

Private Bag 1001, Dargaville

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**Not for Publication until after Commencement of Meeting****Notice Of Ordinary Meeting Of Council****Date 10.00 am on Tuesday 23 June 2009****Venue Council Chambers, Station Road, Dargaville****Timetable****9.45 am Morning Tea****10.00 am Workshops****1 Kaipara's Future****2 2010/11 Draft Annual Plan Consultation Strategy**

The Strategic Support Team Leader and the Stakeholder Engagement Manager will lead a discussion on Council aims and objectives and preferred strategies for consultation for the 2010/2011 Annual Plan and any other issues.

Following this workshop a consultation plan will be presented to Council in the July 2009 meeting.

**12.15 pm Lunch****1.00 pm Commencement of Council Meeting****3.00 pm Presentation: Kaipara District 2009 Citizens Awards**

The four recipients of the Kaipara District 2009 Citizens Awards will receive their awards during the afternoon session of this Council meeting, at 3.00pm. This will be followed by afternoon tea.

**3.10 pm Afternoon Tea****3.30 pm Recommencement of Council Meeting, if required**

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

**Recommendations contained in the order paper and reports are NOT Council decisions  
Please refer to Council minutes for Resolutions.**

**Contents**

<b>1</b>	<b>Opening : Cr Alspach .....</b>	<b>4</b>
1.1	Present .....	4
1.2	In Attendance .....	4
1.3	Apologies .....	4
<b>2</b>	<b>Presentation .....</b>	<b>4</b>
2.1	Kaipara District 2009 Citizens Awards .....	4
<b>3</b>	<b>Confirmation of Minutes .....</b>	<b>4</b>
3.1	Ordinary Council Meeting : 27 May 2009 .....	4
3.2	Council Meeting <i>Kaipara's Future - Working Together</i> 2009/19 Deliberations: 2 June 2009... 5	5
<b>4</b>	<b>Strategy .....</b>	<b>5</b>
4.1	Dargaville Drainage District: Extension of Stormwater Catchment Boundary .....	5
4.2	<i>Kaipara's Future - Working Together</i> 2009/19 (Long Term Council Community Plan) including the Annual Plan 2009/10: Adoption .....	6
4.3	Rates Resolution 2009/2010.....	7
<b>5</b>	<b>Policy.....</b>	<b>13</b>
5.1	Kaipara District Council's Business Plan 2009/10: Adoption.....	13
5.2	Asset Management Plans 2009: Adoption.....	14
5.3	Urban Stormwater Baylys: Extension of Works .....	15
5.4	Mangawhai Heads Reserve Redevelopment: Variations .....	16
5.5	Kaipara Biodiversity Improvement Fund: Allocation 2009/10 .....	17
5.6	Recycling: CBEC Account .....	18
5.7	Road Legalisation: Intersection of River Road and Mt Wesley Coast Road, Dargaville .....	18
5.8	Leaky Building Insurance Cover: Riskpool Changes.....	19
5.9	Baylys Wastewater.....	20
5.10	Warrant of Appointment: Dog Stock and Noise Control Officer and Parking Warden.....	21
<b>6</b>	<b>Reports.....</b>	<b>22</b>
6.1	Mayor's Report.....	22
6.2	Councillors Portfolio Reports .....	23
6.3	Chief Executive's Report: June 2009.....	23

<b>7</b>	<b>Receipt and Adoption Items .....</b>	<b>24</b>
7.1	Road Naming: Public Road off Awakino Road: Paratai Place.....	24
7.2	Road Legalisation: Dunn Road, Ruawai.....	24
<b>8</b>	<b>Information Items .....</b>	<b>25</b>
8.1	Kaipara District 2009 Citizens Awards.....	25
8.2	Delegated Authority: Schedule of Decisions.....	26
8.3	Hamblin Dog Prosecution Update.....	26
8.4	Hakaru Refuse Facility Contract 484: Consent of Assignment.....	27
8.5	Building Consents Issued 1 July 2008 to 28 February 2009 .....	27
8.6	Organisational Capacity of Building Team.....	28
8.7	New Zealand Transportation 2009.....	28
8.8	District Plan Review: Monitoring Report May 2009 .....	28
<b>9</b>	<b>Public Excluded Items Tuesday 23 June 2009.....</b>	<b>29</b>
	<b>Open Meeting: Tuesday 23 June 2009 .....</b>	<b>30</b>
	<b>Closure .....</b>	<b>30</b>

**Order Paper: Tuesday 23 June 2009**

**1 Opening : Cr Alspach**

Councillor to be selected to open the meeting on 22 July 2009

**1.1 Present**

**1.2 In Attendance**

**1.3 Apologies**

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

**Recommended**

*That the apology of Councillor Taylor be received.*

**2 Presentation**

**2.1 Kaipara District 2009 Citizens Awards**

Item 7.1 refers.

