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Not for Publication until after Commencement of Meeting**Notice Of Ordinary Meeting Of Council**

Date 10.00 am on Wednesday 25 July 2007

Venue Council Chambers, Station Road, Dargaville

Timetable

9.45 am Morning Tea

10.00 am Workshop

10.00 am 1 Mayor and Councillors informal meeting

10.30 am 2 Group Study Exchange to America Report

11.00 am 3 Coastal Care

Item 4.1 refers. The workshop session is to ensure Council fully understands the report before formally considering the item on the Council meeting agenda.

Mike Ritchie of EPS will attend to present his report and clarify any items that are not clear. The purpose of the workshop is not to discuss the merits of the recommendations or any alternatives; that is for the Council meeting. The workshop is for clarification purposes.

12.15 pm Lunch

1.00 pm Commencement of Council Meeting with Presentation/Public Forum
Presentations

New Zealand Police

Sergeant Jones will present the Kaipara District six-monthly Police Report update to Council.

Relieving Area Commander for Whangarei Kaipara, Inspector Murray Hodson will speak on the Police Act Review.

Emergency Management: Recognition of Service

Item 6.6 refers. Graham Jones and Mike Andrews will be present.

3.00 pm Afternoon Tea

3.45 pm Recommencement of Council Meeting

Ordinary Meeting Of Kaipara District Council In The Council Chambers,
Station Road, Dargaville On Wednesday 25 July 2007 Commencing 1.00pm

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

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Order Paper - 25 July 2007

1 Opening : Cr Ian Tiller

Councillor to be selected to open the 22 August 2007 meeting.

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Presentation/Public Forum

p1 2.1 New Zealand Police

Six monthly Report Update:

Sergeant Jones will present the Kaipara District six-monthly Police Report update to Council.

Police Act Review

Relieving Area Commander for Whangarei Kaipara, Inspector Murray Hodson will speak on the. The presentation is for the information of Council so Councillors are aware of the Review. No decisions will be required or sought, but questions will be invited and any asked will be recorded to enable feedback to the review team at Police National Headquarters. Councillors can consider at their leisure and should they wish, they (and members of the public) can make feedback at any time, via the website or the Police Department in Whangarei, up until the end of July. A cover sheet is circulated in the Presentation Section of this agenda.

Review of the Police Act: Presentation by Northland Police on the current rewrite of the New Zealand Police Act 1958

New Zealand Police is in the process of re-writing the Police Act 1958 and Police Regulations 1992. The Police Act provides the legislative basis for policing in New Zealand. While it has been amended over the years in an effort to reflect changing times and expectations, this is the first time in 50 years that the Act has been completely rewritten. The aim is to redesign the legislation to reflect the challenges of modern day policing, and better position New Zealand Police for the future. In order to do so, the new Act needs to take into account the views of other agencies and the wider community. Police nationally are in the process of consulting with communities, agencies and other stakeholders to ensure that this takes place. The presentation is

part of this consultation process. Some of the themes the review is considering and on which your feedback is sought include:

- Community engagement - how we police in and with our communities
- Relationships and boundary issues - recognising the wide range of Police partners
- National security and emergencies - clarifying Police roles and responsibilities
- Governance and accountability - maintaining the independence of Police within a public management framework

2.2 Emergency Management: Recognition of Service

Item 6.6 refers.

Graham Jones and Michael Andrews, two of the original group recruited to the Voluntary Emergency Management Team, will be present.

3 Confirmation of Minutes

p2 3.1 Ordinary Council Meeting : 27 June 2007

Communication and Services Manager 1601.11

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 27 June 2007, as circulated, be confirmed as a true and correct record.

4 Policy

P25 4.1 Kaipara Coastal Care: Stage 2 Investigations Baylys Beach Options

Chief Executive 4515.0

The report on the Stage 2 Investigations of the Baylys Beach Options for Coastal Care is attached. Mike Ritchie of EPS will present this report to Council and discuss the merits of the recommendations or any alternatives.

Recommended

That Council makes a decision on whether it is feasible to proceed with the current Coastal Care Project in some form, and continue negotiations for servicing Baylys Beach only.

Reason for the recommendation

To determine a potential way forward that can then be discussed with the community.

p65 4.2 District Plan Review

Policy and Planning Manager 3807.01.08

A report from the Policy and Planning Manager is attached regarding the work on the District Plan Review over the last nine months, which has focused on the priority topics of Land Use and Subdivision, Landscape and Ecology. This work has included further technical reporting, public consultation, workshops and site visits with Councillors. The results of this work are summarised in the two reports prepared by Beca, which are attached for Council endorsement.

With regard to Land Use and Subdivision, key issues have been identified and management options discussed. Specifically with regard to management options, zoning and overlays have been agreed in principle as a key tool.

For Landscape and Ecology, management directions, which will assist in achieving the Environmental Outcomes adopted by Council, have been discussed. A series of further work packages have been identified in order for Councillors to consider the costs and benefits of the recommended management options.

Recommended

That Council receives the reports from Beca Carter Hollings and Ferner Ltd (Beca) entitled 'Setting Directions for Management of Land Use and Subdivision July 2007' and 'Setting Directions for Management of Landscape and Ecology July 2007'; and

1 Land Use and Subdivision Report

a) ***That*** Council confirms the Issues as set out in Table 2 (section 3) of the 'Setting Directions for Management of Land Use and Subdivision July 2007' report as follows:

Table 2: Development of District Plan Issues

Issue	District Plan Issue
<i>Enhancing Public Access</i>	<i>Land use and development is restricting public access to the coast, lake and rivers.</i>
<i>Enhancing/maintaining open space</i>	<i>The impact of uncontrolled subdivision and land use is adversely affecting the open space character of the District.</i>
<i>Environmental benefit from growth development</i>	<i>Growth development has the potential to generate adverse impacts on the environment. Without restoration of the district's environment, the environmental values, which contribute to the Kaipara District, will continue to decline.</i>
<i>Land Clearance (earthworks/vegetation clearance)</i>	<i>There are adverse impacts on amenity and the physical environment from land and vegetation clearance.</i>

