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**Not for Publication until after Commencement of Meeting****Notice Of Ordinary Meeting Of Council****Date 10.00 am on Wednesday 25 March 2009****Venue Maungaturoto Centennial Community Hall, View Street, Maungaturoto****Timetable****9.45 am Morning Tea****10.00 am Workshop****1 Fire Safety Margins: Department of Conservation**

In August 2008 the Department of Conservation presented a proposal to Council to remove the majority of their fire safety margins across the District. Effectively this transfers the responsibility of these areas to Council. Council did not support this proposal due to unknown risk and cost implications. The Department of Conservation has now formally notified a slightly amended proposal and submissions close on 25 March 2009.

The intention of this workshop is to give Council an understanding of the final proposal.

**12.15 pm Lunch****1.00 pm Commencement of Council Meeting****3.00 pm Afternoon Tea****3.15 pm Recommencement of Council Meeting, if required**

**Ordinary Meeting Of Kaipara District Council In Maungaturoto Centennial Community Hall,  
View Street, Maungaturoto On Wednesday 25 March 2009 Commencing 1.00 pm**

**Recommendations contained in the order paper and reports are NOT Council decisions  
Please refer to Council minutes for Resolutions.**

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**Order Paper: 25 March 2009**

**1 Opening : Cr Smith**

Councillor to be selected to open the 25 April 2009 meeting to be held in Mangawhai.

**1.1 Present**

**1.2 In Attendance**

**1.3 Apologies**

**2 Confirmation of Minutes**

**P1 2.1 Ordinary Council Meeting : 25 February 2009**

**Governance Manager 1601.13**

A copy of the minutes is attached.

**Recommended**

*That the minutes of the Ordinary Meeting of Council 25 February 2009, as circulated, be confirmed as a true and correct record.*

**P21 2.2 Special Council Meeting : 11 March 2009**

**Governance Manager 1601.13**

A copy of the minutes is attached.

**Recommended**

*That the minutes of the Special Meeting of Council 11 March 2009, as circulated, be confirmed as a true and correct record.*

### 3 Policy

#### 3.1 Borrowing Programme

##### **Finance Manager 2305.01**

Council's liquidity/working capital position will shortly require cash replenishment. \$3,459,000 is the recommended amount of the first tranche, and the amount provided for in the 2008/09 Annual Plan. This amount is purely to re-finance maturing debt, and will simply maintain total debt levels, without increase.

##### **Reason 1: Maturing Stock**

The 2003 Consolidated Loan for \$1,714,000 matured on 16 February 2009, the 2004 Refinancing Loan for \$906,000 on 15 November 2008, and the 2005 Refinancing Loan for \$839,000 matures in April 2009. These loans are all for twenty-year periods, with variable interest reset dates determined by the formal re-tendering of the stock.

##### **Reason 2: Borrowings for New Infrastructure**

Not applicable for this resolution. A further borrowing resolution will be needed in April for the second tranche.

##### **Prospective Lenders**

Management will market the debt parcel to obtain the most competitive interest rate.

The security offered (Deed of Charge over Rates Revenue), will be identical for all parties.

The three prospective lenders are likely to be:

Bank of New Zealand  
First NZ Securities Ltd (Formerly Credit Suisse First Boston)  
ABN-AMRO Bank N.V.

##### **Compliance with Council Liability Management Policy**

The Liability Management Policy is detailed on pages 48 - 53 (Volume Two) of *Kaipara's Future - Working Together 2009/2019*, (Long Term Council Community Plan) and the following checklist certifies compliance with each component, thus:

1	Interest Rate Exposure	<input checked="" type="checkbox"/>
2	Liquidity	<input checked="" type="checkbox"/>
3	Credit Exposure	<input checked="" type="checkbox"/>
4	Debt Repayment	<input checked="" type="checkbox"/>
5	Provision of Security	<input checked="" type="checkbox"/>
6	Giving Loan Guarantees	N/A
7	Internal Borrowing	<input checked="" type="checkbox"/>
8	Borrowing Limits	<input checked="" type="checkbox"/>

### **Recommendation One**

**That** in pursuance of the powers conferred on it by the Local Government Act 2002 and the regulations made thereunder, and any other powers enabling it the Kaipara District Council

**Hereby** resolves to raise a loan of \$1,714,000 by the issue of stock or any other means to be known as the Kaipara District Council Consolidated Loan 2009 - \$1,714,000 - for the following purpose:

