

**RODNEY DISTRICT COUNCIL**

**MINUTES:** of a meeting of the Rodney District Council which commenced at 9.00 a.m. in the Council Chamber, Centreway Road, Orewa on Thursday, 4 March 2010.

**PRESENT:** Penny Webster - Mayor (Chairperson)  
Crs Ross Craig  
Pat Delich  
Michael Goudie  
John Kirikiri  
Dave Parker QSM  
Grahame Powell  
June Turner (until 11.30 a.m.)  
Grev Walker  
Wayne Walker (until 9.38 a.m.)

**IN ATTENDANCE:** Chief Executive (Rodger Kerr-Newell) (from 10.15 a.m.)  
Director: Customer Services (Lloyd Barton) (from 9.16 a.m.)  
Director: Corporate Services (Kevin Ramsay)  
Assistant Chief Executive (Warren MacLennan)  
Director: Infrastructure (Murray Noone)  
Executive Manager (Paul Garbett)  
Democracy Services Manager (Ellen Barrett)

\*\*\*\*\*

9.00 a.m. Manager: Finance (Morna Macfarlane), Manager: Revenue (David Low), Communications Advisors (Allanah Jarman and Mike Isle) in attendance.

*Note: Several members of the Orewa College Student Council were present at the meeting until 10.27 a.m.*

**092/03/10 APOLOGIES**

**AGENDA ITEM NO. 1**

**Goudie/Delich**

- (a) That the apologies from Crs Harding, Taylor and Weld for absence be received and sustained.
- (b) That the apologies from Cr W Walker for absence from the meeting from 9.38 a.m. be received and sustained.

**Carried**

4 March 2010

**093/03/10 REQUEST FOR CONSIDERATION OF URGENT ITEMS****AGENDA ITEM NO. 19****Kirikiri/Goudie**

That the Council's position with respect to the direct referral of a resource consent application by Progressive Enterprises to the Environment Court be considered as a matter of urgency at this meeting in order to meet the Court deadline of 12 March 2010.

**Carried****094/03/10 CONFIRMATION OF MINUTES****AGENDA ITEM NO. 2 and 2A****Kirikiri/Powell**

	<b>Page Number</b>
<b>(a) <u>Strategy and Community Committee – 1 and 9 December 2009</u></b>	
That the minutes of a meeting of the Strategy and Community Committee held on 1 and 9 December 2009, as circulated, be received and adopted.	020309-020323 (Buff)
<b>(b) <u>Strategy and Community Committee – 3 and 9 December 2009</u></b>	
That the minutes of a meeting of the Strategy and Community Committee held on 3 and 9 December 2009, as circulated, be received and adopted.	020324-020437 (Buff)
<b>(c) <u>District Plan and Regulatory Committee – 16 December 2009</u></b>	
That the minutes of a meeting of the District Plan and Regulatory Committee held on 16 December 2009, as circulated, be received and adopted.	020438-020446 (White)
<b>(d) <u>Resource Consents Hearings Panel – 22 June 2009</u></b>	
That the minutes of a meeting of the Resource Consents Hearings Panel held on 22 June 2009, as circulated, be received and adopted.	020447-020463 (White)
<b>(e) <u>Council – 17 December 2009</u></b>	
That the minutes of a meeting of the Council held on 17 December 2009, as circulated, be received and confirmed.	020464-020705 (Blue)
<b>(f) <u>Resource Consents Hearings Panel – 30 October 2009</u></b>	
That the minutes of a meeting of the Resource Consents Hearings Panel held on 30 October 2009, as circulated, be received and adopted.	020706-020730 (White)

4 March 2010

**(g) Resource Consents Hearings Panel – 23 November 2009**

That the minutes of a meeting of the Resource Consents Hearings Panel held on 23 November 2009, as circulated, be received and adopted. 020731-02759  
(White)

**(h) District Plan and Regulatory Committee – 3 February 2010**

That the minutes of a meeting of the District Plan and Regulatory Committee held on 3 February 2010, as circulated, be received and adopted. 020760-020764  
(White)

**(i) Extraordinary Council – 4 February 2010**

That the minutes of an Extraordinary Meeting of the Council held on 4 February 2010, as circulated, be received and confirmed. 020765-020767  
(Blue)

**(j) Infrastructure and Environment Committee – 4 February 2010**

That the minutes of a meeting of the Infrastructure and Environment Committee held on 4 February 2010, as circulated, be received and adopted. 020768-020772  
(Pink)

**(k) Audit Committee – 9 February 2010**

That the minutes of a meeting of the Audit Committee held on 9 February 2010, as circulated, be received and adopted. 020773-020777  
(Green)

**(l) Independent Commissioner Hearing (Resource Consents) – 7, 8, 9 and 15 December 2009**

That the minutes of an Independent Commissioner Hearing (Resource Consents) held on 7, 8, 9 and 15 December 2009, as circulated, be received and adopted. 020778-020842  
(White)

**(m) Independent Commissioner Hearing (Resource Consents) – 18 December 2009**

(i) That it be noted that the hearing adjourned at 2.35 p.m. (not 2.35 a.m.) (refer minute number 036/12/09). 020843-020866  
(White)

(ii) That with the amendment above noted, the minutes of an Independent Commissioner Hearing (Resource Consents) held on 18 December 2009, as circulated, be received and adopted.

