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Not for Publication until after Commencement of Meeting**Notice Of Ordinary Meeting Of Council****Date 10.00 am on Wednesday 26 August 2009****Venue Council Chambers, Station Road, Dargaville****Timetable****9.45 am Morning Tea****10.00 am Workshops****1 Urban Stormwater Improvement Works**

Council has approved urban stormwater improvement works for Dargaville in 2002 and Mangawhai in 2006. The design and construction at these works has commenced but costs are significantly higher than original estimates and approvals, due to material price and construction cost increases.

Council also collects an urban stormwater rate for Kaiwaka, Te Kopuru and Baylys. Urban Stormwater works have been under taken in these areas when needed.

Moving Urban Stormwater forward requires a review of stormwater management plans for Dargaville and Mangawhai. Council also needs to develop management plans for areas where stormwater is rated. This requires consideration of what level of service Council believes the community requires.

12.15 pm Lunch**1.00 pm Commencement of Council Meeting****1.00 pm Public Forum****a) Brian Plunkett: Pahi Peninsula Walk/Cycleway Tracks****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 26 August 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: 26 August 2009

1 Opening : Cr Burnett

Councillor to be selected to open the 23 September 2009 meeting.

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Presentation/Public Forum

2.1 Brain Plunkett: Pahi Peninsula Walk/Cycleway Tracks

Item 4.5 refers.

3 Confirmation of Minutes

P1 3.1 Ordinary Council Meeting : 22 July 2009

Governance Manager 1601.13

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 22 July 2009, as circulated, be confirmed as a true and correct record.

4 Policy

P24 4.1 Kauri Coast Community Pool: Northland Regional Council Grant

Governance Manager 4701.02.01

In its attached letter dated 5 August 2009 the Northland Regional Council has requested that Council formally advise the Northland Regional Council by way of a resolution that all necessary funding has been secured and that this Council is satisfied that the business plan for the community swimming pool is based on sound economic analysis and forecasting estimates. It should be noted that the governance arrangements are being progressed and the Chief Executive has a draft which he is considering.

At its meeting held 17 December 2008 Council considered a report from the Commercial Manager which addressed the shortfall in funding for the project. The report identified Council properties considered surplus and which might be used to underwrite the remaining fundraising.

The Chief Executive tabled a report at the meeting which further clarified the position and which reflected the further information gathered since the Agenda was issued. It also included a response to Chairman Mark Farnsworth, Northland Regional Council's letter of 15 December 2008. (See attached – please note that the recommendation that appeared in the Chief Executive's original report was amended before being passed by Council).

Each Councillor spoke to the issue and in the main supported the proposal noting that the Council needed to be proactive and provide for the future. Many noted that those responsible for the original pool had undoubtedly had concerns but had made the right decision. It was acknowledged that this would be not only a District asset but would also be a regional asset. The one note of caution expressed by those in support was that it should not place any extra burden on ratepayers other than that already agreed.

Council subsequently and unanimously resolved as follows:

“ Resolved Mayor Tiller/Geange

- 1 ***That*** Council accepts that there is adequate contingent funding available to fund the \$6.0 million Kauri Coast Community Pool project should fundraising not cover the shortfall.
- 2 ***That*** Council recommends to the Kauri Coast Community Pool Trust that they accept Barfoote Construction Ltd as the tenderer for the construction of the Kauri Coast Community pool with a project cost of \$5,982,479.50.
- 3 ***That*** Council works with the Kauri Coast Community Pool Trust to establish suitable governance and management structures for the pool, such arrangements to be submitted to Council for approval as soon as possible and that the Kauri Coast Community Pool Trust by signature endorses this recommendation before recommendations 1, 2 and 4 are actioned.
- 4 ***That*** the Trust be required to continue to fundraise to the maximum of their capacity to cover the remaining \$2.44 million.”

In a letter dated 5 August 2009 the Northland Regional Council has requested that Council formally advise the Northland Regional Council by way of a resolution that all necessary funding has been secured and that this Council is satisfied that the business plan for the community swimming pool is based on sound economic analysis and forecasting estimates. See attached letter.

Recommended

That Council confirm: -

- *It is satisfied that all necessary funding has been secured; and*
- *It is satisfied the business plan for the community swimming pool is based on sound economic analysis and forecasting estimates.*

Reason for the recommendation

Council has assured the Northland Regional Council on several occasions that all is in order. This recommendation will meet the formalities required by the Northland Regional Council in order that it may release the funds of \$700,000 to the Kauri Coast Community Pool Trust.

