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Not for Publication until after Commencement of Meeting**Notice Of Ordinary Meeting Of Council****Date** 10.00 am on Wednesday 27 May 2009**Venue** Hakaru Hall, Settlement Road, Mangawhai**Timetable****9.45 am Morning Tea****10.00 am Workshop****Asset Management Plans: Roding, Refuse, Water, Wastewater****“Planned Investment in your Infrastructure ”**

Introduction: Kaipara's Asset Management Plans for Roding, Refuse, Water and Wastewater have undergone a rigorous review process by Audit NZ. They have now also been peer reviewed by Maunsell AECOM. Council's Asset Management Plans are critical planning documents that identify planned investment in infrastructure based on historical data, knowledge and investigation. The Plans have a continual improvement focus and as gaps are identified they are documented in improvement plans. These improvement plans task flow through to Council's Business Plan where they are investigated, actioned and regularly reported against.

Outcome: To inform Council of the result of the Asset Management Plan peer review and discuss the approach for continual improvement

12.15 pm Lunch**1.00 pm Commencement of Council Meeting****1.00 pm Public Forum****a) Jim Taylor****3.00 pm Afternoon Tea****3.15 pm Recommencement of Council Meeting, if required**

Ordinary Meeting Of Kaipara District Council at Hakaru Hall, Settlement Road, Mangawhai
On Wednesday 27 May 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 27 May 2009

1 Opening : Cr Taylor

Councillor to be selected to open the 24 June 2009 meeting.

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Public Forum

2.1 Jim Taylor

3 Confirmation of Minutes

P1 3.1 Ordinary Council Meeting : 29 April 2009

Governance Manager 1601.13

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 29 April 2009, as circulated, be confirmed as a true and correct record.

4 Strategic

4.1 Kaipara District Council Portfolios and Portfolio Holders

Governance Manager 1904.0

Councillors have held their current portfolios for approximately 18 months and it was considered that a review of the types and groupings of portfolios held at the halfway point of this Council's current tenure was appropriate.

Councillors were provided a copy of the proposed portfolio reshuffle at a workshop held on Wednesday 29 April 2009. Mayor Tiller advised that it was a draft document and would be formally considered at the next Council meeting.

Mayor Tiller continues to recommend a Council structure based on Councillors holding portfolios of activities for which they are responsible, a structure that has worked effectively for the previous Council.

Recommended

That Council confirms the following portfolios and portfolio holders:

Councillor	Portfolios	Chief Executive/Manager
Mayor	Iwi	Chief Executive
	Governance	Governance Manager
	Publicity	Governance Manager
Richard Alspach	Strategy	Chief Executive and all Managers
Brian Burnett	Finance	Finance Manager
	Refuse	Community Infrastructural Assets Manager
Julie Geange	Community Spaces	Community Spaces Manager
	• Reserves	
	• Halls	
	• Council Land	
Bill Guest	Environmental Management Committee	Community Infrastructural Assets Manager
	Kaihu Drainage	Community Infrastructural Assets Manager
Brian McEwing	Regulatory	Development Manager
	Emergency Management	Community Infrastructural Assets Manager
	Land Drainage	Community Infrastructural Assets Manager
	Water	Community Infrastructural Assets Manager
Tom Smith	Roading Operation	Community Infrastructural Assets Manager
	Planning	Chief Executive
Julia Sutherland	Social	
	• Youth	Stakeholder Engagement Manager
	• Elderly	Community Spaces Manager
	• Sports	Stakeholder Engagement Manager
	• Schools	Stakeholder Engagement Manager
	• Arts	Stakeholder Engagement Manager
	• Libraries	Stakeholder Engagement Manager
	Stormwater	Community Infrastructural Assets Manager

Graham Taylor	Economic Development/Tourism Judicial Committee Wastewater	Chief Executive Development Manager Community Infrastructural Assets Manager
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Note: Local Councillors and Councillors with interest in a particular aspect of a portfolio are encouraged to work with the Portfolio Holder.

Reason for the recommendation

To assign new portfolios and groupings of portfolios to Councillors.

5 Policy

P44 5.1 Mangawhai Pontoon: Request for Ownership Transfer to Council

Community Spaces Manager 2109.04;2130.01

A report from the Community Spaces Manager, and associated papers, is attached. A group of students called 'SEACrew' from the Mangawhai Beach Primary School made a submission in April 2004 to the 2004/14 *Kaipara's Future - Working Together* (LTCCP) proposing a pontoon in Mangawhai Harbour for recreational pursuits such as fishing, diving and swimming. This was to provide a safe alternative to the Insley Street bridge, which children have used for fishing and diving. This submission was supported by Council.

