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Not for Publication until after Commencement of Meeting

Notice Of Ordinary Meeting Of Council

Date 10.00 am on Wednesday 27 February 2008

Venue Council Chambers, Station Road, Dargaville

Timetable

9.45 am Morning Tea

10.00 am Workshop

10.00 am 1 Mayor, Councillors and Chief Executive (Public Excluded Informal Meeting)

10.30 am 2 Preparation for the March Round of Public Consultation

3 Maori Representation in Local Government

12.15 pm Lunch

1.00 pm Commencement of Council Meeting

1.00 pm Presentation / Public Forum

Public Forum 1.00 pm

Harry Baycroft: Mt Wesley RSA Cemetery, Memorial Lych Gate (Refer Item 5.4)

3.00 pm Afternoon Tea

3.15 pm Recommencement of Council Meeting, if required

Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 27 February 2008 Commencing 1.00 pm

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

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Order Paper - 27 February 2008

1 Opening : Cr Alspach

Councillor to be selected to open the 26 March 2008 meeting.

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Presentation/Public Forum

- 2.1 Harry Baycroft: Mt Wesley RSA Cemetery
Item 5.4 refers.

3 Confirmation of Minutes

P1 3.1 Ordinary Council Meeting : 30 January 2008

Governance Manager 1601.12

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 30 January 2008, as circulated, be confirmed as a true and correct record.

4 Strategy

P37 4.1 Council Decision-Making Function For Resource Consents Requiring Hearings

Development Manager 1204.0

A report is attached from the Development Manager regarding Council decision-making function for resource consents requiring hearings.

The new Council, with its reduced number of members, needs to determine how hearings for resource consents are to be held. This report has assessed five options against several criteria. Taking all these into account it is concluded that the best solution is for Council to appoint a panel of independent Commissioners chosen for their qualifications and expertise, any one of whom would conduct the hearing. This option is the 'best fit' in terms of meeting the Council's obligation under s39 of the Local Government Act 2002 to separate out its regulatory decision-making functions from other Council functions, and is also the most beneficial in terms of respecting the Councillors' workload in the coming term. If the Council is of a mind to continue with inclusion of Council members in the process, the option of giving applicants the choice of either an independent Commissioner alone, or sitting with a member is commended as demonstrating transparency in carrying out the decision-making role. While using independent Commissioners, either alone or with Council members, may add to the cost of the hearing process, Council's decision should not be primarily driven by cost in this case.

Recommendation

That in accordance with s34 of the Resource Management Act 1991, Council appoints a panel of independent Commissioners, any one of whom will act on Council's behalf in determining resource consent applications which require a hearing in terms of Council's delegations. The interim arrangement for hearings is to continue until membership of the Panel has been formalised.

Reason for the recommendation

Having independent professionals involved should produce consistent, high quality decisions, will ensure transparency in separating the regulatory decision-making function from Council's other roles, and will free Council members to contribute more fully in Council's work programme for the coming term.

P44 4.2 Maungaturoto Wastewater Treatment Plant (WWTP) Upgrade: Membrane Filtration

Community Infrastructural Assets Manager 4506.0

A report from Council's Consultant Environmental Engineer is attached. Council received a report in January 2008 providing an outline of upgrade costs. The report introduced the Membrane Filtration option, which has only recently become financially and technically viable. An initial comparative analysis between this option and the Rock Filter option was provided. The January report recommended that Council await further information.

A number of options have been considered and analysed before providing a final recommendation. The best practicable option takes account of regulatory compliance issues, the importance of the Kaipara Harbour to the community as a whole, costs (including community affordability), benefits and risks.

The Membrane Filtration is the most cost effective technology currently available for upgrading the Maungaturoto Wastewater Treatment Plant to meet current and future environmental compliance requirements and growth. The initial upgrade is an issue of maintenance as it is necessary, irrespective of new development in the area, to meet existing consent conditions. Future upgrades to meet increasing demand can be funded through development contributions.

The ongoing maintenance and upgrade to meet future capacity will need to be signalled clearly to the community through both the annual plan and *Kaipara's Future - Working Together* Plan (LTCCP) process.

Recommendation

That Council receives the report of Council's Consultant Environmental Engineer dated 15 February 2008; and

That Council adopts the Membrane Filtration option for treatment of wastewater at Maungaturoto be taken forward to the construction phase, with staff to ensure that construction and installation be commenced in the 2007/2008 financial year; and

That Council undertakes the necessary consultation with the community.

Reason for the recommendation

The Maungaturoto wastewater treatment plant is not complying with current consent conditions which needs to be rectified as soon as practicable. Extensive options assessment reveals that Membrane Filtration is the best practicable option to meet short, medium and long-term treatment requirements. Consultation is required as the upgrade has future rating implications.

