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Not for Publication until after Commencement of Meeting

Notice Of Ordinary Meeting Of Council

Date 10.00 am on Wednesday 30 January 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 Draft Annual Plan 2008/09: Update on Progress

- Process and Timeframes (Policy and Planning Manager)
- Financial Impacts (Finance Manager)
- Level of Service (All Managers)
- Consultation

12.15 pm Lunch

1.00 pm Commencement of Council Meeting

1.00 pm Presentation

1.00 pm : Enterprise Northland

Item 5.1 refers: Brian Roberts, Chief Executive will speak to Enterprise Northland's Statement of Intent and Quarterly Report, and Destination Northland's Quarterly report.

Item 5.2 refers: Stewart McElwain, Kaipara Economic Development Officer will present an update to the Economic Development Business Plan and talk to his Activities Report.

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 30 January 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 - 30 January 2008

1 Opening : Cr Alspach

Councillor to be selected to open the meeting on 27 February 2008.

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Presentation

2.1 Enterprise Northland

Item 5.1 refers: Brian Roberts, Chief Executive will speak to Enterprise Northland's 2007/08 Statement of Intent and the Quarterly Reports for Enterprise Northland and Destination Northland for the period July to September 2007.

Item 5.2 refers: Stewart McElwain, Kaipara Economic Development Officer will present an update to the 2007/08 Economic Development Business Plan and talk to his Activities Report.

3 Confirmation of Minutes

P1 3.1 Ordinary Council Meeting : 12 December 2007

Governance Manager 1601.12

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 12 December 2007, as circulated, be confirmed as a true and correct record.

4 Strategic

P16 4.1 Walking and Cycling Strategy April 2005: Adoption

Governance Manager 4102.34

A copy of the Walking and Cycling Strategy April 2005 is attached. The strategy has been prepared to give a framework for the promotion of walking and cycling, and the provision of facilities in the Kaipara District, particularly in light of the number of national and regional policies that have been initiated which affect walking and cycling. These include the New Zealand Land Transport Strategy and the Northland Regional Council Regional Land Transport Strategy for Northland 2003-2008.

Walking and cycling have benefits, both to the individual and the wider community. However the use of these methods of travel has been declining, nationally and locally. The challenge is to reverse these trends. A variety of organisations, schools and groups were consulted, and a drive-over of the District was undertaken to obtain an overview of the existing infrastructure, and to obtain feedback on walking and cycling in Kaipara. Based on the investigations, a Vision and Objectives for walking and cycling for the Kaipara District have been proposed.

The vision is: *The Kaipara District is a safe, pleasant and comfortable place for walking and cycling, where people of all ages choose to walk or cycle for transportation, tourism and recreation.*

The Objectives are:

- 1 To develop a safe, convenient and attractive transport infrastructure which encourages and facilitates walking and cycling
- 2 To maximise the role of walking and cycling for transport and recreation
- 3 To ensure that Kaipara strategies, policies, plans and practices support walking and cycling, and are not inconsistent with other local, regional and national initiatives.

Specific policies and methods of implementation are included to provide a guideline for determining whether specific projects align with the Strategy, and therefore should be considered for implementation.

This document has been reviewed by Council staff and is supported by the Roothing Portfolio holder, Councillor Alspach. It will be reviewed as part of the 2009/19 *Kaipara's Future - Working Together* Plan (LTCCP) process next year. The Strategy is in a similar format to that submitted by other councils and will assist Council to maximise its income from the Government for footpaths.

Recommended

That Council adopts the Walking and Cycling Strategy dated April 2005.

Reason for the recommendation

The Strategy will assist Council to maximise its income from the Government for footpaths.

5 Policy

P59 5.1 Enterprise Northland Statement of Intent to June 2008

Governance Manager 2132.04.03

Brian Roberts, Chief Executive of Enterprise Northland will speak to Council in the presentation section of the meeting. The following documents are attached for information:

P59 a) Enterprise Northland Trust Statement of Intent 2007/08 indicators

P63 b) Enterprise Northland Quarterly Report July - September 2007, and

P72 c) Destination Northland Quarterly Report July - September 2007

Recommended

That Council adopts Enterprise Northland's 2007/08 Statement of Intent Update and the Quarterly Reports for Enterprise Northland and Destination Northland for the period July to September 2007.

P82 5.2 Kaipara Economic Development 2007/08 Business Plan and Activity Report to 31 October 2007

Governance Manager 2132.04.03

The Kaipara Economic Development Officer, Stewart McElwain will speak to the following reports, both documents are attached:

P82 a) Economic Development 2007/08 Business Plan Budget Summary; and

P90 b) Economic Development Activity Report to 31 October 2007.

Recommended

That Council adopts the Economic Development 2007/08 Business Plan Budget Summary and Economic Development Activity Report to 31 October 2007.

