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Not for Publication until after Commencement of Meeting

Notice Of Ordinary Meeting Of Council

Date 10.00 am on Wednesday 23 April 2008

Venue Council Chambers, Station Road, Dargaville

Timetable

9.45 am Morning Tea

10.00 am Workshop

10.00 am 1 Mayor and Councillors (Informal public excluded meeting)

10.30 am 2 Kaipara Community Leadership Programme

Helen Nicholson is facilitating this item. It will include a PowerPoint presentation.

The report has been circulated separately with this agenda to Councillors.

11.30 am Stephen Soole, a programme participant, will give his view of the programme.

11.45 am 3 Kaiwaka Office Accommodation (Public Excluded)

Item 9.2 (in Public Excluded) refers. This is an opportunity for Council to ensure it understands the issues.

12.15 pm Lunch

1.00 pm Commencement of Council Meeting, with Presentation

Presentation by Northland Regional Council on Manchurian Ricegrass

3.00 pm New Zealand Citizenship Ceremony

Mrs Lange and her daughter Christine, and Stephen and Janice Main, will be receiving their New Zealand citizenship. The ceremony will be followed by afternoon tea.

3.15 pm Afternoon Tea following ceremony

3.40 pm Recommencement of Council Meeting, if required

Mangawhai Endowment Fund Committee : Please Note

A Mangawhai Endowment Fund Committee meeting will follow the Council meeting

Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 23 April 2008 Commencing 1.00 pm

Please note that the recommendations contained in the Order Paper and Reports have been
provided for the guidance of the Council to assist it in making an informed decision.

Council is not bound by these.

Please refer to Council Minutes for Council Resolutions.

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Kaipara te Orangaui • Two Oceans Two Harbours

KAIPARA DISTRICT COUNCIL

Order Paper - 23 April 2008

1 Opening : Cr Burnett

Councillor to be selected to open the May 2008 meeting.

1.1 Present

1.2 In Attendance

1.3 Apologies

1.4 Public Forum

2 Presentations

P1 2.1 Northland Regional Council: Manchurian Ricegrass: 1.00 pm

Governance Manager 2117.

Northland Regional Council representatives will speak to Council on Manchurian Ricegrass. The delegation comprises Cr Farnsworth, Cr Brown, Land Operations Manager Bob Cathcart, Biosecurity Team Leader Don McKenzie, Biosecurity Officer Peter Joynt, and Victoria Lamb, Senior Adviser - Pest and Pathways Team with Biosecurity New Zealand.

A document entitled "Management and Control of Manchurian Wild Rice" dated 26 February 2008, which is attached, was considered by the Northland Regional Council's Environmental Management Committee at its meeting of 19 March 2008. The Council would like to discuss the ongoing management of Manchurian wild rice with the Kaipara District Council particularly now that the Government/Ministry of Agriculture is prepared to fund the work.

2.2 New Zealand Citizenship: 3.00 pm

Mrs Christina Lange and her daughter Christine, and Stephen and Janice Main will be receiving their New Zealand citizenship. The ceremony will be followed by afternoon tea.

Other ceremonies held in the District this month were:

3 April in Dargaville Karin Pawley-Kagi, Meeta Adipola

10 April in Kaiwaka Wilhelmus and Wilhelmina Bakker

3 Confirmation of Minutes

P5 3.1 Special Council Meeting : 5 March 2008

Governance Manager 1601.12

A copy of the minutes is attached.

Recommended

That the Minutes of the Special Council Meeting held 5 March 2008, as circulated, be confirmed as a true and correct record.

P14 3.2 Ordinary Council Meeting : 26 March 2008

Governance Manager 1601.12

A copy of the minutes is attached.

Recommended

That the Minutes of the Ordinary Council Meeting held 26 March 2008, as circulated, be confirmed as a true and correct record.

4 Strategic

P38 4.1 Cames Road Community Meeting Update

Community Infrastructural Assets Manager 4104.069

A report is attached that updates Council on the matters raised by residents at a meeting held in January 2008. This report provides information on the issues that arose out of that discussion with the community.

Recommended

That Council receives the report dated 11 April 2008 on the Update of the Cames Road Community Meeting held in January 2008; and

That Council commissions a study to identify strategic options for a north/south connection between Kaiwaka and Mangawhai; and

That Council reports back to a May 2008 meeting of residents with information provided in this update.

Reason for the recommendation

Development is causing concerns amongst the community. Informal arrangements have created these concerns. These informal arrangements have hampered Council's ability to manage the roading network. Council has the opportunity to actively determine how Comes Road will integrate with the rest of the roading network.