5 Policy

P53 5.1 Aggregate Resources Strategy

Community Infrastructural Assets Manager 3817.0

A report is attached regarding roading aggregate, which is a valuable resource for Council's roading operations and the people of the Kaipara District. Council was made aware of the possible sale of the Waihue Quarry in 2007. The current owners felt that Council would benefit from the purchase of a Quarry in the Northwest of the District. Whilst Council has in the past purchased Quarries such as Greenhill on the Poutu peninsular it was felt that the Waihue Quarry did not have the same strategic value as Greenhill.

Whilst Council accepted that the Waihue Quarry was not of immediate strategic value, Council accepted that aggregate resources and the efficient pricing of aggregate was of sufficient importance that an Aggregate Resources Strategy should be prepared.

Given Council's annual expenditure on aggregate it is important that aggregate prices are competitive. The method of ensuring this is unclear and could be achieved through a variety of means including, Council ownership, supply contracts and sustaining the existing contractual arrangements.

The development of an Aggregate Resources Strategy will need to be undertaken well in advance of tendering the new Maintenance Contract, due in 2010 subject to extension at the discretion of Council. In order to ensure aggregate costs are optimised Council should prepare an Aggregate Resources Strategy.

Recommended

That Council requests Expressions of Interest to prepare an Aggregate Resources Strategy to be undertaken in the 2008/09 Financial Year with a budget allowance of \$25,000. The scope of the Expression of Interest is to include:

- *A review of the aggregate sources that are supplied to the Kaipara District*
- *A cost comparison of the alternative sources*
- *A review of existing procurement methods and development of future alternatives*
- *A review of potential quarry ownership models*
- *Consideration of the economic impacts of the various procurement methods*

Reason for the recommendation

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

P60 5.2 Mangawhai Sailing Club: Lease Part Esplanade Reserve, Mangawhai Heads

Community Spaces Manager

4702.13

A report from the Community Spaces Manager is attached regarding the Mangawhai Sailing Club's proposal to establish a permanent location for the Club on Council's esplanade reserve at Moir Point, Mangawhai Heads. The Club requests Council's approval for the use of this esplanade reserve longterm and for Council's assistance in forming an access way over Council's unformed road reserve.

The Mangawhai Sailing Club although only relatively young, having been established in 2003, has gone from strength to strength in that time. The Club has a strong membership base and has made it a successful club for children, adults and family in the Mangawhai area. The Club now wishes to establish a permanent area to base themselves. The Club has a vision to develop this esplanade reserve area long-term and to provide educational programmes to the community through water wise programmes, as well as providing a place for families to meet and enjoy sailing in a safe environment. For this to happen a permanent base where future facilities can be provided and utilised by the Club is seen as vital to its continued growth.

Recommended

That Council supports the Mangawhai Sailing Club in its use of the esplanade reserve area at Moir Point, Mangawhai provided public assess is made available; and

That Council approves a lease over part of the esplanade reserve at Moir Point, Mangawhai to the Mangawhai Sailing Club, with the lease being for a term of 10 years and providing a right of renewal of 10 years with the annual lease rental at \$5.00 per annum for the first 10 years then to be reviewed; and

That Council staff works with the Club to give technical advice on the forming of a permanent access way to the esplanade reserve, the legal status of the reserve researched and verified, with the Club looking at the costs associated with establishing this formed access and possible avenues available to fund this work.

Reason for the recommendation

The Mangawhai Sailing Club is well established within the community having grown through hard work by the Club's members. The Mangawhai Sailing Club is asking to be able to use a strip of esplanade reserve that is under-utilised in the Moir Point area Mangawhai Heads, which they will develop for the benefit of the wider community and for Council assistance with funding to form an access way into the esplanade reserve over unformed Council road reserve.

P68 5.3 Mangawhai Stormwater Programme

Community Infrastructural Assets Manager

4404.0

A report from the Consultant Environmental Engineer is attached regarding the Mangawhai Stormwater Programme. With the commencement of construction of EcoCare reticulation the Council requested that the stormwater programme be reviewed to determine if either the works can be carried out in association with the EcoCare construction programme or if the EcoCare construction programme put constraints on any stormwater construction programme.

The bringing forward of the stormwater project can be achieved. It will have the benefit of addressing major safety issues as well as handling the majority of the issues identified through the EcoCare Project.

It will create a much more rapid increase in rates rather than the 10 year approach planned. Given the increasing rating base in Mangawhai it is unlikely that the rate will exceed the adopted maximum of \$209 (inflation adjusted). This will be identified for the public consultation.

