

**Unconfirmed Minutes of the Ordinary Meeting Of Kaipara District Council, Council
Chambers, Station Road, Dargaville On Wednesday 24 September 2008 at 1.00 pm**

Contents

1	Opening : Cr Taylor.....	3
1.1	Present.....	3
1.2	In Attendance.....	3
2	Presentations.....	3
2.1	Northland Tourism Development Group: 1.00 pm.....	3
2.2	Habitat for Humanity (Northland).....	3
3	Confirmation of Minutes.....	4
3.1	Ordinary Council Meeting : 27 August 2008.....	4
4	Policy.....	4
4.1	Tourism Funding: Northland Tourism Development Group.....	4
4.2	Northland Sport and Physical Activity Strategy: Kaipara District Council Funding Share.....	5
4.3	New Zealand Drinking Water Standards and Water Treatment Plant Upgrades.....	6
4.4	Regional Water And Soil Plan For Northland: Update on Proposed Changes.....	6
4.5	Aggregate Resources Strategy Update.....	7
4.6	Northland Conservation Management Strategy Review: Nonconsultation with Kaipara District Council.....	8
4.7	Private Plan Change N° 25: Request to the Kaipara District Plan from Totara Park Limited..	9
4.8	Cost Burden of Legislation: Research Project.....	10
4.9	Rates Remission Request: Christian Camp, North Avenue, Mangawhai.....	11
4.10	Dargaville Water Supply: Waiatua Dam and Rotu Intake Update.....	11
4.11	Model Standing Orders NZS 9202:2003 for Local Authorities and Incorporation of Code of Conduct.....	12
4.12	Kaipara District Plan Review: Notices of Motion.....	12
4.12.1	Notice of Motion 1: District Plan Review.....	12
4.13.1	Notice of Motion 2: District Plan Review.....	13
4.13.1	Notice of Motion 3: District Plan Review.....	13
5	Reports.....	13
5.1	Mayor's Report.....	13
5.2	Councillors Portfolio Reports.....	14
5.3	Chief Executive's Report: September 2008.....	14
6	Receipt and Endorsement Items.....	15
6.1	Road Naming: Right of Way Located Off Settlement Road, Kaiwaka, Lara Lane.....	15
6.2	Contract 562: Edward Street Stormwater Improvements 2007/08.....	15
6.3	Contract 575: Maintenance of Parks, Reserves and Recreational Facilities 2008/2011.....	16
6.4	Judicial Meeting Minutes: 24 June, 1 July and 29 July 2008.....	16

7 Information Items 16

7.1 Delegated Authority: Schedule of Decisions..... 16

7.2 Government Policy Statement on Land Transport Funding 2009/10–2018/19 17

7.3 Kaipara District Council Fire Equipment Deployment..... 17

7.4 Regional Development Funding Technical Review Update 18

7.5 Northland Regional Council Annual Plan 2008/2009: Response to Kaipara District Council’s
Submission..... 19

7.6 Northland Regional Council Regional Policy Statement: Kaipara District Plan Review 19

7.7 Local Government Act 2002 and Local Electoral Act 2001: Report on Review 20

8 Public Excluded Minutes 24 September 2008..... 21

Open Meeting - 23 July 2008 22

Closure 22

Ordinary Council meeting held on 24 September 2008 at Dargaville

Minutes

1 Opening : Cr Taylor

Councillor Alspach to open the 22 October 2008 meeting.

1.1 Present

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

1.2 In Attendance

J McKerchar, B Holden, F Vessey, V Anich, B Ware, C Lichtwark McInnes, S Soole, M Vincent

2 Presentations

2.1 Northland Tourism Development Group: 1.00 pm

Item 4.1 referred.

Albert Lovell, Chairman, and Betty Nelley Kaipara Representative of the Group spoke to Council regarding the Northland Tourism Development Group's Strategy and its benefits to Kaipara, and Northland.

2.2 Habitat for Humanity (Northland)

Item 8.1 referred.