5 Policy

P43 5.1 Elected Members' Mileage Allowance

Governance Manager 1801.01

A report from the Governance Manager is attached, regarding the Notice of Motion Council received from Councillor Guest. The Notice of Motion recommends that Council pay Councillors a non-taxable mileage reimbursement of \$0.70c per kilometre when using their own vehicles on official Kaipara District Council business.

Information provided by the Remuneration Authority, the Inland Revenue Department and Local Government New Zealand state that the payment for vehicle running is not a specific reimbursement but is an allowance because it is a payment towards all costs involved in running the vehicle and includes a notional allowance for the time spent by the elected member driving. As it is an allowance the payments are taxable income. The maximum is set at \$0.70 by the Remuneration Authority and therefore Council cannot increase the amount.

Recommended

That Council continues to treat mileage reimbursements as an allowance and therefore subject to withholding tax payment as instructed by the Remuneration Authority, Inland Revenue Department and Local Government New Zealand.

Reason for the recommendation

It is what is legally allowed, to do otherwise would be unlawful.

P60 5.2 Kauri Coast Community Pool Consultant Fees

Commercial Manager / Pool Trust Business Manager

4701.02.01

A report from the Commercial Manager is attached regarding the Kauri Coast Community Pool. The current Council-owned swimming pool is nearing the end of its functional life. Council has been working in partnership with the Kauri Coast Community Pool Trust to build an iconic 50 metre pool sited at Selwyn Park. This project is now at 80% contractual documentation stage and the Trust is exploring external funding opportunities.

This project has attracted considerable encouraging public support. This support has come from the local community, health groups, sporting groups and the local and national swimming fraternity.

The pool scope has moved from that of a 25 metre pool to 50 metre. A 50 metre pool would have regional significance and this secured funding of \$700,000 from Northland Regional Council. The Lotteries Board granted the Trust \$750,000 and this was with the inclusion of the hydrotherapy concept.

These changes to the design concept have meant an increase in costs but a revision has brought the project back to \$6 million. Any changes to a project of this size incurs professional fees. Contractual documentation is at 80% and fees charged reflect this.

Council, the Trust and the Project Manager (Mark Bates, Architect, Hunt Davies Tennent) are working closely to ensure financial benefits are maximised. The amount of funding applied for covers not only the build cost of \$5.3, but the whole of the project including fees and this totals \$6 million.

Recommended

That documentation for the 50 metre Kauri Coast Community Pool option at Selwyn Park, Dargaville be completed and funding avenues for the build continue to be explored by the Kauri Coast Community Pool Trust; and

That the Kauri Coast Community Pool Trust be asked to explain its strategy for raising the funds; and

That Council and the Kauri Coast Community Pool Trust continue to work in partnership with the greater Northland community to build a 50 metre pool to benefit the local community and Northland as a whole

Reason for the recommendation

To complete documentation on the Kauri Coast Community Pool, in order to build a 50 metre Swimming Pool that will benefit the Northland district

P64 5.3 Rating Policy N°3: Change to Instalment Due Dates

Finance Manager 2306.20

A report is attached that recommends the adoption, from 1 July 2008, of a common due date of the 20th, for all six rates instalments.

Recommended

That Rating Policy N° 3: Instalments, be amended to reflect one common due date for all six instalments, and that the due date be the 20th.

Reason for the recommendation

To simplify the due date regime, for the benefit of many ratepayers.

5.4 Kaipara District Plan: Estuary Estates Limited Private Plan Change N°22 - Operative

Policy and Planning Manager 3809.22

Council adopted Plan Change 22 at the 30 January 2008 meeting. The appeal period has now finished, with no appeals being lodged with the Environment Court. Plan Change 22 is now required to come before Council to formally become operative with the affixing of the Common Seal of the Kaipara District Council.

Public notice will then announce that Plan Change 22 is operative with the operative date being five working days after the notice appears.

Recommended

1 *That pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, the proposed Plan Change 22 to the Kaipara District Plan be made operative.*

2 *That the approval of Plan Change 22 be effected by affixing the Common Seal of the Kaipara District Council to Plan Change 22.*

3 *That the resolution of Council to make Plan Change 22 operative be publicly notified in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991.*

4 *That Plan Change 22 become operative on 5 May 2008.*

Reason for the recommendation

As no appeals have been lodged with the Environment Court, Plan Change 22 can formally become operative and a part of the Kaipara District Plan.