Issue	District Plan Issue
<i>The need for long term functioning of wastewater systems (adverse effect of failing systems)</i>	<i>Increasing development exceeds existing servicing and infrastructure capabilities in rural areas.</i>
<i>Reverse sensitivity for rural/industrial activities (existing and permitted)</i>	<i>Rural and industrial activities support the social and economic well-being of the District and have the potential to be adversely affected by incompatible neighbouring activities (e.g. residential).</i>
<i>Sustainable infrastructure (stormwater) for enhancing environmental outcomes (to protect the harbour and two coasts)</i>	<i>Sensitive receiving environments (eg., harbour and coastal areas) are adversely impacted by unsustainable infrastructure.</i>
	<i>Without requirements for sustainable on-site infrastructure provision, the quality of the district's sensitive receiving environments will continue to decline.</i>
<i>Enabling home occupation activities (social environment)</i>	<i>Economic opportunities provide opportunities for prosperity in the District. Without provision for these activities, the social wellbeing of the community will be adversely impacted.</i>
<i>Bulk and location of buildings (and built form) for open space and amenity</i>	<i>The bulk and location of buildings (particularly in sensitive locations) is adversely impacting on rural amenity.</i>
<i>Avoiding ribbon development</i>	<i>Ribbon development is adversely impacting on infrastructure provision, amenity and town centres.</i>
<i>Range of lot sizes</i>	<i>The lack of range of lot sizes is resulting in undesirable development patterns impacting on the amenity of the District.</i>
<i>Clustering around settlements</i>	<i>New land use activities can raise expectations of, or require levels of service, which cannot be achieved by existing infrastructure in the wider rural environment.</i>
	<i>Sporadic residential development results in adverse impact on rural amenity.</i>
<i>Subdivision layout control – design, layout</i>	<i>The lack of range of lot sizes is resulting in undesirable development patterns impacting on the amenity of the District.</i>
<i>Standards of buildings</i>	<i>The adverse impacts on visual amenity from poorly maintained sites and buildings, including relocated buildings, during development.</i>
<i>Management of land that has been subdivided – transition stage</i>	

b) **That** Council confirms the Geographic Structure as set out in Figure 1 (section 4.1) of the 'Setting Directions for Management of Land Use and Subdivision July 2007' report, as follows:

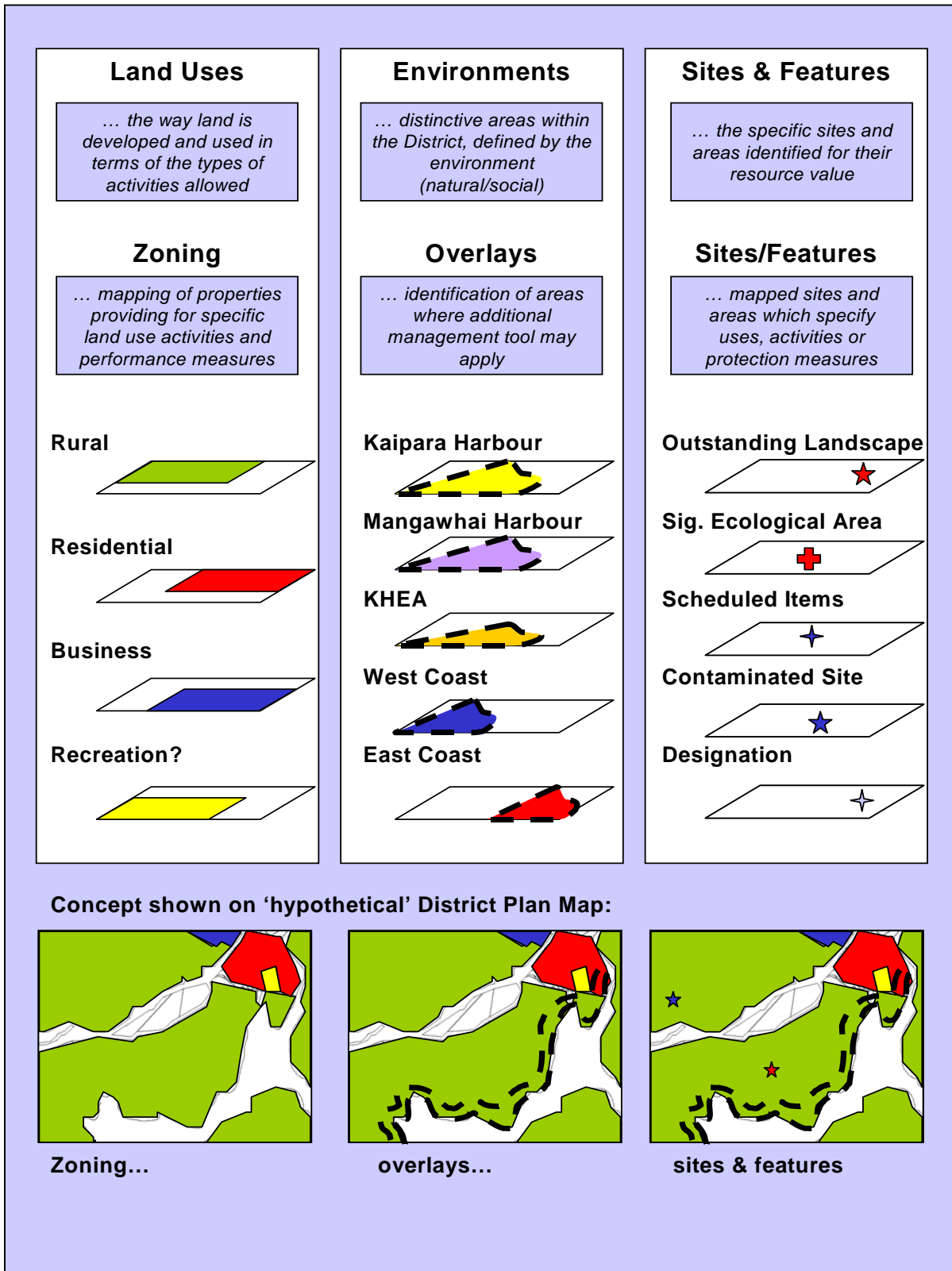


Figure 1: Structure of Management Areas for the District Plan

c) **That** Council confirms that Beca should undertake further work packages as set out Table 4 (section 5) of the 'Setting Directions for Management of Land Use and Subdivision July 2007' report:

Table 4: Further Work Packages

Task Area	Explanation
Mapping	
<i>Investigate and define the overlay areas</i>	<p>Seek environmental mapping and justification for:</p> <ul style="list-style-type: none"> - Mangawhai Harbour - Kaipara Harbour - Kaipara Harbour Environment Area (KHEA) (already mapped in the District Plan) - Coast – East - Coast – West
District Plan Drafting and Text	
<i>Investigate options for District Plan Structure</i>	<i>The structure of the District Plan will assist with the clarity of the issues, management directions and outcomes sought by the Land Use and Subdivision topic together with the review of the District Plan usability in general.</i>
<i>Define 'Settlement'</i>	<i>Clustering around settlement has been identified as an issue. There is currently no definition of a settlement and discussion on this definition shows a variance between what areas would be defined as a settlement and what may constitute a settlement in the future. Further investigation on best practice and what other Councils may be using for a definition of settlement is recommended.</i>
<i>Investigate the use of a recreation or community zone (instead of designation)</i>	<i>Open space throughout the District is currently zoned via the underlying zoning (usually the same as that immediately adjacent to the open space site). It then has a designation on the site to 'protect' its use. There are pros and cons to this method of protecting the sites for recreation and community purposes. It is also noted that other Councils zone the open space zones. Further investigation to confirm the best practice and ways of achieving Council outcomes should be undertaken by Beca.</i>
<i>Develop Activity Lists</i>	<i>Review of existing and possible future activity lists to determine the level of activity that will be permitted throughout the District.</i>
<i>Define 'Environmental Benefit'</i>	<p>Definition of environmental benefit to include:</p> <ul style="list-style-type: none"> - Social, economic and physical benefit, need a tick for all three, i.e, triple bottom line - Social and economic examples – the development itself, range of opportunities for different markets, bigger rating base, viability of services - Physical examples – native planting or protection, riparian rights, wetland and water run-off improvements, pest and weed

Task Area	Explanation
	<i>control, public covenanting, off-set mitigation, public access/infrastructure.</i>
<i>Define 'sensitive locations'</i>	<i>The bulk and location of buildings, particularly on sensitive locations has been identified as an issue. There was discussion on what sensitive location may include, such as ridgelines, roads, hills etc. Further investigation on best practice and what other Councils may be using for a definition of sensitive locations is recommended.</i>
Management Directions (technical investigation and research)	
<i>On-going development of management options for Land Use and subdivision</i>	<i>This will include, but not be limited to further research on the examples listed and explained below – environmental funds, permitted activities, reserve contributions and new technology.</i>
<ul style="list-style-type: none"> ■ <i>Investigate use of environmental funds</i> 	<i>Investigate what other Councils are doing in terms of environmental funds. How are they be administered? Are they effective/efficient?</i>
<ul style="list-style-type: none"> ■ <i>Summarise list of permitted activities</i> 	<i>Summary of permitted activities to list what activities may trigger the need for an environmental benefit</i>
<ul style="list-style-type: none"> ■ <i>Investigate level of reserve contribution</i> 	<i>Investigate what the maximum amount of reserve contribution is, that could be applicable in Kaipara, based on what other Councils are applying.</i>
<ul style="list-style-type: none"> ■ <i>Investigate the requirements for new technology provision in subdivisions</i> 	<i>E.g. investigate whether fibre optic cabling will be required as part of subdivisions (similar to power and telephone currently).</i>
Council Workshops	
<i>Workshop 1 – Confirm costs and benefits of management options</i>	<i>Future workshop with Councillors to discuss the background research undertaken for the management options for Land Use and Subdivision. Followed by confirmation of the costs and benefits of these options.</i>
<i>Workshop 2 – Confirm District Plan methods</i>	<i>Future workshops with Councillors to discuss and confirm the District Plan methods. This will include the associated definitions and activity lists.</i>

Landscape and Ecology Report

- a) **That** Council confirms the Management Options for Ecology and Outstanding Landscapes as set out in Tables 2 and 3 of the 'Setting Directions for Management of Landscape and Ecology July 2007' Report, to be further workshopped, as follows:

Table 2: Management Options for Ecology

Method	Summary of Workshop Discussion	Unresolved Matters (to complete s32)
<p>Maintain a schedule of significant ecological areas in the District Plan. Map the location of these areas on the District Plan maps.</p>	<ul style="list-style-type: none"> ■ Keep the current Schedule in the District Plan. ■ Check its current accuracy by comparing it with the Department of Conservation’s Protected Natural Area Programme (DoC PNAP) surveys. ■ Make changes to existing Schedule/mapped areas to ensure currency. 	<p>Councillors were undecided as to the extent of new areas to add to the current District Plan schedule. Options promoted by groups were:</p> <ul style="list-style-type: none"> ■ Don’t add any new areas, rely on rules or ■ Add new areas progressively as PNAP surveys are published, starting with Otamatea.
<p>Have associated rules controlling activities in scheduled or mapped areas.</p>	<p>Rules were considered to assist in achieving the outcomes.</p>	<p>Councillors were undecided as to the extent of rules. Options promoted by groups were:</p> <ul style="list-style-type: none"> ■ Similar to existing District Plan (resource consent is required for all buildings, earthworks, vegetation clearance etc in mapped areas) or ■ Focused on subdivision
<p>Use ‘Natural Environment Policy Area’ in conjunction with updating the Current Schedule.</p>	<p>Not a preferred option</p>	
<p>Assessment criteria for all controlled and discretionary land use and subdivision activities, which require consideration of effects on significant ecological areas and/ or ecological values.</p>	<p>Assessment criteria were considered to assist in achieving the outcomes.</p>	
<p>Rules on the clearance of indigenous vegetation and earthworks that apply to all or part of the District, e.g. coastal and harbour areas, near wetlands, streams and lakes.</p>	<ul style="list-style-type: none"> ■ Rules should apply to ‘Coast’ and ‘Harbour’ and other sensitive receiving environments. E.g. lakes, wetlands ■ Rules are also needed to manage effects on dunes – these effects won’t be covered by earthworks, vegetation clearance rules. ■ Specific rules are required for Kai Iwi Lakes 	<p>The Project Team was requested to provide:</p> <ul style="list-style-type: none"> ■ More evidence of the threat to the Rural Area to allow Councillors to determine whether rules should apply in these areas. ■ Examples of what the thresholds for different geographic/ environmental elements should be?

Method	Summary of Workshop Discussion	Unresolved Matters (to complete s32)
<i>Require (where appropriate) covenanting (or similar) of significant ecological features as a condition of subdivision or land use consent.</i>		<i>Not discussed in detail at the workshop.</i>
<i>Rules, which provide for bonus protection lot (including farm and forest parks) subdivisions in the Rural Area – include a re-consideration of the current controlled activity status.</i>		<i>Not discussed in detail at the 8 November workshop, but has been further discussed at the June 2007 workshops.</i>
<i>Rates relief on lots containing significant ecological features protected by a covenant, the NZ Forest Accord or fenced by the landowner and not used for primary production.</i>	<ul style="list-style-type: none"> ■ <i>Keep existing rule which is primarily applied to land covenanted under QEII Trust</i> 	
<p><i>Other Landowner Encouragement</i></p> <ul style="list-style-type: none"> ■ <i>Advice and education</i> ■ <i>Assistance with fencing, pest control, re-vegetation</i> ■ <i>Land Management Agreements/ Farm Management Plans/ Environmental Programmes</i> 	<p><i>Preferred methods were identified as:</i></p> <ul style="list-style-type: none"> ■ <i>Have a dedicated staff resource rather than a larger 'Fund' for landowners to apply to for e.g. fencing costs.</i> ■ <i>New KDC Staff member to assist landowners to access existing funding sources, such as the NRC Environment Fund, Sustainable Farming Fund (MAF).</i> ■ <i>Encourage achievement of carbon neutrality</i> 	<p><i>Councillors identified that further discussion was required on whether to:</i></p> <ul style="list-style-type: none"> ■ <i>Keep the existing Biodiversity fund as well</i> ■ <i>Fund these methods through a Development Contribution and general rate (existing community benefit).</i>
<i>Community Involvement, e.g. Council to publicise and provide funding/ or staff time to assist existing programmes run by Landcare/ Coastcare groups</i>	<ul style="list-style-type: none"> ■ <i>Yes, - this would be a job for the new staff member?</i> 	<ul style="list-style-type: none"> ■ <i>See above.</i>

Table 3: Management Options for Landscape

Method	Summary of Workshop Discussion	Unresolved Matters (to complete s32)
Map individual landscapes in the District Plan	<p>Preferred Option identified as:</p> <ul style="list-style-type: none"> ■ Mapping of Outstanding Landscape Areas (OLAs) ■ Don't map Visual Amenity Landscapes (VALs), rely on District Plan Rules to achieve outcomes 	
<p>Rules controlling how much of certain activities occur within mapped OLAs, e.g:</p> <ul style="list-style-type: none"> ■ Minimum/average lot sizes; and ■ Minimum separation distance between dwellings. 		Not discussed in detail at the workshop.
<p>Rules controlling how certain activities occur within mapped OLAs, e.g:</p> <ul style="list-style-type: none"> ■ vegetation clearance and earthworks ■ location of building platforms, e.g. to protect sensitive locations. ■ maximum height, site coverage ■ location of infrastructure 	<ul style="list-style-type: none"> ■ Rules should be triggered by subdivision/development, not by normal rural production activities. 	<p>Further workshop discussion is required on the triggers for these rules, e.g.</p> <ul style="list-style-type: none"> ■ the definition of 'sensitive locations'; and ■ the amount of vegetation clearance provided for.
Different activity status for land use and subdivision activities in OLAs, e.g. all new buildings are a controlled activity.		Not discussed in detail at the workshop.
Assessment criteria for all controlled and discretionary land use and subdivision activities, which require consideration of effects on landscape values.	<p>Not discussed in detail.</p> <p>The potential for using the Littoralis Technical Report and draft maps as a resource for planners and landowners when applying for consents, was discussed. This approach would assist in applying clearer assessment criteria for unmapped areas; VALs.</p>	<p>The Project Team was requested to:</p> <ul style="list-style-type: none"> ■ Check the recent amendments to the RMA regarding the requirements for notifying and incorporating 'Reference Material'. ■ Check the legality of this approach.