	\$
a) To refinance maturing 2003 loans for the upgrading of the Stormwater Services in the Dargaville Urban Area	(148,000)
b) To refinance maturing 2003 loans for the upgrading of the Wastewater Services in the Dargaville Urban Area	(274,000)
c) To refinance maturing 2003 loans for the upgrading of the Wastewater Services in the Maungaturoto Urban Area	(124,000)
d) To refinance maturing 2003 loans for the upgrading of Water Services in the Dargaville Urban Area	(860,000)
e) To refinance maturing 2003 loans for the capping of three closed refuse disposal sites within Kaipara District	(108,000)
f) To refinance maturing 2003 loans for the establishment of a service centre at Kaiwaka	(200,000)

**And that** the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.

**And that** security for the loan and interest thereon shall be as follows:

a) Dargaville Stormwater Upgrading	\$ 148,000
------------------------------------	------------

A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

b) Dargaville Wastewater Upgrading	\$ 274,000
------------------------------------	------------

A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

c) Maungaturoto Wastewater Upgrading	\$ 124,000
--------------------------------------	------------

*A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

d) *Dargaville Water Upgrading* \$ 860,000

*A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

e) *Closed Refuse Disposal Site Capping* \$ 108,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

f) *Kaiwaka Service Centre Establishment* \$ 200,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

***And that*** *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

***And that*** *due and careful consideration has been given, both at the time of inclusion of this loan in the 2008/9 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

***And that*** *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council.*

### **Reason for Recommendation One**

Implementation of the loan refinancing programme approved in the 2008/09 Annual Plan, so as to ensure adequate Council liquidity.

## **Recommendation Two**

*That in pursuance of the powers conferred on it by the Local Government Act 2002 and the regulations made thereunder, and any other powers enabling it the Kaipara District Council*

*Hereby resolves to raise a loan of \$906,000 by the issue of stock or any other means to be known as the Kaipara District Council No 1 Refinancing Loan 2009 - \$906,000 - for the following purpose:*

- |  |            |
|--|------------|
|  | \$         |
| a) <i>To refinance maturing 2004 loans for the upgrading of the Town Centre in Dargaville</i>                    | ( 450,000) |
| b) <i>To refinance maturing 2004 loans for the upgrading of Stormwater Services in the Dargaville Urban Area</i> | ( 456,000) |

**And that** *the Chief Executive Officer and the Finance Manager be delegated authority to determine the conditions of the said loan*

**And that** *security for the loan and interest thereon shall be as follows:* \$

- |  |         |
|--|---------|
| a) <i>Dargaville Town Centre Upgrading</i> | 450,000 |
|--|---------|

*A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Rating Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- |   |         |
|---|---------|
| b) <i>Dargaville Stormwater Upgrading</i> | 456,000 |
|---|---------|

*A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

**And that** *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

**And that** *due and careful consideration has been given, both at the time of inclusion of this loan in the 2008/09 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

**And that** *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council*

## **Reason for Recommendation Two**

Implementation of the loan refinancing programme approved in the 2008/09 Annual Plan, so as to ensure adequate Council liquidity.

### **Recommendation Three**

*That in pursuance of the powers conferred on it by the Local Government Act 2002 and the regulations made thereunder, and any other powers enabling it the Kaipara District Council*

*Hereby resolves to raise a loan of \$839,000 by the issue of stock or any other means to be known as the Kaipara District Council N<sup>o</sup> 2 Refinancing Loan 2009 - \$839,000 - for the following purpose:*

	\$
a) <i>To refinance maturing 2005 loans for the upgrading of Water services in the Ruawai Water Supply Area</i>	( 77,000)
b) <i>To refinance maturing 2005 loans for the upgrading of Wastewater services in the Kaiwaka Urban Area</i>	( 37,000)
c) <i>To refinance maturing 2005 loans for the upgrading of District Landfills within Kaipara District</i>	( 151,000)
d) <i>To refinance maturing 2005 loans for the upgrading of Closed Landfills within Kaipara District</i>	( 88,000)
e) <i>To refinance maturing 2005 loans for the upgrading of a District Landfill at Awakino Road, Dargaville</i>	( 48,000)
f) <i>To refinance maturing 2005 loans for the establishment of a District Landfill at Hakaru</i>	( 309,000)
g) <i>To refinance maturing 2005 loans for the upgrading of Wastewater services at the Mangawhai Motor Camp</i>	( 129,000)

*And that the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.*

*And that security for the loan and interest thereon shall be as follows:*

a) <i>Ruawai Water Upgrading</i>	\$ 77,000
----------------------------------	-----------

*A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Ruawai Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

b) <i>Kaiwaka Wastewater Upgrading</i>	\$ 37,000
--	-----------

*A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaiwaka Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- c) *District Landfill Upgrading* \$ 151,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- d) *Closed Landfill Upgrading* \$ 88,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- e) *Awakino Road Landfill Upgrading* \$ 48,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- f) *Hakaru Landfill Establishment* \$ 309,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

- g) *Mangawhai Motor Camp Wastewater Upgrading* \$ 129,000

*A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

**And that** *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

**And that** *due and careful consideration has been given, both at the time of inclusion of this loan in the 2008/09 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

**And that** *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council.*

### **Reason for Recommendation Three**

Implementation of the loan refinancing programme approved in the 2008/09 Annual Plan, so as to ensure adequate Council liquidity.