The Rotary Club of Maungaturoto & Districts Inc sponsored the project on behalf of SEACrew and the project was started. In October 2006 the Rotary Club requested Council assistance to underwrite funding for the resource consent process associated with the building of the SEACrew pontoon. At its 13 December 2006 meeting Council agreed to allocate \$10,000 from its Reserves Contribution Fund to help meet the costs associated with the resource consent process involving the Northland Regional Council, the Council indicating its support for the project as it aligned with *Kaipara's Future - Working Together* (LTCCP) and the Reserves and Open Space Strategy. With community support and input into the preferred location the resource consent was secured from the Northland Regional Council, the pontoon was built and secured at Bullet Point, Mangawhai. The pontoon now is a welcome asset within the Mangawhai Harbour and used by children and adults. The Council received a letter in December 2008 from the Rotary Club who is now asking Council to consider taking over ownership, including the resource consent for the Mangawhai pontoon, now that the project is complete. However Council does have a Water Access and Facilities Policy that clearly indicates its preference for coastal facilities to be owned and managed by community and not by Council.

Recommended

That Council takes over the resource consent for the swimming pontoon at Mangawhai from the Rotary Club of Maungaturoto & Districts Inc; and

That Council declines the Rotary Club of Maungaturoto & Districts Inc wish to take over ownership of the pontoon from them; and

That Council works with the Rotary Club of Maungaturoto & Districts Inc to find a community group in the Mangawhai area that would be interested in taking over ownership/stewardship of the swimming pontoon at Mangawhai from the Rotary Club of Maungaturoto & Districts Inc.

Reason for the recommendation

Council does own a number of wharves and ramps in the Kaipara, it also holds several consents for coastal wharves and ramps owned by various community groups within the Kaipara and while supporting both the Mangawhai Beach School SEACrew and the Rotary Club of Maungaturoto & Districts Inc in this project and its success, it has a policy on Water and Access Facilities that clearly indicates that Council should continue to support the ownership of these facilities by the community and not to seek or maintain any new facilities itself. Currently Council is looking at the future of Dargaville's wharf and replacing its pontoon which it holds the consent for. It is also faced with maintenance requirements on its existing coastal facilities and is limited in its ability to undertake inspections and the maintenance required to ensure it meets its resource consents on those facilities itself. Council should continue with the policy outlined in the Water and Access Facilities Policy and look to support the community owning this facility.

5.2 Litter Control: Adoption of Infringement Notice Provisions

Development Manager 3207.0

Due to the increasing litter problem that Council is facing in the Eastern area of the District, the cost associated with recovery and disposal of illegal litter in public areas exceeds the amount recovered by way of the current fee schedule. The current cost of recovery and disposal to the end of February 2009 is \$18,000. This is the total budget for illegal litter for the whole 2009/10 financial year.

In 2007 Council adopted an infringement fines regime pursuant to provisions of the Litter Act 1979. This is a form of 'instant fine' up to a maximum value of \$400.00 where a Litter Control Officer "has reasonable cause to believe" that an offence has been committed. The current fee level is \$100.00. The recoveries from fines have not been significant. This has been in part because it has not always been possible to identify the offender, and in part because of the need for the relevant software to enable enforcement to follow through to the District

Court. This software has recently been acquired. A revision of the fees structure is now recommended to enable a greater recovery of costs, and structured in such a way that larger volumes of litter will result in a larger fine up to the statutory maximum.

The amount for an infringement fine should be related to other instant fine type fees such as parking and speeding tickets, or dog infringements, to ensure its acceptability by the community at large. There should also be recognition of the staff time involved in dealing with the incident giving rise to the infringement notice being issued, and the related follow-up actions. It should be borne in mind that substantial fines of several thousand dollars may be imposed for more serious offending upon successful prosecution in a District Court.

Before setting the fee Council must give at least 14 days public notice of its intention to pass the formal resolution adopting the new level of infringement fee. This has taken place in two newspapers having circulation in the District.

