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## Not for Publication until after Commencement of Meeting

### Notice Of Extraordinary Meeting Of Council

**Date** 10.00 am on Wednesday 28 January 2009

**Venue** Council Chambers, Station Road, Dargaville

### Timetable

**9.45 am Morning Tea**

**10.00 am Workshops**

- 1 Chief Executive - Staff (In Committee)**
- 2 Refuse Collection Eastern Area (In Committee) refer to Agenda item**
- 3 Consultation Strategy: Kaipara's Future - Working Together 2009/19 (LTCCP)**

The Stakeholder Engagement Manager will lead a workshop on the strategy for engaging with the community. The purpose is to find an effective way of enhancing the Council's reputation as a consultative Council while incurring the least cost.

**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**

**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: 28 January 2009

### 1 Opening : Cr Guest

Councillor to be selected to open the 25 February 2009 meeting.

#### 1.1 Present

#### 1.2 In Attendance

#### 1.3 Apologies

##### **Recommended**

*That the apology of Cr Taylor be received.*

### 2 Confirmation of Minutes

#### **P1 2.1 Ordinary Council Meeting : 26 November 2008**

##### **Governance Manager 1601.13**

Copies of the minutes of the Ordinary Council Meeting of 26 November are attached.

**P1** Part 1 relates to the items heard prior to the meeting being adjourned due to time constraints.

**P39** Part 2 relates to the reconvened meeting held 10am 17 December 2008

##### **Recommended**

*That the minutes of the Ordinary Meeting of Council for 26 November 2008, Part 1 (held 26 November 2008) and reconvened Part 2 (held 10am 17 December 2008), as circulated, be confirmed as true and correct record.*

#### **P61 2.2 Ordinary Council Meeting : 17 December 2008**

##### **Governance Manager 1601.13**

A copy of the minutes is attached.

##### **Recommended**

*That the minutes of the Ordinary Meeting of Council 17 December 2008, as circulated, be confirmed as a true and correct record.*

## **P72 3.1 District Plan Review: Budgets, Funding and Programme to Complete to Notification**

### **Chief Executive 3807.01**

A report and associated documents from the Chief Executive is attached, the prime purpose of which is to inform Council of the cost to complete the Review of the District Plan to notification. This report therefore identifies costs to 31 December 2008 and an estimate of costs to completion. This information has been requested by Council as part of its consideration of the need and desire to proceed with the review.

The report also compares the proposed budget with the Council's approved budget and seeks approval of the new budget as included in the Draft *Kaipara's Future - Working Together* 2009/19 (LTCCP).

The Council confirmed the review of the District Plan in *Kaipara's Future - Working Together* 2004/14 (LTCCP). There was to be a targeted review with five priority topics. The key strategic drivers were:

- Good environmental and community outcomes.
- Efficient use of Council's limited resources and a manageable process.
- Efficient and effective management of growth.

During the process Council made three significant changes of scope:

- 1 Change of Scope 1: 23 August 2006  
Outcomes
  - Identified environmental outcomes with transparent links between outcomes and methods
  - Greater community involvement in the review process
  - Council to endorse at each stage (outcomes, objectives, policies and methods) before moving to the next, more detailed, stage.
- 2 Change of Scope: 25 July 2007  
Outcomes
  - Greater drive for completion
  - Greater Councillor involvement and buy-in
  - Greater number of workshops
- 3 Change of Scope: October/November 2007  
Outcomes
  - More time for Council to consider the review
  - Change to Outstanding Landscapes process

The adopted budgets for the project totalled \$907,000.

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scope implemented by Council increased costs:

	\$	90,000
Change of Scope 2	\$	260,000
Change of Scope 3	\$	<u>100,000</u>
Total Cost of Changes	\$	<u>450,000</u>

This gives a total budget of \$1,357,000.

Expenditure to 31 December is \$782,570, within the approved budget. However a review of the costs to notification has identified a potential cost of \$483,000. This gives a total estimated cost of \$1,350,000.

