

RODNEY DISTRICT COUNCIL

MINUTES: of a meeting of the Rodney District Council which commenced at 9.07 a.m. in the Council Chamber, Centreway Road, Orewa on Thursday, 19 August 2010.

PRESENT: Penny Webster - Mayor (Chairperson)
 Crs Ross Craig
 Pat Delich
 Michael Goudie
 Gaye Harding (until 11.30 a.m.)
 John Kirikiri (absent 11.08 – 11.28 a.m.)
 Dave Parker QSM
 Grahame Powell
 Zane Taylor
 June Turner
 Grev Walker
 Wayne Walker
 Suzanne Weld

IN ATTENDANCE: Chief Executive (Rodger Kerr-Newell)
 Assistant Chief Executive (Warren Maclennan)
 Executive Manager (Paul Garbett)
 Democracy Services Manager (Ellen Barrett)

9.07 a.m. Group Manager: Financial Services (Warren Stevens), Business Analyst (Dan Auber), Communications Advisor (Allanah Jarman) and Consultant (Rob Bates) in attendance.

485/08/10 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

486/08/10 CONFIRMATION OF MINUTES

AGENDA ITEM NO. 2

Powell/Kirikiri

	Page Number
(a) <u>District Plan and Regulatory Committee – 7 July 2010</u>	
That the minutes of a meeting of the District Plan and Regulatory Committee held on 7 July 2010, as circulated, be received and adopted.	021445–021455 (White)
(b) <u>Council – 8 July 2010</u>	
That the minutes of a meeting of the Council held on 8 July 2010, as circulated, be received and confirmed.	021456–21463 (Blue)

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- (c) **Audit Committee – 6 July 2010**
- That the minutes of a meeting of the Audit Committee held on 6 July 2010, as circulated, be received and adopted. 021464–21477
(Green)
- (d) **District Plan and Regulatory Committee – 21 July 2010**
- That the minutes of a meeting of the District Plan and Regulatory Committee held on 21 July 2010, as circulated, be received and adopted. 021478–021485
(White)
- (e) **Infrastructure and Environment Committee – 22 July 2010**
- That the minutes of a meeting of the Infrastructure and Environment Committee held on 22 July 2010, as circulated, be received and adopted. 021486–021496
(Pink)
- (f) **District Plan and Regulatory Committee – 4 August 2010**
- That the minutes of a meeting of the District Plan and Regulatory Committee held on 4 August 2010, as circulated, be received and adopted. 021497–021500
(White)
- (g) **Resource Consents Hearings Panel – 16 April 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 16 April 2010, as circulated, be received and adopted. 021501–021536
(White)
- (h) **Strategy and Community Committee – 5 August 2010**
- That the minutes of a meeting of the Strategy and Community Committee held on 5 August 2010, as circulated, be received and adopted. 021537–021547
(Buff)
- (i) **Resource Consents Hearings Panel – 23 July 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 23 July 2010, as circulated, be received and adopted. 021548–021554
(White)
- (j) **Resource Consents Hearings Panel – 28 June 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 28 June 2010, as circulated, be received and adopted. 021555–021590
(White)
- (k) **Resource Consents Hearings Panel – 26 July 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 26 July 2010, as circulated, be received and adopted. 021591–021609
(White)
- (l) **Resource Consents Hearings Panel – 2 July 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 2 July 2010, as circulated, be received and adopted. 021610–021625
(White)

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(m) Strategy and Community Committee – 28, 29 July and 2 August 2010

That the minutes of a meeting of the Strategy and Community Committee held on 28, 29 July and 2 August 2010, as circulated, be received and adopted. **021626–21647 (Buff)**

Carried

9.13 a.m. Debt Collection Officer (Liz Evans) in attendance.

9.18 a.m. Manager: Finance (Morna Macfarlane) in attendance.

9.20 a.m. Manager: Revenue (David Low) in attendance.