5.5 Kaipara District Plan: Verano Properties Limited Private Plan Change N° 24 - Operative

Policy and Planning Manager 3809.24

Council adopted Plan Change 24 at the 30 January 2008 meeting. The appeal period has now finished, with no appeals being lodged with the Environment Court. Plan Change 24 is now required to come before Council to formally become operative with the affixing of the Common Seal of the Kaipara District Council. Public notice will then announce that Plan Change 24 is operative with the operative date being five working days after the notice appears.

Recommended

- 1** *That pursuant to Clause 17 of the First Schedule of the Resource Management Act 1991, the proposed Plan Change 24 to the Kaipara District Plan be made operative.*
- 2** *That the approval of Plan Change 24 be effected by affixing the Common Seal of the Kaipara District Council to Plan Change 24.*
- 3** *That the resolution of Council to make Plan Change 24 operative be publicly notified in accordance with Clause 20 of the First Schedule of the Resource Management Act 1991.*
- 4** *That Plan Change 24 become operative on 5 May 2008.*

Reason for the recommendation

As no appeals have been lodged with the Environment Court, Plan Change 24 can formally become operative and part of the Kaipara District Plan.

P66 5.6 Resource Consent Decision: Settlement of Appeal by Sandway Developments Ltd and Metcalfe Developments Ltd

Development Manager RM050271

Attached is a report from the Development Manager. Council's approval is sought to the settlement of an appeal by Sandway Developments Ltd and Metcalfe Developments Ltd against the conditions of consent to their proposal to establish and operate a service station, establish motel visitor accommodation and a commercial and retail complex on a residential site on Molesworth Drive, Mangawhai. The changes now proposed by the appellants do not affect the essence of Council's interests. In respect of the road upgrading works, it must be remembered that Council cannot impose development contributions as well as consent conditions requiring upgrading of roads (such as Molesworth Drive) subject to the development contributions policy. It should also be noted that the changes have met with the agreement of the other parties to the appeal. Accordingly, Council's agreement to settle the appeal by consent is sought.

Recommended

That the appeal by Sandway Developments Ltd and Metcalfe Developments Ltd against the conditions of consent to their proposal to establish and operate a service station, establish motel visitor accommodation and a commercial and retail complex on Lot 6 DP 170309 located on Molesworth Drive, Mangawhai be settled by consent, and the consent order be signed on Council's behalf accordingly.

Reason for the recommendation

The Council's interests will not be compromised by allowing the application to proceed with the proposed amendment of conditions; agreeing to settle the appeal by consent saves the expense of a full Court hearing. Council's legal advisors endorse this approach.

P90 5.7 Resource Consent Decision: Settlement of Appeal by D Chapman

Development Manager RM060066

Attached is a report from the Development Manager. Council's approval is sought to the settlement of an appeal by Mr Dave Chapman against the decision to decline consent to his three lot subdivision. As a result of a change in the law, the concerns originally held about potential problems with commonly owned access lots, no longer have the same significance. Accordingly, Council's agreement to settle the appeal by consent is sought.

Recommended

That the appeal by DA Chapman in respect of the application to subdivide Lot 13 DP174883 be settled by consent, and the consent order be signed on Council's behalf accordingly.

Reason for the recommendation

The circumstances of this application have changed as a result of a change to the law such that the Council's interests will not be compromised by allowing the application to proceed; agreeing to settle the appeal by consent saves the expense of a full Court hearing. Council's legal advisors endorse this approach.

- P102 5.8 Maungaturoto and Districts Rotary Club Resource Consent Application to the Northland Regional Council for a Swimming Pontoon, Mangawhai
Policy and Planning Manager 4702.13.03

Council submitted to the resource consent application by the Maungaturoto and Districts Rotary Club made to the Northland Regional Council to establish a swimming pontoon at Bullet Point, Mangawhai Harbour. Council's submission was in support, however, concern was raised that the land-based facilities were not currently adequate, and that is to be addressed as part of the reserve planning for the whole of the Harbour. There were a large number of submissions in opposition to this application, mostly from surrounding neighbours at Bullet Point.

The Regional Council held a pre-Hearing meeting on 28 February 2008. The Policy and Planning Manager attended on behalf of Council, plus Councillors Sutherland and Smith. The Rotary Club has now revised the application to address some of the concerns raised by submitters. This revision includes removing the jetty component of the proposal, but only if all submissions in opposition are withdrawn. The Regional Council is requesting that submitters now re-visit their submission in light of this information by Monday 14 April 2008.