David Reyburn, Habitat for Humanity (Northland) and Debbie Evans, Kaipara Community Health Trust spoke to the Council regarding Habitat for Humanity (Northland). Mr Reyburn outlined the organisation's ethos of providing affordable homes to families in need. He noted that whilst the organisation had provided homes in the Whangarei and Far North districts, it was yet to provide any homes in the Kaipara district. He summed it up saying Habitat for Humanity was about giving people a hand up not a hand out. Ms Evans spoke in support saying that there was a real need for affordable housing in the Kaipara district.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 27 August 2008

Governance Manager 1601.13

A copy of the minutes was circulated.

Resolved Sutherland/Geange

That the minutes of the Ordinary Meeting of Council 27 August 2008, as amended, be confirmed as a true and correct record.

Amendments

Page 13: Halls Grant Requests 2008/09

Add the word "only" between the words "fund" and "those"

That Council will now (from 2008/09) fund only those halls whose Committees have an agreed programme of works with Council which is needed to allow the Hall Committees to accept and commit to the handover of the hall from Council on completion of those works.

Page 23: 5.3.1 Mangawhai EcoCare

Add the date after the word "Friday"

. . . Friday 29 August 2008

4 Policy

4.1 Tourism Funding: Northland Tourism Development Group

Chief Executive 2132.04.05

The Kaipara District Council had declined to fund the Northland Tourism Development Group's Strategy. The request was for \$10,000. The Group was asking Council to reconsider the matter and had forwarded the circulated letter and proposal. Mr Albert Lovell, Chairman and Betty Nelley Kaipara Representative of the Group addressed the meeting.

The key issue for Council was the benefit to, primarily, Council and then Northland. Mr Lovell was able to assist Council to identify these.

Resolved Guest/Smith

That Council lets the item 4.1 Tourism Funding: Northland Tourism Development Group lie on the table pending an investigation and report into the future of the Northland Tourism Development Group.

4.2 Northland Sport and Physical Activity Strategy: Kaipara District Council Funding Share

Governance Manager **2122.09**

This matter was placed on the Agenda at the request of Councillor Geange, Council's representative on the Northland Sport and Physical Activity Strategy Advisory Group, and a number of informal requests from the facilitator of the Northland Sport and Physical Activity Strategy.

As part of the deliberations on *Kaipara's Future - Working Together 2006/16* Council allocated funds towards the implementation of the Strategy subject to signoff of the final Strategy document and funding contributions being made by all other project partners. Nine thousand dollars per annum for three years had been budgeted.

Other Strategy partners, Far North District Council, Northland Regional Council, Northland Health Board and Sport Northland confirmed annual implementation funding for three years however Whangarei District Council declined to contribute. In the interest of a regional approach it had been agreed that all Strategy Partners should continue to be represented on the Strategy Partner Advisory and Working Groups.

On 27 September 2006 this Council resolved as follows:

"That Council withholds the 2006/07 funds (\$9,000) allocated towards the implementation of the Northland Sport and Physical Activity Strategy until the 2007/08 financial year subject to all Strategy Partners, including Whangarei District Council, contributing their share."

The Kaipara District Council had carried forward the unallocated sum of \$9,000 for both the 2006/07 and 2007/08 financial years, the reason being that Whangarei District Council continued to decline to contribute therefore not all Strategy Partners were contributing their share.

The Kaipara District Council had benefited enormously from this Strategy and was able to influence its direction through direct involvement on the Advisory and Working groups. This had meant the Strategy was being delivered effectively in Northland. Consequently it was considered appropriate to re-visit the resolution made on 27 September 2006.

Resolved **Geange/Sutherland**

That Kaipara District Council contributes its share of \$9,000 per annum towards the implementation of the Northland Sport and Physical Activity Strategy for the periods 2006/07, 2007/08 and 2008/09.

Reason for the decision

The Kaipara District received significantly benefits from the Northland Sport and Physical Activity Strategy as well as influencing its content and direction. It was appropriate and equitable that Council contributes its share towards the implementation of this Strategy.

4.3 New Zealand Drinking Water Standards and Water Treatment Plant Upgrades

Community Infrastructural Assets Manager

4810.0

A report was circulated, advising Council on progress on the upgrade programme and the outlook for funding.

The Health (Drinking Water) Amendment Act required councils who supply water to take all practicable steps to comply with the New Zealand Drinking Water Standards. Council had steadily been upgrading plants and had applied for financial assistance from the Ministry of Health for all its water supplies. Whilst these upgrades would mitigate potential risks and provide higher quality water, the upgrades would not sustain any one water supply's current water grading as these standards had moved upwards.