In summary:

**Budgets**

Total Approved Budget	\$	907,000
Council approved Scope Changes	\$	450,000
Total Budget	\$	<u>1,357,000</u>

**Expenditure**

Expenditure to 31 December 2008	\$	782,570
Estimate to complete	\$	483,000
Total Estimate to Complete	\$	<u>1,265,570</u>

The Estimate to Complete is based on no further pre-draft plan workshops. A draft Reviewed District Plan is to be available for consideration at the 18 March 2009 workshop for Council to work through and agree the draft document. This will enable early notification of the Reviewed District Plan.

It is also suggested that the review process be funded on the same basis as other infrastructure and treated as capital expenditure. This is generally funded by loan. This loan could cover the total cost, returning funds to the Forestry Equalisation Account for use on community projects or just to fund the costs from 1 July 2009. Such a loan to be serviced from Resource Consent Processing Fees and the General Rate apportioned in terms of the Council's Funding Policy.

**Recommendation One**

*That Council commences consideration of the Draft Reviewed District Plan at its workshop on 18 March 2009 without further workshops on direction.*

**Reason for the Recommendation One**

This will enable early notification of the reviewed District Plan while minimising costs.

total budget of \$1,265,570 to the Review of the District Plan with a budget to complete of \$483,000 to be included in Kaipara Future - Working Together 2009/19 (LTCCP).

### **Reason for the Recommendation Two**

This budget will enable Council to complete the project to notification while achieving its identified outcomes.

### **Recommendation Three**

*That the budget to complete the Review of the District Plan be funded by loan, the servicing of which will be funded in terms of Council's Funding Policy from Resource Consent Processing Fees and the General Rate.*

### **Reason for the Recommendation Three**

This proposal is more equitable than the alternative of funding the cost from the General Rate and treats the District Plan on a similar basis to other Council infrastructure. The balance of the budget is already funded and there is no financial need to reallocate funding.

## **3.2 Montgomery Avenue / Huia Crescent, Dargaville: Chicanes**

### **Community Infrastructural Assets Manager**

**4104.310; 4104.201**

The decision to install traffic calming devices in Montgomery Avenue, Dargaville was to support the community and provide a solution other than policing to an excessive speed issue. These devices were installed October 2008.

At Council's 26 November 2008 meeting Mr Bargh presented a petition to Council expressing Huia Crescent residents displeasure with the chicanes at the intersection of Huia Crescent and Montgomery Avenue. The petition requests the removal of this one chicane as soon as possible, as signatories to the petition consider it to be a major inconvenience serving no useful purpose.

While the Huia Crescent/Montgomery Avenue chicane is causing tension it is doing what it was meant to do which is to slow traffic down. However, at this stage it is a relatively minor matter to remove this chicane prior to infilling and vegetation planting if Council considers it appropriate.

In addition Council has also received a letter from a resident taking the opportunity to acknowledge how pleasing it is to see the reduction in traffic speed on Montgomery Avenue. This resident supports the retention of the chicanes on Montgomery Avenue and the removal of the chicane at the intersection of Huia Crescent/Montgomery Avenue.

has also received a letter from the Dargaville Volunteer Fire about the difficulty of fire appliances traversing the chicanes. An  
An  
short meeting has been held with the Brigade and a minor adjustment is to be made to  
address this concern.

### **Recommended**

*That Council acknowledges the petition from Huia Crescent, Dargaville residents dated 5 January 2009 however, due to the success of the chicanes at the Huia Crescent / Montgomery Avenue intersection and in upper/lower Montgomery Avenue, Council retains the current configuration.*

### **Reason for the recommendation**

To formally consider a petition presented to Council at its November 2008 meeting.

## **P125 3.3 Road Status Change: Reserve to be Dedicated as Road: Awakino Road, Dargaville**

**Community Infrastructure Assets Manager 4102.08**

In 1983, Council approved a subdivision on the deposited plan 101531. Lot 4 of this subdivision was designated as a Local Purpose Reserve (road to vest). The registration of this Local Purpose Reserve was completed by surveyors Reyburn and Bryant. The purpose of the land is for roading. By the original surveyors identifying the land as Local Purpose Reserve, it is subject to the Reserves Act.

