

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, 27 May 2010.

PRESENT: Penny Webster - Mayor (Chairperson)
Crs Ross Craig
Pat Delich
Michael Goudie
Gaye Harding
John Kirikiri
Dave Parker QSM
Grahame Powell
Zane Taylor
June Turner
Grev Walker
Wayne Walker
Suzanne Weld

IN ATTENDANCE: Chief Executive (Rodger Kerr-Newell)
Director: Corporate Services (Kevin Ramsay)
Assistant Chief Executive (Warren Maclennan) (from 10.48 a.m.)
Acting Director: Infrastructure (Dukessa Blackburn-Huettner)
Executive Manager (Paul Garbett)
Democracy Services Manager (Ellen Barrett)

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9.00 a.m. Executive Assistant (Kaye Davey) in attendance.

283/05/10 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

284/05/10 REQUEST FOR CONSIDERATION OF URGENT ITEM

AGENDA ITEM NO. *Refer agenda item 26*

Taylor/W Walker

That an urgent confidential item relating to weather tightness issues be considered later in the meeting.

Carried

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285/05/10 CONFIRMATION OF MINUTES**AGENDA ITEM NO. 2****Powell/Parker****Page Number**

- (a) **Extraordinary Council – 1 April 2010**
- That the minutes of an Extraordinary Meeting of the Council held on 1 April 2010, as circulated, be received and confirmed. 021042-021043 (Blue)
- (b) **Strategy and Community Committee – 1 April 2010**
- That the minutes of a meeting of the Strategy and Community Committee held on 1 April 2010, as circulated, be received and adopted. 021044-021050 (Buff)
- (c) **Resource Consents Hearings Panel – 5 March 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 5 March 2010, as circulated, be received and adopted. 021051-021067 (White)
- (d) **Resource Consents Hearings Panel – 15 March 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 15 March 2010, as circulated, be received and adopted. 021068-021081 (White)
- (e) **Resource Consents Hearings Panel – 22 March 2010**
- That the minutes of a meeting of the Resource Consents Hearings Panel held on 22 March 2010, as circulated, be received and adopted. 021082-021108 (White)
- (f) **District Plan and Regulatory Committee – 14 April 2010**
- (i) That the words: *...once the submitter has been notified.* be added to paragraph (b) of the decision made in relation to Minute No. 194/4/10. 021109-021116 (White)
- (ii) That, with the amendment above noted, the minutes of the District Plan and Regulatory Committee meeting held on 14 April 2010, as circulated, be received and adopted.
- (g) **Council – 15 April 2010**
- (i) That it be noted that the decision made in relation to Minute No. 214/04/10 was Carried. 021117-021180 (Blue)
- (ii) That, with the amendment above noted, the minutes of the Council meeting held on 15 April 2010, as circulated, be received and adopted.

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(h) Resource Consents Hearings Panel – 12 March 2010

That the minutes of a meeting of the Resource Consents Hearings Panel held on 12 March 2010, as circulated, be received and adopted. 021181-021205 (White)

(i) District Plan and Regulatory Committee – 28 April 2010

That the minutes of a meeting of the District Plan and Regulatory Committee held on 28 April 2010, as circulated, be received and adopted. 021206-021212 (White)

(j) Infrastructure and Environment Committee – 29 April 2010

That the minutes of a meeting of the Infrastructure and Environment Committee held on 29 April 2010, as circulated, be received and adopted. 021213-021220 (Pink)

(k) Kawau Island Advisory Committee – 6 May 2010

That the minutes of a meeting of the Kawau Island Advisory Committee held on 6 May 2010, as circulated, be received and adopted. 021221-021224 (Gold)

(l) District Plan and Regulatory Committee – 12 May 2010

That the minutes of a meeting of the District Plan and Regulatory Committee held on 12 May 2010, as circulated, be received and adopted. 021225-021231 (White)

Carried

286/05/10 **SIGNIFICANT CONTRACTS LET OVER THE PERIOD 27 MARCH – 14 MAY 2010**

FILE REF CE/1/1

AGENDA ITEM NO. 3

Powell/Kirikiri

That the information be received.