Resolved McEwing/Smith

That the "New Zealand Drinking Water Standards and Water Treatment Plant Upgrades" report be received; and

That Council formally advises Government that upgrades required as a result of the New Zealand Drinking Water Standards; will require Government assistance; and

That Council programmes the completion of the upgrade programme with Government assistance in the 2009-19 Kaipara's Future - Working Together.

Reason for the decision

The upgrade programmes have been signalled in previous Annual Plans and the 2006-16 *Kaipara's Future - Working Together* and were consistent with the current Asset Management Plans. Whilst the Ministry of Health had indicated that Kaipara's upgrade will be included in the Technical and Capital Assistance programme, funding was significantly constrained and there was no certainty that funding will be forthcoming

4.4 Regional Water And Soil Plan For Northland: Update on Proposed Changes

Community Infrastructure Assets Manager

3820.03

A report was circulated regarding the review of the Operative Regional Water and Soil Plan for Northland (RWSP) that had been undertaken during 2005, which identified a number of issues. These issues were further refined through consultation with local community groups, interested parties and district councils.

The proposed changes to the Regional Water and Soil Plan for Northland had not yet been notified. Once a document had been released for public consultation more specific comment would be provided. In the interim Council would continue to liaise and discuss with Northland Regional Council its thoughts on the proposed changes and timeframes.

Resolved McEwing/Sutherland

That the Community Infrastructure Assets Manager report of 10 September 2008 on Proposed Changes to the Regional Water and Soil Plan for Northland, be received; and

That Council makes submissions as appropriate on the Plan Changes when they were notified; and

That Council discusses with the Northland Regional Council the need and proposed timetable for obtaining resource consents for urban stormwater systems.

Reason for the decision

To keep Council updated on Proposed Changes to the Regional Water and Soil Plan for Northland.

4.5 Aggregate Resources Strategy Update**Community Infrastructural Assets Manager 3817.0**

The Council Consultation Environmental Engineer's report regarding the Aggregate Resource Strategy study was circulated. During 2007 the Institute of Geological and Nuclear Sciences (GNS) completed a report titled the Mineral Resource Assessment of the Northland Region. This report had the aim of providing mineral resource quantity and value data for the New Zealand Institute of Economic Research (NZIER). In turn the NZIER would use this data to examine the potential impacts of increased utilisation of mineral resources.

There was significant interest within the roading authorities in Northland to undertake the Aggregate Resource Strategy study as a joint exercise. This would enable the Region to ensure that it was funded at a level that would achieve a meaningful outcome.

Resolved Alspach/Taylor

That Kaipara District Council works with the other Road Controlling Authorities in Northland to develop the scope of the study and deliver the Aggregate Resources Strategy Report by the end of the current financial year.

Reason for the decision

Roading was Council's core expenditure item and aggregate was the most valuable resource required to maintain Council's roading network. Aggregate resources were becoming increasingly scarce and Council required a clear understanding of how best to secure this resource economically.

4.6 Northland Conservation Management Strategy Review: Nonconsultation with Kaipara District Council

Community Spaces Manager

2110.03

A report from the Community Spaces Manager was circulated relating to the Northland Conservation Management Strategy (CMS) currently being reviewed by the Department of Conservation. The Department of Conservation manages on behalf of the public, places, plants and areas of special importance and interest. Conservation management strategies (CMS) were plans for how this happens.

The CMS document was the Department of Conservation's main management tool and described how places the Department managed on the public's behalf (public conservation land and water) should be and look like in 10 years time. It was similar to Council's *Kaipara's Future - Working Together* document. The Northland Conservation Management Strategy expired in 2009.

From February to October 2008 the Department of Conservation had been undertaking pre-draft consultation with Iwi, agencies, interest groups and community, asking for feedback by 1 October 2008. Through this process they would be gathering information before public notification of a draft CMS in February 2009. Public submissions and meetings would then be undertaken in February 2009 before hearings in April 2009, with consideration by the Minister of Conservation and the New Zealand Conservation Authority in April 2010.

This pre draft consultation round had not included the Kaipara District Council, with the Kaipara District Council not being informed of the review process of the CMS currently underway or asked for comment on the review. However as this Council was currently reviewing its District Plan it was timely that it had the opportunity to comment on the Conservation Management Strategy.