Council has requested Crown Property Services to complete a report regarding this piece of road reserve land in Awakino Road, Dargaville. Council approved a subdivision in 2007 on Awakino Road. In order to be a legal access way, Lot 4 DP 101531 needs the status changed to Dedicated Road from Road Reserve. The Local Purpose Reserve status is not appropriate and the land should have been Road to Vest from the 1983 subdivision.

Crown Property Services reports that when the land on DP101531 was subdivided, Lot 4 was vested in the Council as Local Purpose (Road) Reserve, subject to the Reserves Act 1977. It has now become necessary that the land become legal road so that it can link with land adjoining to the west that is to vest as road. Council has approved resource consent for the property directly behind Lot 4. It is now necessary to change the road reserve so that the subdivider is able to begin selling properties in the subdivision.

Section 111 of the Reserves Act provides for the road reserve to be dedicated as road by resolution of the Council and lodged with the District Land Registrar.

11 of the Reserves Act 1977, Lot 4 DP 101531 situated at Awakino Road, Dargaville, be dedicated as road.

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

To change the land status from Local Purpose (Road) Reserve, to road.

### **P127 3.4 Road Legalisation and Stopping: Corner Cove and Tara Roads, Kaiwaka**

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

**4102.17: 4104.100**

In September 2007 under the Local Government Act 1974 Council approved the road stopping of an unformed portion of paper road at the northern end of Garbolino Road. This road runs between two properties. Mr Alec Critchfield is the owner of one of these properties which is situated on the corner of Tara Road and Cove Road. Currently Cove Road encroaches on the corner of Mr Critchfield's property. No new alignment work is to be undertaken. This is a retrospective legalisation of work which has occurred.

Council approved the road stopping subject to engineering advice, that to do so would not undermine traffic safety and on the condition that a valuation is undertaken on both pieces of land and the monetary difference is paid to Council.

Council has obtained a valuation of \$2,500 for the 530 square metres of Mr Critchfield's land and \$12,500 for the 2,300 square metres. The difference is \$10,000. Mr Critchfield has agreed to pay half of the valuation difference, being \$5,000. He will also pay for all costs associated with the road stopping while Council will pay for all costs associated with the road legalisation.

#### **Recommended**

*That Council continues with the road stopping procedure for the unformed 2,300 square metre piece of paper road (as identified on Reference Plan N<sup>o</sup> SBS 317) adjoining Mr Critchfield's property, under the Local Government Act, subject to engineering advice and should no objections be received, allowing Mr Critchfield the opportunity to obtain the piece of unformed road for \$5,000. Mr Critchfield to pay for the costs associated with the road stopping and Council to pay for the costs associated with the road legalisation.*

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

The corner of Cove and Tara Roads is a key part of Council's roading infrastructure and its ownership needs to be legalised. Council has an obligation to legalise roads that lie within private ownership.

### **Partnerships with the Private Sector Policy: Re-adoption**

**2304.10**

A report is attached which relates to the Policy on Partnerships with the Private Sector that Council is obliged to review every three years. Any significant amendment that happens to arise from such review must be formally consulted on as part of the *Kaipara's Future - Working Together* 2009/19 process.

#### **Recommended**

*That the existing Policy on Partnerships with the Private Sector be re-adopted by Council, unchanged.*

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

This policy has stood the test of time well, and has worked effectively since the last review three years ago.

### **P134 3.6 Review of Significance Policy: Re-adoption**

**Chief Executive 2304.09**

A report is attached regarding the Policy on Significance, which Council is obliged to review every three years. Any significant amendment that happens to arise from such review must be formally consulted on as part of the *Kaipara's Future - Working Together* 2009/19 process.

#### **Recommended**

*That Council readopts the existing Policy on Significance, unchanged.*

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

This policy has stood the test of time well, and has worked effectively since the last review three years ago.

### **P138 3.7 Kaipara Heritage Assistance Fund Allocation 2008/09**

**Chief Executive 3839.02.03**

A report by the Policy Planner is attached that recommends to Council the allocation of the funds following assessment of the received applications to the Kaipara Heritage Assistance Fund. As part of this year's Annual Plan, Council set aside \$10,000 for a contestable Kaipara Heritage Assistance Fund. The aim of the Fund is to help and encourage people to protect and preserve resources of heritage value within Kaipara. It was considered that such a fund would help contribute to the strong communities and special character of Kaipara's Community Outcomes.

received, seven are recommended to be funded from the  
 Where possible applications that are not proposed to be funded  
 will be considered suggesting other sources of funding.