Carried

287/05/10 **BRIDGING FINANCE FOR PUHOI WHARF PROJECT**

FILE REF FS/186

AGENDA ITEM NO. 4

Mr Larry Mitchell, representing the Puhoi Community Forum, spoke to those present about the history of the Puhoi Wharf and the background to the project, before answering questions from councillors. At the conclusion of the discussion, Mr Mitchell indicated that he would be leaving a post-dated cheque with the Director: Corporate Services (Kevin Ramsay) after the meeting for the balance of the loan over and above the amount of the grant.

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Powell/Turner

That the Council provide a grant of \$5,654 to the Puhoi Community Forum (by way of forgiving this portion of a loan currently outstanding), provided that the remaining loan balance of \$16,046 is fully repaid by 30 June 2010.

Carried

The Mayor, Penny Webster, thanked Mr Mitchell for his presentation and attendance at the meeting.

288/05/10 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE: 25 – 28 JULY 2010, AUCKLAND

FILE REF AH/22/1

AGENDA ITEM NO. 5

Taylor/Goudie

- (a) **That the Mayor, Penny Webster, and Crs Kirikiri, Harding and Turner represent the Council at the Local Government New Zealand Annual Conference 2010, to be held in Auckland over the period 25 - 28 July 2010.**
- (b) **That the Mayor be appointed as the voting delegate for the AGM of Local Government New Zealand, with the Deputy Mayor, Cr Kirikiri, as the alternate.**

Carried

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

289/05/10 APPLICATION FOR REMISSION OF RATES BY GULF HARBOUR COUNTRY CLUB INC

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

AGENDA ITEM NO. 6

Kirikiri/Goudie

- (a) **That the Council request that Quotable Value provide a rating split for the area occupied and used as the Sandtrap Café at 180 Gulf Harbour Drive, to be used for assessing 2010/2011 rates, and the rates for the commercial portion be excluded from the remission calculation.**
- (b) **That the Council approve a 50% remission of the 2009/2010 rates (excluding sewerage and water rates) for the Gulf Harbour Country Club Inc property at 180 Gulf Harbour Drive (totalling \$8,953.97 under current rating treatment), less an adjustment for rates relating to the commercial split yet to be determined.**
- (c) **That the property be included on future annual remission schedules.**

Carried

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290/05/10 APPLICATION FOR REMISSION OF RATES FOR THE WHANGAPARAOA HALL BY THE WHANGAPARAOA RESIDENTS' AND RATEPAYERS' HALL TRUST

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

AGENDA ITEM NO. 7

Delich/Kirikiri

- (a) That the property split provided by Quotable Value for the Whangaparaoa Residents' and Ratepayers' Trust hall situated at 15 Main Street, Stanmore Bay, be adopted and rates for 2010/2011 be assessed on the basis of that split.
- (b) That the Council approve a 50% remission of the 2009/2010 rates for the hall portion of the property at 15 Main Street, Stanmore Bay, using the split values to calculate the remission (excluding sewerage and water rates) totalling \$692.73.
- (c) That the property be included on future annual remission schedules.

Carried

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

9.28 a.m. Manager: Business Services (Lynne Booth) and Debt Collection Officer (Liz Evans) in attendance.

291/05/10 QUARTERLY UPDATE (EXCEPTION) REPORT – NINE MONTHS TO 31 MARCH 2010

FILE REF AB/14/2

AGENDA ITEM NO. 8

Manager: Finance (Morna Macfarlane) provided a PowerPoint presentation (copy on File: AB/14/2) summarising the Quarterly Report and responded to questions relating to:

- completion of the Orewa west walkway/cycleway;
- installation of fume extraction systems for fire service buildings;
- Variation 101 (Orewa East);
- Penlink;
- Flat Top Quarry;
- funds spent since the end of March to date;
- Rugby World Cup;
- spending on Auckland Transition Agency processes;
- Rodney's Local Bill;
- provision for leaky homes' appeals; and
- property sales.

Goudie/Kirikiri

That the Quarterly Update Report for the nine months to 31 March 2010 be received.

