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Not for Publication until after Commencement of Meeting**Notice Of Ordinary Meeting Of Council****Date** 10.30 am on Wednesday 28 October 2009**Venue** Council Chambers, Station Road, Dargaville**Timetable****10.15 am Morning Tea****10.30 am Commencement of Council Meeting****1 Delegation to Yakushima, Japan : 29 September to 6 October 2009**

Item 2.1 refers. The Chief Executive will make a presentation at this Workshop. The following members of the delegation will also be present: Alex Nathan and Wayne Blisset, Te Roroa, Betty Nelley, Kauri Museum and Shane Lloyd, Copthorne Omapare

12.15 pm Lunch**1.00 pm Presentation****a) Presentation 1.00 pm : Audit New Zealand, Audit Report 2008/09**

Item 2.2 refers. The Auckland-based Director of Audit New Zealand, Mr John Scott, will be in attendance to talk to the Audit opinion.

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 28 October 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: 28 October 2009

1 Opening : Cr Guest

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

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Policy

P1 2.1 Delegation to Yakushima, Japan: 29 September to 6 October 2009

Chief Executive 2132.06.01.03

A report from the Chief Executive is attached, on the delegation to Yakushima, Japan. He will make a presentation at the Workshop. The following members of the delegation will also be present to talk about the delegation:

Alex Nathan, Te Roroa
Wayne Blisset, Te Roroa
Betty Nelley, Kauri Museum
Shane Lloyd, Copthorne Omapare

Recommended

That the information be received.

CIR 2.2 2008/09 Annual Report Adoption: Audit Report Receipt

Finance Manager 2303.15

The Council is required to formally adopt the 2008/09 Annual Report, and the 2008/09 Summary Annual Report. Once adopted, Council must then receive the respective Audit Reports.

The 2008/09 Annual Report is always circulated as a separate document for the information of Councillors. The Summary will be tabled at the meeting. Both reports will be made available to the public in November 2009.

The 2008/09 Audit Reports will both be tabled at the meeting, and the Auckland-based

Director of Audit New Zealand, Mr John Scott will be in attendance to speak to the Audit opinions.

Recommended

That the 2008/09 Annual Report as circulated, and Summary Annual Report as tabled, both be adopted; and then

That the respective 2008/09 Audit Reports both be received.

Reason for the Recommendation

The 2008/09 Annual Report, and Summary Annual Report, both accurately and fairly reflect the activities of Council during that twelve month period.

P10 2.3 Dargaville Skate Park: Concept Plans

Community Spaces Manager

4702.03.02

A copy of the report and concept plans relating to the Dargaville skate park are attached. Council allocated \$20,000 to develop concept plans for a skate park in Dargaville through its *Kaipara's Future – Working Together 2007/2008* (Long Term Council Community Plan LTCCP) process. This was done with the condition that a project group is formed to develop the skate park concept further and that the concept plans be brought back to Council for approval. The initial idea and submission for the skate park came from the Kaipara Youth Leadership Group who were concerned with a lack of activities for youth in the Dargaville and surrounding areas.

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. The Committee quickly identified an area in Logan Street, Mangawhare (as per attached map). This property is identified as Valuation Assessment Number 0096019200 and is the preferred location to develop concept plans for. Council's endorsement for this location was given at Council's 17 December 2008 meeting. Having Council's endorsement for this location enabled the Committee to continue with the development of concept plans based on this location. With Council's approval a skate pad was placed on site to gauge usage, this has proved very popular with children and youth using it daily. Concept plans have now been finalised and are being brought back to Council for final approval.

Recommended

That Council receives the Community Spaces Manager's report dated 1 October 2009, along with the finalised concept plans; and

That Council gives its approval in principle to the concept plans, based on the site at Logan Street, Mangawhare, Dargaville identified as Valuation Assessment Number 0096019200.

Reason for the recommendation

Council allocated \$20,000 through its *Kaipara's Future – Working Together 2007/08* (Long Term Council Community Plan LTCCP) process and resolved that the concept plans be brought to Council for final approval. With concept plans now complete and with Council approval of these plans the Committee can now apply for funding from various organisations and fundraise for the construction of the Skate Park based on the concept plans developed.

P20 2.4 Kaihu Valley War Memorial Hall: Handover and Funding

Commercial Manager 4603.06

A report from the Commercial Manager regarding the Kaihu War Memorial Hall is attached. In 2001 Kaihu Valley War Memorial Hall Society Incorporated was formed to facilitate handover of the hall to the community. The objective of this Hall Committee is to provide an affordable facility that is available for use by the community and others. The Hall Committee believes that this is best achieved by community ownership of the hall and land. Council is keen to support this aspiration and contribute to community development.

