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**Minutes of the Ordinary Meeting Of Kaipara District Council In The Council Chambers,
Station Road, Dargaville On Tuesday 23 June 2009 Commencing 1.00 pm**

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Confirmed

Minutes: Tuesday 23 June 2009

1 Opening

Councillor Alspach to open the meeting on 22 July 2009.

1.1 Present

Mayor N Tiller, Councillors R Alspach, B Burnett, J Geange, W Guest, B McEwing, T Smith, J Sutherland

1.2 In Attendance

J McKerchar, B Ware, M Fleming, B Holden, S Soole, F Vessey, M Vincent, G Gribben

1.3 Apologies

Cr Taylor tendered his apology for this meeting due to a prior commitment on Tuesday 23 June 2009. This Council meeting had been brought forward from the scheduled meeting day of Wednesday 24 June.

Resolved Sutherland/Smith

That the apology of Councillor Taylor be received.

2 Presentation

2.1 Kaipara District 2009 Citizens Awards

Item 8.1 referred.

The four recipients of the Kaipara District 2009 Citizens Awards received their awards during the afternoon session of this Council meeting.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 27 May 2009

Governance Manager 1601.13

A copy of the minutes was circulated.

Amendments

- a) **Public Forum: Page 3 Item 2.2 “Cames Road and Lawrence Road Discussions: P White, D Mason, C Weeks”**

Any reference to Paul White or Mr White is to be amended to read Paul Wightman or Mr Wightman

- b) **Page 5 Item 4.1 “Kaipara District Council Portfolios and Portfolio Holders”**

Paragraph 4 being the paragraph preceding the Resolution is to be removed.

Resolved Sutherland/Smith

That the minutes of the Ordinary Meeting of Council 27 May 2009, as amended, be confirmed as a true and correct record.

3.2 Matters Arising : 27 May 2009

Council wished to know what progress had been made in arranging a meeting with residents of Cames Road. The Mayor advised that he had been unable to achieve a working group made up of those for and against the closure of Cames Road as a through road. It was his intention at this point in time, to meet with one side at a time and in an effort to find a way forward.

3.3 Council Meeting Kaipara’s Future - Working Together 2009/19 Deliberations: 2 June 2009

Governance Manager 1601.13

A copy of the minutes was circulated.

Amendments

Page 4, Resolution Seven, the word “crossing” required the addition of an “s” to read:

That Council approves as part of the imminent Mangawhai Traffic Study, the investigation of formal pedestrian crossings near the Mangawhai Village shopping area.

Page 8 and 9, Item 2.2.10 Issues and Options on Dog Policy and Management of Dogs Bylaw

The resolution required the addition of the words “to dogs” in (i) and “Mangawhai” in (iv) so as to read:

That Council adopts the draft Kaipara District Policy on Dogs and the Draft Kaipara District Management of Dogs Bylaw on an interim basis subject to clarification of maps and descriptive wording particularly with respect to Mangawhai subject to the following alterations:

- i) *That the boundaries of the leash control areas at Mangawhai be amended in line with the general intent of submissions as follows:*

“Mangawhai From Findlay Street to the Pearl Street Creek Outlet

From 9.00 am to 6.00 pm (Note: the leash control restriction does not apply outside these hours)

From the Mangawhai Heads Toilets to the Pearl Street Creek Outlet

From 9.00 am to 6.00 pm i.e. 1 March to 30 November (note this area is prohibited to dogs for 1 December to 28 February)

(see Dog Prohibited Areas in clause 6)”

- ii) *That the current map KDC-DC-01 be amended accordingly and the sequence of the maps be altered to follow their relationship to each other on the ground, and the references to them in the document amended accordingly.*
- iii) *That no extra leash control areas be added to include other coastal communities at this time.*
- iv) *That Council invites proposals for establishing a dog exercise area at Mangawhai for further consideration.*

Resolved Sutherland/Alspach

That the minutes of the Meeting of Council on 2 June 2009, as amended, be confirmed as a true and correct record.

4 Strategy

4.1 Dargaville Drainage District: Extension of Stormwater Catchment Boundary

Stakeholder Engagement Manager

2306.12; 4401; 4501

The Draft *Kaipara's Future - Working Together* 2009/19 included an indication of the intention to review the Dargaville drainage District to include residential development that had occurred around the fringes of what was the old Borough of Dargaville. A drawing (Reference 20239 Sheet 01) showing the recommended new boundaries was circulated.

Due to an internal miscommunication the affected people were sent a letter which would have given them the impression they did not have the right to make submission on the proposed changes. To rectify this error and after discussing the matter with the Mayor the affected people were contacted and allowed until 12 June 2009 to comment on the changes. Three submissions were received and were circulated for the information of Council.

The Council asked that the stormwater runoff from Harding Park referred to in Mr Glamuzina's letter be investigated to ascertain whether it was directed runoff which Council as the landowner would remedy, or naturally occurring runoff for which landowners are not responsible and adjoining landowners have to accept.

Resolved Guest/Sutherland

That Council confirms its intention to extend the boundary of the Dargaville Drainage District as per the CPG Group (formerly Duffill Watts Consulting) drawing referenced 2397 Sheet 01 circulated to Council, with the rating impacts to occur in the 2009/10 year.

Reason for the decision

To ensure equitable spreading of the rating load.