Recommended

That pursuant to Sections 13 and 14 of the Litter Act 1979 the following updated fees for the following offences be adopted with effect from 1 June 2009:

Depositing litter or having deposited litter of less than one litre in volume, and leaving it in or on a public place, or in or on private land without the consent of its occupier. \$100

Depositing litter or having deposited litter of more than one litre and less than 20 litres in volume, and leaving it in or on a public place, or in or on private land without the consent of its occupier. \$150*

Depositing litter or having deposited litter of more than 20 litres and less than 120 litres** in volume and leaving it in or on a public place, or in or on private land without the consent of its occupier. \$250*

*Depositing litter or having deposited litter of more than 120 litres** in volume and leaving it in or on a public place, or in or on private land without the consent of its occupier. \$400*

Depositing animal remains or having deposited animal remains and leaving them in or on a public place, or in or on private land without the consent of its occupier. \$400

** 20 litres is the approximate maximum capacity of two standard supermarket bags in normal conditions.*

*** 120 litres is the approximate maximum capacity of a standard "wheelie bin" in normal conditions.*

Reason for the recommendation

The new proposed fees better reflect the recovery costs so that they will be met more by the offender rather than the ratepayer

P51 5.3 Extension of Foreshore Jurisdiction: Review

Chief Executive 2117.01.02

A report is attached in response to a request from John Carter MP seeking Council's views on the extension of seaward boundaries from the Mean High Water Mark to the Mean Low Water Mark. Due to the pressure Council has been facing regarding this issue Council has already sought legal advice which outlines the primary concerns for Council to consider.

Recommended

That the existing territorial boundaries remain at the Mean High Water Mark and that Council discusses alternative solutions to rectify existing enforcement issues along the foreshore.

Reason for the recommendation

To ensure Council and its communities are not disadvantaged by extending seaward boundaries in an attempt to rectify existing enforcement issues along the foreshore.

5.4 Environmental Health Officer and Liquor Licensing Inspector Services

Contract

District and Development Manager 4107.333

The current contract with the Northland District Health Board covering the provision of the Environmental Health Officer and Liquor Licensing Services to the Kaipara District Council comes up for renewal on 30 June 2009. For a considerable number of years the Northland District Health Board (through its Public Health Unit) has undertaken the health and liquor licensing work which has been provided to the Council's required level of service. This contract is monitored by the Contract Supervisor. The Northland District Health Board employs qualified and experienced Environmental Health Officers and Liquor Licensing Inspectors and as such is in a good position to continue to provide this service to Council. There have been no problems in performance of duties under the contract, so it should be renewed.

The current contract is for an initial period of two years which concludes at the end of June, and then provides for a renewal of a further period of two years on the same terms and conditions. The contract appears not to give a discretion as to whether or not the contract should be renewed. The contract provides for an annual review of the price, and this has been held at the current level for the next financial year and thus will remain in line with Council's 2009/2010 budget. There will be the opportunity to put the contract out to tender in 2011. Northland Health was the sole tenderer in 2007.

Recommended

That Council approves the renewal of the existing contract with the Northland District Health Board as provided for in the contract for a further term of 24 months commencing from 1 July 2009 to 30 June 2011.

Reason for the recommendation

To ensure continuity of services to the people of Kaipara District at the required standard.

P57 5.5 Domestic Food Review Voluntary Implementation Programme**Development Manager 3612.0**

A copy of the Development Manager's report dated 7 October 2008 is attached, which was prepared for the 22 October 2008 meeting of Council. In discussion Councillors expressed the view that the intended implementation was an unnecessary and unwarranted increase in bureaucracy for food vendors, and as a result the motion lapsed for want of a seconder. Since that time, a new Government has been elected, and there has been no indication of a change in direction on this initiative. According to Food Safety Authority officials the Food Bill is expected to become law in one to two years. More than 90% of all councils have signed up to the voluntary implementation programme including all our neighbouring councils, and nationwide the number of food premises joining the programme is slowly but surely increasing.

At this stage, before the Bill has become law, there are free training opportunities for Council and food business staff; for Council not to sign on to the scheme at this time is denying Kaipara businesses the opportunity to choose to take up this offer

Recommended

That the Kaipara District Council applies to the New Zealand Food Safety Authority for the authority to approve Food Control Plans and grant exemptions from the Food Hygiene Regulations; to become an agency recognised to perform audits of "off-the-peg" Food Control Plans; to have the Council's suitably trained Environmental Health Officers approved to carry out audits of "off-the-peg" Food Control Plans; and to have the same staff approved as Food Act Officers.