P26 4.2 Pahi Peninsula Walk/Cycleway Tracks

Governance Manager 4702.34

The attached letter and enclosures from Progressive Paparoa Incorporated refers Progressive Paparoa Incorporated is a Paparoa based community group with the stated object of 'promoting and encouraging the prosperity of Paparoa and the surrounding area'. It has approached Council seeking support for a Scoping Study for the proposed Paparoa-Pahi Cycle/Walkway project. The project is being promoted by Brian Plunkett however Progressive Paparoa Incorporated would be the lead agency behind the project and has advised in a letter (see attached) to Council that it is prepared to commit its resources to achieve a successful outcome. Mr Plunkett will use a portion of the allocated Public Forum time to present briefly to Council on this project

The Scoping Study will build on the work that has been carried out by local individuals to date and will evaluate the route options, standards, costs and development implications associated with this project. It is proposed that the document arising out of this Study will be the basis of construction of the project.

The Scoping Study will be used by Progressive Paparoa Incorporated to take the project to the next level and to seek external funding. This project is seen by Progressive Paparoa Incorporated as being very much a "now" project particularly in light of the Government's \$50 million walkway and cycleway initiative. It hopes to be in a position to obtain some of the \$750,000 believed necessary to realise this walkway/cycleway from this Government initiative. It is understood that more accurate costings will be available as a result of the Scoping Study. Government believes that its initiative will stimulate sustainable economic growth through tourism and Progressive Paparoa Incorporated believes that this project has the potential to do this in Pahi and surrounding area. It believes that much of the infrastructure in respect of accommodation and eateries is already in place.

However it should be noted that this walkway is at the margins of the criteria for the governments funding.

Progressive Paparoa Incorporated is supportive of the proposed walking and cycling tracks around the peninsula between Paparoa Village and the Pahi settlement which would take advantage of existing paper roads and esplanade reserves. Access over areas of private land is required in order to create a continuous cycle/walkway and Brian Plunkett has advised that following initial contact with some of the potentially affected landowners, indications are that they too are in favour of the project.

Progressive Paparoa Incorporated has sought and received a quote of \$8,760 plus GST from Frame Group Limited (see attached) and are now seeking funding from Council for the cost of the proposed Scoping Study. It is understood that Frame Group have prepared a number of similar scoping studies for other Councils.

It has been suggested that the Council use its Reserves Contribution Fund to fund this stage of the project. The project aims to take advantage of existing paper roads and esplanade reserves however access over significant areas of private land is required in order to create a continuous cycle/walkway. This makes it difficult for Council to agree to the spending of reserves contributions because there is not certainty of public access at this time.

Reserve Contributions are collected through the Council's District Plan and Resource Management process. The District Plan states that Council may use the cash contributions it receives to "carry out works relating to developing or upgrading reserves or public open spaces in the district".

There are other avenues of funding available to Progressive Paparoa Incorporated. It is suggested that the group work with Council's Community Development Facilitator to develop possible funding opportunities. It would also be possible for Council to sponsor this project for conservation by the Government as part of its Youth Walk Development Schemes recently announced by the Government.

Recommended

That Council approve in principle the Pahi Peninsula Walk/Cycleway Tracks as proposed by Progressive Paparoa Incorporated.

As part of the project Progressive Paparoa needs to consider providing legal access over private land. Should this be able to be achieved the project could be put before Council for consideration of funding from the Reserves Contribution account.

4.3 2009/10 Subsidised Roding Programme

Community Infrastructural Assets Manager

4101.01

The Maintenance and Operational budget for 2009/10 is to be approved by the NZ Transport Agency (NZTA) by the 31 August 2009.

The Renewal of Local Roads projects include Pavement Rehabilitation, Structures, Traffic Services, Emergency Reinstatement and Preventative Works. In the area of Emergency Reinstatement and Preventative Works Council is awaiting approval on some projects from the NZTA.

The Improvement of Local Roads Seal Extension Programme includes Bickerstaffe Road which is subject to a contribution from a subdivision and minor safety. The list provided is for the 2009/2012 financial season. These will be progressed as the financial contributions are being progressed.

The total shown will include the developer's contribution, subsidy as well as required rates. This entire programme is yet to be approved by NZTA but is included here so the programme can be progressed immediately. Various reserve projects have been identified to ensure that further projects can proceed should delays with land owners or resource consents hold up any one project.

The Regional Development Fund project has been included and will be reviewed by a joint Tai Rawhiti and Northland working group. In order to progress the programme, Council's adoption is now sought to progress this programme in an orderly manner.