Method	Summary of Workshop Discussion	Unresolved Matters (to complete s32)
<p><i>Rules (for unmapped areas – VALs) on the clearance of indigenous vegetation and earthworks that apply to all or part of the District, e.g. coastal and harbour areas, near wetlands, streams and lakes.</i></p>	<ul style="list-style-type: none"> ■ <i>Rules should apply to ‘Coast’ and ‘Harbour’ and other sensitive receiving environments. E.g. lakes, wetlands</i> ■ <i>Rules are also needed to manage effects on dunes – these effects won’t be covered by earthworks, vegetation clearance rules.</i> 	<p><i>The Project Team was requested to provide:</i></p> <ul style="list-style-type: none"> ■ <i>More evidence of the threat to the Rural Area to allow Councillors to determine whether rules should apply in these areas.</i>
<p><i>Require (where appropriate) covenanting (or similar) of landscape features as a condition of subdivision or land use consent.</i></p>		<p><i>Not discussed in detail at the workshop.</i></p>
<p><i>Landowner Encouragement</i></p> <ul style="list-style-type: none"> ■ <i>Advice and education</i> ■ <i>Assistance with fencing, pest control, re-vegetation</i> ■ <i>Land Management Agreements/ Farm Management Plans</i> 	<p><i>Preferred methods were identified as:</i></p> <ul style="list-style-type: none"> ■ <i>Have a dedicated staff resource rather than a larger ‘Fund’ for landowners to apply to for e.g. fencing costs.</i> ■ <i>New KDC Staff to assist landowners to access existing funding sources.</i> 	
<p><i>Community Involvement, e.g. support and resourcing of Landcare groups</i></p>	<p><i>Yes, - this would be a job for the new staff member.</i></p>	

- b) **That Council confirms that Beca should undertake further work packages as set out in Tables 4 and 5 (Section 5) of the report 'Setting Directions for Management of Landscape and Ecology July 2007', for Ecology and Landscape, as follows.**

Table 4: Further Ecology Work Packages

Task Area	Explanation
Mapping	
Test the accuracy/currency of existing District Plan 'Register of Ecological Features' and associated mapped areas.	<p>Compare the existing mapped areas to the DoC PNAP GIS shape files of Otamatea ED, specifically investigating:</p> <ul style="list-style-type: none"> ■ How many additional areas are there in the PNAP surveys that are not mapped in the current District Plan. ■ How many have been reduced or lost.
Management Directions (technical investigation and research)	
Gain an understanding of the number of properties, which have PNAP areas on them.	<p>Overlay the PNAP GIS layer over the District cadastral layer and estimate the number of landowners involved.</p> <p>The purpose of this work is to understand the scale of consultation required, if the PNAP surveys were used as a basis for adding new mapped areas to the District Plan.</p>
Test how many significant ecological areas have been lost in the rural area during the last ten years.	<p>Liase with DoC regarding whether any of the Ecological District's covering the Rural Hinterland have been surveyed, e.g. – Tokatoka, Tangihua.</p> <p>The purpose of this work is to understand whether there is a threat/ issue that needs to be addressed by the District Plan.</p>
Research measures being promoted nationally to achieve carbon neutrality.	Investigate best practice and existing methods being used by other Councils.
Obtain further information on the operational costs and benefits of using development/ financial contributions to achieve ecology outcomes.	<p>Gather more information on how (how is the amount worked out and applied) and how well, Development Contributions are working in other Districts.</p> <ul style="list-style-type: none"> ■ Talk to councils in the Bay of Plenty (e.g. Western Bay of Plenty, Opotiki) ■ How much of a contribution/rate is needed?
Council Workshops	
Workshop: Consider costs and benefits of management options and confirm District Plan Methods	<p>Future workshop with Councillors to:</p> <ul style="list-style-type: none"> ■ discuss the further technical investigations and research undertaken. ■ discuss the costs and benefits of the management options.

Task Area	Explanation
	<ul style="list-style-type: none"> ■ <i>Confirm the methods to be included in the District Plan.</i>

Table 5: Further Landscape Work Packages

Task Area	Explanation
Mapping	
<i>Digitise (create an electronic map) of the Draft Outstanding Landscape Areas (OLAs) mapped by Littoralis.</i>	<p><i>The immediate use of these maps would be to overlay them over the District cadastral boundaries:</i></p> <ul style="list-style-type: none"> ■ <i>Determine how many landowners involved for consultation purposes.</i> ■ <i>How many are in the 'Rural Hinterland'.</i>
Management Directions (technical investigation and research)	
<i>Compare the draft OLAs with the Otamatea PNAP areas.</i>	<i>The purpose of this task is as a test run for understanding what the extent of the overlap is between the areas of the District identified as having significant ecological and landscape values.</i>
Council Workshops	
<i>Workshop: Consider costs and benefits of management options and confirm District Plan Methods</i>	<p><i>Future workshop with Councillors to:</i></p> <ul style="list-style-type: none"> ■ <i>discuss the further technical investigations and research undertaken.</i> ■ <i>discuss the costs and benefits of the management options.</i> ■ <i>Confirm the methods to be included in the District Plan.</i>

Reason for the recommendation

Land Use and Subdivision: This confirms the key issues which have been identified and management options, specifically with regard to management options, zoning and overlays, have been agreed in principle as a key tool.

Landscape and Ecology: The management directions will assist in achieving the Environmental Outcomes adopted by Council.

p104 4.3 Sensitive Expenditure Policies: New and Amended

Finance Manager 2304.08

Earlier this year the Controller and Auditor-General published a Good Practice Guide entitled 'Controlling Sensitive Expenditure: Guidelines for Public Entities'. At the request of Audit New Zealand, management has now developed two new policies, and enhanced an existing one, thus:

Staff Reimbursement of Expenses Policy (new)

Staff Travel Policy (new)

Credit Card Policy (amended)

These policies are attached. They comply with Office of the Auditor-General (OAG) guidelines, and have been recently cleared by Audit New Zealand.

Recommended

That Council adopts the Staff Reimbursement of Expenses Policy, the Staff Travel Policy, and the amended Credit Card Policy.

Reason for the recommendation

A local government good governance requirement, as defined by the Office of the Auditor-General guidelines.

p108 4.4 Fraud and Detection Policy

Communication and Services Manager 1203.01

At the request of Audit New Zealand an amended Fraud and Detection Policy is attached. It complies with latest local government good practice guidelines, and has been recently cleared by Audit New Zealand.

Recommended

That Council adopts the revised Fraud and Detection Policy May 2007.