## P28 3.2 Walker Subdivision, Mangawhai: Possible Alternative Access Arrangement

### Development Manager

RM060205

At its February 2009 meeting Council resolved not to allow an unformed legal road to be formed with a gradient of one in four to provide access for two lots in this proposed subdivision off the end of Pearl Street, Mangawhai. This was largely because of concerns about potential liability for the consequences of failure arising from the road being formed. Since that time, two further options have arisen out of discussions with Judicial Committee members, and Council's legal advisors., *which These have been raised with Mr Walker's lawyer in the context of the outstanding Environment Court appeal on an expressly without prejudice basis.*

The first option is to provide parking spaces for lot owners at the beginning of the paper road, and the other option is to stop the road so that it could be formed as a private access, on the proviso that an easement is granted back to Council for pedestrian access only, *to facilitate a future walkway connecting with the continuation of the paper road.*

Either of these options will enable the subdivision to proceed without it adversely affecting the Council's interests.

### Recommended

*That Council confirms it is prepared to allow for access to Lots 1 and 3 in the Walker subdivision (Ref -RM060205) by either of the following means:*

- a Parking spaces 'for residents only' are provided at the beginning of the unformed road, and pedestrian access is provided from there to the sites*
- b The affected section of unformed road is stopped in accordance with provisions of the Local Government Act 1974, with the applicant or consent holder meeting all costs involved as well as paying for the land at valuation, taking into account the provision of an easement in favour of Council for pedestrian purposes only (if ~~such an easement is~~ required); and*

*That Council advises it agrees to settle the appeal if the terms of such settlement incorporate either of the access proposals outlined in a) or b) above.*

### Reason for the recommendation

While Council has indicated it does not wish the road to be formed as a public road, it is prepared to consider other alternatives for access to enable the development to proceed.

**P32 3.3 Road Legalisation and Stopping: Corner Cove and Tara Roads**

**Community Infrastructural Assets Manager 4102.17**

A report from the Community Infrastructural Assets Manager is attached relating to the road legalisation and Stopping at the intersection of Cove and Tara Roads.

The ongoing discussions between Council and Mr Critchfield have not provided a resolution. The necessity for Council to conclude these discussions with either a land swap or a purchase has been reviewed and it appears that there are other more desirable options that should consider the long term development of the roading network.

**Recommended**

*That Council places negotiations on hold pending the completion of the Mangawhai Roothing Strategy Study as provided for in the draft Kaipara's Future - Working Together 2009-19.*

**Reason for the recommendation**

To ensure that the intersection is developed in a cost effective and safe manner.

**3.4 Dargaville Library Service and Dargaville Information Centre Merge Update**

**Stakeholder Engagement Manager 2124.03; 2124.04.03; 2132.03.01**

Council withdrew this item from its 25 February 2009 meeting, to lie on the table as it was awaiting receipt of further information from the Dargaville Kauri Coast Promotion Society.

**Recommended**

*That this item lie on the table until Council's 29 April 2009 meeting.*

**Reason for the recommendation**

To allow the Dargaville Kauri Coast Promotion Society time to provide further information to Council.

## **P34 3.5 Mangawhai Historical Society: Request for Support for Museum Project**

### **Development Manager RM080152**

A report from the Development Manager is attached. For a number of years now, the Mangawhai Historical Society has been working towards establishment of a new museum to serve the area. The existing site in the village is too small to meet current or future needs properly. A plan of the proposed new building has been prepared, and Council has agreed to provide a one hectare site at the corner of Thelma Road and Molesworth Drive, Mangawhai, part of the land known as Mangawhai Park.

In mid September 2008, the Society lodged an application for land use consent for the museum. This was necessary because the site is zoned rural, and community and recreational activities are a discretionary activity in this zone. The draft consent conditions do not take account of the fact that Council itself is a major supporter of the proposal. There is justification for deviating from the usual standard conditions, particularly relating to bonds and quality assurance requirements because of this involvement. While Council is not itself the applicant, apart from having made its support for the project, Council will also be the landlord. Taking a more sympathetic and flexible approach here will not compromise the resource consent process because an independent commissioner will be making the decision.