The following tables detail the projects recommended by Council's Engineers for 2009/10 and are aligned to the Asset Management Plans.

Recommended

That Council receives and adopts the 2009/10 Subsidised Roding Programme work for completion in the 2009/10 financial year, as set out below, subject to obtaining approvals from the NZ Transport Agency.

Table 1: Maintenance and Operations of Local Roads	Amount 2009/10 \$
<i>Sealed Pavement Maintenance</i>	670,000
<i>Unsealed Pavement Maintenance</i>	1,616,000
<i>Routine Drainage Maintenance</i>	137,000
<i>Structures Maintenance</i>	128,000
<i>Environmental Maintenance</i>	448,000
<i>Traffic Services Maintenance</i>	300,000
<i>Network and Asset Management</i>	1,166,000
<i>Unsealed road metalling</i>	2,555,000

Sealed Road Resurfacing	953,000
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Table 2: Renewal of Local Roads	Amount 2009/10
	\$
<i>District-wide culvert replacements</i>	621,000
Road Rehabilitation	
<i>Pahi Road</i>	542,192
<i>Pahi Road</i>	565,504
<i>Tinopai Road</i>	495,944
<i>Trounson Park Road</i>	156,040
<i>Trounson Park Road</i>	239,136
<i>Tokatoka Road</i>	228,232
<i>Tomarata Road</i>	224,096
<i>Waihue Road</i>	84,976
<i>Waihue Road</i>	367,352
<i>Waihue Road</i>	172,960
<i>Molesworth Drive</i>	150,400
<i>Molesworth Drive</i>	201,536
<i>Ararua Road</i>	90,616
<i>Ararua Road</i>	255,680
<i>Tangowahine Valley Road</i>	298,920
<i>Notorious West Road</i>	142,128
<i>Notorious West Road (Bridge Approach)</i>	40,984
<i>Pukehuia Road</i>	49,632
<i>Pukehuia Road (Bridge Approach)</i>	38,728
<i>Gibbons Road (Bridge Approach)</i>	20,680
<i>Other</i>	219,264
Structures	
<i>District wide structural bridge repairs</i>	224,000
<i>Pukehuia Road Replacement (Br 227)</i>	200,000
<i>Tara Road Big Culvert Replacement (RP 7,305)</i>	98,000
<i>Tangowahine Valley Road (Br 282)</i>	25,000
<i>Central Road (Br 47)</i>	400,000
Traffic Services Renewals	
<i>Edge Marker Post's and safety railing district-wide</i>	50,000
<i>Pavement markings district-wide</i>	130,000
<i>Signs replacement district-wide</i>	120,000
Emergency Reinstatement (Slips)	
<i>Lawrence Road RP 3546</i>	150,000
<i>Tokatoka Road RP 295</i>	180,000

Paparoa Oakleigh Road RP4724	150,000
Preventative works (Slips)	
Tinopai Road RP 7690	120,000
Paparoa Oakleigh Rd RP 4724	150,000
Tinopai Road RP 7700	130,000
Matakohe East Road RP 400	86,000
Paparoa Oakleigh Road RP 4920	170,000
Paparoa Oakleigh Road RP 9756	60,000

Table 3: Improvement of Local Roads	Amount 2009/10
	\$
Seal Extension	
Tara Road (LTCCP 09-19)	203,130
Arapohue Road (LTCCP 09-19)	489,140
Parekura Road (LTCCP 09-19)	413,660
Gibbons Road (LTCCP 09-19)	224,220
Hoanga Road (LTCCP 09-19)	445,850
Karaka Road (LTCCP 09-19)	220,150
Black Swamp Road (LTCCP 09-19))	525,400
Golden Stairs Road (LTCCP 09-19)	566,470
Trounson Park Road (LTCCP 09-19)	942,020
Mountain Road (LTCCP 09-19)	101,750
Mountain Road (LTCCP 09-19)	218,300
Mt Wesley Road (LTCCP 09-19)	673,400
Bickerstaffe Road (LTCCP 09-19)	30,436
Bridge Approach Sealing	
Mititai Road (Bridge 134)	30,000

Table 4: Minor Safety Works	Amount 2009/10
	\$
Curnow Road / Mititai Road Realignment close to Bridge Approach	50,000
Oruawharo Road Realignment (Syd Smith Road to Nukoroa Road)	235,000
Street Lighting	43,000
Walking and Cycling Initiatives	175,000
Bridge Guard Railing	
Pahi Road (Br 176)	35,000
Baldrock Road (Br 25)	35,000
Baldrock Road (Br 26)	35,000