Resolved Guest/Taylor

That Kaipara District Council writes to the Northland Conservator Chris Jenkins and the Northland Conservation Board informing them of this Council's disappointment at not being formally notified of the current review process underway for the Northland Conservation Management Strategy (CMS); and

That Council asks for an extension to the pre draft round of the review to allow time for Kaipara District Council to be part of any consultation round; and

That Council invites the Department of Conservation to present to Council on the review of the Northland Conservation Management Strategy.

Reason for the decision

The CMS was a major management tool used by the Department of Conservation for the day to day management of its public conservation land and water on behalf of all Northlanders. Similar to Council's *Kaipara's Future - Working Together* document, its contract with the community. A lot of the public land administered by the Department of Conservation also sits within Kaipara District Council's area and region of responsibility and as such the Kaipara District Council should be formally advised of the review and given the opportunity to participate and comment on the review. It was also timely as Council was currently reviewing its District Plan.

4.7 Private Plan Change N° 25: Request to the Kaipara District Plan from Totara Park Limited

Policy and Planning Manager 3809.25.03

A report from the Policy Planner was circulated regarding Totara Park Limited, and its request to Council for a private plan change to the Kaipara District Plan. It was going to be required to be heard in due course. A Plan Change, if approved, became part of the District Plan.

Council had three options for how this plan change request could be heard; by the full Council, a commissioner, or a 'Hearings Panel' made up of a combination of either a Commissioner and Councillors or two or more Commissioners.

Council decided that for the private Plan Change N° 25 request a 'Hearings Panel' made up of a Commissioner and two Councillors be delegated to hear and make recommendations to the full Council.

Resolved Smith/Sutherland

That the private Plan Change No 25 request from Totara Park Limited be heard by a 'Hearings Panel' made up of a qualified Commissioner and two qualified Councillors.

That Council authorises the 'Hearings Panel' to hear the private Plan Change No 25 request and make recommendations with reasons.

That the recommendations from the 'Hearings Panel' on the private Plan Change No 25 request was put to full Council for adoption or to rehear the whole matter itself.

Reason for the decision

To keep a consistent approach to the hearing of private plan change requests.

Full Council will still retain the power to make the final decision on the private plan change request.

4.8 Cost Burden of Legislation: Research Project

Development Manager **2113.02, 2112.02, 3116.0**

A report from the Development Manager and associated documents, was circulated. Last year, Local Government New Zealand commissioned PricewaterhouseCoopers to undertake research into the cost burden of central government legislation being passed on to local government. This research had been in the nature of a pilot project, which initially involved five councils, but two of these pulled out because the time and data requirements to contribute to the project became too onerous. The executive summary of the draft report was circulated.

The “Cost Burden of Legislation” project instituted by Local Government New Zealand had identified significant extra costs for local government in implementing central government legislation. The pilot project involving three councils found extra costs of \$100-\$120 million associated with implementation of the Building Act 2004, and a similar amount for implementing the Long Term Council Community Plan requirements of the Local Government Act 2002, on the basis of extrapolating the results from the same councils to all councils nationwide.

The study indicated that there could be benefits in extending the measurement exercise to include more councils so that the resulting data would be more robust, and thus strengthen any case to be made to central government for financial assistance in implementing their legislation. Another benefit from the exercise would be to identify other legislative costs which carry little corresponding benefits to anyone, and should be scrapped. In addition, collection of the data from as many councils as possible presents the opportunity to undertake a benchmarking exercise, and to stimulate efficiencies in implementation.

The practicality of Kaipara’s involvement would depend on the resourcing required for making use of the Standard Cost Model, and this information was to be forwarded by Local Government New Zealand in due course.

Resolved **Alspach/Taylor**

That Kaipara District Council advises Local Government New Zealand that it supports initiatives in quantifying the added costs associated with regulation imposed by central government, and that it awaits further information from the “Cost Burden of Legislation” project before determining the extent to which Kaipara District Council becomes involved.

Reason for the decision

The project so far had identified some possible ways in which savings could be made in implementing government legislation; the extent to which Kaipara District Council should become actively involved will depend on the extent of resourcing required to participate.