4.2 Kaipara's Future - Working Together 2009/19 (Long Term Council Community Plan) including the Annual Plan 2009/10: Adoption

Chief Executive

2302.13

1 Kaipara's Future - Working Together 2009/19

On 2 June 2009 Council met and considered the 309 submissions received to the *Kaipara's Future - Working Together* 2009/19 (Long Term Council Community Plan) and the Annual Plan 2009/10. Having considered all written submissions and additional points raised at the Hearings held 5, 6 and 8 May 2009, a number of changes were proposed.

1601.13

cminutes June 23, 2009 public confirmed

Audit New Zealand will be able to issue an unqualified audit on the final. Timneen Taljard from Audit New Zealand was in attendance at this meeting and presented the findings of the Audit to Council.

A revised version of the Plan showing how the changes had been incorporated had been prepared and was tabled at the meeting along with the revised Fees and Charges. The Bylaws as referred to in 3) below had been circulated separately.

2 Fees and Charges

The draft schedule of Fees and Charges was included in the Draft *Kaipara's Future - Working Together 2009/19* Plan for public consultation. One submission was received on behalf of Council's planners seeking the charge for additional lots over 20 in a subdivision application to be increased from \$100.00 to \$200.00.

3 Bylaws

Three Bylaws and two associated policies were released for public consultation at the 10 March 2009 Special Council meeting. These were the Kaipara District Public Places Liquor Control Bylaw Amendments, Kaipara District Wastewater Drainage Policy and Kaipara District Wastewater Drainage Bylaw, Kaipara District Policy on Dogs and Dog Management Bylaw.

Submissions were received during March and April 2009, which resulted in no changes to the proposed Kaipara District Wastewater Drainage Policy and Kaipara District Wastewater Drainage Bylaw.

Minor changes have been proposed for the Kaipara District Public Places Liquor Control Bylaw Amendments along with minor changes for the Kaipara District Policy on Dogs and Dog Management Bylaw.

Resolution One Alspach/Geange

That Council adopts Kaipara's Future - Working Together 2009/2019 (Long Term Council Community Plan), which includes the Annual Plan 2009/10, as tabled; and

That Council adopts the schedule of Fees and Charges, as tabled, subject to one amendment being a charge for additional lots over 20 in a subdivision application to be increased from \$100.00 to \$200.00; and

That Council adopts the Kaipara District Public Places Liquor Control Bylaw June 2009; and

That Council adopts the Kaipara District Wastewater Drainage Policy and the Kaipara District Wastewater Drainage Bylaw; and

That Council let the Kaipara District Policy on Dogs and Dog Management Bylaw lie on the table until its July 2009 meeting.

Reason for Decision One

- 1 *Kaipara's Future - Working Together* 2009/2019 and the Annual Plan have been through the special consultative procedure. The requirements of the Local Government Act 2002 have also been complied with. The Council has considered all submissions and has made changes as appropriate. The Council considers the longterm programme and policies provide an appropriate level of activity towards achieving the outcomes of *Kaipara's Future - Working Together*.
- 2 To ensure that the direct costs associated with processing Resource Consent applications are met as far as possible by applicants.
- 3 The Policies and Bylaws are the most appropriate way to address perceived problems and are consistent with the New Zealand Bill of Rights 1990. The final Policies and Bylaws have taken into consideration submissions received.

Resolution Two

Alspach/Geange

That Council writes to the Minister of Local Government expressing its great concern over the negative impacts arising out of the auditing process that attaches to the Long Term Council Community Plan.

Reason for Decision Two

The Council has strong concerns about the process that attaches to the auditing of the Long Term Council Community Plan believing it creates time pressures that are neither necessary nor appropriate particularly when a clean audit has previously been received.

4.3 Rates Resolution 2009/2010

Finance Manager

2306.18

Kaipara District Council had adopted its final Annual Plan for 2009/10. It had made no changes to its rating policies as a result of submissions received. It had, however, lifted the effective General Rate increase over 2008/09 from the 1.5% proposed in the Draft, to 4.0% in the Final, as a result of submissions received. 2009/10 will also see the first levying of a targeted rate on forestry owners, and also targeted rates to assist towards funding the Ruawai Tokatoka War Memorial Hall and to service the \$1 million Dargaville Pool Loan. Therefore Council was now moving to set and assess the rates described in its Annual Plan rating policies, and incorporating the 4.0% General Rate increase over 2009/10.

The Council had historically collected its rates in six two-monthly instalments. After due consideration of the amount and timing of its expenditure needed the Council had decided to continue to collect rates in six equal instalments. The due date for all six instalments will be the 20th of every second month.

Setting of Rates for the 2009/10 Financial Year

Resolved Guest/smith

That the Kaipara District Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the District for the financial year commencing 1 July 2009 and ending on 30 June 2010.

(a) Uniform Annual General Charge

A Uniform Annual General Charge of \$345 (GST inclusive) per rating unit, set under Section 15 of the Local Government (Rating) Act 2002.