**Recommended**

*That Council funds the 2008/09 applications to the Kaipara Heritage Assistance Fund as follows:*

<b>Applicant</b>	<b>Heritage Resource</b>	<b>Funding</b>
Tangiteroria Marae Trustees	Church of Epiphany	\$3,100.00
All Saints Church Mititai	All Saints Anglican Church	\$387.12
NZ Society of Genealogists Inc.	Historic Directories	\$165.00
Anglican Parish of Paparoa	St Albans Church	\$615.00
Trevor Linnell	Gittos Mission House	\$3,137.59
Pahi Community Hall Society Inc	Pahi Community Hall	\$367.00
Dargaville Lions Centre	Former Old Folks Association building	\$2,228.29
<b>Total</b>		<b>\$10,000.00</b>

**Reason for the recommendation**

The allocation of the Kaipara Heritage Assistance Fund will help contribute to the strong communities and special character of Kaipara Community Outcomes.

**P141 3.8 Kaipara District Council's 2008/09 Business Plan Six Monthly Review**

**Chief Executive 2310.09.02**

Council's Business Plan update is attached which sets out the actions required and timeframes for implementing the annual work programme. The 2008/09 Business Plan, adopted in June 2008, requires that the Business Plan itself be reviewed and updated after six months to take into account factors that have influenced Council's ability to achieve the proposed work programme. The rationale for updating the Business Plan is to ensure that the Business Plan remains a relevant and operational document and that progress reports to Council continue to be as accurate as possible.

Key changes affecting projects are largely as a result of project scopes being expanded due to further strategic direction from Council; or the need for the project to be more comprehensive in public and/or Councillor involvement, or the project timeframe has been extended due to third party agencies, like the Regional Council or consultants.

revised sections of the 2008/09 Business Plan; and

*That the 2008/09 Business Plan be amended accordingly.*

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

To ensure that the Business Plan remains relevant and accurate, and is able to be reported against.

### **P155 3.9 Contract 586 Reseals 2008/11**

**Community Infrastructural Assets Manager 4107.586**

A report from the Community Infrastructural Assets Manager is attached, the purpose of which is to advise Council of budget reallocations required to ensure the full Reseals programme can be achieved in terms of the current Asset Management Plan. The prices received for the three year Reseals contract are above the current budget. Reseals are considered to be the critical activity to sustain the life of the District's sealed roads. Accordingly funding reallocation is necessary. The budget most able to sustain a modest reduction is the Unsealed Road Metalling budget, given recent favourable weather.

#### **Recommended**

*That Council receives and endorses Blacktop Construction as the successful tenderer with a price of \$2,455,475.00 for Contract 586: Reseals 2008/11.*

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

To ensure the Reseals programme can be completed in accordance with the current Asset Management Plan.

### **P157 3.10 Dargaville Information Centre and Dargaville Library Proposed Merge**

**Stakeholder Engagement Manager 2124.03.08; 2132.03.01**

A report from the Stakeholder Engagement Manager is attached proposing a merge of the Dargaville Library and Dargaville Information Centre forthwith. Customer numbers at the Information Centre following a short seasonal increase are now again declining. Council has previously considered the option of merging information services with the Library. This proposal was sidelined awaiting the outcome of further investigations into the possibility of relocating the Library to the Old Post Office. While the Old Post Office project is still being considered by Council it is awaiting further information, at best it would be several months

occur. During this time the Information Centre service is limping  
nce Council's reputation or credibility.

If modifications were made to incorporate the Information Centre in the Library the following benefits would be achieved:

- Dollar savings.
- More comprehensive information service.
- Opportunity to improve after hours services during work hours.
- Better use of an outstanding but underused facility.
- An opportunity for another Dargaville business to improve viability in time of recession by taking over the bus bookings.
- The opportunity for Dargaville Tourism operators to take ownership of information provision and potentially get the kind of successes that Mangawhai providers do.
- The opportunity to hold exhibitions of local art and craft.