4.9 Rates Remission Request: Christian Camp, North Avenue, Mangawhai

Finance Manager **2306.11, 4505.01**

Circulated was a report from the Finance Manager over cover of two separate letters from the Associated Churches of Christ, Wellsford. Both letters sought rating relief; one for EcoCare pan charges, and a second from other rates.

Resolved **Taylor/Smith**

*That the request from the Christian Camp, North Avenue, Mangawhai for reassessment or partial remission of EcoCare rates be declined, **but** that the requests for remission of other rates be accommodated to the extent of 50% of the general rate.*

Reason for the decision

Compliance with Council's existing rating policies.

4.10 Dargaville Water Supply: Waiatua Dam and Rotu Intake Update

Community Infrastructural Assets Manager **4801.0**

A report was circulated regarding the Dargaville Water Supply Waiatua Dam and Rotu Intake. The construction of the Waiatua Dam and Rotu Intake were part of a strategy established in 1987 to deal with the future water demands of Dargaville. As demand had not increased in Dargaville as anticipated when this strategy had been reviewed in 1997, the Rotu intake had not been used. However, seasonal weather fluctuations had changed and it was likely that Rotu will need to be called on. Council's utilities operations contractors were trialling the system to ensure it will operate when needed.

Resolved **McEwing/Burnett**

That a report on the Dargaville Water Supply Waiatua Dam and Rotu Intake trial is presented to Council at its meeting on 26 November 2008.

Reason for the decision

There had been some confusion over the operation of Waiatua Dam and the Rotu Intake. Council needs to be aware of the strategy behind the operation of Rotu Intake and the capability of the current system. Council also needs to be sure the system will operate as intended and potentially be able to service both residential and industrial growth in Dargaville.

4.11 Model Standing Orders NZS 9202:2003 for Local Authorities and Incorporation of Code of Conduct

Governance Manager 1203.01

Standards New Zealand had produced a new set of Model Standing Orders (NZS 9202:2003) for meetings of local authorities which supersede NZS 9202:2001. It had been reprinted to incorporate Amendment 1:2006, to the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 as they affect the provisions of the model standing orders. Council was required to adopt Standing Orders that do not contravene the provisions of these, or any other, Acts. Adoption of Standing Orders required a vote of three quarters of the members present.

It was also suggested that Council reconfirm the decision made in at its meeting on 23 October 2002 that the Standing Orders included a clause requiring compliance with Council's Code of Conduct, a copy of which was circulated. A copy of the Model Standing Orders NZS 9202:2003, was circulated separately for the information of Councillors.

Resolved Guest/Mayor

That Council adopts Model Standing Orders NZS 9202:2003 for the conduct of its meetings and those of its Committees with the following amendment to 3.10.1 which shall read "eight clear working days"; and

That Council Members' Code of Conduct March 2008 be incorporated in Council's Model Standing Orders.

Reason for the decision

In order to formalize Council's expectations regarding the conduct of elected members.

4.12 Kaipara District Plan Review: Notices of Motion

Council considered three Notices of Motion received from Councillor Guest. All three dealt with various aspects of the Kaipara District Plan review.

4.12.1 Notice of Motion 1: District Plan Review

Moved Councillor Guest Seconded Councillor Geange

That the Kaipara District Council Chief Executive provide forthwith a copy of the monitoring records regarding the suitability and effectiveness of the existing policy statements and the existing Kaipara District plan as required under Section 35 of the Resource Management Act to all councillors to ensure all new elected councillors are aware of any reason for changing current policy statements or the current Kaipara District Plan.

The Motion was lost

4.13.1 Notice of Motion 2: District Plan Review

The motion was proposed but not seconded.

4.13.1 Notice of Motion 3: District Plan Review

Councillor Guest spoke to this item. He stated that the Chief Executive had misled the Council and was guilty of misconduct. He stated that in his opinion if the Chief Executive was employed in the public sector he would receive the “DCM”.

It was suggested that the matter lie on the table to enable the Chief Executive to comment on the issues raised by the Notice of Motion.

The Chief Executive advised that Councillor Guest had made serious accusations about his performance which had the potential to affect his continued employment with Council.

Consequently he was not prepared to comment on the Notices of Motion, or supply fuller information for consideration until Councillor Guest had put his accusations in writing and the Chief Executive had the opportunity to respond to them.