(b) General Rate

A general rate set under Section 13 of the Local Government (Rating) Act 2002 made on every rating unit, set on an undifferentiated basis as follows:

- A rate of 0.2064 cents in the dollar (GST inclusive) of land value on every rating unit within the Kaipara District.*

(c) Water Supply Rates

- A targeted rate set under Section 19 of the Local Government (Rating) Act 2002, for the supply of water as recorded by meter to consumers in the Water Supply Areas as set out below will be charged at the rate shown as from the next meter reading after 1 July 2009, with a minimum rate of \$10.00 in respect of any one reading:*

Water Supply Area	Rate per cubic metre (GST inclusive)	Special Conditions
<i>Dargaville</i>	<i>\$1.63</i>	<i>-</i>
<i>Ruawai</i>	<i>\$4.47</i>	<i>-</i>
<i>Glinks Gully</i>	<i>\$3.32</i>	<i>-</i>
<i>Maungaturoto, excluding Station Village</i>	<i>\$1.28</i>	<i>Annual free quantity 100m³</i>
<i>Maungaturoto, Station Village</i>	<i>\$1.94</i>	<i>Minimum of \$81.50 per reading</i>

- A targeted rate for water supply, set under Section 16 of the Local Government (Rating) Act 2002:*

Water Supply Area	Annual Rate (GST inclusive)	Special Conditions
<i>Glinks Gully</i>	<i>\$296.00</i>	<i>\$148.00 for non-connected properties</i>

Maungaturoto, excluding Station Village \$183.00

(d) Stormwater Rates

A targeted rate for stormwater disposal, set under Section 16 of the Local Government (Rating) Act 2002 and assessed on land values:

Stormwater Rating Area	Cents per \$ Land Value
Dargaville - Urban Stormwater	0.2778
Differential	
Dargaville - Rural Stormwater Differential	0.1852
Te Kopuru	0.1173
Baylys Beach	0.0580
Mangawhai	0.0283
Kaiwaka	0.0843

(e) Wastewater Disposal Rates

A targeted annual rate for wastewater disposal, set under Section 16 of the Local Government (Rating) Act 2002 in lieu of drainage rates for each WC or urinal in respect of each rating unit in the defined wastewater areas set out below served either directly or through a private drain by public sewerage drain, and A Uniform Annual Charge in lieu of a drainage rate in respect of each premises within areas situated within thirty (30) metres of a public sewerage drain to which it is capable of being effectively connected either directly, or through a private drain but the property is not so connected:

(a) Dargaville Wastewater District	\$
Connection Charge	297.00
Non Connection Charge	148.50
Special 75% School Charge	222.75
Special 50% School Charge	148.50
(b) Te Kopuru Urban Drainage District	
Connection Charge	417.00
Non Connection Charge	208.50
Special 75% School Charge	312.75
Special 50% School Charge	208.50
(c) Maungaturoto Urban Drainage District	
Connection Charge	720.00
Non Connection Charge	360.00
Special 75% School Charge	540.00
Special 50% School Charge	360.00

(d) Kaiwaka Urban Drainage District

<i>Connection Charge</i>	<i>594.00</i>
<i>Non Connection Charge</i>	<i>297.00</i>
<i>Special 75% School Charge</i>	<i>445.50</i>
<i>Special 50% School Charge</i>	<i>297.00</i>

(e) Glinks Gully Effluent Disposal Area

<i>Connection Charge</i>	<i>637.00</i>
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(f) Mangawhai Urban Drainage District

(The following charges are applicable only to those properties for which connection to the reticulation network will be available before 30 June 2010)

Uniform Targeted Rate, for allotment or household units created:

<i>(i) On or prior to 23 March 2002</i>	<i>1,366.85</i>	<i>(first 50%)</i>
<i>(ii) On or after 24 March 2002</i>	<i>7,742.10</i>	<i>(one-off)</i>
<i>or (iii) On or after 24 March 2002 (but see Note 1 which follows)</i>	<i>533.20</i>	<i>pa for 25 years</i>

Note 1: the \$533.20 is the first year charge only, and will subsequently increase in line with inflation.

<i>Uniform Annual Charge</i>	<i>2009/10</i>
<i>Residential: per annum</i>	<i>713.70</i>
<i>Non-Residential: per pan per annum</i>	<i>713.70</i>
<i>Vacant Lots: half charge</i>	<i>356.85</i>

(f) Land Drainage Rates

A targeted rate for land drainage, set under Section 16 of the Local Government (Rating) Act 2002 and assessed on land value, as set out below of:

<i>Drainage District</i>	<i>Cents per \$ Land Value</i>
<i>(1) Raupo Drainage District Targeted Rates</i>	
<i>Rural A</i>	<i>0.1349</i>
<i>Rural B</i>	<i>0.0776</i>
<i>Township</i>	<i>0.2226</i>
<i>(2) Targeted Land Drainage Rates (Hobson Area)</i>	
<i>Aoroa</i>	<i>0.1244</i>
<i>Arapohue No 1</i>	<i>0.0314</i>
<i>Arapohue No 2</i>	<i>0.0414</i>

<i>Aratapu Swamp</i>	<i>0.0960</i>
<i>Awakino Point</i>	<i>0.0478</i>
<i>Awakino Valley</i>	<i>0.0363</i>
<i>Greenhill</i>	<i>0.0188</i>
<i>Hoanga</i>	<i>0.2303</i>
<i>Horehore</i>	<i>0.0465</i>
<i>Kaihu</i>	<i>0.0274</i>
<i>Kopuru Swamp</i>	<i>0.0729</i>
<i>Koremoa</i>	<i>0.0276</i>
<i>Manganui</i>	<i>0.0062</i>
<i>Mangatarā</i>	<i>0.0173</i>
<i>Mititai</i>	<i>0.0407</i>
<i>Notorious</i>	<i>0.0564</i>
<i>Oruariki</i>	<i>0.0860</i>
<i>Otiria</i>	<i>NIL</i>
<i>Owairangi</i>	<i>0.0248</i>
<i>Tangowahine No 1</i>	<i>0.0900</i>
<i>Tangowahine No 2</i>	<i>0.0680</i>
<i>Tangowahine Valley</i>	<i>0.0091</i>
<i>Tatarariki No 1</i>	<i>0.0333</i>
<i>Tatarariki No 2</i>	<i>0.0893</i>
<i>Tatarariki No 3</i>	<i>0.0427</i>
<i>Tikinui</i>	<i>0.0566</i>
<i>Whakahara</i>	<i>0.0319</i>

(g) Mangawhai Harbour Restoration Rate

A targeted annual rate for Mangawhai Harbour restoration works, set under Section 16 of the Local Government (Rating) Act 2002, of \$78.75 (GST inclusive), on each rating unit within the Mangawhai Harbour Restoration Rating Area.