Reason for the recommendation

Once Council has taken this step it becomes possible for food operators to participate in the Voluntary Implementation Programme should they wish to do so. If Council does not accept this approach, the option will be denied to food operators in Kaipara District.

5.6 Deferral of Legislative Change to Basis of Accounting for GST

Finance Manager

2301.04

Since the introduction of GST in 1985 local authorities possessed (and in our case exercised) the option of paying GST on a 'cash received' basis rather than the normal 'accruals' basis, even where their annual assessable income exceeded the threshold which makes the accruals basis compulsory. This advantage was originally to disappear in July 2001, as a result to a revision of the GST Act, but Central Government was prevailed upon to exempt eight rural councils, including Kaipara, for four years to July 2005. That exemption was agreed and then extended to 2009. Further submissions were recently made, and a new order of Council has granted a further extension to 2014.

The 'cash received' basis means that GST is only payable on rating income actually received. On an invoice (accrual) basis, however, it also becomes payable on rates debtors, with a resultant detrimental impact on Council cash flows. That particular problem is exacerbated for those local authorities with substantial areas of Maori freehold land. Such land is subject to specific rating provisions in the Local Government (Rating) Act 2002. In brief, the communal ownership of Maori land has become fragmented over time, and has resulted in complex and unclear ownership structures with much land being multiply owned, and much also unoccupied. This has posed particular difficulty in rates collection. In some cases the rating debts become statute-barred without collection ever having been successful. This means a time lag of six years between the payment of GST when the rates are first assessed, and the eventual claiming back at time of bad debt write-off.

On instruction from eight rural authorities (Waitomo, Western Bay of Plenty, Far North, Kaipara etc) Council's taxation advisors approached Inland Revenue for a concession in the matter. Central Government was sympathetic to the dilemma, and passed an 'Order of Council' deferring implementation for the eight authorities until 2009. They have now extended that exemption period until 2014.

Recommended

That Council uses the window of opportunity presented by the Order of Council Extension, to continue to account for GST on a 'cash receipts' basis until 2014.

Reason for the recommendation

To avoid for five further years the detrimental impact on Council liquidity of being required to pay GST on unpaid rate arrears.

P59 5.7 Kaipara District Council Staff Safety**Stakeholder Engagement Manager 2204.01**

A report regarding Council Staff safety is attached. Staff safety between 4.30 pm and 5.00 pm has become a concern. A couple of frightening and potentially dangerous incidents recently have forced us to reconsider the wisdom of having two staff alone in the building from 4.30pm to 5.00pm. Various solutions have been considered, none of which are ideal as all result in some level of reduced service. Council needs to consider which compromise is the most acceptable

Recommended

That Council closes the Dargaville office doors at 4.30pm and provide telephone service only until 5.00pm.

Reason for the recommendation

To provide the best possible balance between excellent service and staff safety.

5.8 Kaipara District Council Bank Account : Additional Signatories**Chief Executive 2307.02**

The following executives are currently authorised by Council to operate its accounts with the Bank of New Zealand:

Jack McKerchar, Bruce Holden, Mark Vincent, Fiona Vessey, Claire Lichtwark-McInnes and Stephen Soole.

All cheques must be signed jointly by any two of the above. Availability pressures, and the loss of Venessa Anich as a signatory, now mean the need for two additional signatories.

Recommended

That the Governance Manager, Barbara Ware, and the Finance Manager, Michael Fleming, be authorised bank signatories for the Kaipara District Council.

Reason for the recommendation

To increase the number of authorised signatories, any two of whom may jointly sign. Availability pressures now mean the need for an additional signatories.

5.9 Warrants of Appointment: Parking Wardens

Development Manager 6404.0

Keith Edward John Thompson, Joanne Banks, Shirley Gilmour and Harvey Mabbett make request to the Kaipara District Council to be appointed as Parking Wardens pursuant to the Transport Act 1962. All are staff of Environmental Northland Limited, Council's contractor for supplying these services.

The proposed warrants will not have an expiry date but will rather be valid until any respective officer is no longer in that position or when there is a need to update the warrant because of new legislation.

Recommended

That Council warrants Keith Edward John Thompson, Joanne Banks, Shirley Gilmour and Harvey Mabbett as an authorised parking wardens pursuant to s.7 of the Transport Act 1962.