Resolved Alspach/Sutherland

That Notice of Motion 3 District Plan Review lie on the table pending comments from the Chief Executive for further consideration of Council. It is noted that these comments will not be forthcoming until the Chief Executive has received in writing from Councillor Guest his accusation about the Chief Executive allegedly misleading Council and having engaged in misconduct.

5 Reports

5.1 Mayor's Report

1701.02.03

The Mayor tabled a written report on matters of interest.

Councillor Taylor: RAPID Numbers.

5.2 Councillors Portfolio Reports

Councillors **1904 (various)**

The Councillors written reports on portfolio matters and other items of interest were circulated.

Cr Alspach: Roading

Cr Burnett: Refuse/ Economic

Cr Guest: Finance / Stormwater - Northern / Regulatory

Cr McEwing: Water; existing wastewater, water supply and land drainage /
Emergency Management

Cr Smith: Roading / Planning

5.3 Chief Executive's Report: September 2008

Chief Executive **2002.02.08**

The Chief Executive's Report for September 2008 was circulated.

Resolved **Sutherland/Geange**

That the Chief Executive's Report for September 2008 be received.

Matters Arising from the Chief Executive's Report: September 2008

Cames Road

Councillor Smith asked that staff come back to Council with a proposal for the short term management of traffic along Cames Road.

Project Crimson Planting and Rototuna

Councillor Sutherland wished to acknowledge the long term benefits to the community of both these projects; the planting of pohutukawa at Taharoa Domain and Rototuna.

6 Receipt and Endorsement Items

6.1 Road Naming: Right of Way Located Off Settlement Road, Kaiwaka, Lara Lane

Community Infrastructural Assets Manager 4102.09

Zenna Properties had a completed subdivision off Settlement Road, Kaiwaka, comprising of sixteen lots. In line with Council's Road Naming Policy, the developer had requested Council approval of a road name for servicing nine of the sixteen lots. The circulated map outlined the location of the road and the lots that were serviced. One name had been suggested by the developer; this one name having three variations. These were: Lara Lane, Lara Way and Lara Close, listed in order of preference. The subdivider had outlined this name as being uncomplicated, a single word name and easily remembered. None of these names were currently in use in the district. Lara Lane complied with Council's policy.

A possible alternative that Council had been approached about was, Settlers Landing. This had come from a member of the public who currently lived in the completed subdivision. As there was currently a Settlement Road in Kaiwaka, the name Settlers Landing was considered to be too similar to the road already in use.

Resolved Sutherland/Taylor

That the information be received and adopted.

Road Naming Policy

Resolved Smith/Sutherland

That Council required the Road Naming Policy to be reviewed.

6.2 Contract 562: Edward Street Stormwater Improvements 2007/08

Community Infrastructural Assets Manager 4107.562

Tenders were called in June 2008 and closed in July 2008. Nine tenders were received with the tender price ranging from \$216,556 to \$335,640.16. All tenders were assessed against six non-price attributes in the Manual of Competitive Pricing Procedures. The successful tender was Harrison Contracting Ltd which was acceptable in terms of non price attributes and was the lowest price conforming tender. The contract had been awarded to Harrison Contracting Ltd at a tender price of \$216,556.

Resolved Sutherland/Guest

That Council receives and endorses Harrison Contracting Ltd as the successful tenderer for Contract 562 Edward Street Stormwater Improvements 2007/08.

6.3 Contract 575: Maintenance of Parks, Reserves and Recreational Facilities 2008/2011

Community Infrastructural Assets Manager 4107.575

Tenders were called in July 2008 and closed in August 2008. Three tenders were received with the tender price ranging from \$563,818.68 to \$879,637.00. All tenders were assessed using the principles of the Price Quality Method Competitive Pricing Procedures. The tender put forward by Vuletich Operational Services Ltd will achieve the Parks, Reserves and Recreational Facilities maintenance work required by Council. The successful tender price was \$563,818.68. Council's current budget for the Maintenance of Parks Reserves and Recreational Facilities was \$562,961 and an additional \$30,000 was made available for an increased Level of Service. Therefore, the successful tenderer was within Council's budget provision.

Resolved Geange/Sutherland

That Council let item 6.3 Contract 575: Maintenance of Parks, Reserves and Recreational Facilities 2008/2001 lie on the table pending a report that qualifies the increased level of service provided under this contract.