In consultation with the three Otamatea Ward Councillors, the Policy and Planning Manager has replied to the Northland Regional Council that Kaipara District Council's submission in support stands, that Council withdraws its wish to be heard, and that Council will continue to work with the applicant, the Regional Council and the Mangawhai community to achieve the best land-based facilities around Bullet Point and the Mangawhai Harbour.

Recommended

That Council receives the approach to the revised resource consent application by the Maungaturoto and Districts Rotary Club to the Northland Regional Council for a swimming pontoon at Bullet Point, Mangawhai Harbour.

Reason for the recommendation

Council's support for this community driven proposal remains, the need to a Hearing is not considered necessary, the reserve planning currently being undertaken around the Mangawhai Harbour will ensure the land-based facilities are adequate for this proposal.

P111 5.9 Revaluation of Infrastructural Assets in 2007/2008 Financial Accounts

Finance Manager 2303.08

Attached is a memorandum from the Finance Manager explaining the reason for, and calculation of, the proposed \$111,580,507 valuation write-up, including valuation certificates

Recommended

That Council resolves to reflect the \$111,580,507 revaluation increment in the 2007/2008 Financial Statements.

Reason for the recommendation

To comply with Generally Accepted Accounting Practise and the Local Government Act 2002.

P121 5.10 Kaipara District Council: Submission to the Proposed New Zealand Coastal Policy Statement

Policy and Planning Manager 3821.01

The Department of Conservation has released the proposed New Zealand Coastal Policy Statement (NZCPS) for submissions. This is a national policy statement required by the Resource Management Act 1991 (RMA). Its purpose is to state objectives and policies to achieve the purpose of the RMA in relation to the coastal environment. District Plans must give effect to this document, once operative.

The submission period closes on 7 May, with submissions being heard by a Board of Inquiry. The Board will report to the Minister of Conservation any recommendations to change the NZCPS as a result of submissions.

Council submitted on the Issues and Options Paper for this Policy Statement in November 2006. The Policy and Planning Manager proposes to draft a submission to the NZCPS on behalf of Council with input from Councillors Smith and Alspach. This submission will appear on the May 2008 Council agenda for receipt and endorsement.

Recommended

That Council authorises the Policy and Planning Manager, with input from Councillors Smith and Alspach, to draft a submission to the proposed New Zealand Coastal Policy Statement on behalf of Kaipara District Council.

That Council's submission to the proposed New Zealand Coastal Policy Statement is put before Council for receipt and endorsement at the May 2008 meeting.

Reason for the recommendation

The proposed New Zealand Coastal Policy Statement sets guidance for the use of the coastal environment that the Kaipara District Plan must give effect to, therefore it is important for Council to contribute to its formulation.

P158 5.11 Borrowing Programme

Finance Manager 2305.01

A report from the Finance Manager is attached which recommends the raising of three loans totalling \$4,396,000. In part, this sum is to roll over, and refinance two maturing loans - the 2003 Infrastructure Loan (\$1,445,000), and the 2004 Infrastructure Loan (\$970,000). The third loan (\$1,981,000) is fresh, additional borrowings to finance recent infrastructure investment as per the 2007/08 Annual Plan.

Recommendation One

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

Hereby resolves to raise a loan of \$1,445,000 by the issue of stock or any other means to be known as the Kaipara District Council Refinancing Loan 2008 - \$1,445,000 - for the following purpose:

- | | |
|---|-----------------|
| a) To refinance maturing 2003 loans for the upgrading of stormwater services in the Dargaville Urban Area | \$
(640,000) |
| b) To refinance maturing 2003 loans for the upgrading of stormwater services in the Te Kopuru Urban Area | (92,000) |
| c) To refinance maturing 2003 loans for the upgrading of wastewater services in the Dargaville Urban Area | (330,000) |
| d) To refinance maturing 2003 loans for the upgrading of wastewater services in the Kaiwaka Urban Area | (8,000) |
| e) To refinance maturing 2003 loans for the upgrading of wastewater services in the Maungaturoto Urban Area | (20,000) |
| f) To refinance maturing 2003 loans for the upgrading of water services in the Maungaturoto Urban Area | (230,000) |
| g) To refinance maturing 2003 loans for the implementation of stage one of the Mangawhai Future Project | (125,000) |

And that the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.