487/08/10 UPDATE ON DEVELOPMENT CONTRIBUTIONS WORKING PARTY**FILE REF** DG/23/1**AGENDA ITEM NO.** 3

Note: Lloyd Barker, General Manager of Cabra Developments Ltd and a member of the Development Contributions Working Party, was present for this item.

Consultant (Rob Bates) and Business Analyst (Dan Auber) provided a summary of the agenda item using a PowerPoint presentation (copy on File: DG/23/1), before responding to questions from councillors relating to:

- Consistency between Rodney District Council's policy and those of the seven other councils in the Auckland region, together with any policy considered by the new Auckland Council;
- Penlink, the reduction in the cost of and funding for the project;
- Confirmation that unresolved matters relating to the Development Contributions Policy would go forward to the new Auckland Council;
- Clarification that adoption of proposed Option 3 would not disqualify Options 4 and 5 being applied in certain situations in the future;
- The requirement for the new Auckland Council to include reference to development contributions in its Long Term Council Community Plan in 2012; and
- Industry and councillor representation on the working party, the process followed, the number of meetings held and agreement in the process between those involved.

Craig/Taylor

- (a) That the report on the progress of the Developer Working Party on development contributions be received.**
- (b) That the Council agree that neither the matter of the appropriate approach to assessing retirement villages for development contributions, nor the decision recommended in respect of this matter, are significant, having regard to the Council's significance policy.**
- (c) That the Council agree that its approach to compliance with sections 77 and 78 of the Local Government Act as set out in this report is appropriate, having regard to the low significance of these matters.**
- (d) That the Council resolve to reduce the maximum development contributions for retirement villages as set out within the Development Contributions Policy.**
- (e) That this reduction be calculated as the difference between the unit of demand factors contained within the policy and the reduced unit of demand factors shown below:**

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Retirement unit type	Activity	Unit of demand factor
All units except aged care units	Transport	0.3
	Water	0.5
	Wastewater	0.5
	Stormwater	0.5
	Libraries	0.5
	Parks and coastal	0.5
	Halls and community centres	0.5
	Offices and service centres	0.5
	Leisure centre	0.5
Aged care room	Transport	0.2
	Water	0.4
	Wastewater	0.4
	Stormwater	0.4
	Libraries	0.4
	Parks and coastal	0.0
	Halls and community centres	0.0
	Offices and service centres	0.4
	Leisure centre	0.0

- (f) That the Council note that this approach is inconsistent with the assessment of units of demand for retirement units in Table 1 of the policy and agree that this inconsistency is not significant in terms of s80 of the Local Government Act.
- (g) That in relation to the assessment of retirement villages, the following definitions be used in the calculation of the reduced contributions:

Term	Definition
Retirement unit	Any residential unit other than an aged care room in a 'retirement village' as defined in Section 6 of the Retirement Villages Act 2003.
Aged care room	Any residential unit in a 'rest home' or 'hospital care institution' as defined in section 58(4) of the Health and Disability Service (Safety) Act 2001.

- (h) That the unit of demand factors above be applied to any application for the development of retirement units or aged care rooms being processed under this Development Contributions Policy from July 2009 and that, for the avoidance of doubt, this include any application already lodged at the date of this resolution.
- (i) That the Council note that in view of the status of discussion with the Developer Working Party on the issues of Double Dip and Penlink, officers are not in a position to make any recommendations at this time.
- (j) That the Council resolve to make no amendments to the Development Contributions Policy or assessment processes in respect of any other issue discussed within the Developer Working Party.

Carried

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488/08/10 DEBT WRITE OFF

FILE REF AB/9/1

AGENDA ITEM NO. 4

Delich/Kirikiri**That the following debts be written off:**

- (a) **Riverside Estate in the amount of \$26,026.23;**
- (b) **Mr Paul Thomas Mant in the amount of \$5,881.30.**

Carried

9.39 a.m. Business Analyst (Dan Auber), Debt Collection Officer (Liz Evans) and Consultant (Rob Bates) retired from the meeting.