4 March 2010

**(n) Extraordinary Council –10 February 2010**

That the minutes of an Extraordinary Council meeting held on 10 February 2010, as circulated, be received and confirmed. 020867-020878  
(Blue)

**(o) Strategy and Community Committee – 18 February 2010**

That the minutes of a meeting of the Strategy and Community Committee held on 18 February 2010, as circulated, be received and adopted. 020879-020886  
(Buff)

**(p) District Plan and Regulatory Committee – 17 February 2010**

That the minutes of a meeting of the District Plan and Regulatory Committee held on 17 February 2010, as circulated, be received and adopted. 020887 - 020896  
(White)

**(q) Resource Consents Hearings Panel – 5 February 2010**

That the minutes of a meeting of the Resource Consents Hearings Panel held on 5 February 2010, as circulated, be received and adopted. 020897-020910  
(White)

**(r) Extraordinary Council – 24 February 2010**

That the minutes of an Extraordinary Meeting of the Council held on 24 February 2010, as circulated, be received and confirmed. 020911-020912  
(Blue)

**(s) Resource Consents Hearings Panel – 12 February 2010**

That the minutes of a meeting of the Resource Consents Hearings Panel held on 12 February 2010, as circulated, be received and adopted. 020913-020922  
(White)

**Carried**

9.12 a.m. Strategic Partnering Manager (Beverly Fletcher) in attendance.

095/03/10                    **SIGNIFICANT CONTRACTS LET OVER THE PERIOD 1 DECEMBER 2009 – 12 FEBRUARY 2010**

FILE REF                    CE/1/1

AGENDA ITEM NO.        3

W Walker/Goudie

That the information be received.

**Carried**

4 March 2010

**096/03/10**                    **QUARTERLY UPDATE (EXCEPTION) REPORT – SIX MONTHS TO 31 DECEMBER 2009**

**FILE REF**                    AB/14/2

**AGENDA ITEM NO.**        4

**Powell/Craig**

**That the quarterly update report for the six months to 31 December 2009 be received.**

**Carried**

9.16 a.m.                    Director: Customer Service (Lloyd Barton) in attendance.

Manager: Finance (Morna Macfarlane) retired from the meeting.

**097/03/10**                    **APPLICATION FOR REMISSION OF RATES BY THE ARAPOHUE BUSH CAMP TRUST**

**FILE REF**                    RB/1/1; RB/9/1

**AGENDA ITEM NO.**        5

**Turner/Kirikiri**

(a)    **That the Council approve a 50% remission of the 2009/2010 rates of \$1675.54, being \$837.77, for the Arapohue Bush Camp Trust property situated at 1088 State Highway 1, Pohuehue.**

(b)    **That the property be included on future annual remission schedules.**

**Carried**

9.17 a.m.                    Manager: Revenue (David Low) retired from the meeting.

**098/03/10**                    **MEMORANDUM OF UNDERSTANDING (MoU) WITH HARBOUR SPORT**

**FILE REF**                    RH/7/1

**AGENDA ITEM NO.**        6

**W Walker/Goudie**

(a)    **That the report be received.**

(b)    **That the Memorandum of Understanding between the Council and Harbour Sport be signed on behalf of the Council by the Mayor and the Chief Executive.**

(c)    **That the objectives of the Memorandum form part of the Council's monitoring and reporting against Vision Rodney community outcomes.**

**Carried**

9.18 a.m.                    Strategic Partnering Manager (Beverly Fletcher) retired from the meeting.

4 March 2010

**099/03/10**                    **FINANCIAL DELEGATIONS – INFRASTRUCTURE DIRECTORATE**  
**FILE REF**                    **CG/7/1**  
**AGENDA ITEM NO.**        **7**

**Powell/Parker**

**That, pursuant to the provisions of the Public Bodies Contract Act 1959, the Local Government Act 2002, all other relevant powers and such additional conditions and restrictions as the Chief Executive Officer shall see fit to impose, the financial delegations for the Infrastructure Directorate be updated as follows:**

**NEW DELEGATION**

**That the Energy Management and Environmental Officer be empowered to enter into contracts in relation to the duties of the position, up to a limit of \$20,000 for any one contract.**

**Carried**

9.20 a.m.                    Manager: Transport Assets and Programmes (Ahmed Khaled) and Project Manager - Western Sector (Gavin Flynn) in attendance.