### **Recommended**

*That Council moves the Dargaville Information Centre to the Dargaville Library; and*

*That modifications to the facility to the value of \$30,000 be approved; and*

*That the current Information Centre building be advertised to let.*

### **Reason for the recommendation**

To provide a comprehensive information service in a cost effective way.

## **P162 3.11 Dargaville Town Hall Maintenance Update**

### **Stakeholder Engagement Manager**

**4603.03.08**

Following concerns expressed to Councillors, a report on possible upgrading of the catering equipment in the Town Hall kitchen was considered by Council at its November 2008 meeting. Council requested a further report in relation to the ovens and asked that this report include feedback from professionals and other users of the current facilities. An update report from the Stakeholder Engagement Manager is attached.

The current ovens are perceived by many users as being temperamental. Although the information gathered does not appear to support this perception, it is real in its effect. Because the ovens are not fan-forced the ability to cater for large numbers is limited and yet the hall is designed to accommodate large functions.

Replacing the gas ovens with electric fan-forced ones would address both these issues.

Hall ovens be replaced with the best value fan-forced oven/s with sufficient capacity to cook for 300 when combined with the other facilities currently available.

### **Reason for the recommendation**

To allow for increased usage of a first rate facility.

## **P165 3.12 D Smith Resource Consent Application: Proposal for Public Foreshore Access**

### **Development Manager RM080130**

Mr Dave Smith has submitted a land use consent application relating to a proposed boat storage facility on his property at Moir Point Road, Mangawhai. Council's Judicial Committee declined consent to a facility for 200 boats on this site, in June 2006. The current revised proposal is for half the number of boat parks.

As a preliminary issue before the resource consent application is taken further, the applicant seeks confirmation that Council would accept provision of an esplanade strip along the foreshore boundary of the site. The attached letter from Dream Planning Ltd dated 28 October 2008 and plan refer. The land is of a very gentle slope located just above a small white sandy beach at this point. With an esplanade strip, in contrast to an esplanade reserve, Council would not own the land; the arrangement is much like a right-of-way easement in favour of the Council, and the inner boundary does not need to be surveyed. This is because the inner boundary is determined by reference to the position of Mean High Water Springs.

The scope of Council's decision here is to either accept or not accept the offer so that the person or persons making a decision in respect of the land use consent application have clear guidance as to Council's wishes. In subsequent informal discussions with the applicant's agent, it was indicated that the applicant would be prepared to offer a five metre wide strip.

To give the resource consent decision maker as free a hand as possible in determining the application, it is recommended that Council advises it is prepared to accept either an esplanade reserve or strip of up to 20 metres wide in this locality. This approach is supported by the Mangawhai Structure Plan. Providing access to and along the foreshore areas of Mangawhai has also been indicated as a high priority for the community to investigate and provide for. No compensation will be required.

As the attached locality map shows, there are several gaps in the public foreshore access network on the Molesworth peninsula, and this will assist in remedying this. The property immediately to the south of the subject site is being subdivided, and the result of this will be a further link. This will comprise a two metre wide esplanade strip on the boundary adjoining the Smith property.

Smith that it will accept either an esplanade reserve or esplanade strip to a width of at least five metres but up to 20 metres along the foreshore boundary of his property in conjunction with his land use consent application (RM080130).

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

To facilitate access for the public along the foreshore of the Molesworth peninsula.

## **4 Reports**

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

#### **1701.02.03**

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

### **P168 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

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Cr Sutherland

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

Cr Taylor

- Community; halls, new infrastructure

#### **cir 4.3 Chief Executive's Report: December 2008 / January 2009**

**Chief Executive 2002.02.08**

The Chief Executive's report for December 2008 / January 2009 is circulated separately.

#### **Recommended**

*That the Chief Executive's report for December 2008 / January 2009 be received.*

## **5 Receipt Items**

### **P169 5.1 Road Naming: Private Right of Way off Cames Road, Mangawhai: Kokopu Lane**

**Community Infrastructure Assets Manager 4102.09**

Mangawhai Ridge Society has completed a forty two lot subdivision located off Cames Road, Mangawhai. In line with Council's Road Naming Policy, the developer has submitted for Council approval the names for the three private right-of-ways. Council resolved at its meeting on 17 December 2008 to let the item on naming the three private right of ways lie on the table, pending the completion of the review of the Road Naming Policy.