It is important that all legal processes for the handover must be followed. A grant can then be provided to the Hall Committee that will allow for the transaction. The sale will be conditional, in that Council will have first right of refusal to repurchase the property. This means there may be a concern for Council liability for GST, and the amount payable will be based on the market value of the property as per the valuation report. No GST consideration will be payable by the Hall.

A business plan has been developed for the Hall Committee. A three year projection of both income and expenditure is also included in the business plan. Kaihu has requested \$15,627.50 to replace kitchen walls and floor covering from the 2009/2010 funding year. This will allow completion of the kitchen area and complete all structural repairs required.

There are aspects of this handover that can act as a template for other Halls. However, it is important to consider that each Hall has a very different set of circumstances. To ensure that there are no issues for Council in the future, each handover will require its own research and consideration. This requires a significant amount of staff time. Each handover will need to be considered on its own merits.

Recommendation

That Council transfers the Kaihu Valley War Memorial Hall to the community, in the form of the Kaihu Valley War Memorial Hall Society Incorporated at Valuation; and

That Council makes a grant to the Kaihu Valley War Memorial Hall Society Incorporated of the purchase price of the hall less the GST component, which will be loaned to the Society by the Council, to be repaid by the Society when it receives the refund of GST; and

That Council approves funding of \$15,627.50 from the 2009/2010 Halls Grant to Kaihu Valley War Memorial Hall to enable completion of the kitchen.

Reason for the recommendation

The Kaihu Valley War Memorial Hall Society Incorporated has met all requirements for the takeover of the Hall, including the preparation of a business plan which demonstrates the ability of the society to operate the hall on an ongoing basis. The grant for the completion of the kitchen meets Council's requirements and sees the structural integrity of the Hall protected.

P23 2.5 Aratapu Hall: Options of Future Use

Commercial Manager 4603.02

A report from the Commercial Manager regarding the future options for Aratapu Hall is attached. The Aratapu Hall is located on a Local Purpose Reserve on Heawa Road, Aratapu (Part Allotment 10 Kopuru Parish). In 1979 the land was vested in Council to administer, and in 1985 the Reserve status was changed from Recreational to Local Purpose. The building is noted in the New Zealand Historic Places Trust Register and Council's District Plan under Category II, this being a building of local significance. While there are no special requirements from the Historic Places Trust for this building, the proposed District Plan the Kaipara District Council requires a Resource Consent if the building is removed from site.

Two submissions were received in the *Kaipara's Future – Working Together 2009/19* (Long Term Council Community Plan LTCCP), one from a local community group and one from a private individual interested in buying the building for removal. In September Council received notification from the community group. They stated they are no longer interested in the current building and have requested that it be sold and removed from the site. Should Council pass the proposed resolution the interested submitter will be informed and invited to purchase as part of the process. The Committee has expressed a desire to replace the building with a new facility some time in the future.

No maintenance work has been on this building for many years and there are no available funds to do so. In its current state the building presents a serious health and safety risk to the general public. A solution for good management of this property would be to dispose of the building, and graze the land at commercial rates while further options are being explored.

Recommendation

That Council investigates options to sell Aratapu Hall as the community has shown no further interest in utilising the building for community use. As the structural timber is of solid Kauri this could include advertising for interest to buy the building for either demolition or removal from site, and

That Council staff investigate options for grazing the land (Part Allotment 10 Kopuru Parish) at commercial rates while future options for this reserve are explored.

Reason for the recommendation

To progress the disposal of the Aratapu Hall.

P26 2.6 Revision of Resource Management Fees: Statement of Proposal

Development Manager 2301.07

A Statement of Proposal is attached which has been prompted by the introduction of amendments to the Resource Management Act and the notification of the proposed District Plan. The fees schedule needs to align better with the Act as it has now been finalised relating to requests for further information, and the use of independent commissioners. The additional cost Council's planners will incur through having to deal with two planning documents when assessing applications needs to be addressed; this is a cost which should be borne by applicants rather than Council or its consultants.

At the same time, a couple of irregularities are being resolved - a separate charge for land use consent applications relating to signs is proposed so the more onerous standard land use charge does not need to apply, and also ambiguity around charges for engineering inspections can be addressed.

The Resource Management Act requires that the special consultative procedure set out in section 83 of the Local Government Act 2002 be employed in the promulgation of fees. This entails the preparation of a statement of proposal which must be considered and approved by a meeting of Council before it is publicly notified for consultation purposes.

Recommended

That Council approves the release of the statement of proposal for "Revision of Resource Management Act Fees (October 2009)" in accordance with the special consultative procedure required by the Local Government Act 2002.

Reason for the recommendation

The schedule of fees needs to be brought into alignment with the Resource Management Act as it has now been finalised relating to requests for further information, and the use of independent commissioners.

The additional cost Council's planners will incur through having to deal with two planning documents when assessing applications needs to be addressed; this is a cost which should be borne by applicants rather than Council or its consultants. There is also the opportunity to tidy up some irregularities in the existing schedule.