(h) Dargaville Development Rate

A targeted rate for development within Dargaville, set under Section 16 of the Local Government (Rating) Act 2002, and assessed on land values within the Dargaville Rating area of:

Dargaville Urban Differential at the rate of 0.0543 cents for each dollar of land value.

Dargaville Rural Differential at the rate of 0.0109 cents for each dollar of land value.

(i) Dargaville Town Hall Development Loan Rate

A targeted annual rate for servicing the Dargaville Town Hall loan, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$10.20 (GST inclusive) on every rating unit within the area of the Former Dargaville Borough.
- \$3.40 (GST inclusive) on every rating unit within the area of the Former Hobson County.

(j) Dargaville Pool Loan Rate

A targeted annual rate for servicing the Dargaville Pool Loan, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$50.00 (GST inclusive) on every rating unit within the area of the former Dargaville Borough.

(k) Ruawai Tokatoka Hall Rate

A targeted annual rate for the Ruawai Tokatoka Hall, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$35.60 (GST inclusive) on every rating unit under the Raupo Drainage District catchment area.

(l) Forest Owners' Roding Impact Rate

A targeted rate, set under Section 16 of the Local Government (Rating) Act 2002, on land appearing in Council's Rating Information Database with a Valuation New Zealand Category Code of FE (Exotic Forest), and calculated by the following formula:

Targeted Rate applied to Exotic Forest land =
 $(4 - 1) \times \text{Exotic Forest Land-Valued Rates}$
 Less the Equivalent Council Share of any
 Regional Development Funding

Should the result produced by that formula be zero or negative for any financial year, then no targeted rate shall be set for that year. In that instance only the general rate would be applied.

The Targeted Rate would be in addition to the General Rate applied to land classified as Exotic Forest.

The Targeted Rate will apply for the 2009/10 rating year, thus:

A rate of 0.3096 cents in the dollar (GST inclusive) of land value on every rating unit with a Valuation New Zealand Category Code of FE (Exotic Forest)

Due Dates for Payment of Rates

That all rates will be paid in six instalments due on:

Number	Date	Number	Date
1	20 August 2009	4	20 February 2010
2	20 October 2009	5	20 April 2010
3	20 December 2009	6	20 June 2010

Penalties

That the Council delegates authority to the Chief Executive and the Finance Manager to apply the following penalties on unpaid rates:

- *A penalty of 10 per cent will be added to each instalment or part thereof which are unpaid after the due date for payment.*
- *Previous years' rates which remain unpaid will have a further 10 per cent added on 10 July 2009, and again on 10 January 2010.*

Payment of Rates

That payment of rates will be accepted in the following ways:

- 1 *By hand, during normal business hours, at either of the following two Council offices:*

<i>42 Hokianga Road</i>	<i>State Highway 1</i>
<i>Dargaville</i>	<i>Kaiwaka</i>
- 2 *By mail to:*

<i>The Chief Executive</i>	<i>The Chief Executive</i>	<i>The Chief Executive</i>
<i>Kaipara District Council</i>	<i>Kaipara District Council</i>	<i>Kaipara District Council</i>
<i>Private Bag 92201</i>	<i>Private Bag 1001</i>	<i>State Highway 1</i>
<i>Auckland 1020</i>	<i>Dargaville 0300</i>	<i>Kaiwaka</i>
- 3 *By telephone banking*
- 4 *By automatic payment*
- 5 *by direct debit*
- 6 *by Eftpos*

Early Payment of Rates

That early payment of current or future rates will be accepted, but will attract neither a discount, nor interest on the sum paid.

Reason for the decision

Compliance with the Local Government (Rating) Act 2002.

5 Policy

5.1 Kaipara District Council's Business Plan 2009/10: Adoption

Chief Executive 2310.10.02

Council's Business Plan for 2009/10 identified the actions required and timeframes for carrying out the work programme as described in the *Kaipara's Future - Working Together* 2009/19 including the Annual Plan 2009/10. For a fuller understanding of Council's key activities ('What we do now' and 'Why we do it') the Business Plan should be read in conjunction with the *Kaipara's Future - Working Together* 2009/19.

To ensure that the Business Plan remained current, it will be reviewed and updated midway through the financial year, in January 2010. The Business Plan was circulated separately for the information of Councillors.

Council asked that the Northland Regional Council submission be bought back to it as discussed on Deliberations Day.

Council also asked that it be provided with the number of submissions that received a favourable response following the Deliberations Day process.

Resolved Sutherland/Smith

That Council adopts the Kaipara District Council Business Plan for 2009/10.

Reason for the decision

Programmes and projects for 2009/10 are programmed as detailed in the Business Plan. If circumstances require a change from the current plan, these will be reported to Council for adoption. The Plan enables Council and its organisation to manage its workload and allocate resources.

