

Ordinary meeting of

Kaipara District Council

Minutes

Meeting	Ordinary meeting of Kaipara District Council
Date	Tuesday 29 September 2015
Venue	Conference Room, Northern Wairoa War Memorial Hall (Dargaville Town Hall), Hokianga Road, Dargaville
Time	Meeting commenced at 10.05 am Meeting concluded at 11.14am
Status	Confirmed

Membership

Chair: Commissioner John Robertson

Members: Commissioner Richard Booth

Commissioner Peter Winder

Seán Mahoney
Governance Services Manager

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Ordinary Meeting Of Kaipara District Council, Tuesday 29 September 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
Fran Mikilicic	General Manager Regulatory and District Planning	All
Curt Martin	General Manager Infrastructure	All
Peter Marshall	Human Resources Manager	All
Helen Slater	Communications Manager	All
Paul Cresswell	Financial and Corporate Planning Manager	All
John Burt	Property and Commercial Advisor	All
Sean Mahoney	Governance Services Manager	All
Christine Johnson	Administration Support	All (Minute taker)
Rick Groufsky	Financial Services Manager	1-4.4
Darlene Lang	Community Facilitator	1-6.3
Venessa Anich	Community Planning Manager	1-6.3

1.2 Apologies

Nil

1.3 Confirmation of Agenda

The Committee confirmed the Agenda with the addition of two Late reports tabled as items:

4.9 Kaipara Territorial Authority Annual Report to the Alcohol Regulatory and Licensing Authority for the period ending 30 June 2015

4.10 Annual Report under the Sale and Supply of Alcohol (fees) Regulations 2013 for the period ending 30 June 2015

1.4 Conflict of Interest Declaration

Commissioner Richard Booth	Item 6.6 "Reserve Status Revocation of Council-owned Land, Lot 67 DP 81938, Correction of Legal Description"
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2 Deputations and presentations

Nil

3 Confirmation of minutes

3.1 Ordinary Council meeting: 18 August 2015

Governance Services Manager 1601.20

Moved Robertson / Winder

That the Minutes of the Ordinary meeting of Kaipara District Council on 18 August 2015, as circulated, be confirmed as a true and correct record.

Carried

4 Operational

4.1 Taharoa Domain Governance Committee: Receipt of Minutes 10 August 2015 Meeting

Governance Services Manager 1606.15/Aug

Moved Winder / Robertson

That the Kaipara District Council receives the Taharoa Domain Governance Committee minutes of 10 August 2015, as circulated.

Carried

4.2 Annual Report 2014/2015: Adoption

Acting Chief Executive 2303.21

Moved Booth / Winder

That the Kaipara District Council:

- 1 *Receives the Acting Chief Executive's report 'Annual Report 2014/2015 Adoption' dated 09 September 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 provisions of Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of the costs and benefits of different options prior to making a decision on this matter; and*
- 3 *Adopts the Annual Report for the year ending 30 June 2015; and*
- 4 *Notes that the Summary Annual Report will be finalised and released to the public once it is available.*

Carried

4.3 Unformed Road - Oneriri Road, Kaiwaka

Roading Manager 4102.20

Moved Robertson / Booth

That Kaipara District Council:

- 1 *Receives the Roding Manager's report titled 'Unformed Road – Oneriri Road' dated 11 September 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 formation of the access off Oneriri Road by P and T Worsfold and notes that the formation of the road is to Council's Engineering Standards 2011 and generally in accordance with the scheme plan (Attachment 1 of the above-mentioned report).*

Carried

4.4 Unformed Road - Carters Road West, Mangawhai

Roading Manager 4102.20

Moved Winder / Booth

That Kaipara District Council:

- 1 *Receives the Roding Manager's report titled 'Unformed Road - Carters Road West, Mangawhai' dated 17 September 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 formation of the access off Carters Road West, Mangawhai by AJ Robinson, CJ Langman and A Moore and notes that the formation of the road is to Council's Engineering Standards 2011 and generally in accordance with the scheme plan (Attachment 1 of the above-mentioned report).*

Carried

4.5 Unformed Road – Church Road, Matakoho

Roading Manager 4102.20

Discussion points:

- The Chair advised that he had received a request from a neighbouring property that the item be delayed while consultation takes place.