The construction of new coastal outfalls will require resource consents and are unlikely to be able to be completed with the balance of the works. This will need to be constructed later after the consents are obtained.

Recommended

That Council, as part of its Annual Plan consultation round, suggest to the community that the 10 year programme be compressed into one year (2008/09), with the exception of the coastal structures; noting that the rate increase of 10x will occur immediately rather than over 10 years.

Reason for the recommendation

The programme will mitigate the issues identified by the Mangawhai Community while avoiding increasing costs through inflation over the 10 years programme. In addition it will handle the majority of the stormwater issues being identified by the EcoCare Project.

P71 5.4 Mount Wesley RSA Cemetery Entranceway: Memorial Lych Gate

Community Spaces Manager 4601.05

The Northern Wairoa Returned Services Association is requesting Council to consider approval to construct a Memorial Lych Gate at Council's Mount Wesley Returned Services Association Cemetery, Dargaville. Their letter is attached for information.

The Association has secured funding for the construction of the lych gate from Veterans Affairs New Zealand, the total cost of construction being \$21,037.50. The Association is not asking Council to meet any costs associated with the construction of the lych gate similar to Kaipara's Arapohue Cemetery, see attached photograph, only for permission for the construction of the lych gate as it is to be built on Council property. Any future maintenance costs on the Memorial lych gate will be of a minor nature e.g. waterblasting and painting. This however will not be required for several years and can be met through Council's cemetery maintenance budget, and with the partnership arrangement in place with the RSA any maintenance can be of a standard nature. The entranceway will not only provide a lasting memorial to those that saw service on behalf of their country but will enhance the Mount Wesley Returned Services Association Cemetery and entrance way.

Construction date for completion of the gate has been set down for 31 March 2008. This is allowing time for its completion before this year's ANZAC Day service at the Cemetery.

Building consent for the construction of this lych gate has been asked of the Council, however none is required.

Recommended

That Council approves the construction of a Memorial Lych Gate at Mount Wesley Returned Services Association Cemetery, Dargaville; and

That Council thanks Harry Baycroft and the Northern Wairoa Returned Services Association for their work in securing funding for the lych gate construction from Veterans Affairs New Zealand.

Reason for the recommendation

The Mount Wesley Cemetery has a reputation nationally as one of the best maintained returned services cemeteries in the country. Funding for the construction of the gate was sought, and agreed to, by the Veterans Affairs New Zealand has agreed to fund the construction of a Memorial Lych Gate similar to Kaipara's Arapohue Cemetery. The entranceway will not only provide a lasting memorial to those that saw service on behalf of their country but will enhance the Mount Wesley RSA Cemetery and entrance way.

P77 5.5 Paparoa Gospel Hall Trust: Request for Relief From Development Contributions

Development Manager RM070284; RM070285

A report from the Development Manager, and associated documents are attached relating to the request from the Paparoa Gospel Hall Trust. This is in regard to relief from the imposition of both a development contribution and reserves contribution in circumstances where it is proposed to vest land in Council which has a value greater than the value of the reserves contribution requirement.

It is not appropriate to waive imposition of the development contribution, because the land involved was not in contemplation when assessing the scope of works to be funded by the policy. It is, however appropriate to offer compensation for the difference in value between the amount of the reserves contribution the Trust will be required to pay, and the value of the land.

Recommended

- 1 ***That Council agrees to the vesting of Lot 6 in the subdivision of Pt Allot s93, Parish of Paparoa for the Paparoa Gospel Hall Trust, as public land; and***
- 2 ***That Council does not agree to the waiving of the development contribution policy applicable to the same subdivision; and***
- 3 ***That Council offers to pay \$36,500 to the applicant Trust in recognition of the difference in value between the land offered (Lot 6) and their liability to pay a reserves contribution, payment to be made once the land has vested in Council.***

Reason for the recommendation

- 1 Lot 6 is valuable to the local community given its location in proximity to the Show Association's land, the Paparoa Hall, and the land recently acquired by council for public use. The opportunity should therefore be taken to ensure that current use of this area may continue, and provide certainty for the future. The applicant Trust has shown goodwill in not seeking the full compensation to which it is entitled.
- 2 The development contribution should not be waived because the land involved was not in contemplation when assessing the scope of works to be funded by the development contributions policy.
- 3 It is fair, equitable, and in accordance with the relevant policy document - the district plan - that compensation should be paid where land given represents a greater value than the amount the applicant is required to pay.