### **Recommended**

*That Council confirms its support for the Mangawhai Historical Society's museum building project at Mangawhai Park, and allows that for any works which might be carried out by Council's contractors under Council direction, any conditions requiring bonds to be entered into, or quality assurance records and the like to be provided, will be regarded as satisfied, and the requirement for a construction bond be replaced with a requirement for all operators of construction machinery and vehicles on the site to carry appropriate insurance against damage.*

### **Reason for the recommendation**

Council is a supporter of the project, and this approach is a further way to demonstrate its support. The resource consent process is not compromised because an independent commissioner will make the decision on the application.

This situation can be distinguished from those involving private developers because Council is a supporter of the project, and will be the landlord.

### 3.6 Glinks Gully Camping Ground: Lease Expiry

#### **Community Spaces Manager                      4703.03**

The Council may be aware that for sometime, the current lessees of the Glinks Gully Camping Ground, Mr Geoff Nicoll and Ms Cindy Maude have been struggling to run the camping ground in a way that makes it viable. This is not to be seen as a reflection on either their combined ability or their commitment to the camping ground. As lessees they have made major improvements in the way the camp looks and is run.

The previous lessee of the Glinks Gully Camping Ground terminated their lease as they also struggled to make it viable it was at this point that Mr Geoff Nicoll and Ms Cindy Maude stepped in, not wanting to see the area lost to this activity.

The Glinks Gully Camping Ground has limited appeal because of its isolation and because safe swimming off the beach is not always possible, particularly for those with young children. It tends to attract those groups and families into fishing but even then really only at the height of the summer season. However the Glinks Gully community value this area and does not want to see it lost as a camping ground, as it is an integral part of the community.

The period of the lease held by Mr Nicoll and Ms Maude is up in October 2009 and the leaseholders have approached Council to ask if it will take over the cost of the outgoings until the end of the lease period. The current lessee have said they are prepared to continue to look after the camping ground until their lease expires. Between March and October 2009 camping ground numbers are expected to drop from the present handful per week to nothing, with outgoing costs being only for the mowing of the camping ground and cleaning of the toilet and shower facilities.

It is Council's policy that a camping ground needs to be self-funding with no impact on ratepayers and the Glinks Gully Camping Ground is not able to achieve this.

#### **Recommended**

*That Council assumes the cost of the outgoings of the Glinks Gully Camping Ground until October 2009 when the current lease on the camping ground expires.*

*That Council accepts the offer of the current lessees, Mr Geoff Nicoll and Ms Cindy Maude to manage the Glinks Gully Camping Ground until their current lease expires in October 2009.*

*That Council continues to work with the Glinks Gully community and the current lessees to achieve a satisfactory solution that meets the needs of the community and the Council.*

#### **Reason for the recommendation**

The current lease arrangement is not viable to the lessee concerned in its present form, however the Glinks Gully community has indicated that the camping ground is an integral part of Glinks Gully and would not like to see it lost.

The community and current lessees want to find a solution that benefits all concerned and wants to work with Council to find a solution that suits this community.

## **P37 3.7 Infringement Notices under the Building Act**

### **Development Manager 3107.0**

The Building (Infringement Offences, Fees and Forms) Regulations 2007 came into force on 1 July 2008. Since that time Council has been capable of opting into an arrangement for issuing infringement notices under the Building Act for a specified range of actions (See Appendix).

Options currently available for enforcement include issuing a Notice to Fix, or formal prosecution under the Summary Proceedings Act in serious cases. A prosecution could cost up to \$20,000 in preparation and presentation, with the outcome by no means a certainty. It can also be a lengthy, time consuming process. Costs may be imposed by the Court, as well as a portion of any fine imposed, but advice from the Department of Building and Housing is that these reimbursements rarely match the cost of the prosecution.

### **Recommended**

*That Council adopts the Building (Infringement Offences, Fees and Forms) Regulations 2007 to take effect from 1 May 2009; and*

*That Council delegates to the Chief Executive (or his nominee) the authority to issue infringement notices in accordance with these Regulations.*

### **Reason for the recommendation**

Infringement notices are an effective deterrent which will encourage rectification and should reduce persistent re-offending where people who have breached provisions of the Building Act have shown an unwillingness to comply. It is a more cost effective approach than formal prosecution.

## **P41 3.8 Elected Members Remuneration Authority Pool for 2009/10**

### **Governance Manager 1801.0**

A report from the Governance Manager is attached relating to the Remuneration Authority's release of its indicative pool for 2009/2010, which for Kaipara is \$278,530. The Authority has not made any changes to the basis for calculating the indicative pools for 2009/10.