Moved Winder / Booth

That Kaipara District Council:

- 1 *Receives the Roding Manager's report titled 'Unformed Road – Church Road, Matakoho' dated 17 September 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 *Delegates to the Acting Chief Executive the decision in regard to the formation of the access off Church Road by Harper Michell Investments and that the formation of the road is to Council's Engineering Standards 2011 and generally in accordance with the scheme plan attached to the above-mentioned report, once discussions with neighbours have been held.*

Carried**4.6 Sale of Surplus Property - 211 Thelma Road North, Mangawhai**

Property and Commercial Advisor 5105.12

Moved Winder / Robertson

That Kaipara District Council:

- 1 *Receives the Property and Commercial Advisor's report titled 'Sale Of Surplus Property - 211 Thelma Road North, Mangawhai' dated 28 August 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 s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *In accordance with its Property Disposal and Acquisition Policy, the land described is surplus to Council requirements and can be sold; and*
- 4 *In accordance with s40(2)(a) of the Public works Act 1981 the 1,188m² of land at 211 Thelma Road North, Mangawhai, be offered back to the previous owners; and*
- 5 *Agrees the price for the purposes of s40(2)(a) be determined by a registered valuer appointed by Council; and*
- 6 *Notes that if the previous owners decline the offer back, the section is then offered for public sale; and*

- 7 *Delegates to the Acting Chief Executive and the Chair of Commissioners responsibility for accepting or declining any offer that is made for this property; and*
- 8 *Delegates to the Acting Chief Executive responsibility for negotiations of final terms and conditions of any Sale and Purchase Agreement.*

Carried

4.7 Sale of Surplus Property - 264 Molesworth Drive, Mangawhai

Property and Commercial Advisor 5105.12

Moved Booth / Robertson

That Kaipara District Council:

- 1 *Receives the Property and Commercial Advisor's report titled 'Sale Of Surplus Property - 264 Molesworth Drive, Mangawhai' dated 10 September 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 *Determines that in accordance with its Property Disposal and acquisition policy that the land described as Lot 1 DP 135365 contained in Certificate of Title 79D/564 is surplus to requirements and can be sold; and*
- 4 *Offers the section for sale at its current market value by public notice and has it listed with local agents generally; and*
- 5 *Delegates to the Chair of Commissioners and Acting Chief Executive responsibility for accepting or declining any offer that is made for this property; and*
- 6 *Delegates to the Acting Chief Executive responsibility for negotiations of final terms and conditions of any Sale and Purchase Agreement*

Carried

4.8 Kauri Coast Recreation Society – Development Agreement for Licence to Occupy

Parks and Community Manager 4702.16

Moved Robertson / Winder

That Kaipara District Council:

- 1 *Receives the Parks and Community Manager's report 'Kauri Coast Recreation Society - Development Agreement for Licence to Occupy' dated 17 September 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 section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Amends Schedule 1 of the Development Agreement for License to Occupy with the Kauri Coast Recreation Society to add under the Conditions a requirement that sufficient funding is to be in place by 31 March 2016 to complete the project, otherwise the Agreement lapses; and*
- 4 *Approves the terms and conditions as outlined in the above-mentioned report for a Development Agreement for Licence to Occupy with the Kauri Coast Recreation Society; and*
- 5 *Delegates to the Kaipara District Council's Acting Chief Executive authority to finalise and sign the Licence to Occupy Agreement on the practical completion of the development.*

Carried

4.9 Kaipara Territorial Authority Annual Report to the Alcohol Regulatory and Licensing Authority for the period ending 30 June 2015

General Manager Planning and Regulatory 3706.02

The General Manager Planning and Regulatory report 'Kaipara Territorial Authority Annual Report to the Alcohol Regulatory and Licensing Authority for the period ending 30 June 2015', and its attachments, dated 21 September 2015 was tabled.

Discussion points:

- Noted that Funky Fish may no longer be operating.