**100/03/10**                    **WALKING AND CYCLING MODEL COMMUNITIES – NZTA FUNDING APPLICATION**  
**FILE REF**                    **TP/9/27**  
**AGENDA ITEM NO.**        **9**

**W Walker/Goudie**

- (a)     That the report be received.**
- (b)     That the Council approve the expression of interest application for a Walking and Cycling Model Community at Riverhead.**
- (c)     That if the application noted in paragraph (b) above is approved, the Council then carry on to the second stage of submitting a more detailed, best practice and evidence based proposal.**
- (d)     That the Long Term Council Community Plan provisions totalling \$339,000 in year 4 for a Walkway upgrade - Coatesville Riverhead Highway (\$142,000) and Kaipara Portage Road Walkway Upgrade (\$197,000) be transferred to year 2 of the budget.**

**Carried**

9.32 a.m.                    Manager: Transport Assets and Programmes (Ahmed Khaled) and Project Manager - Western Sector (Gavin Flynn) retired from the meeting.

4 March 2010

**101/03/10 CLASSIFICATION - METRO PARK WEST**

FILE REF TP/9/36/2

AGENDA ITEM NO. 10

W Walker/Delich

- (a) That the land known as Metro Park West, being all that land held in Computer Freehold Register 502666, being Part Lot 1 Deposited Plan 212197, and Sections 2, 4, and 6 Survey Office Plan 416852 be classified as Recreation Reserve pursuant to Section 16(2A) of the Reserves Act 1977.
- (b) That the Group Manager: Property Services be delegated authority to complete all the necessary statutory processes to give effect to resolution (a) above.

Carried**102/03/10 GENERAL BYLAW 1998:****CHAPTER 16 - LIQUOR BANS – REVIEW OF LIQUOR BAN TIMES AT HELENSVILLE AND PARAKAI**

FILE REF BC/1/4

AGENDA ITEM NO. 11

W Walker/Goudie

- (a) That liquor bans in specified public places in Helensville and Parakai under 5.1 Chapter 16 - Liquor Bans of General Bylaw 1998 (as defined in 9.15 and 9.16: RDC Map Nos; 16752 (m) (1) and 16752 (n) (2)) be amended to be in force from 3 p.m. to 6 a.m. on the following day throughout the year.
- (b) That the extended times set out in (a) above come into force on the day following public notification.

Carried**103/03/10 CONFIRMATION OF MEMBERSHIP – PUHOI PIONEER MEMORIAL PARK ADVISORY COMMITTEE**

FILE REF RC/59/1

AGENDA ITEM NO. 12

Goudie/Parker

That the Council confirm membership of the Puhoi Pioneer Memorial Park Advisory Committee as:

- Cr Grahame Powell (Council's representative)
- Peter Jones
- Gay Murphy
- Shelley Hackett
- Dan Steele
- Dexter Fry
- Kevin Cholmondeley-Smith
- Russell Green
- Steve Hunt.

4 March 2010

**Carried**

**104/03/10**                    **REQUEST FOR LEAVE OF ABSENCE – CR TAYLOR**  
**FILE REF**                    CF/1/1; CG/2/1  
**AGENDA ITEM NO.**        13

**Craig/Powell**

**That Cr Taylor be granted leave of absence from the Council for a period of up to eight weeks from 4 March 2010.**

**Carried**

9.38 a.m.            Cr W Walker retired from the meeting.

**105/03/10**                    **UPDATE ON AUCKLAND REGIONAL GOVERNANCE**  
**FILE REF**                    CF/1/1  
**AGENDA ITEM NO.**        18

The Director: Corporate Services (Kevin Ramsay) responded to questions from councillors related to:

- the number of staff currently committing time to the transition process;
- the effect of this on current level of service;
- the potential final cost to Rodney District Council of the transition;
- the nature of positions for Auckland City, CCOs and the Auckland Transport Agency advertised to date;
- consequences of the changes for the Auckland Regional Amenities Funding Bill; and
- consequences of the changes for the Hauraki Gulf Forum.

**Delich/Craig**

**That the update on Auckland Regional Governance be received.**

**Carried**

9.45 a.m.            Communications Advisor (Allanah Jarman) retired from the meeting.

9.45 a.m. - 10.15 a.m.            Morning tea adjournment.