Carried

9.42 a.m. Manager: Resource Consents (Ian Dobson) in attendance.

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

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292/05/10 **DEBT WRITE OFF**
FILE REF AB/9/1
AGENDA ITEM NO. 9

Goudie/Taylor

That the following debts totalling \$42,001.00 be written off:

- (a) **Reuben's Water Taxi Limited \$14,569.00.**
- (b) **Origin Properties Group \$18,447.79.**
- (c) **Warkworth Custodians Limited \$8,984.21.**

Carried

10.08 a.m. Manager: Revenue (David Low) and Debt Collection Officer (Liz Evans) retired from the meeting.

293/05/10 **AUCKLAND REGIONAL AMENITIES FUNDING BOARD 2010/2011 FUNDING PLAN**
FILE REF OC/25/1
AGENDA ITEM NO. 10

Goudie/Taylor

That the information be received.

Carried

10.08 a.m. Group Manager: Property Services (Mark Johannsen) in attendance.
 Manager: Business Services (Lynne Booth) retired from the meeting.

294/05/10 **UPDATE ON AUCKLAND REGIONAL GOVERNANCE**
FILE REF CF/1/1
AGENDA ITEM NO. 11

Goudie/Taylor

That the update on Auckland Regional Governance be received.

Carried

The Mayor, Penny Webster, requested that staff seconded to the Auckland Transition Agency and others involved in supporting processes related to the transition to Auckland Council be thanked for their efforts.

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Note: Crs Kirikiri and Taylor took no part in either the discussion or the voting on the following item.

295/05/10 **REQUEST BY THE WELLSFORD-WARKWORTH VINTAGE CAR CLUB
FOR THE WAIVER OF BUILDING AND RESOURCE CONSENT FEES**

FILE REF L55374; RB/5/1

AGENDA ITEM NO. 12

Delich/Parker

That the Wellsford and Warkworth Vintage Car Club be granted a waiver of 50% of its resource and building consent fees, reducing the total fees of \$4,225.59 to \$2,112.79.

Amendment

Weld/Craig

- (a) That, as it is considered that the Wellsford and Warkworth Vintage Car Club is not an incorporated society or charitable organisation undertaking an activity which provides a benefit to the public wider than its individual members and thus Financial Policy 90 giving Council discretion over fee waivers does not apply, the request for a waiver of resource and building consent fees totalling \$4,225.59 not be granted.
- (b) That it be noted that it is considered appropriate for the applicant to incur the costs for the processing of the resource and building consent applications as any reduction or waiver to the invoiced amounts would incur costs to the ratepayer.
- (c) That the Wellsford and Warkworth Vintage Car Club be encouraged to seek financial assistance through the Council's Community Support Grants schemes.

Lost

The motion was

Carried

10.30 a.m. Executive Manger (Paul Garbett), Manager: Resource Consents (Ian Dobson) retired from the meeting.

10.30 a.m.-10.48 a.m. Morning tea adjournment.

10.48 a.m. Assistant Chief Executive (Warren Maclennan), Manager: District Planning (Peter Vari) and Project Manager - Hibiscus Coast (James Copley) in attendance.

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296/05/10 **ROAD LEGALISATION - WHANGATEAU**
FILE REF PK/29/4
AGENDA ITEM NO. 13

Goudie/Delich

- (a) That the Council resolve to declare the land described as Sections 1, 2, 3, and 4, Survey Office Plan 431362, to be legal road, pursuant to Section 114 of the Public Works Act 1981.
- (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

297/05/10 **RESERVE CLASSIFICATION: RATA STREET, STANMORE BAY**
FILE REF PK/39/2
AGENDA ITEM NO. 14

Goudie/Delich

- (a) That in exercise of the powers conferred on it under section 16(2A) of the Reserves Act 1977, Rodney District Council hereby resolve to classify the land described as Sections 1, 2, 3, 4 and 8 on Survey Office Plan 417244, Computer Freehold Register 521520, as Local Purpose (Drainage) Reserve within the meaning of the said Act.
- (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

298/05/10 **ALLOCATION OF REMAINING \$9,572.50 FROM 2009/2010 HERITAGE
ITEM ASSISTANCE FUND**
FILE REF TP/14/2/7/1
AGENDA ITEM NO. 15

Cr W Walker briefed those present on the application by WFH Properties Ltd to demolish Stoney Homestead, situated in its Millwater development in Silverdale, before explaining plans to establish a trust that would restore and maintain the cottage. He advised that the \$9,572.50 grant would provide seed funding for the project, allow a conservation architect's report to be commissioned and provide leverage for further funding applications.