P95 5.6 2007/08 Street Lights Schedule: New Lights

Community Infrastructural Assets Manager

4102.18

Council's approval is sought for the recommended schedule of new street light installations for 2007/08. The recommended 41 sites are noted as 2007/08 on the attached drawings with the approximate locations. In preparing the budgets for the 2007/08 Annual Plan, a \$100,000 provision was made for the installation of new street lights to provide a reasonable level of street lighting to urban communities and isolated points of need such as intersection flag lighting. In 2003 an as built plan of existing street lights was compiled in consultation with Northpower. Using this plan, a desktop survey of the District was undertaken to identify lighting deficiencies. In addition to this Council receives requests for new light installations through the Long Term Council Community Plan process, Helpdesk reports and night drive surveys undertaken by Council's Engineers.

There are areas within urban communities that do not have the adequate level of amenity lighting considered necessary for the safety and well being of residents and visitors. Approval of the new street light schedule for 2007/08 will be part of Council's longterm programme to rectify this situation.

Recommended

That Council approves the schedule of new street lights for 2007/08;

Location	No. of New Lights	Drawing/sheet Number
<i>Dargaville: Mountain View Place</i>	1	2310/3
<i>Dargaville: Marko Street</i>	1	2310/15
<i>Dargaville: Pirika Street</i>	1	2310/4
<i>Dargaville: Edward Street</i>	2	2310/4
<i>Dargaville: Day Street</i>	3	2310/4 & 5
<i>Dargaville: Grey/Salisbury Street corner</i>	1	2310/10
<i>Dargaville: Beach Road</i>	1	2310/5
<i>Omamari: Omamari Beach Road</i>	4	2131/3
<i>Omamari: Babylon Coast Road</i>	4	2131/3
<i>Te Kopuru: Agnes Street</i>	2	2131/6
<i>Te Kopuru: Hospital Road</i>	2	2131/6
<i>Te Kopuru: Graham Street</i>	4	2131/6
<i>Te Kopuru: Walker Terrace</i>	3	2131/6
<i>Mangawhai Village: Moir Street</i>	5	2132/8
<i>Mangawhai Village: Insley Street</i>	1	2132/8
<i>Mangawhai Village: Tara Road</i>	2	2132/8
<i>Maungaturoto: Doctor Hill Road</i>	2	2132/10
<i>Maungaturoto: Gorge Road</i>	2	2132/11
Total	41	

Reason for the recommendation

To improve the safety and amenity of communities.

P105 5.7 2007/08 Business Plan Six Monthly Review

Policy and Planning Manager

2310.08.02

Council's Business Plan sets out the actions required and timeframes for implementing the annual work programme. The 2007/08 Business Plan, adopted in June 2007, requires that the Business Plan itself be reviewed and updated after six months to take into account factors that have influenced Council's ability to achieve the proposed work programme. The rationale for updating the Business Plan is to ensure that the Business Plan remains a relevant and operational document and that progress reports to Council continue to be as accurate as possible.

Key changes affecting projects are largely as a result of project scopes being expanded due further strategic direction from Council; or the need for the project to be more comprehensive in public and/or Councillor involvement, or the project timeframe has been extended due to third party agencies, like the Regional Council or consultants.

Recommended

***That Council adopts the revised sections of the 2007/08 Business Plan; and
That the 2007/08 Business Plan be amended accordingly.***

Reason for the recommendation

To ensure that the Business Plan remains relevant and accurate, and is able to be reported against.

P117 5.8 Resource Consent Proposed Monthly Report Template

Development Manager

3803.0

Council confirmed its wish for more detailed information about resource consent processing in accepting the Chief Executive's report at its January 2008 meeting. Attached is a table of possible measures for resource consent, building consent and Land Information Memorandum applications.

The resource consent records are the most detailed, and trace the progress of applications through from receipt to resolution in the form of a decision being made either under delegated authority, arising from a hearing, or from an Environment Court ruling.

The building consent information will give a more complete indication of performance in this activity under the new accreditation regime. The LIM information has been included because it is a significant council service for which people pay a fee, and the number can be taken as an economic indicator.

Recommended

That the proposed template for reporting on progress with resource consents, building consents and Land Information Memoranda as set out in the memorandum to the Chief Executive dated 11 February 2008 be incorporated into the Chief Executive's monthly report from March 2008 onwards.

Reason for the recommendation

This gives effect to a decision made by Council at its January meeting.

5.9 Warrant of Appointment: Environmental Health Officer

Development Manager 3999.0 WOA

In a continued effort to maintain up-to-date records regarding warranted personnel and due to recent staff changes within the Northland District Health Board, it is necessary to warrant an additional Environmental Health Officer for the Kaipara District.