The Mayor's salary is set by the Authority at \$67,408. Council's recommendation for the remainder is needed by 01 April 2009. The current division was recommended by Council taking into account that unless a very complicated structure was developed there would always be some workload remuneration imbalance. The current division is working well and therefore the recommendation of this report is to use the same formula which would result in the following application of the pool.

	2009/2010	2008/2009
Mayor (set by the Remuneration Authority)	\$ 67,408	\$ 65,117
Deputy Mayor (46% of the Mayor)	\$ 31,005	\$ 29,954
Councillors (equal division of remainder)	\$ 25,731	\$ 24,688

It is the Remuneration Authority's intention that the increase due each Council is taken up. The Far North District Council endeavoured to decline the increase last year and to have it collectively donated to the Himalayan Trust UK. This was rejected by the Remuneration Authority who determined that such donations must be exercised by individual elected members rather than by the Council organisation.

If a Councillor particularly wishes to acknowledge that he/she is satisfied with the amount received given the recession and the resulting unemployment that is occurring then he/she is able donate the increase to anyone they wish including Council. Councillors have always had the ability to pass on any or all of their salary to the Council, a charity of their choice or anyone else, this is nothing new. It provides a solution for those with a dilemma.

### **Recommended**

*That Council recommends that the Remuneration Authority apply the \$278,530 pool for its Elected Members for 2009/2010 as follows:*

	2009/2010
<i>Mayor (set by the Remuneration Authority)</i>	<i>\$ 67,408</i>
<i>Deputy Mayor (46% of the Mayor)</i>	<i>\$ 31,005</i>
<i>Councillors (equal division of remainder)</i>	<i>\$ 25,731</i>

### **Reason for the recommendation**

To provide an equitable division of the remuneration pool that is simple and low cost to administer. The Remuneration Authority's intent is that all councils accept the increase due, however individual Councillors are able to pass all or any portion of their salary on should they wish to by donating the money to charity or to Council

## **3.9 Kaipara District Plan: Totara Park Limited Private Plan Change N° 25: Operative**

### **Chief Executive 3809.25**

Council adopted Plan Change N° 25 at the 17 December 2008 meeting. The appeal period has now finished, with no appeals being lodged with the Environment Court. Plan Change N° 25 is now required to come before Council to formally become operative with the affixing of the Common Seal of the Kaipara District Council.

Public notice will then announce that Plan Change N° 25 is operative with the operative date being five working days after the notice appears.

### **Recommended**

- 1 *That pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, the proposed Plan Change N° 25 to the Kaipara District Plan be made operative.*
- 2 *That the approval of Plan Change N° 25 be effected by affixing the Common Seal of the Kaipara District Council to Plan Change N° 25.*
- 3 *That the resolution of Council to make Plan Change N° 25 operative be publicly notified in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991.*
- 4 *That Plan Change N° 25 becomes operative on 6 April 2009.*

### **Reason for the recommendation**

As no appeals have been lodged with the Environment Court, Plan Change N° 25 can formally become operative and part of the Kaipara District Plan.

## **3.10 Traffic Management Co-ordinators Appointments**

### **Community Infrastructural Assets Manager 4101.01**

Formal appointments of Traffic Management Co-ordinators are required to ensure that traffic management measures such a temporary speed restrictions are legally enforceable, and also that the roading network is managed safely. Traffic management is controlled by various regulations including the Transport Act 1962. This places powers and responsibilities onto bodies that control roads. The Kaipara District Council is a road controlling authority and is required to manage the safety of traffic on its network.

In order to manage traffic across New Zealand and assist Road Controlling Authorities to determining appropriate measures to use to control traffic, the Ministry of Transport has developed regulations, standards and guidelines. The key standard is a document titled the Code of Practice for Temporary Traffic Management (COPTTM). This requires that for each Road Controlling Authority that a person or persons are nominated as the Traffic Management Co-ordinator to co-ordinate and approve on behalf of Council all temporary traffic management within the District.

NZ Transport Agency's (formerly Transit New Zealand) Code of Practice for Temporary Traffic Management has been used by Road Controlling Authorities since its introduction. Level 1 and Level 1 LV Code of Practice for Temporary Traffic Management is a high standard Code of Practice employed used within the District.

To date in accordance with Code of Practice for Temporary Traffic Management the Council's Engineers, who hold a minimum Level 1 Warrant that has been issued by NZ Transport Agency, check and approve all Temporary Traffic Management Plans for work within road reserve. The approved Temporary Traffic Management Plan is submitted to the Traffic Management Co-ordinator for their approval for the Contractor or applicant to occupy the road reserve.