W Walker/Turner

That the remaining \$9,572.50 from the 2009/10 Heritage Item Assistance Fund be granted to the trust being established to restore the Stoney Homestead, subject to the trustees being to the approval of the Council's legal advisers.

Carried

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299/05/10 REVIEW OF STRATEGIC PARTNERSHIPS AND MEMORANDA OF UNDERSTANDING (MoU)**FILE REF** DG/11/4**AGENDA ITEM NO.** 16**Delich/W Walker**

- (a) That no further Memoranda of Understanding (MoU) be developed or renewed unless there is sufficient certainty the Rodney District will remain an independent unit of local government.
- (b) That a letter to MoU partners be prepared for the signature of the Mayor stating the Council's wish that the existing MoUs continue to operate until 30 October 2010.

Carried**300/05/10 DRAFT KAUKAPAKAPA STRUCTURE PLAN: ADOPTION FOR PUBLIC CONSULTATION****FILE REF** TP/9/69**AGENDA ITEM NO.** 17

During the discussion on this matter, the Manager: District Planning (Peter Vari) agreed to review the draft structure plan document for consistency in relation to site sizes and terminology.

Taylor/Craig

- (a) That the report be received.
- (b) That the Council adopt the draft Kaukapakapa Structure Plan (attached as Appendix 1 to the agenda report) for the purposes of public consultation.
- (c) That the Council resolve to publicly notify the draft Kaukapakapa Structure Plan for public input, with a submission period of at least one month.

Carried

11.20 a.m. Manager: Transport Operations and Safety (Gareth Hughes) in attendance.

11.30 a.m. Manager: Property Assets and Programmes (Stuart Howard) in attendance.

301/05/10 GENERAL BYLAW 1998: AMENDMENTS TO CHAPTER 18 - ROAD SPEED LIMITS CONFIRMATION**FILE REF** BC/1/4; RF/228/5**AGENDA ITEM NO.** 18

Cr Weld noted that she had attended a recent meeting of the Taupaki Residents' and Ratepayers' Association, which had indicated its members agreed with the submission made at the bylaw hearings in relation to roads in the Taupaki area, near the interface between Rodney District and Waitakere City.

Manager: Transport Operations and Safety (Gareth Hughes) indicated that the relevant Taupaki Roads, together with Falls Road, Warkworth, would be included on the list of roads to be surveyed for the 2011 speed limit review.

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Craig/Weld

- (a) That the amendments to **General Bylaw 1998: Chapter 18 - Road Speed Limits**, for road speed limit changes made for 2009, as shown in Appendix 2 to the agenda report, be confirmed.
- (b) That the bylaw amendments made in accordance with **Land Transport Rule: Setting of Speed Limits 2003 (Rule 54001)** and set out in Schedules 1 – 4 and Map numbers RDC 17690 – 1 to 23, 24A, 25 – 26, as shown in Appendix 2 to the agenda report, be adopted and confirmed.
- (c) That **General Bylaw 1998: Chapter 18 - Road Speed Limits**, as amended, come into effect on 1 July 2010 following public advertisement under section 157 of the **Local Government Act 2002**.
- (d) That the support of the **Taupaki Residents' and Ratepayers' Association** in relation to the comments made at the bylaw hearings in relation to roads in the Taupaki area, near the interface between Rodney District and Waitakere City, be noted.

Carried

*Note: Appendix 2 referred to in the above decision is attached to these minutes as **Appendix 1**.*

11.39 a.m. Manager: Transport Operations and Safety (Gareth Hughes) retired from the meeting.