5.2 Asset Management Plans 2009: Adoption

Community Infrastructural Assets Manager 4001.05

A report by the Community Infrastructural Assets Manager was circulated regarding Council's Asset Management Plans for Roading, Water, Wastewater and Refuse. These Plans required auditing and reviewing every three years as part of the *Kaipara's Future - Working Together* (Long Term Council Community Plan LTCCP) process. Council also had an Asset Management Plan for the Raupo Land Drainage District. This plan was adopted in 2007 and not scheduled for review until 2010.

Resolved Burnett/Alspach

That Council adopts the Asset Management Plans below:

- *Roading Asset Management Plan 2009*
- *Water Supply Asset Management Plan 2009*
- *Wastewater Service Asset Management Plan 2009*
- *Refuse Asset Management Plan 2009*

Reason for the decision

To enable Council to prudently manage its assets by ensuring its statutory obligations are met. These are set out in Schedule 10 of the Local Government Act 2002. The financial information detailed within the Asset Management Plans flows into *Kaipara's Future - Working Together 2009/2019*.

5.3 Urban Stormwater Baylys: Extension of Works

Community Infrastructural Assets Manager 4402.0

A report from the Community Infrastructural Assets Manager was circulated. A technically acceptable solution had been chosen to address the stormwater issues at Baylys rather than a solution that considered amenity value. This solution raised community concerns that a hazard had been created. To mitigate these concerns a further section of Cynthia Place will require piping. It was a solution that will provide the community with better amenity.

Resolved Guest/Sutherland

That Council approves the extension of the stormwater improvement works in Cynthia Place to be funded from the 2009/10 Baylys Stormwater Budget and Roading Maintenance Budget totalling \$55,000 to provide a better longterm solution for the community.

Reason for the decision

This will allow completion of the proposed works and address community concerns regarding safety of the stormwater drain.

5.4 Mangawhai Heads Reserve Redevelopment: Variations

Governance Manager 4702.13.03

A number of the variations were required in order for Council to meet the commitment it had made to the community of Mangawhai that the Mangawhai Heads carpark area would re-open mid December 2009 with the bulk of the redevelopment works completed.

Resolved Sutherland/Smith

That Council endorses the following variations totalling \$113,029.91 from the Reserves Fund:

Contract 580 Mangawhai Heads Reserve Re-development 2008/2009 variations totalling \$75,658.35 over and above the accepted Contract price of \$902,879.15; and

Contract 587 Mangawhai Toilet Block 2008/2009 variations totalling \$37,371.56 over and above the accepted Contract price of \$333,297.84.

Reason for the decision

It meets Council's commitment to the community of Mangawhai.

5.5 Kaipara Biodiversity Improvement Fund: Allocation 2009/10

Community Spaces Manager 3833.06

A report from the Community Spaces Manager was circulated, regarding the Kaipara Biodiversity Improvement Fund Allocation for 2009/10. As part of the 2006/07 Annual Plan, Council approved \$15,000 for a contestable Kaipara Biodiversity Improvement Fund, the Fund being successfully started in 2004/05. Applications from both individuals and groups across the District were received by Council for this year's funding round, numbers being well up on the previous year. Requests totalling \$45,337.04 were received with the standard of applications being high and showing an increased understanding of the purpose of the Fund.

Council staff met where necessary with applicants to view and discuss their project in relation to the Fund's criteria. A schedule was prepared which briefly outlined the projects, location, current biodiversity rating, long term potential biodiversity rating, type of habitat, representation of habitat within the Kaipara, community involvement and overall rating.

Of applications received, 11 were recommended for funding from the Biodiversity Improvement Fund and had the support of the Community Spaces Manager and Portfolio holders concerned, who together valued the merits of all applicants received. As funding was limited, those applicants that had not received funding will be directed to other agencies for consideration.

Resolved Sutherland/Burnett

That Council funds the applications from the Kaipara Biodiversity Improvement Fund as follows:

- *Mangawhai Harbour Restoration Society \$3,000*
- *Octavian Grigoriu \$2,000*
- *Baylys Beach Society incorporated \$1,500*
- *Mr Jason Brown \$500*
- *Mr Richard Burton \$500*
- *Mr Mark Vincent \$665*
- *Otamatea High School \$1,560*
- *Glinks Gully Protection Society: \$1,000*
- *Waikaretu Marae Trust: \$2,000*
- *Marunui Conservation Limited \$775*
- *J Dremmer and JA Knight \$1,500*

Note: Funding indicated includes GST

Reason for the decision

The allocation of the Kaipara Biodiversity Improvement Fund will help contribute to the 'strong communities' and 'special character of Kaipara' community outcomes.

5.6 Recycling: CBEC Account

Stakeholder Engagement Manager 4201.02

A report by the Stakeholder Engagement Manager was circulated. The Mayor had received a request from CBEC for payment of an account of \$6,453 relating to on the road recycling which had been included in Council's 2007/08 Annual Plan. Staff had declined to pay this invoice as the service had not been delivered. This item had been placed on the agenda at the request of the Mayor to ensure this was in line with Council's intention.

Resolved Alspach/Geange

That Council continues to decline payment of CBEC account relating to on the road recycling.

Reason for the decision

The service has not been provided.

5.7 Road Legalisation: Intersection of River Road and Mt Wesley Coast Road, Dargaville

Community Infrastructural Assets Manager 4202.03

Council has undertaken slip repair work on the intersection of River Road and Mount Wesley Coast Road which involved the taking of land. A survey had been commissioned on Council's behalf by Crown Properties, which showed 146 square metres of land was taken from Part 1 Aoroa and Part Mangawhare. Negotiations to purchase this land for the sum of \$550.00 plus GST had been finalised with the land owners. This sum was based on a per hectare rate of \$37,500 which was in line with current market values for this area.