6.4 Judicial Meeting Minutes: 24 June, 1 July and 29 July 2008

Development Manager 1605.10; 1605.11

The Judicial minutes of 24 June, 1 July and 29 July 2008 were circulated for information.

Resolved Taylor/Geange

That the Judicial minutes of 24 June, 1 July and 29 July 2008 be received and endorsed.

7 Information Items

7.1 Delegated Authority: Schedule of Decisions

Development Manager 3803.0

Circulated was a schedule of decisions that had been made under delegated authority. The purpose of this was 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.

Resolved Taylor/Geange

That the Delegated Authority Schedule of Decisions be received.

7.2 Government Policy Statement on Land Transport Funding 2009/10–2018/19

Community Infrastructural Assets Manager 4101.0

A report from the Community Infrastructural Assets Manager was circulated that briefly summaries the non statutory and statutory documents that will impact on how local government undertakes its transport activities in the future.

Phasing in of the Government's new direction involves regionalisation of national targets and regional capital decision making. Council needs to participate fully in Regional Transport Committees, development of the Regional Land Transport Programme and the Regional Land Transport Strategy to ensure the District's needs and direction were represented.

Local road maintenance, renewals and minor capital works (less than \$4.5 million) will remain the responsibility of Territorial Authorities which effectively meant business as usual for Council for the next three years.

Resolved Taylor/Geange

That the Government Policy Statement on Land Transport Funding 2009/10 - 2018/19 be received.

7.3 Kaipara District Council Fire Equipment Deployment

Community Infrastructural Assets Manager 3902.0

At Councils August meeting clarification was sort on the equipment currently held in the Dargaville depot as detailed in Councils Fire Plan 2008/10. Council currently required its contractors to supply vehicles and crews to respond to larger rural vegetation fires typically lasting more that one shift and/or for "mop up" if the task takes longer than a day. The depot at Station Road, Dargaville was the central depot for Council's contractors. It contains three equipments trailers. One contains a Wajax pump kit, ancillary fire fighting equipment and hand tools. Another contains a helicopter monsoon bucket complete with a volume pump, dam and hand tools for a helipad crew. The third was a purpose built slip on "smoke chaser" unit complete with hand tools. The trailers and equipment were ready for immediate use and can be towed by any vehicle with a 50mm tow ball. There was also additional support available from the entire district Volunteer Fire Forces enabling the rotation/exchange of plant and equipment for servicing, repair or simply responding to need when and if required.

There was a previous practise of keeping a fire response vehicle in the Dargaville depot. This was when Council relied on its contractors to supply fire response crews to attend vegetation fires on the west coast up to the district boundary in the Waipoua Forest. In 2005 Council agreed to establish the Donnellys Crossing Volunteer Rural Fire Force (VRFF) and register it with the National Rural Fire Authority. At that time there was no budget in Council's Annual Plan for Donnellys and provision was made for equipment from the Dargaville depot to be placed at Donnellys Crossing which included a fire response vehicle.

Decisions on the deployment of plant and equipment for rural fire were based on need and usage. The following table identifies the call outs for Council's Contractors and Volunteer Rural Fire Forces for the last three years.

Call Outs	2005/06	2006/07	2007/08
Contractors	3	0	0
Donnellys Crossing	11	11	11
VRFF			
Paparoa VRFF	15	14	18
Tinopai VRFF	12	8	3

Kaipara District Council's fire response equipment was detailed in Council's Rural Fire Plan and strategically deployed for efficient and effective response. The Dargaville depot was equipped specifically for Council's contractors who provide assistance with larger rural vegetation fires.

Resolved Taylor/Geange

That the information on Fire Equipment Deployment be received.

7.4 Regional Development Funding Technical Review Update

Community Infrastructural Assets Manager

4102.33

The Final Report of the Technical Review team was released early September. It will be used to determine Regional Development Funding for the current year and details a four year revised programme for Northland and Tai Rawhiti. The findings were not favourable for Kaipara and there were no works programmed for the first year. However, the Regional Development Funding programme was expected to be completed over four years with Kaipara's projects scheduled in years two, three and four. The lack of funding in the current year was problematic as Council was currently experiencing real issues with pavement deterioration on Tinopai Road and Opouteke Road/Trounson Park. The pavement deterioration on sections of these roads was due to slips that occurred after the review team's site visit.