The four recipients of the Kaipara District 2009 Citizens Awards will receive their awards during the afternoon session of this Council meeting, at 3pm

**3 Confirmation of Minutes**

**P1 3.1 Ordinary Council Meeting : 27 May 2009**

**Governance Manager 1601.13**

A copy of the minutes is attached.

**Recommended**

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

**P111 3.2 Council Meeting Kaipara's Future - Working Together 2009/19 Deliberations: 2 June 2009**

**Governance Manager 1601.13**

A copy of the minutes is attached.

**Recommended**

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

**4 Strategy**

**P141 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 2397 Sheet 01) showing the recommended new boundaries is attached.

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 are attached for the information of Council.

**Recommended**

*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 recommendation**

To ensure equitable spreading of the rating load.

**Cir 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. Audit New Zealand will be able to issue an unqualified audit on the final. Timneen Taljard from Audit New Zealand, will be in attendance on 23 June 2009 to present the findings of the Audit to Council.

A revised version of the Plan showing how the changes have been incorporated has been prepared and will be tabled at the meeting along with the revised Fees and Charges. The Bylaws as referred to in 3) below have 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.

**Recommended**

*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*



## Setting of Rates for the 2009/10 Financial Year

### Recommended

*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:*

<b>Water Supply Area</b>	<b>Rate per cubic metre (GST inclusive)</b>	<b>Special Conditions</b>
<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 100m<sup>3</sup></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:*

<b>Water Supply Area</b>	<b>Annual Rate (GST inclusive)</b>	<b>Special Conditions</b>
<i>Glinks Gully</i>	<i>\$296.00</i>	<i>\$148.00 for non-connected properties</i>
<i>Maungaturoto, excluding Station Village</i>	<i>\$183.00</i>	

**(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:

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

**(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) <i>Dargaville Wastewater District</i>	\$
<i>Connection Charge</i>	<i>297.00</i>
<i>Non Connection Charge</i>	<i>148.50</i>
<i>Special 75% School Charge</i>	<i>222.75</i>
<i>Special 50% School Charge</i>	<i>148.50</i>
(b) <i>Te Kopuru Urban Drainage District</i>	
<i>Connection Charge</i>	<i>417.00</i>
<i>Non Connection Charge</i>	<i>208.50</i>
<i>Special 75% School Charge</i>	<i>312.75</i>
<i>Special 50% School Charge</i>	<i>208.50</i>
(c) <i>Maungaturoto Urban Drainage District</i>	
<i>Connection Charge</i>	<i>720.00</i>
<i>Non Connection Charge</i>	<i>360.00</i>
<i>Special 75% School Charge</i>	<i>540.00</i>
<i>Special 50% School Charge</i>	<i>360.00</i>
(d) <i>Kaiwaka Urban Drainage District</i>	
<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*  
*Connection Charge* 637.00

(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>	1,366.85	<i>(first 50%)</i>
<i>(ii) On or after 24 March 2002</i>	7,742.10	<i>(one-off)</i>
or <i>(iii) On or after 24 March 2002 (but see Note 1 which follows)</i>	533.20	<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>	2009/10
<i>Residential: per pan per annum</i>	713.70
<i>Non-Residential: per pan per annum</i>	713.70
<i>Vacant Lots</i>	356.85

**(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:*

<b><i>Drainage District</i></b>	<b><i>Cents per \$ Land Value</i></b>
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**(1) Raupo Drainage District Targeted Rates**

<i>Rural A</i>	0.1349
<i>Rural B</i>	0.0776
<i>Township</i>	0.2226

**(2) Targeted Land Drainage Rates (Hobson Area)**

<i>Aoroa</i>	0.1244
<i>Arapohue No 1</i>	0.0314
<i>Arapohue No 2</i>	0.0414
<i>Aratapu Swamp</i>	0.0960
<i>Awakino Point</i>	0.0478
<i>Awakino Valley</i>	0.0363
<i>Greenhill</i>	0.0188
<i>Hoanga</i>	0.2303
<i>Horehore</i>	0.0465
<i>Kaihu</i>	0.0274

<i>Kopuru Swamp</i>	<i>0.0729</i>
<i>Koremoa</i>	<i>0.0276</i>
<i>Manganui</i>	<i>0.0062</i>
<i>Mangatara</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' Roading 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>Council</i>
<i>Auckland 1020</i>	<i>Dargaville 0300</i>	<i>State Highway 1</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 recommendation**

Compliance with the Local Government (Rating) Act 2002.