Reason for the recommendation

A local government good governance requirement, as defined by the Office of the Auditor-General.

p111 4.5 Kaipara Development Agency: Legal Disestablishment

Finance Manager 2132.06.01

Attached is a report which explains the legal reasons that preclude the retention of the Kaipara District Economic Development Trust as an inactive entity.

Recommended

That Council resolves to formally wind up the Kaipara District Economic Development Trust, in accordance with Section 19 of their Trust Deed.

Reason for the recommendation

Compliance with the Trust Deed, the Trustees Act, the Local Government Act, and the Public Audit Act.

p112 4.6 Warrant of Appointment

Regulatory Manager 3998.0

George Lewis has recently been appointed Regulatory Monitoring Office, to replace a departed staff member. Mr Lewis needs to be formally warranted with the powers to enable him to undertake the regulatory functions under the relevant legislation.

The proposed warrants will not have an expiry date but will rather be valid until he is no longer in that position or when there is a need to update the warrants because of new legislation.

There are four recommendations to this item.

Recommendation One

That Council appoints George Robert Lewis as an Authorised Officer under the Kaipara District Council General Bylaw N°1, 1999 and authorising him 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 a warrant to be issued to staff in order for them to undertake their regulatory functions under the Kaipara District Council General Bylaw N°1, 1999.

Recommendation Two

That Council appoints George Robert Lewis as an Enforcement Officer pursuant to Section 38(1)(a) of the Resource Management Act 1991, and authorises him to carry out the following functions under the Resource Management Act 1991 in the Kaipara District:

Section	Function/Power
Section 22	<i>Direct a person who is believed to be breaching or has breached any of the obligations under Part 3 of the Act to give his or her name and address, and the name and address and whereabouts of any person on whose behalf the person is acting.</i>
Section 322	<i>Serve abatement notices.</i>
Section 323(2)	<i>Enter the place where a noise source is located, in relation to which an abatement notice has been issued under section 322(1)(c) and not complied with, and take all reasonable steps as he or she considers necessary to cause the noise to be reduced to a reasonable level; and when accompanied by a constable, seize and impound the noise source.</i>
Section 327(1)	<i>Direct the occupier of a place from which excessive noise is being emitted, or another person who appears to be responsible, to immediately reduce the noise to a reasonable level.</i>
Section 328(3)	<i>Enter a place in respect of which an excessive noise direction has been issued and not complied with, and seize, remove, render inoperable, lock or seal so as to make unusable, any instrument, or machine that is producing or contributing to the excessive noise.</i>
Section 327(4)	<i>Enter a place for which a direction under section 327(1) cannot be given and seize and remove from the place, or render inoperable by the removal of any part from, or lock or seal so as to make unusable any instrument, or machine that is producing or contributing to the excessive noise.</i>
Section 332 (1)	<i>Go on, into, under, or over any place or structure, except a dwelling house, for the purpose of inspection.</i>
Section 332(2)	<i>Take samples of water, air, soil or organic matter for the purposes of section 332(1).</i>
Section 333(1)	<i>Carry out surveys, investigations, tests, or measurements, take samples of any water, air, soil, or vegetation, enter or re-enter land (except a dwelling house), for any purpose connected with the preparation, change, or review of a policy statement or plan.</i>
Sections 343C(1), 342(2)	<i>Issue and serve an infringement notice.</i>
Section 335(1)	<i>Execute any warrant under section 334.</i>

Reason for Recommendation Two

Making the appointment as recommended, will allow a warrant to be issued to staff in order for them to undertake their regulatory functions under the relevant legislation.

Recommendation Three

That Council appoints and warrants George Robert Lewis as an Enforcement Officer pursuant to Sections 177 and 174 of the Local Government Act 2002, with authorisation to undertake the following responsibilities and powers under the Local Government Act 2002 in the Kaipara District:

Section	Responsibility/Power
Section 164	Seize and impound property not on private land.
Section 171(1)	Enter any land or building other than a dwelling house for the purpose of doing anything the Council is empowered to do under the Act or any other Act.
Section 172(1)	Enter land for the purpose of detecting a breach of a bylaw or the commission of an offence against the Act.
Section 173(1)	Enter occupied land or buildings without giving prior notice in cases of emergency.
Section 178	Direct a person, believed to be committing or to have committed an offence under the Act, to give his or her name and address, and the name and address and whereabouts of any person connected in any way with the alleged offence.
Section 182(1)	Enter any land or building (but not a dwelling house) for the purpose of ascertaining whether, water supplied from any waterworks or water race to any land or building is being wasted or misused; or any drainage works on any land are being misused or any appliance or equipment associated with a local authority utility service on the land is in a condition that makes it dangerous to life or property.
Section 245(1) and (2)	Issue and serve an infringement notice.

Reason for Recommendation Three

Making the appointment as recommended will allow a new warrant to be issued to the staff in order for them to undertake their regulatory functions under the relevant legislation.

Recommendation Four

That Council appoints George Robert Lewis as a Litter Control Officer under the Litter Act 1979, and authorises him to carry out the functions and powers of Litter Control Officers under this Act, within the Kaipara District, more particularly as set out in the schedule entitled "Powers and Duties of Litter Control Officers".

Reason for Recommendation Four

Making the appointment as recommended will allow a new warrant to be issued to the staff in order for them to undertake their regulatory functions under the relevant legislation.

P114 4.7 Contract for Dog, Stock and Noise Control and Bylaws: Proposed Fees Extension

Regulatory Manager 3501.0

A report from the Monitoring Officer and associated papers are attached.

Environmental Northland has undertaken services on behalf of Council in a competent and professional manner for the period of the existing contract and indeed in the previous contracts held with Council. It makes sound economic sense to extend the contract held by Environmental Northland for a further period of one year. This will also enable Council to monitor the effectiveness of parking wardens operating in the central business district of Dargaville as a means of solving the issue raised by Direction Dargaville of the unavailability of main street parking before committing itself financially to the provision of such services.