Northland District Health Board of Whangarei is the contracted service provider for our Environmental Health Officers. Pursuant to the Local Government Act 2002 every local authority shall appoint one or more environmental health officers, to undertake regular inspections for the purposes of ascertaining if any nuisances, or conditions likely to be injurious to health or offensive exist in the district and to take proper steps to secure the abatement of the nuisance or the removal of the condition. The Sale of Liquor Act 1989 requires the District Licensing Agency to appoint one or more inspectors to enter on and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee or any manager is complying with the conditions of the licence. The Health Act 1956 and the Food Act 1981 also empowers local authorities to appoint inspectors to enter onto premises and abate nuisances without notice and to examine any food, appliance, advertising or labeling material or package and may seize and detain, or photograph, any food or appliance where public health may be a concern.

Recommended

1 That Council warrants Tahi Carradus Morton of Whangarei as an authorised officer pursuant to s.23; s.288, s. 42; s.128 of the Health Act 1956; and s.103 of the Sale of Liquor Act 1989 to enable him to undertake his duties in the Kaipara District; and

- 2** *That the warrant holder Tahi Carradus Morton must surrender his warrant upon the expiry of the contract with Northland District Health Board on or before 30 June 2009; or amendments in legislation; or pursuant to s.174(4) of the Local Government Act 2002.*

Reason for the recommendation

This authorisation is necessary to enable Tahi Carradus Morton as an Environmental Health Officer for the Kaipara District Council to undertake inspections on a regular basis to abate public nuisances and undertake inspections of licensed premises to ensure compliance to their license is adhered to.

P118 5.10 Enterprise Northland and Destination Northland Quarterly Reports to 31 December 2007

Governance Manager 2132.04.03; 2132.04.04

The following reports are attached for information and adoption.

- a) Enterprise Northland's Quarterly Report to 31 December 2007
- b) Destination Northland's Quarterly Report to 31 December 2007

Recommended

That Enterprise Northland's and Destination Northland's Quarterly Reports to 31 December 2007, be adopted and any issues clarified with Enterprise Northland.

P138 5.11 Kaipara District Economic Development Activities Report to 31 January 2008

Governance Manager 2132.04.03

The Kaipara District Economic Development Officer's Activities Report to 31 January 2008 is attached for information and adoption.

Recommended

That the Kaipara District Economic Development Officer's Activities Report to 31 January 2008 be adopted and any issues clarified with Enterprise Northland.

P151 5.12 Hilltop Road: Formation of Driveway on a Paper Road

Community Infrastructural Assets Manager 4104.185

Mr Ken Hogan has written to Council requesting permission to construct a private accessway on an unformed road reserve off Hilltop Road, Mangawhai, refer attached map. Mr Hogan has consulted with affected land owners including Mr Dunlop, who are agreeable to the proposal.

Council has in the past allowed ratepayers to form private accessways on legal road reserves not maintained by Council subject to conditions.

Recommended

That Council takes over the maintenance of this road once it is constructed to the required standards; and

That a name for the road, in line Council's Road Naming Policy, be recommended to Council after discussion with Mr Hogan and Mr Dunlop the affected landowners.

Reason for the recommendation

This approach follows legal advice and Council Policy. However, Council has received legal advice from Mr John Sheppard at Brookfields in the past which warned against this practice. Council policy states that if landowners build a road to Council standards Council will consider taking it over as Council maintained road. Given the legal advice and the potential for development in this area it would be most appropriate for this to be a Council maintained road. The standard to which Mr Hogan is required to develop the road is the standard required for Council to take over the maintenance.

6 Reports

6.1 Mayor's Report

1701.02.03

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

6.2 Councillors Portfolio Reports

Councillors 1904 (various)

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

Cr Alspach

Cr Burnett

Cr Geange

Cr Guest

Cr McEwing

Cr Smith

Cr Sutherland

Cr Taylor

Cir 6.3 Chief Executive's Report: February 2008

Chief Executive 2002.02.08

The February 2008 report is circulated separately.

Recommended

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

7 Receipt and Adoption Items

P152 7.1 Judicial Minutes: 22 January 2008

Development Manager 1605.09

The minutes for the Judicial Hearings held 22 January 2008 are attached.

Recommended

That the minutes of the Judicial Hearing held 22 January 2008 be received and adopted..

8 Public Excluded Items: 27 February 2008

Recommended

***That the public be excluded from the following part of the proceedings of this meeting namely:
Sales and Purchase of Land at Seaview Road, Baylys Beach***

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>Sales and Purchase of Land at Seaview Road, Baylys Beach</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 - 27 February 2008

Recommended

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

Closure

Kaipara District Council

Dargaville