P35 2.7 Road Legalisation: Maropiu Road, Kaihu

Community Infrastructural Assets Manager

4102.08

Council has been approached by Stratton Bentley Surveyors who has completed a subdivision at a property on Maropiu Road, Kaihu for J R and S L Robertson. As part of the surveying, Stratton Bentley have found that the road formation has encroached onto land owned by the Robertson's. This is shown on the attached plan as Lot 3. The area of land involved amounts to 652 square metres.

On behalf of the Robertson's, the Surveyor has asked whether Council will accept the land as Road to Vest. The amount proposed for this land is \$652.00 plus GST, to which the Robertson's are agreeable. A formal valuation is not warranted, as the cost to obtain one would exceed the value of the land.

To undertake this formalisation work at a later date is likely to be at a greater cost to Council.

Recommended

That Council agrees that \$652.00 plus GST be paid to JR and SL Robertson for the 652 square metres of land to vest as road, for Lot 3 DP 412586.

Reason for the Recommendation

To formalise a situation where Council road is on private land by working in conjunction with the land owner.

3 Presentation/Public Forum

3.1 Audit New Zealand: Audit Report 2008/09

Item 4.1 refers.

4 Confirmation of Minutes

P23 4.1 Ordinary Council Meeting : 23 September 2009

Governance Manager 1601.13

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 23 September 2009, as circulated, be confirmed as a true and correct record.

5 Reports

5.1 Mayor's Report

1701.02.03

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

P58 5.2 Councillors Portfolio Reports

Councillors 1904 (various)

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

Cr Alspach	Strategy
Cr Burnett	Finance
	Refuse
Cr Geange	Community Spaces
	• Reserves
	• Halls
	• Council Land
Cr McEwing	Regulatory
	Emergency Management
	Land Drainage
	Water
	Environmental Management Committee
	Kaihu Drainage
Cr Smith	Roading Operation
	Planning
Cr Sutherland	Social
	• Youth
	• Elderly
	• Sports
	• Schools
	• Arts
	• Libraries
	Stormwater
Cr Taylor	Economic Development / Tourism
	Judicial Committee
	Wastewater

CIR 5.3 Chief Executive's Report: October 2009**Chief Executive 2002.02.10**

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

Recommended

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

6 Receipt and Adoption Items**P59 6.1 Judicial Committee Meeting Minutes: 29 September 2009****Development Manager 1605.11**

A copy of the Judicial Committee minutes of 29 September 2009 is attached.

Recommended

That the Judicial Committee minutes of 29 September 2009, as circulated, be received.

7 Information Items**P71 7.1 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.

P88 7.2 Auckland Super City Northern Boundary : Kaipara District Council Submission**Chief Executive 1908.02.04**

Copies of the Kaipara District Council submissions to The Local Government Commission and The Parliamentary Select Committee regarding the Auckland Super City Northern Boundary are attached.

Recommended

That Kaipara District Council's submissions on Auckland Supercity, to The Local Government Commission dated 16 October 2009 and The Parliamentary Select Committee dated 24 June 2009 be received.

P92 7.3 District Plan Review: Monitoring Report: October 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.

7.4 Notification of Applications Under the Resource Management Act

Development Manager 3825.0

The basis for deciding whether or not resource consent applications should be notified has been changed by the enactment of the Resource Management (Simplifying and Streamlining) Act 2009. This came into force on 1 October 2009.

Under the previous provisions, the starting point was that all applications would be publicly notified. If however, the effects were assessed to be minor, then limited notification was an option. If those people considered to be affected had given their written consent, then the application could be processed on a non-notified basis.

Under the new Act, there is now no presumption in favour of notification, although the consent authority [Council] retains a discretion to notify. This is an important change in stance, and in this form will serve to protect a Council in defending its decision not to notify an application in any judicial review proceedings which might be brought.

The new provision also sets out specific circumstances where an application will be publicly notified and circumstances where it will proceed down the non-notified path. These provisions are very similar to those previously existing, with some additions.

If the effects on the environment "will have or [are] likely to have effects on the environment that are more than minor" the application must be publicly notified (2009 amendment) compares with ... must be notified "unless ... the consent authority is satisfied that the adverse effects of the activity on the environment will be minor" (2003 amendment).

The new s95D gives guidance in assessing whether adverse effects are likely to be more than minor. The effects on persons on the subject site itself and on any adjacent land must be disregarded, among other matters.

If it can then be seen that the adverse effects reach beyond the identified adjacent properties in some palpable way, then there is an indication that the effects are more than minor, and it does not matter how many written consents from 'affected parties' are provided, the application will need to be publicly notified. If there are effects upon adjacent properties but not beyond, then limited notification is an option.