## **5 Policy**

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

#### **Chief Executive 2310.10.02**

Council's Business Plan for 2009/10 identifies 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.

This is the first year of Council's three year Business Plan period (2009/2012), which is to reflect the three yearly cycle of *Kaipara's Future - Working Together*. However, detail has only been provided for projects within the 2009/10 year and for regular on-going business

(Part 1). It should be noted that the internal electronic working copy contains more detailed project plans, which can be followed by each team.

Part 2 of the Business Plan is a schedule of Council meetings and workshops. Activities within the Business Plan that are to be reported to Council as agenda items are indicated on the meeting schedule. Progress on the remainder of activities will be reported to Council in the first instance via the Chief Executive's monthly report and as appropriate, through monthly agenda items.

It must be recognised that the current work programme is based on the knowledge we have today. Circumstances are likely to change, requiring some reallocation of times. However all work will be completed within the current fiscal year. Any changes to the Business Plan will be reported to Council.

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

### **Recommended**

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

### **Reason for the recommendation**

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.

## **P145 5.2 Asset Management Plans 2009: Adoption**

### **Community Infrastructural Assets Manager 4001.05**

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

Asset management planning provides confidence in decision making throughout the lifecycle of the assets for capital, operations, maintenance and renewal decisions. The right work, the right investment at the right time for the right reason. The Asset Management Plans for Roading, Water, Wastewater and Refuse have been through a

rigorous eight month review process. This process has included a review by Audit New Zealand and peer review by AECOM New Zealand Ltd. The 2009 Asset Management Plans are now finalised and ready for Council adoption.

### **Recommended**

*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 recommendation**

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*.

## **P259 5.3 Urban Stormwater Baylys: Extension of Works**

### **Community Infrastructural Assets Manager 4402.0**

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

### **Recommended**

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

### **Reason for the recommendation**

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

## **P261 5.4 Mangawhai Heads Reserve Redevelopment: Variations**

### **Governance Manager 4702.13.03**

A report from the Governance Manager is attached. A Project Steering Group and the Community Liaison Group were formed with the purpose of facilitating progress of a Council priority in its *Kaipara's Future - Working Together 2006/16*, this being the development and implementation of Reserve Management Plans for reserve areas in Mangawhai including the redevelopment of the Mangawhai Heads Reserve. The community had been asking for a number of years for this site to be redeveloped to recognise its unique attributes and its increasing popularity with locals and visitors alike.

Considerable consultation and community input occurred with all involved recognising that development of the Mangawhai Heads Reserve needed to be completed and operational by Christmas 2008, thus meeting Council's Business Plan and the community's expectations. This meant that timeframes were tight and progress needed to be constant if Council was to achieve this.

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 car park area would re open mid December with the bulk of the redevelopment works completed.

In the main the redevelopment found favour with most. The biggest criticism however from users and a number of the local community, was the lack of parking during busy periods. In light of the growing number of calls for more parking SOUL Environments were asked to provide some options in respect of a spillover area at the entrance to the Reserve car park. The provision of extra car parking was discussed with members of the Project Steering Group and the Community Liaison Group and it was considered that the provision of soft option car parking in this area would be an appropriate response to concerns being expressed by the community.

### **Recommended**

*That Council endorses the following variations totalling \$113,029.91:*

*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 recommendation**

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

## **P267 5.5 Kaipara Biodiversity Improvement Fund: Allocation 2009/10**

### **Community Spaces Manager 3833.06**

A report from the Community Spaces Manager is attached, 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 outlines 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 are recommended for funding from the Biodiversity Improvement Fund and have the support of the Community Spaces Manager and Portfolio holders concerned, who together valued the merits of all applicants received. As funding is limited, those applicants that have not received funding will be directed to other agencies for consideration.