Reason for the recommendation

This authorisation is necessary to enable these people to undertake the duties required of a Parking Warden in the Kaipara District.

5.10 Warrant of Appointment: Dog Stock and Noise Control Officers and Parking Wardens

Development Manager 6404.0

Nigel Collyer and Michael Smith make request to the Kaipara District Council to be appointed as authorised Dog, Stock and Noise Control Officers and Parking Wardens pursuant to the Dog Control Act 1996, the Local Government Act 2002, the Resource Management Act 1991 and the Transport Act 1962. Mr Collyer and Mr Smith are employed by Environmental Northland Limited, Council's contractor for providing these services.

The proposed warrants will not have expiry dates but will rather be valid until the respective officer is no longer in that position or when there is a need to update the warrant because of new legislation.

Recommendation One

That Council appoints Nigel Collyer and Michael Smith as Authorised Officers under the Kaipara District Council General Bylaw No.1 1999 and authorises them to carry out the functions and powers of Authorised Officers under this Bylaw.

Reason for Recommendation One

Making the appointment as recommended, will allow the warrant to be issued to the respective officer in order for him to undertake his duties under the Kaipara District Council General Bylaw No.1 1999.

Recommendation Two

- 1 *That Council warrants Nigel Collyer and Michael Smith as authorised officers pursuant to s.13, s.14, s.17, s.19, s.19A, s.59 and s.60 of the Dog Control Act 1996; and pursuant to s.164, s.171, s.172, s.173, s.177, s.245 of the Local Government Act 2002; and pursuant to s.38(1)(2)(5)(6), s.327, s.328 of the Resource Management Act 1991.*
- 2 *That Council warrants Nigel Collyer and Michael Smith as authorised parking wardens pursuant to s.7 of the Transport Act 1962;*

Reason for Recommendation Two

This authorisation is necessary to enable Nigel Collyer and Michael Smith to undertake the duties of a Dog, Stock and Noise Control Officer and a Parking Warden in the Kaipara District.

5.11 Warrant of Appointment: Environmental Health Officer

Development Manager 6409.0 WOA

Marc Rankin from Northland District Health Board makes request to the Kaipara District Council to be appointed as an Environmental Health Officer pursuant to s.23, s.28, s.42 and s.128 of the Health Act 1956, a Food Act Officer under the Food Act 1981 and an Inspector for the District Licensing Agency under s.103 of the Sale of Liquor Act 1989.

Council contracts the Northland District Health Board for the provision of services as required under the Local Government Act 2002, the Health Act 1956, the Food Act 1981 and the Sale of Liquor Act 1989.

Mr Rankin of Whangarei has recently joined the Northland District Health Board as an Environmental Health Officer assigned to the Kaipara District. Under the Service Contract between Kaipara District Council and Northland District Health Board he will be required to provide all services to Council as an Environmental Health Officer, a Food Act Officer and a Liquor Licensing Inspector as determined under the above Acts.

The warrant will not have an expiry date but rather will be valid until Mr Rankin is no longer in that position, or his services are no longer required, or because of new legislation, such termination as provided for in s.174 of the Local Government Act 2002.

Recommended

That Council warrants Marc Alain Rankin of Whangarei as an authorised officer pursuant to s.23, s.28, s. 42 and s.128 of the Health Act 1956; the Food Act 1981 and s.103 of the Sale of Liquor Act 1989 to enable him to undertake his duties within the Kaipara District.

Reason for the recommendation

This authorisation is necessary to enable Marc Alain Rankin, Environmental Health Officer, Food Act Officer and District Licensing Inspector to undertake inspections on a regular basis to ensure compliance under the Health Act 1956, the Food Act 1981 and the Sale of Liquor Act 1989.

5.12 Warrants of Appointment Renewals: Environmental Health Officers

Development Manager 6409.0 WOA

In line with warrant expiry dates and changes in legislation Council must maintain up to date warranted personnel.

Northland District Health Board of Whangarei is currently the contracted service provider for our Environmental Health Officers, Food Act Officers and District Licensing Inspectors. Pursuant to the Local Government Act 2002 every Local Authority shall appoint one or more Environmental Health Officers, to undertake regular inspections for the purposes of ascertaining whether any nuisances, or conditions likely to be injurious to health or offensive exist in the District and to take proper steps to secure the abatement of the nuisance or the removal of the condition. Pursuant to the Sale of Liquor Act 1989 the District Licensing Agency shall appoint one or more inspectors to enter on and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee or any manager is complying with the conditions of the licence.

