and Lot 12                      DP 111969</i>	<i>S7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including Commercial and Industrial negotiations).</i>	<i>Section 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

Carried

CONFIRMED

## **8 Open Council Meeting: Minutes 28 July 2015**

The meeting moved back into Open Session at 11.52am

Commissioner Booth re-entered the meeting at 11.52am

**Moved Winder / Robertson**

*That the public be re-admitted to the meeting and resolutions made whilst in Public Excluded, be confirmed in the Open Meeting.*

**Carried**

### **8.1 Ordinary Council Meeting Public Excluded Items : 30 June 2015**

Governance Services Manager 1601.19

**Moved Booth / Robertson**

*That the Public Excluded Minutes of the Ordinary Meeting of Council held 30 June 2015, as circulated, be confirmed as a true and correct record.*

**Carried**

### **8.2 Extraordinary Council Meeting Public Excluded Items : 08 June 2015**

Governance Services Manager 1601.19

**Moved Robertson / Booth**

*That the Public Excluded Minutes of the Extraordinary Meeting of Council 08 June 2015, as circulated, be confirmed as a true and correct record.*

**Carried**

### **8.3 Audit and Risk Committee Meeting Public Excluded Items: 16 February 2015**

Governance Support Officer 1601.19

**Moved Booth / Winder**

*That the Public Excluded Minutes of the Meeting of Audit and Risk Committee 16 February 2015, as circulated, be confirmed as a true and correct record.*

**Carried**



**8.4 Chief Executive Performance Review Committee Meeting Public Excluded Items : 28 April 2015 Minutes**

**Governance Services Manager 1205.0**

**Moved Robertson / Booth**

*That the Public Excluded Minutes of the meeting of Chief Executive Performance Review Committee 28 April 2015, as circulated, be confirmed as a true and correct record.*

**Carried**

**8.5 Reserve Status Revocation of Council owned Land – Lot 67 DP 81939 and Lot 12 DP 111969**

**Property Officer 5105.15**

**Moved Winder / Robertson**

*That Kaipara District Council:*

- 1 *Receives the Property Officer's report 'Reserve Status Revocation of Council owned Land – Lot 67 DP 81939 and Lot 12 DP 111969' dated 15 July 2015, and*
- 2 *Believes it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Proceeds with revocation once a Heads of Agreement is signed by both parties including that Delta Produce Co op Ltd covers the costs of all professional fees associated with the process, and that Delta Produce Co op Ltd commits to a fencing and landscape plan to be approved by Council's Acting Chief Executive; and*
- 4 *Believes that as required under s24 1(b) of the Reserves Act 1977, the reason for revocation is that the retention of the status is no longer required, as the purpose of the reserve status can be achieved through an Agreement with Delta Produce Co op Ltd, and the revocation will help enable Delta Produce Co op Ltd to enhance economic activity in the District; and*
- 5 *Delegates signing of the Heads of Agreement to the Chair of Commissioners and the Acting Chief Executive; and*
- 6 *Publicly notifies its intention to revoke the reserve status for the Lot 67 DP 81939 and Lot 12 DP 111969 and requests that the Acting Chief Executive arranges for advertising as required under s119 of the Reserves Act 1977; and*

- 7 *Delegates responsibility to the Chair of Commissioners and Acting Chief Executive to determine whether or not to seek the Minister of Conservation’s consent to proceed with Revocation after consideration of any feedback received as a result of the public notification process.*

**Carried**

**[Secretarial Note:** Commissioner Booth was not present during the discussion or decision with regards to this item – “Reserve Status Revocation of Council owned Land – Lot 67 DP 81939 and Lot 12 DP 111969”]

**9 Closure**

The meeting closed at 11.55am

**Confirmed** .....

**Chair** .....

Confirmed