### **Recommended**

*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 recommendation**

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

**P274 5.6 Recycling: CBEC Account****Stakeholder Engagement Manager 4201.02**

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

**Recommended**

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

**Reason for the recommendation**

The service has not been provided.

**P276 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 was commissioned on Council's behalf by Crown Properties, which show 146 square metres of land is taken from Part 1 Aoroa and Part Mangawhare. Negotiations to purchase this land for the sum of \$550.00 plus GST have been finalised with the land owners. This sum is based on a per hectare rate of \$37,500 which is in line with current market values for this area.

The Memorandum of Agreement Pursuant to the Public Works Act 1981 has been signed by the land owners. It is recommended that Council accepts this offer and confirms the agreement. Entering into this agreement will enable to legalise the land taken for slip repair work on River Road and Mount Wesley Coast Road.

Council's approval is required to finalise the Agreement.

**Recommended**

*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 recommendation**

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.

## **P277 5.8 Leaky Building Insurance Cover: Riskpool Changes**

### **Development Manager 3115.0**

Council's insurance brokers have advised that the mutual insurance fund to which Kaipara subscribes, Riskpool, is 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 was increased from \$10,000 a few years ago as a response to the Leaky Building Syndrome. The attached report provided to Council at its July meeting last year gives an indication of the nature of building claims since July 2000. To update the schedule in that report, no new claims have been made, and Claim N° 6 has been settled. The last four claims have all been within the current excess threshold, which means that the insurance company's reserves have 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 my Building Claims report indicates, the likelihood of further claims is diminished as improvements to building consent processing and inspection methods continue to be made.

Options for dealing with the risk from the latest change by Riskpool include seeking alternative insurance cover, establishing a contingency fund out of the \$7,000 annual saving in insurance premium arising from the reduction in cover, or deficit funding any claim which might be made in the future.

Preliminary indications from our broker are that the excess on any such alternative policy would be about three times the maximum claim which has ever been made; very few building projects in the District exceed \$1 million. This option would therefore not be a wise use of the Council's financial resources.

The second option has merit in that Council could demonstrate to its stakeholders that it is making prudent provision of a contingent liability. While the risk of claims arising from recently processed consents is much reduced, the liability period runs for 10 years from the date of the completion of the project; when the Code Compliance Certificate is issued.

The third option of deficit funding is credible, given the Council's risk profile in this area. A constraint of the second option is that we cannot know what the size of any future claim is likely to be, and the budgeted amount may not be sufficient. Even with a contingency fund, the balance of a claim may need to be met by deficit funding.

### **Recommended**

*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 recommendation**

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.

## **P281 5.9 Baylys Wastewater**

### **Community Infrastructural Assets Manager 4510.0**

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

Council has been considering and reconfirming decisions to proceed with the provision of a community wastewater scheme for Baylys since 2007. There is community resistance and support for this proposal which is to be expected with a project of this nature.

The soils at Baylys have the potential for groundwater contamination from onsite discharges. The likelihood of contamination increases with the density of sites, wastewater generation from a reticulated water supply and seasonal holiday population.

Contamination is not the only issue, community growth, protection of the sensitive coastal environment and most importantly public health risks are all significant reasons to look for what the best option may be for the future of Baylys.

Nationally the Ministry of Health and the Ministry for the Environment have recognised that onsite systems are problematic. In response a Sanitary Works Subsidy Scheme was established to assist communities such as Baylys. Unfortunately the fund was over expended in its infancy and there is no funding available for Baylys. Regulatory provisions

are also being developed to mitigate the effects of septic tanks. These rules are expected to be in place by the end of the year and will require upgrading and monitoring of septic tanks which will be at a direct cost to landowners. Regionally, there is also a concern about onsite systems with the Regional Council having investigated four incidents associated with septic tanks.

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

### **Recommended**

*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 recommendation**

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 makes 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 is 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 is no longer in that position or her services are no longer required, or when there is a need to update the warrant because of new legislation.

### **Recommendation One**

*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 Recommendation 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.

### **Recommendation Two**

- 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 Recommendation 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 to report, for information, on matters of interest.

