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**Not for Publication until after Commencement of Meeting**

**Notice Of Ordinary Meetings Of Council**

**Date 10.00 am on Wednesday 17 December 2008**

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

**Timetable**

**9.45 am Morning Tea**

**10.00 am Recommencement of Council Meeting of Wednesday 26 November 2008**

This Council meeting was adjourned on Wednesday 26 November 2008, with a decision made to recommence at 10am Wednesday 17 December 2008 to conclude the unfinished business.

**12.15 pm Lunch**

**1.00 pm Commencement of Council Meeting 17 December 2008**

**3.00 pm Afternoon Tea**

**3.15 pm Recommencement of Council Meeting, if required**

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,  
Dargaville On Wednesday 17 December 2008 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: 17 December 2008****1 Opening : Cr Geange**

Councillor to be selected to open the 28 January 2009 meeting.

**1.1 Present****1.2 In Attendance****1.3 Apologies****2 Strategic****P1 2.1 Kauri Coast Community Pool: Tender Recommendation****Chief Executive****4701.02.01**

A report from the Commercial Manager is attached regarding Tender recommendation for the Kauri Coast Community Pool. The Kauri Coast Community Pool Trust assisted by Council has worked hard to achieve a position where the community has the opportunity to have a 50 metre pool provided. It is also significant that this facility is seen as a major regional facility by the swimming fraternity. This is likely to attract further significant funding but in the meantime there is a need to ensure alternative sources of funds are available to underwrite the projected shortfall of \$1.44 million as well as funding a further \$500,000 from property sales.

We have identified Council has properties with a current value of \$2,004,000 that are surplus to requirements. This can be used to underwrite the remaining fundraising. If this source of funding is required a bridging loan may need to be raised while the properties are sold. They have an easily realisable value of \$1,500,000.

Given this commitment Council needs some assurance that the future management of the facility is sound.

The opportunity to construct at the current cost level of \$6 million cannot be held beyond December 2008 and therefore if the project is to proceed it needs Council's formal support now.

**Recommended**

*That Council recommends to the Kauri Coast Community Pool Trust that they accept Barfoote Construction Limited as the tenderer for the construction of the Kauri Coast Community Pool; and*

*That, in consideration for the additional financial support, Council be given power of veto of the appointment of trustees; and*

*That the Trust submit a business plan and budgets to Council annually two months before the start of the financial year for approval.*

**Reason for the recommendation**

Council supports the development of a 50 metre pool in Dargaville as it will be an icon for the community as well as a significant regional asset. The funding proposed is reasonable and the current shortfall of \$994,000 can be underwritten by the Council's surplus property.

In addition, Council's review of the appointment of Trustees and the annual business plan and budgets will ensure the protection of the ratepayers interests

**3 Policy**

**P5 3.1 Dargaville Drainage District: Extension of Rating Area**

**Finance Manager 2306.12; 4401; 4501**

A report from the Finance Manager is attached, relating to a review of the Dargaville stormwater boundary which arose from a commitment made by Council to Mr Leo Glamuzina at the Council meeting on 24 April 2007. The services of Duffill Watts Consulting Group was retained to re-define the boundaries, and their advice is contained in the attached letter of 13 June 2008, which is over cover of their drawing (Reference 2397 Sheet 01) showing the recommended new boundaries.

**Recommended**

*That the boundaries of the present Dargaville Drainage District be extended to align with the Duffill Watts Consulting Group drawing referenced 2397 Sheet 01.*

**Reason for the recommendation**

Equity and fairness to existing stormwater ratepayers.

**P10 3.2 Dargaville Skatepark Preferred Site: Mangawhare, Dargaville**

**Community Spaces Manager**

**4702.03.02**

A report from the Community Spaces Manager is attached regarding the development of concept plans for a skatepark in Dargaville, for which Council allocated \$20,000 to as part of its Annual Plan process. The initial idea and submission for the skatepark coming from the Kaipara Youth Leadership Group who were concerned with a lack of activities for youth in the Dargaville and surrounding areas. From this a Committee was formed to move the project along with the idea being to identify the preferred site and develop concept plans based on that location.

One of the first priorities of the Dargaville Skatepark Committee being to become an Incorporated Society and open a bank account. With this now well underway the Committee quickly moved to identify its preferred location for the concept design. This stage is now completed, with the preferred location being in Logan Street, Mangawhare, as per attached map, property identified as Valuation Assessment Number 0096019200 Lot 2 DP34008.