The warrants will not have expiry dates but rather will be valid until the respective officer is no longer in that position, or their services are no longer required, or because of new legislation, such termination as provided for in s.174 of the Local Government Act 2002.

Recommended

That Council warrants Rajendra Ramsaroop, Paul Reid and Tahi Carralus Morton of Whangarei as authorised officers pursuant to s.23; s.28, s. 42; s.128 of the Health Act 1956, the Food Act 1981 and s.103 of the Sale of Liquor Act 1989 to enable them to undertake their duties within the Kaipara District.

Reason for the recommendation

This authorisation is necessary to enable Rajendra Ramsaroop, Paul Reid and Tahi Carralus Morton as Environmental Health Officers, Food Act Officers and District Licensing Inspectors to undertake premise inspections on a regular basis to ensure compliance under the Health Act 1956, the Food Act 1981 and the Sale of Liquor Act 1989.

5.13 Warrant of Appointment: Contract Supervisor

District Development Manager 6408.0 WOA

Rachel May Sheppard has recently been appointed as Contract Supervisor to replace a departed staff member within the Regulatory Team. Ms Sheppard needs to be formally warranted with the powers to enable her to undertake the regulatory functions under the relevant legislation.

The proposed warrant(s) will not have an expiry date but will rather be valid until she is no longer in that position or when there is a need to update the warrant(s) because of new legislation.

Recommended

That Council warrants Rachel May Sheppard as an authorised officer pursuant to Section 103 of the Sale of Liquor Act 1989 to enable her to undertake her duties within the Kaipara District.

Reason for the recommendation

Making the appointment as recommended, will assist her in undertaking her regulatory functions under the Sale of Liquor Act 1989.

Extract from the Sale of Liquor Act 1989 – Section 103

103 *Inspectors-*

- (1) *For the purposes of this Act, the District Licensing Agency shall appoint one or more inspectors.*
- (2) *Inspectors shall have the powers conferred on them by or under this Act.*
- (3) *The fact that any person is in the employment of the local authority shall not be a bar to his or her appointment as an inspector.*

5.14 District Plan: Development Process

Chief Executive 3807.01.08

The District Plan Working Group has suggested changes to the workshop dates because of the unavailability of both the Mangawhai Councillors at the workshop set down for 8 July 2009. The two options discussed by the Working Group were to either move this workshop forward by two weeks, or move the workshop back by two weeks. Both of these options have the ability to compromise the cost of the project. The earlier option cannot be achieved with

current resourcing and is generally too tight for quality to be assured. The second option will delay the adoption of the Draft Plan and this could put notification too close to Christmas which will cause criticism of Council. This has caused the Chief Executive to review the process for developing the District Plan and this item considers those options.

There are particular concerns about the involvement of elected members at this stage of the process. The current process is delaying progress and is likely to cause increase costs, because of the extra work that comes for Councillor consideration. Such consideration would be best left to the time when the Draft Reviewed District Plan is recommended to Council by the Chief Executive, Council's statutory principal advisor. The simple overview of the development process in terms of the Local Government Act 2002 is as follows:

- Step 1 Council provides details of the outcomes, strategies and policies it wishes to achieve.
- Step 2 The Chief Executive selects the advisors he requires and with them produces a draft which is recommended to Council for adoption.
- Step 3 Council considers and makes changes it believes are needed to deliver the outcomes, strategies and policies.
- Step 4 The Draft is publicly notified.

Council to date has adopted a very interactive process which has provided very high quality guidance to the Project Team in relation to the outcomes, strategies and policies as well as some of the technical aspects of the Plan, much more than the Local Government Act process provides. This has been considered to be a positive. However, now the project is at a stage where it is the final technical development and polishing stage. Now we are at the final stage of putting the plan together, mainly a technical process, the overview input is not so necessary and the review being provided can be better undertaken in the context of the whole plan. The Chief Executive has a role of providing guidance to the Project Team on strategies and policy.