Intersection improvement	
<i>Garbolino/Kaiwaka-Mangawhai Intersection sight improvement</i>	100,000
<i>Kaiwaka-Mangawhai Road / Tara Road Intersection improvement</i>	100,000
Sight Benching	
<i>Omana Road</i>	100,000
<i>Girls High School Road</i>	100,000
Filling of Deep Drains	
<i>Moir Street Filling of deep drains</i>	83,500
<i>Molesworth Drive Filling of deep drains</i>	83,500
Footpaths	
<i>Paparoa-Oakleigh Road / Paparoa-Station Road</i>	27,000
<i>Tinopai Road Komiti Road</i>	25,000
<i>Station Road (Bluff)</i>	23,000
<i>Komiti Road RP990, kerb RP 740 + Culvert at RP 964</i>	25,000
Table 6: T - Funds Projects	Amount 2009/10
	\$
<i>Community Transport Fund</i>	650,000
<i>Projects yet to be identified and confirmed</i>	
<i>80% of Funding Assistance Rating (FAR)</i>	
· Sealing outside community facilities (halls, schools, Maraes)	
· Walking and Cycling projects	
· Safety projects	

Table 7: Forestry Targeted Rate Projects	Amount 2009/10
	\$
<i>Tinopai Road Neem to Kaipara View</i>	1,284,000

Reason for the recommendation

Adoption of the programme will allow Council to fulfil its commitment made to the community in the current Annual Plan and ensure that Council prudently maintains its roading assets in accordance with its Asset Management Plans.

4.4 2009/10 Non-Subsidised Roading (Footpaths) and Urban Stormwater Programmes

Community Infrastructural Assets Manager 4101.01

The 2009/10 Non-Subsidised Roading (Footpaths) Programme and Urban Stormwater Programme were detailed in the 2009/10 Annual Plan.

Since the adoption of the Annual Plan, the specific projects to be undertaken have been determined. The Non-Subsidised Roding (Footpaths) Annual Plan budget is \$130,000. The 2009/10 Urban Stormwater Programme includes a large programme of works for Mangawhai, Dargaville as well as Baylys. This will progress and complete the majority of urban stormwater projects identified in Mangawhai Village, dependent on tender prices.

The tables in the recommendation below detail the projects recommended by Council's Engineers.

Recommended

That Council receives and adopts the 2009/10 Non-Subsidised Roding (Footpaths) Programme and Urban Stormwater Programme work for completion in the 2009/10 financial year as set out below:

Table 1: Unsubsidised Footpaths	Amount 2009/10 \$
<i>Dargaville: Station Road (170 metres of footpath)</i>	15,708
<i>Mangawhai: Moir Point Road (185 metres of footpath)</i>	17,000
<i>Mangawhai: Molesworth Drive (Eveline Street to Bridge) (1,235 metres of footpath)</i>	55,000
<i>Maungaturoto: Hurndall Street East and West (120 metres of footpath)</i>	11,000
<i>Maungaturoto: Gorge Road (340 metres of footpath)</i>	31,292

Table 2: Urban Stormwater	Amount 2009/10 \$
<i>Dargaville: Gordon Street (Upgrade and replace 300 metres of pipe from Carrington Street to Onslow Street to cope with 5 year (Average Return Interval) ARI storm event)</i>	280,000
<i>Dargaville: Cobham Avenue (Improvements to drainage within the road reserve)</i>	20,000
<i>Baylys: Cynthia Place (Extending stormwater culvert and outlet pass residential street area)</i>	41,000
<i>Mangawhai: Moir Street East Molesworth Drive to outlet - piping of 400 metres of open drains</i>	535,000
<i>Mangawhai: Moir Street East - Piping open drains (roading component)</i>	75,000
<i>Mangawhai: Molesworth Drive South – Piping of open drains (roading component)</i>	75,000

Reason for the recommendation

Adoption of the 2009/10 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plan

4.5 Telecom Mobile Limited, Huarau: Appointment of Independent Commissioner for Consent Extension

Development Manager RM040101E

In 2004 an independent commissioner was appointed by Council to determine an application by Telecom Mobile to establish a new cell phone tower at Ariel's Hill between Paparoa and Maungaturoto. An independent commissioner was used because of the complex technical issues involved. Consent was granted in August 2004. Until recently, no action had been taken to implement the project. Only now has funding been allocated to enable it to proceed, but the consent is on the point of lapsing, and would have lapsed if the consent holder had not lodged an application for an extension of time.

There is no delegated authority for the extension of time application to be determined by staff, as the original application was determined by Commissioner Mr Harry Bhana.