## 6.2 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 <ul style="list-style-type: none"> <li>• Reserves</li> <li>• Halls</li> <li>• Council Land</li> </ul>
Cr McEwing	Regulatory
	Emergency Management
	Land Drainage
	Water
	Environmental Management Committee
	Kaihu Drainage
Cr Smith	Roading Operation
	Planning
Cr Sutherland	Social <ul style="list-style-type: none"> <li>• Youth</li> <li>• Elderly</li> <li>• Sports</li> <li>• Schools</li> <li>• Arts</li> <li>• Libraries</li> </ul>
	Stormwater
Cr Taylor	Economic Development / Tourism
	Judicial Committee
	Wastewater

## Cir 6.3 Chief Executive's Report: June 2009

### Chief Executive 2002.02.08

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

### Recommended

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

## **7 Receipt and Adoption Items**

### **P285 7.1 Road Naming: Public Road off Awakino Road: Paratai Place**

**Community Infrastructure Assets Manager 4102.09**

Council has received an application to name a 24 lot subdivision off Awakino Road in Dargaville. This is 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 Paratai Place. The reason the developer gives for the suggested name is that the original home in the subdivision was moved from Paratai Drive in Auckland. The developer was approached to re-submit two alternative suggestions. To date no correspondence has been received by Council for this.

Paratai Place complies with Council's Road Naming Policy, as having an historical reference to the first homestead in the subdivision, and is recommended.

#### **Recommended**

*That the information be received.*

### **P286 7.2 Road Legalisation: Dunn Road, Ruawai**

**Community Infrastructural Assets Manager 4102.08 4104.121**

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

There are 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 attached survey plan, being 4,728 square metres. This is to be amalgamated with the adjoining land as an equal exchange for the land taken as road.

The Memorandum requires 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 is currently paper road.

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

**Recommended**

*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 recommendation**

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 recognises 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 is a slight twist - Council will be recognising four volunteers as one of the recipients' is a husband and wife team.

The recipients are Neil Clements, Betty Hawkes and Barry and Robyn Searle and the recipients will receive their awards at 3 pm on the day of the Council meeting held on 24 June 2009.

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 are awarded to coincide with National Volunteer Awareness Week 14-20 June 2009, to those successful recipients acknowledging and supporting their work and service each have provided to their communities.

**Recommended**

*That the information be received.*

**P287 8.2 Delegated Authority: Schedule of Decisions****Development Manager 3803.0**

A schedule of decisions that has been made under delegated authority is attached. 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.*

**P298 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 has been the considerable delay between taking the dog into custody and the date for the substantive hearing taking place. The attached letter dated 8 June 2009 from the solicitor acting for Council in this matter shows the sequence of events from the time the prosecution action was initiated. It is 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 was 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 last month's agenda papers, he put forward the option of diversion as a way of resolving the matter. I have also taken advice from Council's solicitor. He recommended that this be offered to the defendant and that it is quite proper for Council to make this offer. The benefits are that there is 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 is that the decision is out of Council's control, and obviously there is no need to pursue an order for destruction of the dog. Diversion requires an admission of guilt, so the only remaining purpose of a prosecution is achieved, without the expense and inconvenience of a hearing in several months time.

By the time of the Council meeting, we may have heard whether or not our offer of diversion has been accepted.

**Recommended**

*That the information be received.*

**P301 8.4 Hakaru Refuse Facility Contract 484: Consent of Assignment**

**Community Infrastructure Assets Manager 4107.484**

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

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

**Recommended**

*That information be received.*

**P305 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 are shown in the attached extract from the *Codewords* publication. Out of the 70 Territorial Authorities in New Zealand that provided information, the table shows that Kaipara District Council was ranked 47<sup>th</sup> 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 have increased dramatically. Overall, building consents issued are down 18.5% compared to the 2007/2008 eight month period.

**Recommended**

*That the information be received*

**P309 8.6 Organisational Capacity of Building Team****Development Manager 3117.0**

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

**Recommended**

*That the information be received.*

**P311 8.7 New Zealand Transportation 2009****Community Infrastructural Assets Manager 4106.06**

A report by the Community Infrastructural Assets Manager for the information of Councillors regarding the significant changes the New Zealand transportation scene is 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 replaces the GPS released in August 2008. An update is also provided on various reviews, projects and strategies currently being progressed by the Ministry of Transport and New Zealand Transport Agency.

**Recommended**

*That the information be received.*

**P352 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 is attached.

**Recommended**

*That the information be received.*

## 9 Public Excluded Items Tuesday 23 June 2009

### Recommended

*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**

**Recommended**

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

**Closure**

Kaipara District Council

Dargaville