After further consultation, it has been decided that the application for name approval for Kokopu Lane, be resubmitted for consideration. The remaining applications for Pohut Lane and Archey's Lane to be left to lie on the table until completion of the Road Naming Policy review.

the section of road in question. The names proposed are Kokopu Lane, Koura Lane and Inanga Way. A survey found abundant numbers of Kokopu, Koura and Inanga species in the surrounding streams. The other two proposed names being Koura Lane and Inanga Way for the reasons outlined above.

Kokopu Lane is recommended as complying with Council's current Road Naming Policy.

### **Recommended**

*That the information be received.*

## **6 Information Items**

### **P170 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.*

### **P200 6.2 Audit New Zealand: Management Report for 2007/2008**

**Finance Manager 2303.02**

The Audit Management Report for 2007/2008 is attached for the information of Councillors. The opinion confirms that no breaches of legislative compliance were identified, and that the management control environment was effective. There were no major issues raised, and management is working with Audit New Zealand to address matters which can be improved.

### **Recommended**

*That the information be received.*

## Chief Executive Certification

### Chief Executive 2112.01

The signed certificates for the period ended 31 December 2008 of the sign-off from Management to Council that is undertaken half-yearly, are attached for the information of Councillors.

#### **Recommended**

*That the information be received.*

## **6.4 Northcoast Subdivision, Driftwood Place, Mangawhai: Stormwater Disposal**

### **Development Manager RM030166; 4404.0**

There remain unresolved issues with disposal of stormwater for a subdivision granted consent in 2003. Council holds a bond to ensure satisfaction in this regard. The solutions are complicated by the fact that the original developer no longer owns the land involved, and has no legal power to undertake remedial works on someone else's land.

Council has extensive powers under the Local Government Act to achieve the necessary outcome. The costs associated with this can be met from the bond held by Council. After meeting with the developers onsite and reports from Council's engineers, it is now proposed to write to the owners of two properties advising them of their responsibility to maintain the soakage pits on their right of way, and write to the owners of six properties seeking their agreement to drainage easements being registered on their titles to protect stormwater overland flowpaths through their properties. This would be at no cost to them. If not all owners agree to the easements, the next option is for Council to commence the procedure for declaring the overland flowpaths to be public drains. This procedure would be governed by the decision making provisions in sections 77 and 78 of the Local Government Act 2002.

If the preferred easement option is successful, this matter will not need to come before Council again, but if the public drain declaration option is necessary, it will come to Council again for a decision after the views of those who may be affected have been sought.

#### **Recommended**

*That the information be received.*

## Topic: Extension of Time for Payment

### Development Manager

**2304.11; RM070151; 0115033304**

At its November 2008 meeting Council addressed the question of objections against imposition of development contributions, and accepted that there is no right of objection under the Council's Development Contributions Policy as it stands. Council also sought clarification of the options available to extend or postpone the time by when payment of the development contribution must be made.

Advice was sought from Council's solicitors on this question. The Local Government Act makes reference to the option of registering a statutory land charge against the title of the affected land, and this could be construed as a means of establishing the obligation to fall due at a later time than would otherwise be the case.

In fact, all a statutory land charge achieves is reinforcement of the obligation to pay the contribution, particularly where a property might change hands between approval of a development attracting a development contribution, and putting into effect the consent which has triggered the policy.

Our solicitors also evaluated the option of a bond agreement to secure payment at some nominated future time, but this offers no advantages. As an operating guideline, bond amounts of up to \$25,000 can be accepted in the form of cash. However, if cash is available to pay the bond, there is no need for the bond. The alternative is a bank guaranteed bond. This option would attract legal expenses, bank and interest charges. For relatively small values, these costs can mount up.