And that security for the loan and interest thereon shall be as follows:

- | | |
|---|-----------|
| a) Dargaville Stormwater Upgrading | \$640,000 |
| <i>A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.</i> | |
| b) Te Kopuru Stormwater Upgrading | \$92,000 |
| <i>A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Te Kopuru Stormwater District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.</i> | |
| c) Dargaville Wastewater Upgrading | \$330,000 |
| <i>A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.</i> | |
| d) Kaiwaka Wastewater Upgrading | \$8,000 |
| <i>A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaiwaka Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.</i> | |
| e) Maungaturoto Wastewater Upgrading | \$20,000 |
| <i>A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.</i> | |
| f) Maungaturoto Water Upgrading | \$230,000 |
| <i>A separate annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.</i> | |

- g) *Mangawhai Future Project* \$125,000

A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

And that if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.

And that due and careful consideration has been given, both at the time of inclusion of this loan in the 2007/08 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.

And that satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council

Reason for Recommendation One

Implementation of the loan refinancing programme approved in the 2007/08 Annual Plan, so as to ensure adequate Council liquidity.

Recommendation Two

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

Hereby resolves to raise a loan of \$970,000 by the issue of stock or any other means to be known as the Kaipara District Council Consolidated Loan 2008 - \$970,000 - for the following purpose:

- | | \$ |
|--|-----------|
| a) <i>To refinance maturing 2004 loans for the upgrading of stormwater services in the Dargaville Urban Area</i> | (111,000) |
| b) <i>To refinance maturing 2004 loans for the upgrading of stormwater services in the Te Kopuru Urban Area</i> | (25,000) |
| c) <i>To refinance maturing 2004 loans for the upgrading of stormwater services in the Baylys Beach Area</i> | (13,000) |
| d) <i>To refinance maturing 2004 loans for the upgrading of stormwater services in the Kaiwaka Area</i> | (58,000) |

- | | |
|---|-----------|
| e) To refinance maturing 2004 loans for the upgrading of stormwater services in the Mangawhai Area | (4,000) |
| f) To refinance maturing 2004 loans for the upgrading of stormwater services in the Pahi Area | (60,000) |
| g) To refinance maturing 2004 loans for the upgrading of stormwater services in the Whakapirau Area | (26,000) |
| h) To refinance maturing 2004 loans for the upgrading of wastewater services in the Dargaville Urban Area | (142,000) |
| i) To refinance maturing 2004 loans for the upgrading of wastewater services in the Glinks Gully Urban Area | (8,000) |
| j) To refinance maturing 2004 loans for the upgrading of wastewater services in the Kaiwaka Urban Area | (7,000) |
| k) To refinance maturing 2004 loans for the upgrading of wastewater services in the Maungaturoto Urban Area | (272,000) |
| l) To refinance maturing 2004 loans for the upgrading of water services in the Ruawai Urban Area | (10,000) |
| m) To refinance maturing 2004 loans for the upgrading of water services in the Maungaturoto Urban Area | (129,000) |
| n) To refinance maturing 2004 loans for the implementation of stage two of the Mangawhai Future Project | (105,000) |

And that the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.

And that security for the loan and interest thereon shall be as follows:

- | | |
|------------------------------------|------------|
| a) Dargaville Stormwater Upgrading | \$ 111,000 |
|------------------------------------|------------|

A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

- | | |
|-----------------------------------|-----------|
| b) Te Kopuru Stormwater Upgrading | \$ 25,000 |
|-----------------------------------|-----------|

A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Te Kopuru Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

- c) *Baylys Beach Stormwater Upgrading* \$ 13,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Baylys Beach Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.
- d) *Kaiwaka Stormwater Upgrading* \$ 58,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaiwaka Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.
- e) *Mangawhai Stormwater Upgrading* \$ 4,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Mangawhai Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.
- f) *Pahi Stormwater Upgrading* \$ 60,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Pahi Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.
- g) *Whakapirau Stormwater Upgrading* \$ 26,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Whakapirau Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.
- h) *Dargaville Wastewater Upgrading* \$ 142,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.
- i) *Glinks Gully Wastewater Upgrading* \$ 8,000
A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Glinks Gully Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

- j) *Kaiwaka Wastewater Upgrading* \$ 7,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaiwaka Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- k) *Maungaturoto Wastewater Upgrading* \$ 272,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- l) *Ruawai Water Upgrading* \$ 10,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Ruawai Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- m) *Maungaturoto Water Upgrading* \$ 129,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- n) *Mangawhai Future Project - Stage Two* \$ 105,000
- A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

And that *if raised by local authority stock, that the sinking fund continues during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum remaining term of the loan.*

And that *due and careful consideration has been given, both at the time of inclusion of this loan in the 2007/08 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.*

And that *satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council.*

Reason for Recommendation Two

Implementation of the loan refinancing programme approved in the 2007/08 Annual Plan, so as to ensure adequate Council liquidity.