10.15 a.m.            Chief Executive (Rodger Kerr-Newell) in attendance.

10.20 a.m.            Communications Advisor (Mike Isle) in attendance.

**106/03/10**                    **OREWA COLLEGE STUDENT COUNCIL**  
**FILE REF**                    SA/1/1

Members of the Orewa College Student Council addressed the meeting, introducing themselves and asking questions relating to:

- proposals for the construction of footpaths in the Silverdale area;
- pedestrian safety for Orewa Boulevard; and
- the future of Rodney District Council Scholarships.

Alexandra McAlwee thanked the Mayor and councillors on behalf of the Student Council for the opportunity to attend the meeting, wishing them well for the future.

4 March 2010

The Mayor, Penny Webster, thanked the students present for their attendance at the meeting, inviting them to also attend future meetings of the Council's Infrastructure and Environment and Strategy and Community Committees.

10.25 a.m. Communications Advisor (Mike Isle) retired from the meeting.

Group Manager: Water Services (Jenny Warren), Debt Collection Officer (Liz Evans) and Communications Advisor (Allanah Jarman) in attendance.

10.28 a.m. Chief Legal Officer (Rob Goldsbury) in attendance.

**107/03/10 PUBLIC EXCLUDED**  
**AGENDA ITEM NO. 14 and 14A**

**Goudie/Parker**

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

**Minute No(s) 108/03/10, 109/03/10, 110/03/10 and 111/03/10**

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:

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
Debt Write Off	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.)
Proposed Variation 129 and Proposed Plan Change 112	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.)

4 March 2010

Direct Referral to Environment Court	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.)
Road Stopping	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**

*Note: The following items were considered with members of the public excluded then brought into open meeting.*

**112/03/10 DEBT WRITE OFF**  
**FILE REF AB/9/1**  
**AGENDA ITEM NO. 15**

**Delich/Goudie**

- (a) That the debt for Instant Water Supply Limited for \$55,176.93 be written off as not recoverable.
- (b) That the decision be restated in open meeting.

**Carried**

**113/03/10 DIRECT REFERRAL OF A RESOURCE CONSENT APPLICATION BY PROGRESSIVE ENTERPRISES TO THE ENVIRONMENT COURT**

**FILE REF L55743; TP/1/10**  
**AGENDA ITEM NO. 19**

**Goudie/Parker**

- (a) That the Council file a notice with the Environment Court to become a s274 Party in respect of the application by Progressive Enterprises to seek 'direct referral' of resource consent application 55743.
- (c) That the Council delegate authority to the District Plan and Regulatory Committee in respect of the ongoing management of the case.
- (d) That decisions (a) and (c) only be restated in open meeting.

**Carried**

4 March 2010

*Note: Paragraph (b) of the decision has not been restated in open meeting.*

11.10 a.m. Manager: Property Capital Works and Special Projects (Paul White), Manager: Property Assets and Programmes (Stuart Howard) and Consultant: Property Department (Ross Baker) in attendance.

**114/03/10                      RODNEY PROPERTIES LIMITED – HALF-YEARLY REPORT TO  
31 DECEMBER 2009**

**FILE REF                      PK/1/1**

**AGENDA ITEM NO.        8**

*Note: Jenny Vickers, Director of Rodney Properties Limited, was present for this item.*

Ms Vickers was invited to address the meeting. She offered apologies from John Southworth and James Moulder, the other directors, who were not able to attend the meeting, before briefly summarising the half yearly report.

Discussion during consideration of this item focussed on:

- the role of Rodney Properties Limited (RPL) and its directors;
- Real Estate agents and negotiation of their commissions;
- the inappropriateness of mixing governance and management roles;
- the recent appointment of a strategic adviser to RPL;
- review and signing of the half-yearly report by the directors;
- the financial results of property sales and in which documents these would be recorded;
- the reasons RPL's expenditure was greater than its proposed budget;
- methods of property disposal;
- development of a logo for RPL;
- the frequency and nature of RPL's meetings; and
- contacting RPL.

**Goudie/Powell**

**(a) That the Rodney Properties Ltd – Half-yearly Report be received.**

**(b) That the Rodney Properties Ltd Half-yearly Report be made publicly available and posted on the Council's website.**

**Carried**

Crs Delich and G Walker requested that their votes against the decision be recorded.

The Mayor, Penny Webster, thanked Ms Vickers for her presentation and attendance at the meeting.

11.45 a.m. Communications Advisor (Mike Isle) retired from the meeting.

The meeting closed at 11.50 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 15TH DAY OF APRIL 2010

MAYOR

\* \* \* \* \*

4 March 2010

---

**CONFIDENTIAL**