The Memorandum of Agreement Pursuant to the Public Works Act 1981 had been signed by the landowners. It was recommended that Council accept this offer and confirm the agreement. Entering into this agreement will enable it to legalise the land taken for slip repair work on River Road and Mount Wesley Coast Road.

Council's approval was required to finalise the Agreement.

Resolved Guest/Geange

That Council accepts the conditions in the Memorandum of Agreement Pursuant to the Public Works Act 1981 in relation to the area of land to be taken as road on the intersection of River Road and Mount Wesley Coast Road, being 146 square metres; and

That Council pays compensation to the property owner of \$550.00 plus GST as agreed.

Reason for decision

Accepting the Memorandum of Agreement legalises the land that Council has taken to road for slip repair work on River Road and Mount Wesley Coast Road. Compensation is paid to the property owner for the land taken being 146 square metres.

5.8 Leaky Building Insurance Cover: Riskpool Changes

Development Manager 3115.0

Council's insurance brokers had advised that the mutual insurance fund to which Kaipara subscribes, Riskpool, was to cease providing coverage for leaky building claims from the beginning of the new financial year.

The current excess on the Policy is \$50,000. This had been increased from \$10,000 a few years ago as a response to the Leaky Building Syndrome. The circulated report, provided to Council at its July 2008 meeting, gave an indication of the nature of building claims since July 2000. To update the schedule in that report, no new claims had been made, and Claim N^o 6 had been settled. The last four claims had all been within the current excess threshold, which meant that the insurance company's reserves had not been called upon in meeting them. Jettisoning responsibility for leaky building claims should significantly improve Riskpool's risk management profile, which should have an overall benefit for insurance premiums for all Council's including Kaipara.

As the Building Claims report indicated, the likelihood of further claims was diminished as improvements to building consent processing and inspection methods continued to be made.

Resolved McEwing/Sutherland

That Council notes the intention by its insurer Riskpool to discontinue providing insurance cover for claims relating to 'leaky buildings'; and

That the savings in insurance premiums arising from this change be allocated to a contingency fund to meet the cost of future possible claims, and that if necessary any shortfall in meeting such claims be deficit funded.

Reason for the decision

The possibility of a future leaky building claim cannot be totally excluded, and it would be prudent to make some provision for that possibility. This can be achieved without an increase in rates.

5.9 Baylys Wastewater

Community Infrastructural Assets Manager 4510.0

A report from the Community Infrastructural Assets Manager regarding Baylys Wastewater was circulated. On 9 June 2009 Council considered options for the delivery of wastewater infrastructure at Baylys. The circulated report provided supporting information that had been gathered since Council's June workshop and was presented in this report for further consideration.

Should Council proceed with a community wastewater scheme for Baylys it could decide to:

- a) Proceed with a proposal to entirely sewer Baylys; or
- b) Undertake a staged approach.

Given there was the potential for a contribution from the developer and the current contracting environment was so competitive moving this project forward at this time could provide some significant advantages for the future.

Resolved Mayor Tiller/Guest

That Council confirms its commitment to progress a reticulated wastewater system for Baylys; and

That Council investigates the development of a staged approach to implementing a reticulated wastewater system for Baylys aligned with existing and proposed development.

Reason for the decision

Council recognises the changing environment and government direction to protect public health and the environment from human waste. Information provided by Regional Council indicates that there is potential for contamination of groundwater via leaching of contaminants from onsite wastewater discharges. The risk of contamination occurring is associated with the number of properties discharging to ground and the level of treatment the wastewater receives.

5.10 Warrant of Appointment: Dog Stock and Noise Control Officer and Parking Warden

Development Manager 6404.0 WOA

Vanessa Morris made request to the Kaipara District Council to be appointed as authorised Dog, Stock and Noise Control Officer and Parking Warden pursuant to the Dog Control Act 1996, the Local Government Act 2002, the Resource Management Act 1991 and the Transport Act 1962.

Miss Morris was employed by Environmental Northland Limited, Council's contractor for providing these services.

The proposed warrants will not have an expiry date but will rather be valid until Miss Morris was no longer in that position or her services were no longer required, or when there was a need to update the warrant because of new legislation.

Resolution One McEwing/Mayor Tiller

That Council appoints Vanessa Mary Morris as an Authorised Officer under the Kaipara District Council General Bylaw No.1 1999 and authorises her to carry out the functions and powers of an Authorised Officer under this Bylaw.

Reason for Decision One

Making the appointment as recommended, will allow the warrant to be issued to Miss Morris in order for her to undertake her duties under the Kaipara District Council General Bylaw No.1 1999.

Resolution Two McEwing/Mayor Tiller

- 1 *That Council warrants Vanessa Mary Morris as an authorised officer 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 Vanessa Mary Morris as an authorised parking warden pursuant to s.7 of the Transport Act 1962;*

Reason for Decision Two

This authorisation is necessary to enable Vanessa Mary Morris to undertake the duties of a Dog, Stock and Noise Control Officer and a Parking Warden in the Kaipara District.

6 Reports

6.1 Mayor's Report

1701.02.03

The Mayor tabled a report on matters of interest.

The Mayor invited Councillor Guest to table the correspondence between his Solicitor and Council.

6.2 Councillors Portfolio Reports

Councillors **1904 (various)**

The following Councillors gave written reports on portfolio matters and other items of interest.

Cr Smith **Roading Operation**
Planning

6.3 Chief Executive's Report: June 2009

Chief Executive **2002.02.08**

The Chief Executive's report for June 2009 was circulated.