It is the responsibility of the appointed Traffic Management Co-ordinator to approve the installation of a Temporary Speed Restriction, co-ordinate all activities so there are no conflicts between contractors in the same area, and notifying the AA, emergency services, Road Controlling Authorities, media, and public transport operators etc where the activity is likely to cause disruption.

Usually the Traffic Management Co-ordinator is an employee of the Road Controlling Authorities who has a NZ Transport Agency Code of Practice for Temporary Traffic Management Warrant and good knowledge of the District; however this position may be delegated.

The Council has no appointed Traffic Management Co-ordinator. The Council's Engineers have been approving Temporary Traffic Management Plans and liaising with each other to prevent conflicts.

The Council's two seconded Engineers (Northern Area Engineer and Southern Area Engineer) have to date been approving Temporary Traffic Management Plans and Temporary Speed Restrictions as acting Traffic Management Co-ordinators. To ensure that these measures are legally enforceable Council needs to formally appoint these positions as Traffic Management Co-ordinators.

### **Recommended**

*That Council appoints the Northern Area Engineer and Southern Area Engineer as Traffic Management Co-ordinators.*

### **Reason for the recommendation**

To ensure consistent, legal, safe and practical temporary traffic management throughout the District roading network.

### **3.11 Notice of Motions: Kauri Coast Community Pool Trust**

#### **Governance Manager                      1904.04**

Councillor Guest tabled seven Notice of Motions at the Council meeting held 25 February 2009. These are set out below for Council's consideration:

#### **Notice of Motion 1**

*That the business plan for the Kauri Coast Community Pool Trust be forwarded to the Auditor General for evaluation as to whether the Kaipara District Council has complied with the stated terms of the LTCCP, whether or not there have been significant changes in respect of the LTCCP and whether the Kaipara District Council under the current economic circumstances and in respect to the extra funding that the Kaipara District Council is now proposing to contribute to the Trust, is obliged to carry out a further special consultation procedure with Kaipara ratepayers. Also that the Auditor General be asked to give an analysis as to whether there is an extra financial risk to ratepayers if the business plan projections are not achievable.*

#### **Notice of Motion 2**

*The Council instructs the Chief Executive to provide an evaluation on all of the land asset holdings that Council is planning to sell to provide funding for the Kauri Coast Community Pool Trust, such evaluation to include current Government valuations and the risk factor of these properties not obtaining these realisations due to the economic downturn. Also to include an opportunity cost, what is the ratepayer going to gain or lose through these properties being sold for other than local purposes pertaining to ratepayers in that immediate area.*

#### **Notice of Motion 3**

*That the Dargaville Swimming Club who have been collecting the revenue from the current Dargaville Pool, be required to provide all financial data pertaining to patronage income and outgoings for the last three year period.*

#### **Notice of Motion 4**

*That the Chief Executive be required to give an evaluation on current forestry values and projected income streams and the projected time he expects to fund the Trust by funding off the balance sheet.*

#### **Notice of Motion 5**

*That the Chief Executive be required to seek urgent clarification from the Minister for Treaty of Waitangi negotiations as to what is the current position in regards to the Waitangi land claim WAI 188 that descendants of Parore Te Awha and Te Kuihi have made to the Waitangi Tribunal in regards to Crown and Reserve land being affected in Kaihu Block No. 2D and to whether or not Selwyn Park is affected.*

**Notice of Motion 6**

*That the Chief Executive Officer be required to request copies of all Minutes pertaining to the activities of the Kauri Coast community Pool Trust to ensure that the Trust has complied legally with meeting procedures as outlined in the Trust Deed.*

**Notice of Motion 7**

*That the Kaipara District Council supports a special consultation process with ratepayers, seeking their support for the extra ratepayer funding that the Kaipara District Council now proposes to give, up an above the original stated figures in the LTCCP.*

The following comments are made on each Notice of Motion

**Notice of Motion 1**

The Business Plan can be audited. There will be a cost Council will need to meet for this audit work. There has been no significant variation from the proposal adopted by Council and consulted with the community. The Council has not contributed additional funding to the pool but has agreed to underwrite the project. Council is consulting with the community on the best way to fund this underwriting if it is required.

**Notice of Motion 2**

Council's financial input towards the pool project is \$2,000,000 and this has not changed. Council is not selling any more than the initial \$500,000 of land sales already identified, as a part of the \$2,000,000. This is made up as follows:

	\$
Kaipara District Council Forestry Equalisation Fund	500,000
Sale of property	500,000
Dargaville Special Rate	1,000,000

Council staff have carried out reviews of land identification over the years, and in December 2006 Council was presented with a report "Status Report - Surplus Land to Support Capital Projects". This discussed reviewing assets to fund the purchase of land in Paparoa. This report also noted several properties around Dargaville and that these be considered for the Pool redevelopment.