The Dargaville Skatepark Committee would now like Council's endorsement for this location as the land is owned by the Council. Having Council's endorsement for this location would enable the Committee to continue with the development of concept plans based on the size and topography of the site and to place a trial piece of skatepark equipment onsite to gauge use. Once the concept plans have been developed to a suitable stage these will then be brought back to Council, along with information gathered from the trial for further discussion and endorsement before moving to the next stage.

At the same time as developing the concept design the Committee would also be consulting with surrounding property owners, to ensure a robust process has been undertaken.

**Recommended**

*That Council gives the Dargaville Skatepark Committee its endorsement for the Mangawhare site off Logan Street, Dargaville as identified in the map as Valuation Assessment Number 0096019200 Lot 2 DP34008, as the preferred location for the development of the concept plans for a skatepark in Dargaville, and allows the site to be used to trial some portable equipment to gauge interest as part of developing the overall concept design.*

**Reason for the recommendation**

With the identification of a preferred location by the Dargaville Skatepark Committee as being Logan Street, Mangawhare, Council's endorsement is required as the land is Council-owned and administered. With support in the form of an endorsement the Committee can, with confidence, continue to develop its concept plans for a skatepark in Mangawhare, Dargaville, and place temporary skatepark equipment onsite to gauge use and interest in the site

**P14 3.3 Cames Road, Mangawhai: Options****Community Infrastructural Assets Manager 4104.069**

A report is attached that provides Council options on a way forward for Cames Road, Mangawhai. All the identified options for Cames Road have advantages and disadvantages. They also have varying levels of community support and/or opposition. Council needs to consider these options and determine best how to proceed.

**Recommended**

*That Council not maintain the illegally opened section of Cames Road, Mangawhai and ensures that this section is not available for vehicular use.*

**Reason for the recommendation**

Council has responsibilities to properly plan its roading network to ensure it is safe and effective while not adversely affecting adjacent landowners. Council has not studied the roading network requirements for this part of the district and therefore cannot identify likely impacts. Before such a roading change is made adequate planning is required to identify future needs as impacts. This is planned to be included in *Kaipara's Future - Working Together 2009/19*.

**P17 3.4 Revenue and Financing Policy: Adoption Of Revised Policy****Finance Manager 2304.03**

A report from the Finance Manager is attached, that details a number of new policy settings which arose from the September 2008 Policy Review workshops which Council undertook.

**Recommended**

*That the revised Revenue and Financing Policy settings, which arose from the September 2008 Policy Review workshops, be formally adopted by Council for inclusion in the Draft 2009/19 Kaipara's Future - Working Together document.*

**Reason for the recommendation**

To formalise the Revenue and Financing Review process, and make available those decisions for public consultation.

**P20  
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**3.5 Kaipara District Public Places Liquor Control Bylaw December 2008: Adoption**

**Policy and Planning Manager**

**3211.01**

Council released a Statement of Proposal for the Kaipara District Public Places Liquor Control Bylaw. This document was to make some technical changes to the bylaw and to extend the liquor controls at Mangawhai. About 50 submissions were received within the advertised period which the hearings committee was required to take into consideration.

Based on the consideration of these submissions, the Hearing Committee decided to recommend to Council the adoption of the Proposed Kaipara District Public Places Liquor Control Bylaw as notified with a modified time of 8.30pm to 7am every day of the year

A record of the Hearing held in Mangawhai on 5 December 2008 is contained within the business papers of this agenda outlining the hearing and its outcomes. A copy of the Kaipara District Public Places Liquor Control Bylaw December 2008 is circulated separately and incorporates the Committee's recommendations.

In 2004 Kaipara District Council introduced the Public Places Liquor Control Bylaw ("the Bylaw") and instigated liquor control in Mangawhai and Dargaville to manage the problems associated with the possession and consumption of alcohol in public places. The Council adopted 24 hours a day, every day liquor control for Dargaville and 8pm 31 December to 6am 1 January for Mangawhai.

Council had received a request from the police in Mangawhai, with supporting letters from members of the community, to extend the duration of the annual liquor control at Mangawhai. It was requested to have liquor control put in place for all day every day. The Statement of Proposal that went out to public consultation suggested a more moderate approach of 7pm to 7am every day of the year.

The Local Government Act 2002 currently enables Council to amend the Bylaw by special consultative procedure. Council needs to balance assisting the Police to protect the community with enabling those communities to have choices about the use of alcohol and the enjoyment of public places. This extension does not affect the current Dargaville Liquor Control Bylaw times that are in place.