Resolved **Geange/Sutherland**

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

7 Receipt and Adoption Items

7.1 Road Naming: Public Road off Awakino Road: Paritai Place

Community Infrastructure Assets Manager **4102.09**

Council had received an application to name a 24 lot subdivision off Awakino Road in Dargaville. This was the same subdivision which Council passed in its January 2009 meeting to change the status of the Road Reserve to dedicated road.

Only one name met the Road Naming Policy. The name suggested that met the Policy was Paritai Place. The reason the developer gave for the suggested name was that the original home in the subdivision had been moved from Paritai Drive in Auckland. The developer had been approached to re-submit two alternative suggestions. To date no correspondence had been received by Council for this.

Paritai Place complied with Council's Road Naming Policy, as having an historical reference to the first homestead in the subdivision, and was recommended.

Resolved **Burnett/Mayor Tiller**

That the information be received.

7.2 Road Legalisation: Dunn Road, Ruawai

Community Infrastructural Assets Manager

4102.08 4104.121

Council had received a Memorandum of Agreement to legalise a portion of Dunn Road, Ruawai. Council had engaged Crown Properties to undertake this work. This particular legalisation commenced in 2003.

There were two actions required to complete the legalisation of the road. One being the vesting of Lots 4 and 5 DP 197272 as road. The other action being the stopping of area "H" on the circulated survey plan, being 4,728 square metres. This was to be amalgamated with the adjoining land as an equal exchange for the land taken as road.

The Memorandum required Council to pay a peppercorn rental of \$0.10c for the purchase of Lots 4 and 5 DP197272. In return Council will give the area of land being 4,728 square metres, which was currently paper road.

Dunn Road had been formed and currently runs along Lots 4 and 5. Accepting this Memorandum will formalise the road that was currently formed.

Resolved Burnett/Mayor Tiller

That Council approves of the road stopping on Dunn Road, Ruawai being 4728 square metres with land being amalgamated with the adjoining land; and

That Lots 4 and 5 DP 197272 are vested to road.

Reason for decision

To formalise the portion of land that has been taken as road.

8 Information Items

8.1 Kaipara District 2009 Citizens Awards

Stakeholder Engagement Manager

2120.01.03

To coincide with National Volunteer Awareness Week, Council annually recognised three volunteers in Kaipara for their dedication in helping other people and making their community a better place in which to live. This year however there was a slight twist; Council will be recognising four volunteers as one of the recipients' was a husband and wife team.

The recipients were Neil Clements, Betty Hawkes and Barry and Robyn Searle and the recipients received their awards at the afternoon session of this meeting.

A Committee made up of Councillors Burnett, Geange and Sutherland considered a number of high quality nominations before beginning the very difficult task of choosing this year's successful recipients.

The 2009 nominations closed on 25 May 2009 and were awarded to coincide with National Volunteer Awareness Week 14-20 June 2009, to those successful recipients acknowledging and supporting their work and service each had provided to their communities.

Resolved Mayor Tiller/Alspach

That the information be received.

8.2 Delegated Authority: Schedule of Decisions

Development Manager 3803.0

A schedule of decisions that had been made under delegated authority was circulated. The purpose of this was not for Council to review the detail of these decisions as they had 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.

Resolved Mayor Tiller/Alspach

That the Delegated Authority Schedule of Decisions be received.

8.3 Hamblin Dog Prosecution Update

Development Manager 3504.01

Information was provided in the last Council agenda (May 2009) about the circumstances surrounding the demise of Mr David Hamblin's dog Jack, which was in custody awaiting the outcome of a prosecution action being taken by Council for the killing of some hens owned by a neighbour. Amongst the criticisms of the handling of this case had been the considerable delay between taking the dog into custody and the date for the substantive hearing taking place. The circulated letter dated 8 June 2009 from the solicitor acting for Council in this matter showed the sequence of events from the time the prosecution action was initiated. It was quite clear from this where responsibility for the delay rests.

The first available date for a substantive hearing is 12 August 2009. Given that the purpose of the prosecution had been to secure destruction of the dog so it would no longer be able to kill the neighbour's poultry, the basis for continuing the prosecution needed to be

evaluated now that the dog had died. In the draft report from Mr Jim Boyd contained in the May 2009 meeting papers, he put forward the option of diversion as a way of resolving the matter. The Development Manager had also taken advice from Council's solicitor. He recommended that this be offered to the defendant and that it was quite proper for Council to make this offer. The benefits were that there was an end to delay, uncertainty and expense for all parties.

Council would have a very strong case to put before the Court if necessary, but the disadvantage was that the decision was out of Council's control, and obviously there was no need to pursue an order for destruction of the dog. Diversion required an admission of guilt, so the only remaining purpose of a prosecution was achieved, without the expense and inconvenience of a hearing in several months time.

Resolved Mayor Tiller/Alspach

That the information be received.

8.4 Hakaru Refuse Facility Contract 484: Consent of Assignment

Community Infrastructure Assets Manager 4107.484

Council had been approached by Dyson Smythe and Gladwell, informing it that Mason Contractors were selling part of their operations to Northland Waste Limited. The refuse collection and transfer operations of the business were the activities being sold to Northland Waste Ltd. This included the Contract that Mason's held for the Hakaru Transfer Station.

Alastair Mason will become a director and shareholder of Northland Waste Ltd, once settlement had been completed. The Deed of Assignment of Contract was circulated for information. As part of this process, Council had been asked to give consent of Assignment of Contract 484 and was awaiting more information from Northland Waste Limited regarding the bond for the Contract. Once matters had been finalised, Council's approval will be sought.