Approval is sought for Mr Bhana to determine the extension of time request. He has advised that he is available.

Recommended

That pursuant to s34A Resource Management Act Mr Harry Bhana be appointed to determine the application by Telecom Mobile for extension of time for the consent to erect a cellphone tower at Ariel's Hill (reference: RM040101).

Reason for the recommendation

The original application was determined by Mr Bhana, and he is available to deal with the current request.

P30 4.6 Road Stopping: Road North of State Highway 1, Brynderwyn, near Artillery Road

Community Infrastructural Assets Manager 4102.17

Council has been approached by Birt and Currie Surveyors Ltd on behalf of Mathew Metcalfe and Lance and Demelza Aukett who are currently conducting a boundary adjustment between each other. Within this boundary adjustment are two separate unformed paper roads, which run over steep terrain that the Aukett's and Mr Metcalfe would be interested in purchasing from Council.

The two pieces of land in question are marked "A", "B" and "C" on the attached map. Area A is to be amalgamated with proposed Lot 1 of 21.42 hectares. Area B is to be amalgamated with Lot 2 DP208322, Allot 152 and proposed Lot 2 with an area of 21.66 hectares. The area marked C on the attached map is to be amalgamated with Part Lot 1 DP28821. The current portion of paper road sits north and south of Lots 1-3 DP 208322 Sec 2 SO 67448 Allots 376 152 Kaiwaka Parish Block X Waipu Survey District.

Council's Roading Engineer has inspected the roads in question with the Surveyor. The roads are considered as an inappropriate location for an intersection any time in the future. Coupled with that is the steep terrain that the paper road is on. Council owns property to the west of the proposed road stopping, but can be accessed via Artillery Road which is a metalled road just to the north of the proposed stopped road if Council ever had a need in the future; although due to the nature of the terrain this is highly unlikely.

The surveyor has found that no other properties would be adversely affected by this road stopping. Council research has found the same.

The affected area subject to survey is approximately 9,200 square metres, and both parties, via their surveyor, have indicated that should this application be successful, they will meet the costs involved for the legalisation costs.

It is proposed that the road stopping be attended to in terms of Local Government Act 1974 Section 342. These requirements being:

- Sale price to be determined by a Registered Valuer
- Obtain consent Minister of Lands
- The portion of stopped road is to be amalgamated with the adjoining land under one Certificate of Title.
- Public notice of the proposal be attended to including details of where the plan may be inspected.
- Serve a notice in the same form as the public notice to the occupiers of all the land adjoining the road proposed to be stopped.
- Place a notice at each end of the road proposed to be stopped.

The purchasers are to meet all costs to the proposal, these being survey, public notification, valuation, gazetting and all other incidental costs that may be incurred.

Recommended

That Council approves of the road stopping of land north and south of Lots 1-3 DP 208322 Sec 2 SO67448 Allots 376 152 Kaiwaka Parish Block X Waipu Survey District, in terms of Section 342 of the Local Government Act 1974; and

That L and D Aukett and M Metcalfe meet all costs incurred for the road stopping and any associated costs.

Reason for the recommendation

This portion of unformed road will not be required for roading purposes in the future.

P31 4.7 Wairere Road Bridge and Ontrack (NZRC) Agreement**Community Infrastructural Assets Manager 4107.503**

Attached are copies of a report from the Community Infrastructural Assets Manager and a Deed of Grant Agreement between New Zealand Railways Corporation and Kaipara District Council granting right to erect, use and replace an overbridge on railway land at Wairere Road, Paparoa.

The existing Wairere Road Bridge N^o 318 over the railway has reached the end of its useful life and is due for replacement. The planned Wairere Road Bridge N^o 318 Replacement Project provides a new road bridge over the railway at this location. The construction of this new replacement bridge alongside the old bridge involves activities that are within and above the rail corridor.

Recommended

That Council approve signing of the Deed of Grant Agreement granting right to erect, use and replace an overbridge on railway land at Wairere Road, Paparoa as it was received on 27 November 2008; and

That Council insurers be advised that the requests for amendments as outlined in their letter dated 26 January 2009 (Clauses 3 h, 3i and 3l) are not able to be deleted or changed and New Zealand Railways Corporation advise these are standard in all New Zealand Railway Corporation grant and lease documents.

Reason for the recommendation

To continue with the Wairere Road Bridge N^o 318 Replacement Project. There is no alternative but to accept the New Zealand Railways Corporation (NZRC) Deed of Grant Agreement in its present form.