Moved Robertson / Booth

That Kaipara District Council:

- 1 *Receives the General Manager Planning and Regulatory's report 'Kaipara Territorial Authority Annual Report to the Alcohol Regulatory and Licensing Authority for the period ending 30 June 2015' dated 21 September 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 s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates to Commissioner Winder the authority to adopt and forward the Annual Report of the Kaipara Territorial Authority, covering the period 01 July 2014 to 30 June 2015, to the Alcohol Regulatory and Licensing Authority in terms of s199 of the Sale and Supply Act 2012.*

Carried

4.10 Annual Report under the Sale and Supply of Alcohol (fees) Regulations 2013 for the period ending 30 June 2015

General Manager Planning and Regulatory 3706.02

The General Manager Planning and Regulatory's report 'Annual Report under Sale and Supply of Alcohol (Fees) Regulations 2013 for the period ending 30 June 2015', and its attachments, dated 21 September 2015 was tabled.

Moved Robertson / Booth

That Kaipara District Council:

- 1 *Receives the General Manager Planning and Regulatory's report 'Annual Report under the Sale and Supply of Alcohol (fees) Regulations 2013 for the period ending 30 June 2015' dated 21 September 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 s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Delegates to Commissioner Winder the authority to adopt the Annual Report and make it publically available to meet the requirements of s19 of the Sale and Supply of Alcohol (Fees) Regulatory 2013.*

Carried

5 Performance reporting

5.1 Chief Executive's Report September 2015

Chief Executive: 2002.02.14

Discussions points:

- New sections included in the report;
- On track for the Mangawhai Community Wastewater Scheme;
- Commissioner Winder thanked the Finance Manager for her efforts while the Acting Chief Executive was on leave.

Moved Robertson / Booth

That Kaipara District Council receives the Chief Executive's Report for September 2015.

Carried

6 Public Excluded Council Items: Minutes 29 September 2015

The meeting went into Public Excluded session at 10.48am

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 18 August 2015
- Community Housing – Proposed Contract for Service
- Mangawhai Bowls Club – Grant of new lease
- Dargaville Watermain Renewals CON771: Tender recommendation
- Reserve Status Revocation of Council-owned Land, Lot 67 DP 81938, correction of legal description

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:

General subject of each matter to be considered:	Reason for passing this resolution	Ground(s) under Section 48(1) for the passing this resolution:
Ordinary meeting of Council Public Excluded minutes 18 August 2015	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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.
Community Housing – Proposed Contract for Service	Section 7(2)(i) enables any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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>Mangawhai Bowls Club – Grant of new lease</i>	<i>Section 7(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>
<i>Dargaville Watermain Renewals CON739 and CON770: Tender Recommendations</i>	<i>Section 7(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>
<i>Dargaville Watermain Renewals CON771: Tender Recommendation</i>	<i>Section 7(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>
<i>Reserve Status Revocation of Council-owned Land, Lot 67 DP 81938, Correction of Legal Description</i>	<i>Section 7(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>

Commissioner Richard Booth re-entered the meeting at 11.13am.

7 Open meeting Council minutes: 29 September 2015

The meeting came out of Public Excluded session at 11.13am

Moved Winder / Robertson

That the public be re-admitted to the meeting and resolutions 6.1, 6.6 made whilst in Public Excluded, be confirmed in the Open Meeting, resolutions relating to items 6.2, 6.3, 6.4 and 6.5 be released on completion of the contracts.

Carried

7.1 Ordinary Council Meeting Public Excluded minutes: 18 August 2015 (item 6.1 of Agenda)

Governance Services Manager 1601.20

Moved Robertson / Booth

That the Public Excluded minutes of the Ordinary meeting of Council 18 August 2015, as circulated, be confirmed as a true and correct record.

Carried

7.2 Reserve Status Revocation of Council-owned Land, Lot 67 DP 81938, Correction of Legal Description (Item 6.6 of Agenda)

Property Officer 5105.15/DP

Moved Winder / Robertson

That Kaipara District Council:

- 1 *Receives the Property Officer's report 'Reserve Status Revocation of Council-owned Land, Lot 67 DP 81938, Correction of Legal Description' dated 21 September 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 *Rescinds part of the resolution of 28 July 2015 which read "Publicly notifies its intention to revoke the reserve status for Lot 67 DP 81939 and requests that the Acting Chief Executive arranges for advertising as required under s119 of the Reserves Act 1977; and*
- 4 *Publicly notifies its intention to revoke the reserve status for the Lot 67 DP 81938 and requests that the Acting Chief Executive arranges for advertising as required under s119 of the Reserves Act 1977.*

Carried

Closure

The meeting closed at 11.14am

Confirmed 27 October 2015

Chair John Robertson (Commissioner)

Confirmed