It is good business practice to carry out timely reviews of assets and as this December 2006 report notes:

*'As the custodians of ratepayer assets Council needs to steer a course between the swift disposal of unwanted property, and the judicious rejection of offers that do not bring effective financial returns'*

A further review and identification of Council properties is underway at present to update the December 2006 report.

### **Notice of Motion 3**

Dargaville Swimming Club has been running the town pool on behalf of Council for the last 47 years. Much of the work over the years has been done on a voluntary basis and has saved Council money. Council has never asked the Club to provide any specific information. To ask for historical information at this time could be considered unreasonable.

### **Notice of Motion 4**

Council already has a reviewed forestry values and projected income streams provided by its forestry consultants. This work was done late in 2008 and is incorporated in the draft 2009/19 *Kaipara's Future - Working Together* (LTCCP). The cash flow over 2008/14 period provides some \$900,000 that is not allocated. Those projections were also used in the paper to the Council on the Dargaville Swimming Pool, dated 16 December 2008.

Council has always applied prudent and conservative financial practices when dealing with the proceeds from its forest estate. Council's Forestry advisors are a knowledgeable, experienced and well-respected firm, who have guided Council for over 12 years. For each LTCCP they prepare, at Council's request, a fresh set of revenue and cost projections; by forest, by year, for the 10 year period. They make it quite clear that their projections are well on the conservative side.

### **Notice of Motion 5**

Deborah Jackson from The Office of Treaty Settlements has been contacted and her email response is:

*"Land owned outright by a local authority is not subject to the landbanking process.*

*For further information please refer to [www.ots.govt.nz](http://www.ots.govt.nz) and go to "Lands and Property" and "Protection Mechanism Crown Agency booklet" - page 4*

*Please note that if a reserve was owned by the Crown (DOC) and a Local Authority has either been appointed to control and manage the reserve or holds the land in trust for a reserve, then if it is surplus and the reserve status is ever revoked the land reverts to the Crown. At this point such land would be subject to the landbanking assessment provided it had first cleared statutory obligations under s40 of the Public Works Act or any pre-existing contractual obligations."*

This means that unless Council declares Selwyn Park surplus to Council and community requirements and hands it back to the Crown (Department of Conservation) which then also declares it surplus because it is surplus to community and Crown requirements the land is not available for landbanking. There is no plan by Council to declare Selwyn Park surplus to Council and community requirements.

### **Notice of Motion 6**

Minutes pertaining to the activities of the Kauri Coast Community Pool Trust can be provided, if Council requires them.

### **Notice of Motion 7**

Council can choose to support a special consultation process. However, there is no need given the rating requirement and that the nature of the project is unchanged. There is no change to funding from rates, forestry or property sales. This was detailed in the report presented at the December 2008 Council meeting.

Council approached the pool community in 2004 regarding replacing the current pool and has been consulting with the wider community for this particular project since 2006.

Council adopted the 50 metre option at its March 2007 meeting and was included in the Annual Plan Consultation process. Council has agreed to underwrite the shortfall, if external funding is not sourced. The community is being consulted on the potential raising of funds if the underwriting is called upon.

## **4 Reports**

### **4.1 Mayor's Report**

#### **1701.02.03**

The Mayor to report, for information, on matters of interest.

### **P44 4.2 Councillors Portfolio Reports**

#### **Councillors 1904 (various)**

The Councillors to give written reports on portfolio matters and other items of interest.

#### **Cr Alspach**

- **Roading**

#### **Cr Burnett**

- Refuse
- Economic

Cr Geange

- Community Spaces - Northern
- Social: Youth, Elderly, Sport, Schools

Cr Guest

- Finance
- Stormwater - Northern
- Regulatory

**Cr McEwing**

- **Water; existing wastewater, water supply and land drainage**
- **Emergency Management**

Cr Smith

- Rooding
- Planning

Cr Sutherland

- Stormwater - Southern
- Community Spaces - Southern
- Libraries
- Arts

Cr Taylor

- Community; halls, new infrastructure

**Cir 4.3 Chief Executive's Report: March 2009**

**Chief Executive 2002.02.08**

The Chief Executive's report for March 2009 is circulated separately.

**Recommended**

*That the Chief Executive's report for March 2009 be received.*

## 5 Receipt and Adoption Items

### **P46 5.1 Mangawhai Endowment Fund Committee Emergency Meeting 25 February 2009 Minutes**

**Development Manager 1605.11**

The Mangawhai Endowment Fund Committee Emergency Meeting minutes of 25 February 2009 are attached.