4.8 Warrant of Appointment: Dog Stock and Noise Control Officers and Parking Wardens**Development Manager 6404.0 WOA**

Jason Joseph Tana and John Stephen Carrick make a 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 Impounding Act 1955, the Local Government Act 2002, the Resource Management Act 1991 and the Transport Act 1962.

Mr Tana and Mr Carrick 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 Jason Tana and John Carrick as Authorised Officers under the Kaipara District Council General Bylaw No.1 2008 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 2008.

Recommendation Two

- 1 *That Council warrants Jason Tana and John Carrick 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.8 of the Impounding Act 1955; 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 Jason Tana and John Carrick as authorised parking wardens pursuant to s.7 of the Transport Act 1962;*

Reason for Recommendation Two

This authorisation is necessary to enable Jason Tana and John Carrick to undertake the duties of a Dog, Stock and Noise Control Officer and a Parking Warden in the Kaipara District.

4.9 Warrant of Appointment: Rural Fire Officer

Community Infrastructural Assets Manager

6402.0

Wayne Paget makes request to the Kaipara District Council to be appointed as a Rural Fire Officer pursuant to the Forest and Rural Fires Act 1977; the Forest and Rural Fires Regulations 2005. He is the Deputy Chief Fire Officer of the New Zealand Fire Service Brigade at Mangawhai. This appointment is necessary to enable Wayne Paget to act under the authority of the Forest and Rural Fires Act 1977 in absence of the Chief Fire Officer, Maurice Doughty, pursuant to the agreement that Council has with the New Zealand Fire Service for the Mangawhai Brigade to respond to rural vegetation fires in the Mangawhai area.

Recommended

That Council warrants Wayne Paget as an authorised officer of the Rural Fire Officer pursuant to Section 13 of the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005 to carry out the powers, functions and duties under the Forest and Rural Fires Act 1977 in the Kaipara District:

Section	Function/Power
Section 13	<p><i>Fire Officers and other employees</i></p> <p><i>Powers, functions, and duties of Fire officers</i></p> <p>(1) <i>In each district other than a State area the Fire Authority shall appoint one or more suitable persons as a Rural Fire Officer or as Rural Fire Officers. Where there are 2 or more Rural Fire Officers one shall be appointed as Principal Rural Fire Officer.</i></p> <p>(2) <i>The Fire Authority for each district other than a State area may appoint or employ all such other officers and employees as it deems necessary for the purposes of this Act.</i></p> <p><i>[(3) For each State area the Minister of Conservation may—</i></p> <p style="padding-left: 2em;">(a) <i>Appoint one or more suitable persons as a Rural Fire Officer or Rural Fire Officers:</i></p> <p style="padding-left: 2em;">(b) <i>Appoint one Rural Fire Officer as Principal Rural Fire Officer.]</i></p> <p><i>[(3A) Every warranted officer appointed under section 59(1) of the Conservation Act 1987 shall be a Rural Fire Officer for every State area.]</i></p> <p><i>[(3B) Where no Principal Rural Fire Officer has been appointed for a State area,—</i></p> <p style="padding-left: 2em;">(a) <i>Any Rural Fire Officer appointed for that area under subsection (3)(a) of this section; and</i></p> <p style="padding-left: 2em;">(b) <i>Any warranted officer referred to in subsection (3A) of this section,— shall have all the powers of a Principal Rural Fire Officer in respect of the area.]</i></p> <p>(4) <i>Deputies of officers and employees may be appointed under this section or under section 14 of this Act.</i></p> <p>(5) <i>Any Fire Authority may in its discretion allocate to its officers, employees, and servants such responsibilities as may from time to time appear to it appropriate and necessary.</i></p>

Reason for Recommendation

Affirming the appointment as recommended, will allow Mr Paget to act as a Rural Fire Officer on behalf of and with the authority of this Council.

P40 4.10 Mangawhai Coastal and Harbour Reserves Management Plan: Reserve Parcel Classification Obligations

Governance Manager 4702.13.03

A copy of a report and maps from the Governance Manager are attached. Kaipara District Council owns 85 legal parcels of Reserve which either are, or could be brought, under the ambit of the Mangawhai Coastal and Harbour Reserves Management Plan. In order that this might happen and as part of the statutory process of establishing a Management Plan under the Reserves Act 1997, reserves need to be classified.

Recommended

That the reserves below be classified as Local Purpose Reserves under Section 16 (2A) of the Reserves Act; and

That reserves be classified as Local Purpose Esplanade Reserves under Section 16A of the Reserves Act 1997.