Resolved Mayor Tiller/Alspach

That the information be received.

8.5 Building Consents Issued 1 July 2008 to 28 February 2009

Development Manager 3105.0

In April 2009 the Department of Building and Housing asked councils for information pertaining to building consents issued during the period 1 July 2008 to 28 February 2009. The results were shown in the circulated extract from the *Codewords* publication. Out of the 70 Territorial Authorities in New Zealand that provided information, the table showed that Kaipara District Council was ranked 47th in the number of consents issued from 1 July 2008 to 28 February 2009. Figures remained steady for the first quarter and then followed the national downward trend. However since January 2009 they had increased dramatically. Overall, building consents issued were down 18.5% compared to the 2007/2008 eight month period.

Resolved Mayor Tiller/Alspach

That the information be received

8.6 Organisational Capacity of Building Team

Development Manager 3117.0

A report from the Development Manager was circulated regarding Council's Building Consent Authority which was required to regularly review its organisational capacity to provide reassurance that it was able to carry out its functions under the Building Act properly.

Resolved Mayor Tiller/Alspach

That the information be received.

8.7 New Zealand Transportation 2009

Community Infrastructural Assets Manager 4106.06

A report by the Community Infrastructural Assets Manager was circulated regarding the significant changes the New Zealand transportation scene was undergoing. In May 2009 the long awaited for reused Government Policy Statement (GPS) on Land Transport Funding 2009/10 to 2018/19 was released, which replaced the GPS released in August 2008. An update was also provided on various reviews, projects and strategies currently being progressed by the Ministry of Transport and New Zealand Transport Agency.

Resolved Mayor Tiller/Alspach

That the information be received.

8.8 District Plan Review: Monitoring Report May 2009

Chief Executive 3807.01.08

The monthly Monitoring Report from the Project Manager of the District Plan Review was circulated.

Resolved Mayor Tiller/Alspach

That the information be received.

Confirmed

9 Public Excluded Items Tuesday 23 June 2009

Resolved Smith/Geange

That the public be excluded from the following part of the proceedings of this meeting namely, Kaipara Refuse Ltd increase in bag charges and recycling funding; Wood Street Redevelopment; Waiatua Dam Grazing Licence

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 Ltd increase in bag charges and recycling funding</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Wood Street Redevelopment</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Waiatua Dam Grazing Licence</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>

Reason for passing this resolution in relation to each matter

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

Section 7 (2)(b)(ii) would be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Open Meeting: Tuesday 23 June 2009

Resolved Sutherland/Smith

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

9.1 Kaipara Refuse Ltd : Increase in Bag Charges and Recycling Funding

Community Infrastructural Assets Manager 4201.01

Resolved Mayor Tiller/Burnett

That Council increases the price of the rubbish bags from \$2.00 to \$2.25 effective from 1 July 2009.

Reason for the decision

It is considered reasonable to increase the cost of the rubbish bags, as it has been four years since the last increase and the introduction of the Waste Minimisation Levy will mean an increase in disposal cost. The increase is fair and in line with what other Council's in Northland charge.

That Kaipara Refuse Ltd, pursue other avenues to make the shortfall of funding for recycling. Council maybe in a position to offer more funding when the impact of the Waste Minimisation Act becomes clearer.

9.2 Wood Street, Mangawhai: Redevelopment Update

Community Spaces Manager 3838.0, 3807.01.05, 5102.04, 5105.08

Resolved Alspach/Sutherland

That Council enters into an agreement with the Rodney North Harbour Health Trust to lease for the purposes of development of new Elderly Persons Housing units a portion of land at its Mangawhai, Fagan Place site as identified, provided that lease and rental terms can be agreed; and

That Council's costs associated with this development are fully investigated and brought back to Council for consideration / agreement before final sign off on agreement to lease the site.

Reason for the decision

The proposal received clarifies what the Trust is hoping to achieve with the help of Kaipara District Council and Housing New Zealand. It has clearly identified the portion of land concerned. It is asking Council to lease this portion of land at its Fagan Place site to the

1601.13

cminutes June 23, 2009 public confirmed

Trust for 100 years at an agreed peppercorn lease rental, for Council to undertake the necessary boundary changes and is asking Council to provide services to the boundary of the leased area. It believes this opportunity meets the vision of the Mangawhai structure plan, provides for affordable Elderly Persons Housing, and allows Council opportunities to better develop the remaining site, as identified in the Mangawhai Structure Plan.

Council needs to be sure that any partnership and redevelopment agreement reached has positive benefits for the future of the Elderly Persons Housing, its tenants, the Mangawhai community and Kaipara. The potential proposal does provide Council with the opportunity to work in partnership with Central Government, the not-for-profit sector and the private sector to achieve outcomes desired by the Government, the Council and the community provided agreement can be reached regarding lease rental, services and boundary costs. The Rodney North Harbour Health Trust has earmarked \$1,250,000 to this project showing that it is committed to work with the Council on this project.

9.3 Waiatua Dam Grazing Licence

Community Spaces Manager 5105.09

Resolved Geange/Alspach

That Council agrees to accept the tender of Terrance Pocklington for grazing an area of 17.914 hectares of the Waiatua Dam site, Opanake Road for a period of five years.

Reason for the decision

Part of the Waiatua Dam Site not being used for recreational purposes and pine planting can be utilised for grazing and revenue can be obtained by entering into a licence to occupy for grazing purposes.

Closure

The meeting closed at 2.50 pm