5.3 Ruawai Cycleway and Footpath Funding

Community Infrastructural Assets Manager (Acting) 4102.04

The purpose of this item is to seek additional funding for the both the Ruawai Cycleway and Footpath projects. This requires the reduction in the Bridge Guardrail and Sight Benching Programmes.

Construction of the Ruawai Safety Footpath was approved by Council at its 26 September 2007 meeting, and is funded from the Minor Safety budget. The preliminary design process identified the need for two projects driven by modifications required to meet Transit New Zealand's requirements. This has increased costs above initial estimates. Subsequent to Council's approval in September, Council's Engineers undertook the detailed design to provide both a cycleway and a safety footpath in the same corridor. Following liaison with Transit New Zealand it was decided to split the projects in two portions and look at how both portions could be completed with a pressing need to complete as much as possible over the Christmas school break. Given the community desire to see this project completed this year it is recommended that other Minor Safety funds are diverted to the Ruawai projects.

Accordingly a contract was tendered in line with the approved budget with provisional items for the remainder of the work. This would allow the successful completion of both the Cycleway and Footpath projects when funding allowed or should funding not be approved the contract could be constructed to a point which would provide a significant improvement on the existing situation but not provide benefits for both cyclists and pedestrians.

Should additional funding be deferred until next financial year it will be possible to use the existing contract to complete the works.

Recommended

That Council approves the reduction in expenditure on the Bridge Guardrail and Sight Benching Programme to fund the shortfall in the Ruawai Cycleway and Safety Footpath projects.

Reason for the recommendation

To ensure the completion of both projects as early as possible and ensure the safety of travel to the Ruawai Schools.

P93 5.4 Mangawhai EcoCare Hearings Committee Appointment: Objection Construction Works

Chief Executive 4505.01

A report by the Chief Executive is attached discussing the appointment of an EcoCare Hearings Committee to hear unresolved objections to construction works on private property. Council is statutorily required to ensure all landowners affected by construction works on their property receive one month's notice of the intention to carry out that work. The property owners have rights to object to the proposal and, if these cannot be resolved through negotiation, to have their objections heard by Council or a hearings panel appointed by Council. To date the EcoCare Project Team has issued some 1,200 notices within Mangawhai with seven objections being received to date of which three are expected to require a hearing.

Recommended

That Council appoints an EcoCare Hearings Committee to hear unresolved objections to construction works on private property; and

That the Committee to comprise two members:

- *Chairperson Portfolio holder, Cr Taylor*
- *A Local Councillor Alternate between Councillors Smith and Sutherland; and*

That the Committee have delegated authority to make binding decisions on behalf of Council.

Reason for the recommendation

The suggested process will ensure early decisions are made on objections to the proposed works programme and will enable delays to construction to be minimised reducing cost and disruption to the Mangawhai community.

P95 5.5 Council Assets: Potential Uses for Mangawhai Golf Course, Mangawhai Park, Section at Baylys Beach

Chief Executive 4702.13; 5105.09; 5105.12

A report is attached that discusses potential uses for various Council land. During the discussion on the renewal of one of the leases to the Mangawhai Golf Club the question of potential other uses of the Golf Course was raised. The Council asked that the status of the land be clarified and therefore the uses to which Council could put it. In addition a similar question was asked about the section Council is purchasing in Baylys Beach

Recommended

That Council confirms:

1. *It wishes to continue to hold the land occupied by the Mangawhai Golf Club for the purposes of a recreation reserve; and*
2. *It continues to support the Mangawhai Structure Plan and its intention to develop the balance of Mangawhai Park as public open space.*

That once the Baylys Beach section is acquired a report be prepared in association with the Reserves Portfolio holder proposing a process for reaching a decision on the use to which the land will be put.

That Council includes as a project in the 2009/19 a proposal to identify the land held by Council, its current use, potential future use, ability to dispose and potential return with a view to rationalising Council's land holdings in a way that provides maximum benefit to the ratepayers.

Reason for the recommendation

The recommendations in relation to the Mangawhai land reflect the Council's decision based on extensive public consultation. The recommendation on Baylys Beach will enable Council to identify an appropriate process for identifying the most appropriate use for the site while the recommendation on other land will enable Council to make the best decision for the district by providing Council with full facts.

P109 5.6 Moana View Limited: Vesting of Land as Public Reserve in Council

Community Spaces Manager

RM070293; 4207.13

Attached is a report received from Reyburn and Bryant dated 4 January 2008 which provides information to enable the Council to decide whether to support the vesting of areas for public reserve which the applicant, Moana View, proposes to vest as part of their subdivision application. The intended areas comprise approximately 7.6 hectares. The area that is the subject of the subdivision application is identified in the Mangawhai Structure Plan as being suitable for rural-residential and conservation development.