Recommendation Three

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

Hereby resolves to raise a loan of \$1,981,000 by the issue of stock or any other means to be known as the Kaipara District Council Infrastructure Loan 2008 - \$1,981,000 - for the following purpose:

	\$
a) The upgrading of Stormwater services in the Dargaville Urban Area	(295,000)
b) The upgrading of Stormwater services in the Mangawhai Area	(333,000)
c) The upgrading of Wastewater services in the Dargaville Urban Area	(332,000)
d) The upgrading of Wastewater services within the Glinks Gully Effluent Disposal Area	(56,000)
e) The upgrading of Water supply services within the Dargaville Water Supply Area	(400,000)
f) The upgrading of Water supply services within the Glinks Gully Water Supply Area	(9,000)
g) The upgrading of Water supply services within the Maungaturoto Water Supply Area	(217,000)
h) The replacement of bridges within Kaipara District	(339,000)

And that the Chief Executive and the Finance Manager be delegated authority to determine the conditions of the said loan.

And that security for the loan and interest thereon shall be as follows:

a) Dargaville Stormwater Upgrading	\$ 295,000
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A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.

- b) *Mangawhai Stormwater Upgrading* \$ 333,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Mangawhai Stormwater Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- c) *Dargaville Wastewater Upgrading* \$ 332,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Urban Drainage District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- d) *Glinks Gully Wastewater Upgrading* \$56 ,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Glinks Gully Effluent Disposal Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- e) *Dargaville Water Supply Upgrading* \$ 400,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Dargaville Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- f) *Glinks Gully Water Supply Upgrading* \$ 9,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Glinks Gully Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- g) *Maungaturoto Water Supply Upgrading* \$ 217,000
- A targeted annual recurring rate of such amount each year on the rateable value of all rateable property in the Maungaturoto Water Supply Area as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*
- h) *District Bridge Replacement* \$ 339,000
- A general annual recurring rate of such amount each year on the rateable value of all rateable property in the Kaipara District as may in that year provide sufficient revenue for the payment of annual charges in respect of the loan plus 10%.*

And that if raised by local authority stock, that a sinking fund be established, and that the sum be lodged annually with the Sinking Fund Commissioner during the currency of the loan, and such sinking fund to be adequate with accumulated interest to repay the loan over the maximum term of the loan.

And that the Chief Executive and Finance Manager be delegated authority to select the appropriate institution with which to establish the sinking fund, provided such selection complies with Clause 3.4 of the Investment Policy.

And that due and careful consideration has been given, both at the time of inclusion of this loan in the 2007/08 Annual Plan, and again at the date of this resolution, to both the risks, and benefits, of the loan.

And that satisfactory explanations have been obtained that the general terms and conditions of the loan and the security given in relation to the loan are in accordance with the current Liability Management Policy of Council.

Reason for Recommendation Three

Implementation of the borrowing programme approved in the 2007/08 Annual Plan, so as to ensure adequate Council liquidity.

5.12 LTCCP Critical Dates for Councillors

Governance Manager 2302.13.01

The review of Council's *Kaipara's Future-Working Together* (Long Term Council Community Plan), 2009/19 has begun and listed below are critical dates for Councillors to note and enter into their diaries now. The Open Forum venues, times and dates take into consideration what was learnt during the last round of consultation in respect of what worked and what did not. It also takes account of regular Council and staff business.

Critical Dates - LTCCP 2009/19 (including Annual Plan 2009/10)	
When	What
Wednesday 13 August 2008	Workshop: Key messages and themes including Community Outcomes Statements review and Visions review
Wednesday 27 August 2008	Workshop: Confirmation of key messages and themes, Community Outcomes Statements and Visions
Wednesday 03 September 2008	Workshop 1: Revenue and Financing Policy Review