489/08/10 QUARTERLY UPDATE (EXCEPTION) REPORT – TWELVE MONTHS TO 30 JUNE 2010

FILE REF AB/14/2

AGENDA ITEM NO. 6

Manager: Finance (Morna Macfarlane) summarised the findings of the Quarterly Report using a PowerPoint presentation (copy on File: AB/14/2), before she and the Group Manager: Financial Services (Warren Stevens) responded to questions from councillors relating to:

- Adjustments made as a result of the Penlink project not proceeding at the time anticipated;
- Forestry operations;
- Overspends being provided for by way of additional subsidies from the New Zealand Transport Agency or transference of funds from budgets not spent;
- Ownership of Rodney District Council's assets and liabilities after 1 November 2010;
- Staging of the remedial work required on the sewage pipeline on the Whangaparaoa Peninsula;
- The cost of vandalism in the community;
- Transport planning, particularly in the Northern Ward of Rodney District;
- The non-priced attributes tendering process; and
- Proceeds of properties sold through Rodney Properties Limited.

Delich/Harding**That the Quarterly Update Report for the twelve months to 30 June 2010 be received.****Carried****490/08/10 CARRY FORWARD OF BUDGETED EXPENDITURE FROM THE 2009/2010 FINANCIAL YEAR**

FILE REF AB/1/1

AGENDA ITEM NO. 5 and 5A

The Manager: Finance (Morna Macfarlane) advised that the carry forwards for projects expected to be completed before 31 October 2010 were shown separately in the schedule to those which would be completed subsequent to 1 November 2010, noting that the latter were identified by financial year and that details of the projects would be included in briefing papers being prepared for the new Auckland Council.

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Delich/Powell

That the carry forwards of \$19.5 million of projects for the 2009/2010 financial year, as per the schedule attached as Appendix 1 to the agenda report, be approved.

Carried

491/08/10 **2010/2011 RATES REMISSION SCHEDULE – ORGANISATIONS BENEFITTING THE DISTRICT**

FILE REF RB/9/1

AGENDA ITEM NO. 7

Note: Cr Wayne Walker did not participate in the discussion or the voting for this item, stating an affiliation with one of the properties identified in the schedule.

Delich/Turner

That the 2010/2011 Rates Remission Schedule, attached as Appendix 1 to the agenda report, be approved.

Carried

492/08/10 **2009/2010 RATE REMISSIONS**

FILE REF RB/9/1

AGENDA ITEM NO. 8

Goudie/Delich

That the information relating to the following remissions for the 2009/2010 rating year be received:

- (a) residential properties in commercial or industrial areas, totalling \$1,468.74;
- (b) large rate increases, totalling \$233,236.66;
- (c) water rates and wastewater charges for hardship resulting from a water leak, totalling \$76,783.03;
- (d) uninhabited islands, totalling \$2,683.63;
- (e) land voluntarily protected for natural, historical, or cultural conservation purposes, totalling \$13,678.53;
- (f) properties used as a single farming unit, totalling \$38,044.84; and
- (g) miscellaneous circumstances, totalling \$1029.86.

Carried

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**493/08/10 SIGNIFICANT CONTRACTS LET OVER THE PERIOD
19 JUNE – 2 AUGUST 2010****FILE REF** CE/1/1**AGENDA ITEM NO.** 9**Taylor/Powell****That the information be received.****Carried**

10.22 a.m. Manager: District Planning (Peter Vari) in attendance.

**494/08/10 HEARINGS PROCESS FOR DISTRICT PLAN CHANGES AND
VARIATIONS****FILE REF** TP/14/2; TP/14/12**AGENDA ITEM NO.** 10 and 10A**Kirikiri/Goudie**

That the Council appoint a hearing panel consisting of a minimum of two of the following six people: Crs Gaye Harding, Suzanne Weld and Grahame Powell, and Independent Commissioners Bill Smith, Alan Watson and Harry Bhana, to hear and make decisions on District Plan changes and proposed variations to the Proposed District Plan where, in the opinion of the Manager: District Planning this is the most effective way of ensuring that the hearing and decision making process will be completed by 31 October 2010.