Matariki Forests and Hancocks were known to be extracting large volumes of timber over the coming year and the existing state of the pavements will not cope with projected volumes. Accordingly Council had requested urgent discussions with the review team seeking clarification on the final report and reconsideration on the prioritisation of Kaipara's projects.

Resolved Taylor/Geange

That the Regional Development Funding Technical Review Update be received.

7.5 Northland Regional Council Annual Plan 2008/2009: Response to Kaipara District Council's Submission

Policy and Planning Manager 2117.01

Kaipara District Council submitted on Northland Regional Council Draft Annual Plan 2008/2009. Council was generally supportive of the Draft Annual Plan. The Northland Regional Council Annual Plan 2008/2009 gave direction for the Northland Region, therefore it was important for Council to contribute to its formulation. Council was heard in support of their submission on Thursday 5 June 2008.

The Northland Regional Council had now responded to Council's submission. Their response was circulated for Council's information.

Resolved Taylor/Geange

That the information be received.

7.6 Northland Regional Council Regional Policy Statement: Kaipara District Plan Review

Chief Executive 3820.01

Kaipara District Council had been corresponding with the Northland Regional Council in relation to the pending review of the Regional Policy Statement for Northland (RPS). Two letters from Kaipara District Council (11 August and 9 September 2008) and one from Northland Regional Council (1 September 2008) were circulated regarding the review and its potential impact on the current Kaipara District Plan review process.

Resolved Taylor/Geange

That the information be received.

7.7 Local Government Act 2002 and Local Electoral Act 2001: Report on Review

Governance Manager 2112.02

The Local Government Commission set out to answer the following two questions in the review of the Local Government Act 2002 and the Local Electoral Act 2001:

- Were any of the provisions of the two Acts a barrier to achieving the policy intent? If they were, was legislative amendment appropriate?
- Were any of the ways that councils were operating and/or interpreting the Acts a barrier to achieving the policy intent? If they were, was the development and dissemination of further good practice guidance appropriate?

The Commission noted that councils had had limited experience with certain aspects of the Acts. However their investigations demonstrated that this experience was not so limited as to prevent general themes and trends from emerging. The Commission concluded that both Acts were fundamentally sound and assisted in achieving their general policy intent and legislative purpose.

The Local Government Act promoted participation in local decision-making and the accountability of councils to their communities for the decisions they make. Their decisions and their actions should aim to enhance community well-being and meet the 'reasonably foreseeable needs of future generations'. They will also reflect the diverse nature of their communities.

The Commission believed that there was already plenty of good practice material available to guide councils in implementing and giving full effect to the Local Government Act and considered plans were in place to update and expand this material.

However, the Commission believed that some councils were failing to fully understand some critical provisions and in so doing were inadvertently making the operation of this Act more demanding than it needed to be. It considered that this might be discouraging public participation in some areas. It believed that advancing and adopting good practice by council officers and elected members alike was the key to furthering the policy intent of the Act.

With respect to the Local Electoral Act 2001, the Commission believed that generally the present balance between uniformity of rules on electoral processes and diversity through local decision-making was appropriate at this time. The Commission believed that local choice in two key areas, namely the electoral system and order of candidates on voting documents needed to be addressed further in the future.

It believed that the improved operation of the Local Electoral Act would be best achieved through a combination of specific legislative amendments and continued development and dissemination of good practice guidance.

Resolved Taylor/Geange

That the information be received.

8 Public Excluded Minutes 24 September 2008

Resolved Alspach/McEwing

That the public be excluded from the following part of the proceedings of this meeting namely, Sale of Council Land: Finlayson Park Avenue, Dargaville

The general subject matter of each matter to be considered while the public was 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 were as follows:

<i>Subject matter to be considered:</i>	<i>Ground(s) under Section 48 (1) for the passing this resolution:</i>
<i>Sale of Council Land: Finlayson Park Avenue, Dargaville</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 was 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 was the subject of the information.

Open Meeting - 23 July 2008

The resolution made In-Committee was not confirmed in open meeting.

Closure

The meeting closed at 4.40 pm

Confirmed this day of 2008

Mayor