302/05/10 RESERVE CLASSIFICATIONS – LOCAL PURPOSE RESERVES
FILE REF RC/1/1
AGENDA ITEM NO. 19

Powell/Delich

- (a) That the land described herein be classified **Local Purpose (Drainage) Reserve** pursuant to **Section 16(5) of the Reserves Act 1977**:

Parts Allotment 13 Parish of Kaukapakapa.
- (b) That the land described herein be classified **Local Purpose (Utility) Reserve** pursuant to **Section 16(5) of the Reserves Act 1977**:

Part Lot 5 DP 9826 marked A on SO Plan 50134.
- (c) That the **Group Manager: Property Services** be delegated authority to complete all the necessary statutory processes to give effect to resolutions (a) and (b) above.

Carried

303/05/10 RESERVE CLASSIFICATIONS – LOCAL PURPOSE (RECREATION)
FILE REF RC/1/1
AGENDA ITEM NO. 20

Powell/Weld

- (a) That the land described herein be classified **Local Purpose (Recreation) Reserve** pursuant to **Section 16(5) of the Reserves Act 1977**:

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- (i) Allotment 209 Parish of Mahurangi comprised in Computer Freehold Register NA 458/170;
 - (ii) Lot 23 Deposited Plan 83752 comprised in Computer Freehold Register NA 40A/691;
 - (iii) Part Allotment 75 Parish of Paremoremo comprised in Computer Freehold Register NA 516/54.
- (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

11.45 a.m. Project Manager - Hibiscus Coast (James Copley) retired from the meeting.

**304/05/10 TEMPORARY USE OF THE (FORMER) SILVERDALE BOWLING CLUB,
SILVERDALE WAR MEMORIAL PARK**

FILE REF RC/403/1

AGENDA ITEM NO. 21

Powell/G Walker

- (a) That temporary use of the former Silverdale Bowling Club's clubroom building be granted to the Nippon Judo Club to operate a martial arts centre on a month-to-month tenancy from 1 June 2010, at a peppercorn rent, until such time as the recreation study for the Hibiscus Coast ward has been completed and a long-term decision over the future use of the Silverdale Bowling Club site can be made.
- (b) That temporary use of the former Silverdale Bowling Club's three bowling greens be granted to the Silverdale Rugby Club on a month-to-month tenancy from 1 June 2010, at a peppercorn rent, until such time as the recreation study for the Hibiscus Coast ward has been completed and a long-term decision over the future use of the Silverdale Bowling Club site can be made.
- (c) That should either of the clubs in (a) and (b) above decline, terminate or breach the conditions of the temporary use agreement of the respective facilities, the Group Manager: Property Services, be granted delegated authority to find a suitable replacement tenant on the same temporary terms and conditions as appropriate.

Carried

Cr Kirikiri requested that his vote against the decision be recorded for the reason that he believed the Orewa Recreational Study should have been completed before the matter was finalised.

11.50 a.m. General Manager: Strategy (Rory Palmer) and Executive Manager (Paul Garbett) in attendance.

Group Manager: Property Services (Mark Johannsen) retired from the meeting.

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305/05/10 **WAIMAUKU ESTATES – PRIVATE PLAN CHANGE APPEAL – HIGH COURT DECISION**
FILE REF TP/14/3/16
AGENDA ITEM NO. 25

W Walker/Goudie

That the report be received.

Carried

11.55 a.m. District Planning (Peter Vari) retired from the meeting.

306/05/10 **PUBLIC EXCLUDED**
AGENDA ITEM NO. 22

Powell/Kirikiri

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

Minute No(s) 307/05/10, 308/05/10 and 309/05/10

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
Proposed Road Stopping	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.)
Muriwai Surf Lifesaving Club – Possible Grant	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.)

<p>Weathertightness Government Leaky Homes Proposal</p>	<p>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).</p>	<p>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.)</p>
	<p>The disclosure of information would not be in the public interest because of the greater need to maintain legal professional privilege (section 7(2)(g) Local Government Official Information and Meetings Act 1987).</p>	<p>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.)</p>

Carried

The meeting closed at 12.24 p.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 8TH DAY OF JULY 2010

MAYOR

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27 May 2010

CONFIDENTIAL