Parcel Map Key	Legal Description	CT/Gazette	Valuation Number	Primary Purpose
1	Lot 33 DP 348513	CFR 226802	0122009233	L. P. Esplanade
11c	Lot 8 DP 1010578	NA 1314/20	122168000	L. P. Esplanade
11d	Lot 16 DP 138742	NA 1314/19	122168000	L. P. Esplanade
12a	Lot 20 DP 144580	NA 19A/87	122173300	L. P. Esplanade
13	Lot 4 DP 87193	-	122183200	L. P. Esplanade
14a	Lot 6 DP 202178	NA 130D/9	122183604	L. P. Esplanade
14b	Lot 6 DP 163375	NA 98C/195	122183604	L. P. Esplanade
15a	Lot 25 DP	NA93D/31	122015400	L. P. Esplanade

	139051			
15b	Lot 26 DP 139051	NA93D/32	122015400	L. P. Esplanade
15c	Lot 3 DP 133293	NA 1327/19	122015400	L. P. Esplanade
15d	Lot 4 DP 103132	NA 53D/1128	122015400	L. P. Esplanade
16a	Lot 9 DP 118397	NA56D/915 and Part NA 56D/916	122012001	L. P. Esplanade
16b	Lot 10 DP 118397	NA 56D/916	122012001	L.P Utility
17a	Lot 6 DP 155248	NA 92D/62	122010802	L. P. Esplanade
17b	Lot 6 DP 106483	Part NA11B/304	122010802	L. P. Esplanade
17c	Lot 4 DP 106483	Part NA11B/304	122010802	L. P. Esplanade
17d	Lot 5 DP 106483	Part NA11B/304	122010802	L. P. Esplanade
17e	Lot 3 DP 132183	NA726/111 & NA 867/176	122010802	L. P. Esplanade
17f	Lot 3 DP 120027	NA 867/175	122010802	L. P. Esplanade
18a	Lot 4 DP 121358	Part NA 645/5 cancelled	-	L. P. Esplanade
18b i	Lot 5 DP 121358	Part NA 645/5 cancelled	122012904	L. P. Esplanade
18b	Lot 1 DP 154785	NA 88C 944	122012904	L. P. Esplanade
18c i	Lot 10 DP 135476	Part NA 73C/75 cancelled	-	L. P. Esplanade
18c	Lot 11 DP	Part NA 73C/75	-	L.P. Utility

	135476	cancelled		
	Lot 8 DP 152746	Part NA 42A/692 cancelled	-	L.P. Utility
	Lot 10 DP 152746	Part NA 42A/692 cancelled	-	L. P. Esplanade
	Lot 12 DP 152746	Part NA 42A/692 cancelled	-	L. P. Esplanade
18d	Lot 15 DP 152746	Part NA 42A/692 cancelled	122012904	L. P. Esplanade
19	Lot 3 DP 121358	Part NA 645/5 cancelled	122184301	L. P. Esplanade
20a	Lot 10 DP 138939	NA 577/179	122184407	L. P. Esplanade
20b	Lot 4 DP 186567	NA 116D/593	122184407	L. P. Esplanade
21a	Lot 8 DP 115278	NA 31C/903	122184607	L. P. Esplanade
22a	Lot 22 DP 362172	253775	-	L. P. Esplanade
22b	Lot 23 DP 362172	253776	122188728	L.P. Accessway
23	Lot 2 DP 91013	NA 48B/278	122189801	L. P. Esplanade
24	Lot 10 DP 106013	NA 1894/40	122190190	L. P. Esplanade
25	Lot 14 DP 106013	NA 4B/1003	122191202	L. P. Esplanade

Reason for the recommendation

Council is required to complete the classification of its reserves prior to adopting the Mangawhai Coastal and Harbour Reserves Management Plan. This will complete that process.

P49 4.11 Kauri Coast Community Pool – Construction Bridging Finance

Finance Manager 2305.01 and 4701.02.01

A report from the Finance Manager is attached which recommends the raising a loan of \$2,500,000 by the issue of stock or any other means to be known as the Kaipara District Council Kauri Coast Community Pool Loan 2009 - \$2,500,000.

Recommended

That in pursuance of its powers conferred on it by the Local Government Act 2002 and the regulation made thereunder, and any other powers enabling it the Kaipara District Council

Hereby resolves to establish a credit facility to a maximum of \$2.5million to be known as the Kaipara District Council Kauri Coast Community Pool Bridging Loan 2009 - \$2,500,000 for the following purpose:-

Bridging finance for the construction of the Kauri Coast Community Pool while awaiting proceeds of the project funding programme; and

That the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the above loan within the Council's Liability Management Policy.