In accordance with the requirements of the Local Government Act 2002, Council resolved to release the proposed Bylaw for public consultation. Submissions closed on 28 November 2008. In total 49 submissions were received within the allocated time, 45 of these were in support of the proposed Public Places Liquor Control Bylaw Extension in Mangawhai. Four submissions did not support the Bylaw. In addition there were four submissions which arrived late and the Hearing Committee resolved not to accept these submissions. The late submissions were from Sibyl Canning, Paul Foster, Gavin Riley and Dawne Sanson and the Northland Regional Council.

On 5 December 2008, the Hearing Committee, employing the authority delegated to the Committee by Council, conducted hearings on submissions to the proposed Public Places Liquor Control Bylaw. After consideration of the submissions, the Committee resolved to recommend that Council adopts the bylaw as notified with the modified time of 8.30pm to 7am everyday.

### **Recommended**

*That Council adopts the Kaipara District Public Places Liquor Control Bylaw December 2008 banning liquor from 8.30pm to 7am daily in Mangawhai; and*

*That the Kaipara District Public Places Liquor Control Bylaw December 2008 be effective from 24 December 2008.*

### **Reason for the recommendation**

Based on the consideration of the submissions to the Statement of Proposal Public Places Liquor Control Bylaw Extension Mangawhai, the Hearing Committee resolved that the adoption of the proposed bylaw with the modified times of 8.30pm to 7am as the most appropriate way to address the increasing problems associated with the consumption of liquor in specified public places in Mangawhai. In accordance with the Local Government Act 2002, Council must amend and adopt the Liquor Control Bylaw in order to extend the controls with regard to the possession and consumption of liquor in public places in Mangawhai. This extension is not to alter the year round liquor control in specified public places in Dargaville in any form.

## **P25 3.6 Plan Change N° 25 Totara Park Limited, Gorge Road, Maungaturoto: Request to the Kaipara District Plan Decision**

### **Policy and Planning Manager 3809.25**

Totara Park Limited requested that a private plan change be accepted and processed under the First Schedule of the Resource Management Act 1991 to rezone Lots 3-5 DP 344966 and part of Lot 3 DP360270, Gorge Road; Maungaturoto, from Rural and Commercial to Residential under the Operative Kaipara District Plan, enabling approximately 27 new lots to be created.

Council resolved to accept the proposed plan change for processing at its March 2008 meeting. Since that time, the proposed plan change has been notified for public submission. Those submissions were summarised and further submissions were publicly requested.

Following the receipt of all submissions and further submissions, Council's consultant planner circulated a draft Planning Report to all parties. Several pre-hearing meetings were held between Council's planning consultants, submitters and the applicant. As a result of these

meetings, a series of recommendations, including some modifications to the plan change request were agreed. A Recommended Decisions Report (see attached) was produced and circulated. All parties agreed to withdraw their request to be heard at a hearing on the understanding that, under Clause 8C of the first Schedule to the RMA 1991, no hearing would be required and that the recommended decisions as circulated would be placed before Council.

Council may accept the recommended decisions in their entirety, in which case the decisions will be formally notified and the modified plan change will become operative following an appeal period. Council may reject the recommendations in their entirety, in which case the matter would need to be heard by a hearings panel. Council may not modify the recommendations of its own volition as this would void the agreements between submitters, applicant and Council Planners.

### **Recommended**

*That Council adopts the recommended decisions contained in the Decisions Report by Council's Consultant Planners, dated 28 November 2008 to Proposed Private Plan Change 25; Totara Park Ltd, along with the schedule of decisions on the submissions to it, and in particular, those recommendations contained within Sections 11, 11.1 and 11.2 of that Decisions Report.*

### **Reason for the recommendation**

The recommendations represent an agreed resolution of issues raised by the proposed plan change and provides for the avoidance, remedying or mitigation of any adverse effects arising from the proposed plan change.

The recommended decisions reflect Council's approach to planning.

## **3.7 Selwyn Park Camping Ground: Transfer of Lease**

### **Community Spaces Manager                      4703.06**

The Selwyn Park camping ground is operated on an area of Selwyn Park situated at Onslow Street, Dargaville. In December 1999 Isobell Lowrie and Keith Lowrie signed a 15 year lease for the Selwyn Park camping ground expiring in 2014. In 2003 this lease was transferred to Isobel Creswell, Mary Lynette Gibb and Patrick Raukawa as Trustees.

The lessee is responsible for all outgoings and keeps all income from the camping ground. Council receives an annual ground rental of \$5,200 per annum plus GST as the lessee has purchased all the camp facilities. This lease allows for five yearly review dates, and a rental review will be carried out in 2009.