Carried

10.35 a.m. Manager: Infrastructure Coordination (Kim Gordon) in attendance.

**495/08/10 APPOINTMENT OF INDEPENDENT COMMISSIONERS: RESOURCE
MANAGEMENT FUNCTIONS - CONSENTS****FILE REF** TP/1/6; CF/1/1**AGENDA ITEM NO.** 11*Note: This item was withdrawn from the agenda.***496/08/10 MAKING ADDITIONAL CHAPTERS OF RODNEY DISTRICT PLAN
OPERATIVE****FILE REF** TP/14/12**AGENDA ITEM NO.** 12

The Manager: District Planning (Peter Vari) tabled copies of Chapter 7 (7.1-7.13) and appendices; Chapter 12-Special 8 (Weiti Forest Par) Zone and appendices; and Chapter 12-Special 15 (Kaipara Flats Airfield) Zone and appendices.

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Powell/Kirikiri

- (a) That, in accordance with Clauses 16B and 17 of the First Schedule to the Resource Management Act 1991:
- (i) The Council approve the following parts of the Rodney District Plan 2000 – Operative in Part, being parts that have had all submissions and appeals relating to them disposed of:
- Chapter 7 Rural, with the exception of sections 7.14 Subdivision; 7.15 Subdivision: Restricted Discretionary Activities: Matters for Discretion and Assessment Criteria; 7.16 Discretionary Activities: Assessment Criteria for Subdivision and the exclusion on the Planning Maps of 180ha of land at Coatesville that is still the subject of appeal ENV-2007-AKL-000227 as set out in Appendix 1 to the agenda report.
- Chapter 12 Special Zones: Special 8 (Weiti Forest Park) Zone (Rule 12.8.8) and Special 15 (Kaipara Flats Airfield) Zone (Rule 12.8.15).
- (ii) Those parts of the Rodney District Plan 2000 – Operative in Part listed in (i) above and attached to the official copy of these minutes, be given effect to by affixing the seal of the Council to those parts, pursuant to Clause 17(3) of the First Schedule to the Resource Management Act 1991.
- (b) That those chapters listed in (a)(i) above become operative on 1 September 2010, in accordance with Clause 20 of the First Schedule to the Resource Management Act 1991, and that the required public notice be given accordingly.

Carried

10.26 a.m. Manager: District Planning (Peter Vari) retired from the meeting.

10.26 a.m. - 10.54 a.m. Morning tea adjournment.

10.54 a.m. Project Manager - Hibiscus Coast (James Copley) in attendance.

497/08/10 PUBLIC EXCLUDED
AGENDA ITEM NO. 13

Goudie/Powell

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

Minute No(s) 498/08/10, 499/08/10 and 500/08/10

The general subject of each matter to be considered while the public is excluded, the reason 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:

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General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
Possible Return of Gifts	The disclosure of information would not be in the public interest because of the greater need to protect the privacy of natural persons, including that of deceased natural persons (section 7(2)(a) Local Government Official Information and Meetings Act 1987).	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, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)
Appeal Withdrawal	Refer grounds	That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation in any proceedings before it where: (i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or (ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings. (section 48(1)(d) Local Government Official Information and Meetings Act 1987.)
Development Agreement	The disclosure of information would not be in the public interest because of the greater need to enable the council to carry out, without prejudice or disadvantage, commercial activities (section 7(2)(h) Local Government Official Information and Meetings Act 1987).	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, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)
	The disclosure of information would not be in the public interest because of the greater need to enable the council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (section 7(2)(i) Local Government Official Information and Meetings Act 1987).	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, under section 6 or section 7 (except section 7(2)(f)(i) of the Act). (section 48(1)(a) Local Government Official Information and Meetings Act 1987.)

Carried

The meeting closed at 11.42 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 30TH DAY OF SEPTEMBER 2010MAYOR

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19 August 2010

CONFIDENTIAL