Reason for the recommendation

Funds are required to meet contract payments prior to the proceeds of the project funding programme being received.

5 Reports

5.1 Mayor's Report

1701.02.03

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

P51 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

5.3 Chief Executive's Report: August 2009**Chief Executive 2002.02.10**

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

Recommended

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

6 Receipt and Adoption Items

P52 6.1 Judicial Committee Meeting Minutes: 16 June 2009

Development Manager 1605.11

A copy of the Judicial Committee minutes of 16 June 2009 is attached.

Recommended

That the Judicial Committee minutes of 16 June 2009, as circulated, be received.

P73 6.2 Submission - Land Transport Rule Vehicle Dimension and Mass Amendment [(No.2) 2009]

Community Infrastructural Assets Manager 4106.06

Attached is a submission on the Land Transport Rule Vehicle Dimension and Mass Amendment [(No.2) 2009]. This submission dated 11 August 2009 has been prepared in discussion with both the roading and strategy Portfolio holders and submitted to the NZ Transport Agency.

Recommended

That Council endorses the submission to the NZ Transport Agency on Land Transport Rule Vehicle Dimension and Mass Amendment [(No.2) 2009] dated 11 August 2009.

7 Information Items

P77 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.

P97 7.2 District Plan Review: Monitoring Report August 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.

P98 7.3 Whangarei District Council Submission on the Local Government (Auckland Council) Bill**Governance Manager 1908.02.04**

A copy of the Whangarei District Council submission, and additional material, on the Local Government (Auckland Council) Bill is attached.

Recommended

That the information be received.

P101 7.4 Brookfields: Crest Energy Power Turbines**Governance Manager 2130.02**

A letter from Brookfields dated 14 July 2009 is attached, responding to the question of responsibility for building consent if and when Crest Energy places power turbines at the mouth of the Kaipara Harbour.

Recommended

That the information be received.

P104 7.5 Removal of Department of Conservation Fire Safety Margins**Community Infrastructural Assets Manager 6208.0**

Attached is a copy of the decision from the National Rural Fire Authority dated 27 July 2009 regarding the removal of Department of Conservation Fire Safety Margins.

Council held a workshop in March 2009 around the proposed removal of the margins. From this a recommendation was made to lodge a submission with the National Rural Fire Authority to retain the 35 fire safety margins across Kaipara.

Councillor Bryan McEwing, Fiona Vessey and Jim Goodland attended the hearing held on 8 July 2009 on Council's behalf.

The decision from the Authority was to disestablish all the margins with the exception of state area land of Kellys Bay, Omamari and the Brynderwyn Walkway, Mangawhai.

Recommendation

That the information be received.

P112 7.6 Local Government New Zealand: Public Verses Private Ownership of Utility Infrastructure

Community Infrastructural Assets Manager and Strategic Support Team Leader

4810.0

Local Government New Zealand had released the attached report on Public verses Private Ownership of Utility Infrastructure. This report has been commissioned by Local Government New Zealand as a response to a report prepared by New Zealand Council for Infrastructure Development (NZCID) which was critical of local government ownership of water infrastructure.

Recommended

That the information be received.

P178 7.7 Cycleway Kaipara

Community Spaces Manager

2110.20

A copy of a report from the Community Spaces Manager is attached regarding the New Zealand Cycleway Project.

The purpose of this report is to bring Council up-to-date with the Government's Cycleway Project and make Council aware of work done to date on Kaipara's Proposed Cycleway Route.

In early 2009 the Government, through the Prime Minister and Minister of Tourism, John Key, announced its intention to provide a \$50million operating fund to Vote Tourism over three years to progress the New Zealand Cycleway Project. The concept of a national cycleway system is one of the proposed ideas which came from the Employment Summit, "Near Term and High Priority", as a means to stimulate jobs through the present economic crisis while creating the best possible environment for businesses to prosper as economic conditions improve. The Minister believes the cycleway project is a way of revitalising communities by generating revenue and employment opportunities.

The project proposes to create a series of 'Great Rides' of New Zealand, with a long term aim of creating a network that links these experiences together through branding and / or route development.

Recommended

That the information be received.

8 Public Excluded Items 26 August 2009

Recommended

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

- Awakino Transfer Station Options
- Baylys Wastewater System
- Sale of Council Property: Change of Procedure

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>Awakino Transfer Station Options</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Baylys Wastewater System</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Sale of Council Property: Change of Procedure</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 – 26 August 2009

Recommended

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

Closure

Kaipara District Council

Dargaville