If a bank is not prepared to advance the cash to meet the cost of the development contribution, Council should be cautious about becoming the lender of last resort in such a case. Significantly, our solicitors also advise that if Council is to contemplate such an approach, the development contributions policy would need to be amended to clarify the terms and circumstances under which such an option would be available. This involves preparation of a Statement of Proposal and the formal public consultation process set out in the Local Government Act.

### Recommended

*That the information be received.*

**Fund (T Fund)****Community Infrastructural Assets Manager****4106.01**

In November 2008 the New Zealand Transport Agency released General Circular Funding N<sup>o</sup> 08/12 advising Council of the Community Transport Fund (T Fund). The Circular is attached for information. This is a new source of funding within the National Land Transport Fund that is available this financial year to meet transport needs for communities in areas of high socio-economic deprivation. It is a fund capped at \$10 million per annum and available to all communities that have high socio-economic deprivation.

The Funding Assistance Rate (FAR) for activities meeting the criteria is halfway between the relevant approved organisation construction FAR and 100%. For Kaipara this means an 85% subsidy. To access this funding projects must meet the criteria and be identified in either Council's Annual Plan or *Kaipara's Future - Working Together*.

A review of the projects in the 2008/09 Annual Plan has been completed and projects that are considered to meet the funds criteria have been submitted to the New Zealand Transport Agency. These projects are public facility sealing, dust coat sealing, Dargaville Lighting and Pedestrian upgrade and Kaihu River Bridge Pedestrian and Cycling upgrade.

Projects to be included in *Kaipara's Future - Working Together* 2009/19 are in the process of being investigated.

**Recommended**

*That the information be received.*

**P232 6.7 Cames Road, Mangawhai: Residents Petition 5 January 2009****Community Infrastructural Assets Manager****4104.069; 4102.20**

Some time ago persons unknown placed lime rock on the alignment of an unformed portion of Cames Road enabling through traffic to use the two sections which were formally separated. The limerock section is not formed to the appropriate Council standards and has been illegally formed.

A petition has been received from 73 signatories who have concerns over the action Council has taken on this section of Cames Road. The petition is attached and asks for Cames Road east and west to be reopened. Unfortunately, Council has a duty to ensure that this section is not available for vehicular use until such time that it is formed to an appropriate Council standard. This has been confirmed by Council's legal advisors.

**Recommended**

*That the information be received.*

## Rural and Provincial Sector Minutes 20/21 November 2008, Wellington

2113.02.01

A copy of the Rural and Provincial Sector Minutes for the meeting held 20 and 21 November 2008, in Wellington, is attached for the information of Councillors.

### **Recommended**

*That the information be received.*

## **P247 6.9 Northland Mayoral Forum Meeting Minutes of 8 December 2009**

**Chief Executive 1908.01.01**

The minutes for the Northland Mayoral Forum meeting held 8 December 2008 at the Whangarei District Council are attached for information.

### **Recommended**

*That the information be received.*

## **P252 6.10 New Zealand Transport Agency: Northern Gateway Toll Road: Opening Date**

**Chief Executive 4106.06**

A letter from the New Zealand Transport Agency dated 5 January 2009 is attached that, as part of the Agency's ongoing commitment to inform about progress on the project, updates Council on some key developments with the Northern Gateway Toll Road.

### **Recommended**

*That the information be received.*

## **P254 6.11 Local Government New Zealand: Schedule of Meeting Dates for 2009**

**Stakeholder Engagement Manager 2113.02.01**

The confirmed Local Government New Zealand 2009 Meeting Dates are attached for the information of Councillors.

### **Recommended**

*That the information be received.*



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**Monitoring Report January 2009**

**Chief Executive**

**3807.01.08**

The monthly Monitoring Report for January 2009 from the Project Manager of the District Plan Review is attached.

**Recommended**

*That the information be received.*

ems 28 January 2009

### **Recommended**

*That the public be excluded from the following part of the proceedings of this meeting namely, Kaipara Refuse Limited: Review of Charges Litter Bins; Kaipara Refuse Limited: Eastern District Refuse Information;*

*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>Kaipara Refuse Limited: Review of Charges Litter Bins</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Kaipara Refuse Limited: Eastern District Refuse Information</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.



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2009

### **Recommended**

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

### **Closure**

**Kaipara District Council**

**Dargaville**