Wednesday 10 September 2008	Workshop 2: Revenue and Financing Policy Review
Saturday 27 September 2008	Open Forum: Mangawhai Farmers Market
Monday 29 September 2008 1pm to 3pm	Open Forum: Kaiwaka Hall
Monday 29 September 2008 5 pm to 7pm	Open Forum: Maungaturoto Hall
Friday 03 October 2008 1pm to 3pm	Open Forum: Kaihu Hall
Friday 03 October 2008 5pm to 7pm	Open Forum: Dargaville Town Hall
Wednesday 08 October 2008	Workshop (If required)
Thursday 09 October 2008 10am to 12 noon	Open Forum: Tinopai
Thursday 09 October 2008 3pm to 5pm	Open Forum: Ruawai
Friday 10 October 2008 2 pm to 4 pm	Open Forum: Tangiteroria Sports Complex
Saturday 11 October 9am to 12 noon	Open Forum: Paparoa Farmers Market
Saturday 11 October 3 pm to 5 pm	Open Forum: Baylys Beach Hall
Wednesday 05 November 2008	Workshop: Revised list of directions and activities for 2009/10, 2010/12 and 2012/19 and draft Statement of Proposals eg Review of Development Contribution Policy
Wednesday 10 December 2008	Workshop: Progress report and update to Council on process
Wednesday 04 February 2009	Workshop: Year financial projections based on revised list of future directions and activities including level of service for 2009/10, 2010/12 and 2012/19
Wednesday 25 February 2009	Draft LTCCP on Council Agenda
Wednesday 04 March 2009	Adoption of Draft LTCCP
21 March to 11 April 2009	Open Forums
Wednesday 06 May 2009	Hearing: Mangawhai
Thursday 07 May 2009	Hearing: Maungaturoto
Friday 08 May 2009	Hearing: Dargaville
Wednesday 15 May 2009	Issues Summary circulated to Councillors
Wednesday 15 May 2009	Issues and Options papers to Councillors

Wednesday 20 May 2009	Deliberation Day
Thursday 21 May 2009	Deliberation Day (if required)
Thursday 27 May 2009	Report on decisions on submissions circulated to Councillors
Thursday 27 May 2009	Proposed LTCCP circulated to Councillors with Agenda
Wednesday 03 June 2009	Special Council Meeting to adopt LTCCP
Wednesday 24 June 2009	Adoption of Council's Business Plan for 2009/10

Recommended

That Council adopts the Programme of Critical Dates for Kaipara's Future - Working Together 2009/19 (Long Term Council Community Plan) including the Annual Plan 2009/10.

5.13 Local Government New Zealand Conference 2008 : Rotorua "Sustainable Communities"

Chief Executive 2113.02

Registrations are now open for the Conference. Council has usually sent the Mayor, Deputy Mayor and Chief Executive along with a small number of other Councillors to gain a wider local government experience.

The theme of the Conference is "Sustainable Communities". The sessions are planned on taking tourism to the next level, developing world-class facilities, protecting our environment, engineering solutions, next steps; sustainable land transport networks, managing land-use impacts on water, housing affordability; is there a role for councils, strengthening our people, growing communities through digital technologies, smart initiatives for sustainable infrastructure, using your Community Boards for added value, writing our history: a workshop for local government.

Recommended

That the Mayor and Chief Executive attend the Local Government New Zealand Conference (Sunday 27 July to Wednesday 30 July 2008), along with other Councillors as agreed by Council; and

That Council nominates the additional Councillors.

Reason for the recommendation

To ensure that the Kaipara District is adequately represented at this important forum and to enable the Council to gain from the sharing of experiences and the learnings from the conference in the most effective way.

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 Mayor and Councillors to give written reports on portfolio matters.

Mayor Tiller

- Iwi
- Communications

Cr Alspach

- Roding

Cr Burnett

- Refuse
- Economic

Cr Geange

- Community Spaces - Northern
- Social: Youth, Elderly, Sport, Schools

Cr Guest

- Finance
- Stormwater - Northern
- Regulatory

Cr McEwing

- Water; existing wastewater, water supply and land drainage
- Emergency Management

Cr Smith

- Roding
- Planning

Cr Sutherland

- Stormwater - Southern
- Community Spaces - Southern
- Libraries

Cr Taylor

- Community; halls, new infrastructure

cir 6.3 Chief Executive's Report: April 2008

Chief Executive 2002.02.08

The Chief Executive's report for April 2008 is circulated separately.

Recommended

That the Chief Executive's report for April 2008 be received.

7 Receipt and Adoption Items

P167 7.1 Judicial Hearing Minutes 19 February and 11 March 2008

P170

Development Manager 1605.07

A copy of the Hearing minutes for 19 February and 11 March 2008 are attached.

Recommended

That the Minutes of the Judicial Hearings held 19 February and 11 March 2008, as circulated, be received.

8 Information Items

P182 8.1 Building Consent Authority Accreditation: Update

Development Manager 3117.0

Attached is a report, and associated documents, from the Development Manager advising Council of progress being made towards the goal of registration as a Building Consent Authority (BCA).