The options available to Council are:

- 1 Status Quo – The working group and workshop regime remains the same with the current time table. This will see the project completed to plan.
- 2 Holding the Workshop Two Weeks Earlier - 23 or 25 June which cannot be achieved because the work required cannot be completed without additional resources and therefore cost.
- 3 Holding the Workshop Two Weeks Later - 21 or 23 July which will extend the project completion date, possibly too close to Christmas, depending on the amount of rework required. The final workshop would then have to move to September.
- 4 Project Team complete draft to present to Council as a complete document for review which will ensure costs and time are minimised and Council can see the full document so any discussion or changes are made in the context of the total document.

This matter has been discussed with the Mayor who supports Option 4 above because he considers it important that all Councillors get the opportunity to participate and to do this Councillors need the context of the whole plan as recommended by the Project Team. Options 2 and 3 compromise the detailed schedule of tasks the Project Team need to ensure that the project is completed successfully. Continual changes to the workshop timetable create confusion and uncertainty. This can lead to oversights and mistakes. Option 1 is not working for the elected members involved and there is some concern over the efficiency of the current process.

Recommended

That the District Plan process proceed without the use of the Working Group and Workshops; and

That the Chief Executive be responsible for recommending a Draft Reviewed District Plan prepared by the Project Team that will deliver to the Outcomes, Strategies and Policies identified by Council: and

That the Council consider this draft at a workshop to be held no later than the current proposed date of 12 August 2009 with the intention of adopting the Plan for notification in October 2009.

Reason for the recommendation

This process is the most effective and efficient process to deliver a Draft reviewed District Plan for Council consideration. It puts accountabilities where they must be and ensure the project budget and timetable is protected. It also ensures the Council has high quality input into the draft before it is adopted by ensuring the full context of the project, the Draft Reviewed District Plan, is available.

6 Reports

6.1 Mayor's Report

1701.02.03

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

P62 6.2 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

- Roding
- Planning

Cr Sutherland

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

Cr Taylor

- Community; halls, new infrastructure

Cir 6.3 Chief Executive's Report: May 2009**Chief Executive 2002.02.08**

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

Recommended

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

7 Receipt and Adoption Items

P64 7.1 Judicial Committee Meeting Minutes: 10 February 2009

Development Manager 1605.11

A copy of the Judicial minutes of 10 February 2009 is attached.

Recommended

That the Judicial minutes of 10 February 2009 be received and endorsed.

8 Information Items

P70 8.1 Delegated Authority: Schedule of Decisions

Development Manager 3803.0

A schedule of decisions is attached 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.

P87 8.2 District Plan Review: Monitoring Report April 2009

Chief Executive 3807.01.08

The monthly Monitoring Report from the Project Manager of District Plan Review, is attached.

Recommended

That the information be received.

P90 8.3 Mangawhai Historical Society: Land Use Consent Decision**Development Manager RM080152**

A copy of the finalised decision is attached, on the Mangawhai Historical Society's Land Use Consent application to establish a new museum at Molesworth Drive. The decision was made by an independent commissioner Mr Harry Bhana because of the Council's proximity to the application as landowner.

Recommended

That the information be received.

P101 8.4 Hamblin Dog Prosecution**Development Manager 3504.01**

Councillors may be aware that an action has been underway to prosecute Mr David Hamblin under the Dog Control Act in connection with his dog, Jack, attacking poultry belonging to a neighbour on several occasions last year. It has taken a long time to get the matter heard, and in order to improve the dog's quality of life in incarceration, the Council's contractor arranged for Jack to be kept in the care of an SPCA volunteer. Jack slipped his collar, climbed a two metre high fence and escaped and was then run over by a motor vehicle on the road. The Court hearing is not due to take place until August, and the dog would have remained in custody until that time. Following prosecution he would have been put down.

The attached report from Mr Jim Boyd a consultant who works with the SPCA was commissioned on behalf of Farmers of NZ. This is a draft which does not fully cover all of Mr Boyd's recommendations in achieving a positive outcome on all sides in the circumstances. Also attached is the report from the person who had been caring for Jack, and from whose custody he escaped. This was forwarded to Mr Hamblin's lawyer at the end of the week this incident took place. The letter from Webb Ross, acting for Council in this case also sets out why the prosecution should proceed.

Recommended

That the information be received.

9 Public Excluded Council Items 27 May 2009

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely: Wood Street Mangawhai, Redevelopment; Rating Sale of Abandoned Land Tinopai

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>Rating Sale of Abandoned Land Tinopai</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(a)</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)(a) would be to protect the privacy of natural persons, including that of deceased natural persons.

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Recommended

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

Closure

Kaipara District Council

Dargaville