Records show that this area has been leased out as a camping ground since 1992.

Council is advised that the Trustees for Selwyn Park have changed, and Council has been asked to consent to a transfer of lease No D0609061.1 from the above group to Isobel Creswell and TW Trustees 2007 Ltd. Within this document discharge of mortgage 5893209.3 is also requested, and consent of registration of a new mortgage in favour of the National Bank of New Zealand Ltd.

In order for the registration of the change of Trustee on the Certificate of Title, consent from Council is required.

The Deed of Covenant confirms the obligation of the Trust in terms of the lease. This confirms that the covenanters will pay the rent to the lessor and shall perform all tasks as required under the lease.

### **Recommended**

*That Council signs the consent form showing transfer of lease number D0609061.1 for Selwyn Park camping ground from Isobel Creswell and others to Isobel Creswell and TW Trustees 2007 Ltd; and*

*That Council signs the Deed of Covenant to confirm the obligation of the Trust in terms of the lease number D0609061.1 for Selwyn Park camping ground with Kaipara District Council.*

### **Reason for the recommendation**

Consent for this process will ensure the ongoing management of Selwyn Park camping ground.

## **3.8 Judicial Hearing: Appointment of Independent Commissioner for Crosbie Application**

### **Development Manager RM080118; 1204.01**

Hawkins Construction Limited has applied for retrospective land use consent to operate a depot in Black Swamp Road, Mangawhai, established for the Mangawhai EcoCare project. It is to terminate in April 2010. The site is owned by Mr and Mrs Crosbie, who have been operating an engineering workshop in a large shed there for several years. They have also applied for retrospective land use consent to legalise their business activity, which they intend to continue after the Hawkins depot operation has ceased.

In line with Council policy where Council has a perceived conflict of interest in a resource consent, an independent commissioner was appointed to make the notification decision and determine the substantive application as well. The hearing for the Hawkins application has now been held, and while the commissioner has concluded that it is capable of being considered separately from the Crosbie application, he has expressed the view that the two applications are sufficiently related that it would be beneficial for him to deal with both of them. In the interests of orderly and consistent decision making, this approach makes sense.

For this reason, approval is sought from Council to appoint Mr Harry Bhana to determine the Crosbie application. The notification period for this application has ended, and it will soon be scheduled for a hearing.

For future reference there would be advantages in delegating the authority to appoint independent commissioners to the Chief Executive, in circumstances where the applicant requests it, or where specialist expertise is desirable. If there are any additional costs involved in using independent commissioners, these can be met by the applicant.

### **Recommended**

*That pursuant to section 34A of the Resource Management Act 1991, Mr Harry Bhana be appointed to determine the application for land use consent by G and H Crosbie (Reference: RM080118).*

### **Reason for the recommendation**

To enable a decision to be made which is consistent with another application affecting the same property which is being dealt with by the same commissioner.

## **4 Reports**

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

#### **1701.02.03**

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

### **P41 4.2 Councillors Portfolio Reports**

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

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

#### **Cr Alspach**

- Roding

#### **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

- Roothing
- Planning

Cr Sutherland

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

Cr Taylor

- Community; halls, new infrastructure

#### **4.3 Chief Executive's Report**

The combined reports for December 2008 and January 2009 will go before Council at its 28 January 2009 meeting.

## **5 Information Items**

### **P42 5.1 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.*

**P52 5.2 Audit Report: 2008 General District Revaluation****Finance Manager 2306.19**

Each triennial District Revaluation must receive formal audit signoff from the Valuer-General. Quotable Value Ltd carried out the 1 September 2008 revaluation, and the attached audit certificate confirms that the work met the Valuer-General's standards.

**Recommended**

*That the information be received.*

**5.3 Kaipara Heritage Assistance Fund Update****Policy and Planning Manager 3839.02.03**

The Kaipara Heritage Assistance Fund was set up with the aim to help and encourage people to protect and preserve resources of heritage value within Kaipara. Recommendations for the allocation of grants from the Kaipara Heritage Assistance Fund Committee was due to be endorsed by Council at this meeting. While the majority of the applications were straight-forward there are a couple of applications that require further research before a decision can be made.

The recommendations for the Kaipara Heritage Assistance Fund will therefore be put to Council's January 2009 meeting. This will enable the Committee to reach a fair and equitable recommendation of the limited funding available.

**Recommended**

*That the information be received.*

**Closure**

**Kaipara District Council  
Dargaville**