Recommended

That the Contract held by Environmental Northland Limited for Dog, Stock and Noise Control and Bylaws Response be extended for a period of twelve months from 01 December 2007 to 30 November 2008 on the same terms and conditions as those currently in force as agreed to in their letter of 3 July 2007.

Reason for the recommendation

The current contractor was initially appointed in 1996 and has undertaken the terms and conditions of each succeeding contract competently and professionally.

The contractor approached Council with an offer of providing the services of parking wardens should they be required, at no extra cost to Council for the duration of the contract.

The contractor has been informally approached and has agreed to a further twelve month extension of the current contract on the same terms and conditions as those currently in force (letter dated 3 July 2007). This includes the offer of the services of parking wardens at no extra cost to Council.

P 117 4.8 Parking in Dargaville : Appointment of Wardens and Infringement Fees

Regulatory Manager 3204.0

A report is attached regarding parking in Dargaville. On May 18 2007 Council considered all the points raised during the consultation process undertaken as part of the 2007/08 Draft Annual Plan. One of the points raised by Direction Dargaville concerned the unavailability of main street parking in Dargaville central business district due to some people parking in the main street all day in controlled parking areas.

Recommended

- 1 **That** Council acting pursuant to Section 42A and Part 1 of Schedule 2 of the Transport Act 1962 adopts the schedule of parking infringement fees listed below:

Parking Infringement Fees

Time parked in excess

No more than 30 minutes	\$10.00
More than 30 minutes but no more than 1 hour	\$14.00
More than 1 hour but not more than 2 hours	\$20.00
More than 2 hours but not more than 4 hours	\$30.00
More than 4 hours but not more than 6 hours	\$34.00
More than 6 hours	\$57.00

Parking

Parked on a clearway	\$60.00
Parked on a broken yellow line	\$60.00
Inconsiderate parking	\$60.00
Double parked	\$60.00
Parked on a bus stop	\$40.00
Parked on a loading zone	\$40.00
Parked on mobility stand	\$40.00
Parked with 500mm of a fire hydrant	\$40.00
Parked obstructing a vehicle entrance	\$40.00
Incorrect kerb parking	\$40.00

- 2 **That** Council appoints Keith Edward Thompson, Trevor John Sinclair and Kathy Mary Bourke as parking wardens under section 7(1) of the Transport Act 1962 for the remainder of Environmental Northland's contract period with Council to undertake the functions, duties and powers of a parking warden in respect of Schedule A, B, C and E of Kaipara District Council General Bylaw N^o 1, 1999.

Reason for the recommendation

To give effect to Council's resolution with respect of item 2.2.6 Parking in Dargaville arising out of its Special Meeting held on 18 May 2007.

4.9 Civil Defence Emergency Management Group Joint Committee: Continuance after 2007 Triennial Elections

Regulatory Manager 3305.0

The purpose of this item is to recommend a process to ensure that the Civil Defence Emergency Management Group is not deemed to be discharged on the coming into office of the members of the Council elected at the forthcoming triennial local body elections.

The Civil Defence Emergency Management Act 2002 required every regional council and territorial local authority within that region to establish a 'Civil Defence Emergency Management Group' for the purposes of the Civil Defence Emergency Management Act as a joint standing committee under the Local Government Act.

Section 12(2) of the Civil Defence Emergency Management Act 2002 states:

"Section 114P(5) of the Local Government Act 1974 must not be read as permitting, during the term of local government or as a consequence of a local government election, the discharge or reconstitution of a Civil Defence Emergency Management Group established for the purposes of this Act."

The purpose of Section 12(2) of the Civil Defence Emergency Management Act 2002 is to ensure that the Civil Defence Emergency Management Group joint committee remains in existence following local elections. The intention is to ensure that political oversight can be provided should an emergency occur between the time elected members go out of office and the subsequent appointment of local authority members to their respective Civil Defence Emergency Management Group.

However, clause 30(7) of Schedule 7 of the Local Government Act 2002 produces a potential conflict with Section 12(2) of the Civil Defence Emergency Management Act 2002. Section 30(7) requires all committees of local authorities be discharged after local elections unless the local authority resolves otherwise.

To provide continuity until the new appointments have been made, the existing members of the Civil Defence Emergency Management Group joint committee should be deemed not to have vacated office. In the event of the Council's current representative (Cr McEwing) not being re-elected, the Council's Mayor shall by default be the Council's representative on the Civil Defence Emergency Management Group joint committee until the incoming Council has appointed its new representative.

There are no financial or legal implications other than those indicated above.

Recommended

That the report be received and

That in accordance with clause 30(7) of the Seventh Schedule of the Local Government Act 2002, the Civil Defence Emergency Management Group joint committee be deemed not to be discharged on the coming into office of the members of the Council elected at the triennial elections in October 2007.

Reason for the recommendation

To ensure that political oversight can be provided, should an emergency occur, between the time elected members go out of office and the subsequent appointment of a Council member to the Northland Civil Defence Emergency Management Groups.

5 Reports

5.1 Mayor's Report

1701.02.03

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

5.2 Councillors Portfolio Reports

Councillors 1904 (various)

The Councillors to give written reports, for information, on matters of interest.

Cr Alspach	Roading
Cr Burnett	Finance
	Refuse
	Youth, Elderly, Liaison with Schools
Cr McEwing	Emergency Management
	Water
Cr Salter	Reserves and Recreation
Cr Smith	Planning
Cr Sutherland	Economic Development and Harbours
Cr Taylor	Community Development and Halls
Cr Ian Tiller	Stormwater/Land Drainage
Cr Neil Tiller	Wastewater
Cr Underwood	Regulatory

cir 5.3 Chief Executive's Monthly Report: July 2007

Chief Executive 2002.02.08

The report of the Chief Executive is circulated separately and set out as follows:

Recommended

That the report of the Chief Executive for July 2007 be received.