#### **Recommended**

*That the Mangawhai Endowment Fund Committee Emergency Meeting minutes of 25 February 2009 be received.*

### **P47 5.2 Road Naming: Private Right of Way off Gables Road, Mangawhai: Pukatea Way**

**Community Infrastructure Assets Manager 4102.09**

Mangawhai Ridge Society has completed a forty two lot subdivision located off Gables Road, Mangawhai. In line with Council's Road Naming Policy a resident within the subdivision has submitted, for Council approval, the names for one of the private right of ways. The attached map shows the section of road in question.

The names proposed are Ghyll Lane, Pukatea Way and Kawaka Way. The reasons being offered is Ghyll is a ravine. The resident states that there are three streams coming down off the ridge on to the lane. Ghyll is also a variation of the name of the resident proposing the name.

The other two proposed names are of native trees and this is in keeping with the native theme from 'Kokopu', which was recently named. The current policy weights the names by historical, cultural, geographical and nature based order. Pukatea is keeping in theme with the nature based naming that is currently occurring in the region. As a ravine is not a term commonly used, and none are to be found in the Kaipara District, this is the reason why the resident's first choice was not recommended.

Pukatea Way is recommended as complying with Council's current Road Naming Policy.

#### **Recommended**

*That the information be received.*

## **6 Information Items**

### **P48 6.1 Delegated Authority: Schedule of Decisions**

**Development Manager 3803.0**

Attached is a schedule of decisions that has been made under delegated authority. The purpose of this is not for Council to review the detail of these decisions as they have already been made under delegated authority, but rather to give an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

**Recommended**

*That the Delegated Authority Schedule of Decisions be received.*

### **P78 6.2 District Plan Review: Monitoring Report March 2009**

**Chief Executive 3807.01.08**

Attached is the monthly Monitoring Report from the Project Manager of the District Plan Review.

**Recommended**

*That the information be received*

### **P80 6.3 Local Government New Zealand : 2009 Annual General Meeting Remit Process**

**Governance Manager 2113.02**

A memorandum is attached that was received from Local Government New Zealand (LGNZ) outlining the remit process for LGNZ Annual General Meeting.

**Recommended**

*That the information be received.*

**P84 6.4 Rural and Provincial Sector Minutes 19/20 February 2009, Wellington****Governance Manager 2113.02.01**

A copy of the Rural and Provincial Sector Minutes for the meeting held 19 and 20 February 2009, in Wellington, is attached for the information of Councillors.

**Recommended**

*That the information be received.*

**P89 6.5 Minister of Agriculture, BioSecurity and Forestry: Briefing Paper****Community Infrastructural Assets Manager 2110.01**

On 26 February 2009 the Hon David Carter visited the Northland Agricultural Field Days. A Kaipara District Council briefing was prepared for the Minister in discussion with the Mayor, Deputy Mayor and Councillor Geange. The purpose of the briefing paper was to give the Minister a brief overview of the Kaipara with regard to the Minister's portfolio areas. A copy of that Briefing Paper is attached.

The Paper gives summaries on the following items:

- Agricultural, horticultural and forest production
- Key challenges
- Rural roadings,
- Financial Assistance Rate
- Regional Development Fund (RDF)
- Utility Risks; and
- Kaipara Moving Forward.

Across the Kaipara agriculture, horticulture and forestry production are primary industries. Kaipara's livestock numbers are the sixth highest across the country and its production of vegetables, seed and grain crops etc is ranked at eleventh and twelfth highest.

**Recommended**

*That the information be received.*

## **7 Public Excluded Items 25 March 2009**

### **Recommended**

*That the public be excluded from the following part of the proceedings of this meeting namely Wood Street, Mangawhai: Redevelopment, Ratepayer Complaint: Cr Guest*

*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:*

<i>Subject matter to be considered:</i>	<i>Ground(s) under Section 48 (1) for the passing this resolution:</i>
<i>Wood Street, Mangawhai: Redevelopment</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Ratepayer Complaint, Cr Guest</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>

### **Reason for passing this resolution in relation to each matter**

This resolution is made in reliance of Section 48 (1)(a) of the Local Authority Official Information and Meetings Act and the particular interest or interests protected by Section 7 of that Act Section 7 of the Official Information Act 1982, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

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.

## **Open Meeting - 25 March 2009**

### **Recommended**

*That the resolutions made whilst in Public Excluded, be confirmed.*

### **Closure**

**Kaipara District Council**

**Dargaville**