Recommended

That the information be received.

P186 8.2 The Royal Commission on Auckland Governance: Kaipara District Council's Submission

Governance Manager 1908.02.03

A submission to The Royal Commission on Auckland Governance, prepared on behalf of Council by the Mayor and Deputy Mayor as requested, is attached for information.

Recommended

That the information be received.

8.3 Mean High Water Springs: Definition

Development Manager 3825.0

In recent times there has been some discussion about public access to foreshore areas, particularly around Mangawhai. Council is interested to see that such access is facilitated for a variety of 'public good' reasons. There are places where formal esplanade reserves or other official public space already exist; their inland boundaries where they abut private land have been defined by survey, and survey pegs would have been placed at the time they were created. As part of the Reserves Management Plan development project for Mangawhai Heads for instance, it will be necessary to commission a surveyor to identify the landward boundary of reserves in areas where this is not obvious or is being contested by the adjacent land owner. There is no generic 'Queen's chain' legally in existence in New Zealand, and where there are breaks in the continuity of reserves or other public land along the foreshore (ie where the landowner has *riparian* rights) connections may be only made at the time of subdivision, or by negotiation with the landowner concerned. The seaward boundary of such parcels of land, be they reserves or private land with riparian rights, will generally be defined by the location of Mean High Water Springs (MHWS).

Mean High Water Springs is the coastal boundary line which defines the seaward extent of this Council's jurisdiction, and can be described as the *average* of the *spring high* tides recorded at any particular locality. Mean High Water Mark is the average of all high tides including monthly spring tides. The question has arisen about how the position of Mean High Water Springs is actually determined. The answer appears to lie within one of the less precise areas of the surveyor's science, it is possible that two competent cadastral land surveyors could produce two different answers for the same site. The following explanation is closely based on information provided by Land Information New Zealand; unfortunately there is no single definitive method that can be used to establish this type of boundary. The approach taken by the surveyor needs to be customised to the individual location and take into account, amongst other things, the hydraulic gradient, the type and value of land concerned and the survey accuracy required.

For example the definition of the coastal boundary of a large rural class III or IV survey is often based on physical evidence such as lines of debris on the beach, and will not require the same degree of rigour as a high value semi-urban beach front subdivision. There are several different options for establishing MHWS boundaries that depend on the accuracy of the survey required, basically the higher the accuracy the more work that is required by the surveyor.

LINZ refer to the Eduction and Range-Ratio Methods described in academic publications as suitable where high accuracy definitions are sought. These methods transfer a level of MHWS at a standard port tide gauge to the survey location using a local tide gauge and sea level observations. Either an existing gauge or one established for the duration of the survey can be used. An alternative practice of direct levelling from a standard port tide gauge can only be used in close proximity to that gauge.

LINZ advises that for the purpose of defining cadastral and administrative boundaries MHWS predictions determined using all of the tidal constituents over the entire 18.6 year tidal cycle should be used. Other environmental factors such as barometric pressure and wind direction also need to be taken into account. From all of the foregoing it can be seen that determining the position of MHWS is by no means a straightforward process. It is not a matter for which the Council can produce its own version to suit its own desires, for to do so would lay the Council open to legal challenge as to the validity of its conclusions in this regard. It would be no more appropriate for Council to attempt to do this than to assign a different value to the force of gravity.

Recommended

That the information be received.

P189 8.4 Kaipara Community Economic Development: Report

Chief Executive 2132.04.03 KCEDO

A report by the Kaipara Community Project Development Officer, Tomas Lindstroem, is attached for the information of Councillors.

Recommended

That the information be received.

P220 8.5 Delegated Authority: Schedule of Decisions

Development Manager 3803.0

A schedule of decisions that has been made under delegated authority is attached. These were previously reported through Judicial Committee agendas for the information of councillors. Now that there is no Judicial Committee at least for the time being, these are now being presented as part of the Council agenda for Councillor information. 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. From now on this will be a monthly item.

Recommended

That the information be received.

P286 8.6 Outward Bound Course: March 2008

Finance Manager 2207.02

A report is attached on the recent Outward Bound Course attended by a staff member, and the experiences she undertook.

Recommended

That the information be received.

9 Public Excluded Items 23 April 2008

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely Chief Executive's Performance and Salary Review; Kaiwaka Accommodation Update

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>Chief Executive's Performance and Salary Review</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Kaiwaka Accommodation Update</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 - 23 April 2008

Recommended

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

Closure

Kaipara District Council

Dargaville