6 Receipt and Adoption Items

P120 6.1 Judicial Committee Minutes - 18 January, 14 February and 12 June 2007

Regulatory Manager 1605.09

A copy of the unconfirmed minutes of the Judicial Committee Meetings held

P120 18 January

P125 14 February; and

P142 12 June 2007 are attached

Recommended

That the unconfirmed minutes of the Judicial Committee Meeting held 18 January, 14 February and 12 June 2007 be received and endorsed.

p145 6.2 Raupo Drainage Committee Minutes - 5 July 2007

Assets Manager 1603.12

A copy of the unconfirmed minutes is attached.

Recommended

That the unconfirmed minutes of the Raupo Drainage Committee Meeting held 5 July 2007 be received and endorsed.

cir 6.3 Kaipara District Council 2007/08 Business Plan

Policy and Planning Manager 2310.08.02

Council's Business Plan for 2007/08 identifies the actions required and timeframes for carrying out the work programme as described in the Annual Plan 2007/08, year two of *Kaipara's Future - Working Together* Plan 2006/16. 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 Annual Plan 2007/08.

This is year two of Council's three year Business Plan period (2006/09), which is to reflect the three yearly cycle of *Kaipara's Future - Working Together* Plan. However, detail has only been provided for projects within the 2007/08 year and for regular on-going business. 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 via the Chief Executive's monthly report in the first instance, 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 for adoption.

To ensure that the Business Plan remains current, it will be reviewed and updated midway through the financial year, that is in January 2008.

The Business Plan is circulated separately for the information of Councillors.

Recommended

That Council adopts the Kaipara District Council 2007/08 Business Plan.

Reason for the recommendation

Programmes and projects for 2007/08 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.

p148 6.4 International Charter for Walking: Living Streets Aotearoa

Communication and Services Manager 2125.01

A letter received from Living Streets Aotearoa is attached, that encourages local authorities throughout New Zealand to sign the Internal Charter for Walking. Council is being asked to adopt this Charter, which was produced at the Walk21 2006 International Conference on Walking . A copy of the Charter is also attached for Councillors information. Further background information can be found on www.walk21.com/charter.

Recommended

That the Kaipara District Council adopts the International Charter for Walking, with the understanding that this does not commit this Council to any specific actions or any budgetary implications.

Reason for the recommendation

This gives a clear signal that Kaipara values walking and the health and social benefits that can be received and wishes to create a supportive environment in the District.

p158 6.5 Fire and Rescue Service Review : Kaipara District Council Submission

Regulatory Manager 3911.0

The attached draft submission has been prepared for Council following an informal meeting with Councillors to discuss the implications of the review of fire and rescue services proposed by the Government. While the formal submission period has ended, the Department of Internal Affairs has indicated that it is nonetheless interested to receive comments which could add to resolution of the issues involved.

Recommended

That the draft submission by the Regulatory Manager regarding the Fire and Rescue Service Review by Council dated 17 July 2007, be received and adopted.

Reason for the recommendation

The draft submission reflects the concerns and interests of Council in relation to the review.

6.6 Emergency Management: Recognition of Service

Regulatory Manager 3302.0

Prior to the recent changes in emergency management it was foreseen that there was a greater need to involve community leaders closer with Council's emergency management planning. Graham Jones and Michael Andrews are two of the original group recruited to the Voluntary Emergency Management Team. Both have attended courses in emergency management as part of Council's team and have been members of the Kaipara Emergency Services Committee throughout.

With the advent of the 2002 Civil Defence and Emergency Management Act and its emphasis on the 4R principles, Graham and Mike have become significantly involved in Recovery Planning attending meetings throughout Northland with counterparts from the Northland Civil Defence Emergency Management Group and contributing to its progress.

Recent adverse weather events highlight Northland's vulnerability to loss and damage calling on the resources of local, regional and central government for recovery. Graham Jones and Michael Andrews are part of that recovery process and designated as Council's Volunteer Recovery Managers. It is timely that their level of commitment, the years that they have devoted to upskilling, training and contributing to emergency management and the recovery process, be recognised.

Recommended

That Council commends Graham Jones and Michael Andrews for their service to Kaipara District Council's Civil Defence and Emergency Management, and Council's gratitude for their contribution be formally recorded.

Reason for the recommendation

Graham Jones and Michael Andrews have been volunteer members of Kaipara District Council and Northlands' emergency management planning for over 10 years and contributed significant effort towards planning for Response and Recovery.

7 Information Items

P160 7.1 Legislative Compliance Certification

Chief Executive 2112.01

The signed certificates are attached for the period ended 30 June 2007 of the sign-off from Management to Council that is undertaken half-yearly.

Recommended

That the information be received.

P166 7.2 Rural Sector Committee Minutes 14 and 15 June 2007

Chief Executive 2113.02.01

The minutes of the Rural Sector meeting held in Wellington on 14 and 15 June 2007, are attached for Councillors information.

Recommended

That the information be received.

P171 7.3 Local Government New Zealand: Affordable Housing Submission 14 June 2007

Chief Executive 2113.02.04

A submission by Local Government New Zealand (14 June 2007) to the Commerce Select Committee in the matter of affordable housing Inquiry is attached for the information of Councillors.

Recommended

That the information be received.

P183 7.4 Northland Mayoral Forum Meeting Minutes of 11 June 2007

Chief Executive 1908.01.01

The minutes for the Northland Mayoral Forum meeting held 11 June 2007 at the Whangarei District Council are attached for information.

Recommended

That the information be received.

P187 7.5 Dargaville Library: End of Year Report 2006/2007

Communication and Services Manager

2124.03.06

The Dargaville Library's end of year 2006/2007 report is attached for the information to Councillors.

Recommended

That the information be received.

8 Public Excluded Items

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely: Abandoned Land at Tinopai, Chief Executive Recruitment

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>Abandoned Land at Tinopai:</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Chief Executive Recruitment</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 - 25 July 2007

Recommended

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

Closure

Kaipara District Council

Dargaville