It is a principle of statutory interpretation that *the meaning of an enactment must be ascertained from its text and in light of its purpose* (s5(1) Interpretation Act 1999). It is reasonably clear from the text and the purpose of the Amendment Act as identified in the title (Simplifying of Streamlining) that its purpose includes reducing the number of resource consent applications delayed by public notification.

It is recognised from the biennial Ministry for the Environment surveys that Kaipara District Council notifies a greater percentage of applications than the average, so it can be expected that a consequence of the latest legislative change that fewer applications will be publicly or limited notified in Kaipara.

Recommended

That the information be received.

7.5 Roding Programme Funding Impacts 2009/2010

Community Infrastructural Assets Manager 4101.0

The total Roding Programme of work for 2009/10 included in *Kaipara's Future - Working Together 2009/19* (Long Term Council Community Plan LTCCP) is \$27,919,940. This aligned with Government Policy and Council's Asset Management Plans, and considered the ongoing development of the Otamatea Ward using development contributions. The programme of work was always subject to final approval from the NZ Transport Agency. Funding approval has been received and amounts to \$24,524,958 some \$3,394,057 less than what was requested. The key areas of funding for Maintenance, Area Wide Pavement Treatment and Renewals for 2009/10 have remained intact but the capital works programme has been significantly reduced.

Funding is still provisional on further justification and subject to funding availability. Some items have also been included in the programme with no funding actually committed such as transport planning studies.

This has occurred to allow projects to proceed should the NZ Transport Agency inject funds into the programme or under spending occurs elsewhere which may provide an opportunity for non-funded Kaipara projects.

In future years 2010/2011 and 2011/2012 the NZ Transport Agency has reduced the expenditure on maintenance by 2% (approximately \$300,000) and 3% (approximately \$400,000) respectively. Capital works expenditure has also been reduced in future years by approximately \$4,000,000 in both 2010/11 and 2011/12.

The implication of this on *Kaipara's Future – Working Together 2009/19* (Long Term Council Community Plan LTCCP) is currently being investigated. This type of reduction has been applied nationwide to all local authorities. In addition there is no provision for escalation over the next three years and this will need to be managed within existing budgets. This can be managed in future years with Consultants and Contractors but there will need to be some discussion under current contractual arrangements which include escalation.

It is worthy to note that currently escalation figures are actually negative in some areas due to the recession, so the immediate impact may not be significant.

Funding Requests versus Approvals 2009/10

The following table notes the significant variances for the 2009/10 Roothing Programme between the request submitted to NZ Transport Agency which was prepared in accordance with the *Kaipara's Future - Working Together 2009/19* (Long Term Council Community Plan LTCCP) and the NZ Transport Agency funding approval in September.

Category	Request	Approval	Reduction
User benefits including: · Seal Extension (Excluding committed projects such as Bickerstaffe Road)	\$1,507,000	\$471,429	\$1,035,571
Improve, expand or replace network including: · Bridge replacements · Community T Fund projects · Otamatea Ward Contributions	\$2,123,000	\$928,571	\$1,194,429
Minor Improvements (previously Minor Safety Works undertaken without the need for financial justification)	\$1,129,000	\$906,446	\$222,554
Community Programmes (safety belt, child restraints, adult education)	\$131,900	\$82,397	\$49,503
Walking and Cycling	\$212,000	\$0	\$212,000
Walking and Cycling Strategy Review	\$80,000	\$0	\$80,000
Regional Development Funding (projects will need to be agreed by Joint Forestry Committee)	\$2,000,000	\$1,400,000	\$600,000

The funding reductions reflect the new drivers of the Government Policy Statement (GPS2) for Roothing developed by the incoming Government. The key focus is on economic efficiency and productivity. This has seen the elimination of the entire Walking and Cycling projects category. However walking and cycling projects may still be possible through the reduced Minor Improvements category.

Conclusion

The NZ Transport Agency final funding approvals will require Council to reconsider some of its approved 2009/10 Subsidised Roding Programme which was confirmed in August 2009. Council's programme has been constructed on the basis of need but the change in funding policy will require Council to reconsider its capital programme on the basis of what it can achieve under the new policy. A further report will be provided to Council in November 2009 on the re-prioritisation of projects. This will be developed with the Roding Portfolio holders.

Recommended

That the information be received.

8 Public Excluded Items 28 October 2009

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely:

- *Glinks Gully Camp Ground: Maintenance and Management; and*
- *Contract 566 Baldrack Road, Seal Extension 2008/09 Stage 2 : Notice of Adjudication : 9 August 2009*

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>Glinks Gully Camp Ground: Maintenance and Management</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Contract 566 Baldrack Road, Seal Extension 2008/09 Stage 2 : Notice of Adjudication : 9 August 2009</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 – 28 October 2009

Recommended

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

Closure

Kaipara District Council

Dargaville