The initial report received by Council raised a number of concerns regarding weeds, re-vegetation and maintenance of the proposed area. This was conveyed to the consultants, Reyburn and Bryant and has resulted in a more robust Plant Maintenance Schedule which clearly identifies the proposed four year work programme. This has satisfied the concerns raised by staff at the time.

Council also raised concerns regarding signage which have been satisfactorily addressed in the letter accompanying the report. Whilst given the information provided staff recommends that Council supports the vesting of the proposed Lots, this should in no way be considered by the applicant or its consultants as Council endorsing the subdivision application.

Council's Reserves and Open Space Strategy highlights the areas where we currently have recreational reserves and local purpose reserves. These areas are limited throughout the Mangawhai area and the Strategy makes some analysis on the need to take further action to satisfy the future needs of the community.

The ability to provide open space areas for the public to use in the Mangawhai area has to date been limited. Development and subdivision pressures have meant that the residents of Mangawhai want open space areas to be considered and where possible provided when considering any new subdivision or development application.

The area proposed links with surrounding properties that contain regenerating vegetation which will enhance the long term biodiversity values of the property, the immediate area and Mangawhai as a whole as well as providing an open space area for the wider public to enjoy.

Recommended

That Council accepts the vesting in Council by Moana View of those portions of Lot 2, DP 146314 identified as Lot 13 (1.422ha), Lot 14 (3932m²), Lot 35 (3.722ha) and Lot 36 (2.1015ha) on plan ref JW351 CP3 prepared by Woodhouse Associates as reserve land.

Reason for the recommendation

The land that is the subject of a request to vest in Council is identified in the Mangawhai Structure Plan as being suitable for conservation development.

The applicant has developed a robust Plant Maintenance Schedule which clearly identifies the proposed four year work programme. The thoroughness of this work programme means the land to vest in Council will be an asset rather than a financial liability in the form of costly re-vegetation and maintenance work. As Council develops a Draft Reserves Management Plan for Mangawhai Heads and foreshore areas, it is becoming increasingly clear that the local community want to have open space areas. This has been identified as a key component to balancing development and growth whilst still providing open space areas for residents and visitors to the area to enjoy.

P140 5.7 Targeted Rating For Halls: Proposed Threshold

Finance Manager 2306.20; 4603.05

A report from the Finance Manager relating to a proposed threshold of targeted rates for Halls is attached. As community hall committees commence to examine their futures, and perhaps consider Council levied targeted rates, it is prudent to establish a sound baseline in terms of a minimum threshold, so the costs of establishing and operating a rating system is not overlooked, and the threshold endures the economic viability of such hall rates.

Recommended

- 1 ***That a minimum qualifying rates income threshold of \$8,500 (net) per annum or above be established by Council, and***
- 2 ***That the Hakaru Hall Committee's request for a polling by mail of a \$10.00 annual targeted rate be declined, but the option be offered to them for the polling of an above-threshold rate of \$28.75, which would produce \$8,500 net per annum.***

Reason for the recommendation

To ensure that any targeted rate for community hall administration must reflect the cost of establishing and operating a rating system, and be economically viable.

P144 5.8 Memorial Park: Northern Wairoa Soccer Club, Resiting of Building

Community Spaces Manager 4702.16

A report from the Community Spaces Manager is attached that relates to a request from the Northern Wairoa Soccer Club Incorporated asking for Council approval and help to move their current clubroom building from its present site at Selwyn Park to the Soccer Club's new base at Memorial Park. The Soccer Club is asking Council for between \$9,000 to \$10,000 to move the building to their leased site at Memorial Park. This cost is based on the quote received from a house moving company, with all other connection costs being met by the Soccer Club. On 18 September 2007 Council agreed to raise a loan of \$250,000 to carry out Drainage and Development work in Memorial Park in 2007/08. The costs of moving this building can be met from this existing loan without impacting on the Development work or existing rates, with Council's Engineers estimates being well below the existing loan figure.

Recommended

That Council approves the moving of the Northern Wairoa Soccer Club's building to the new location at Memorial Park within the leased area; and

That the moving costs be met out of the existing loan of \$250,000 for Drainage and Development work for Memorial Park proposed for 2007/08.

Reason for the recommendation

The moving of this building ensures the Northern Wairoa Soccer Club's longterm future at Memorial Park providing them with a clubroom containing showers and toilets, and a meeting place for other park users and clubs to use.

P150 5.9 Northland Field Days Inc: New Water Meter Installation

Community Spaces Manager 4702.04

A report is attached from the Community Spaces Manager regarding a request from the Northland Field Days Inc, letter attached, to assist with the installation of a new 25 mm water meter at the new field days site at Awakino Point East Road, Dargaville, and with the associated connection costs.

Northland Field Days Inc is a hard working group that has developed this event into what it is today with hard work and good organisation. However development costs for the new site are now prohibitive and assistance, however small, is greatly appreciated. This is a great opportunity for Council to support this organisation, its event and the District's economic wealth and well being.

Recommended

That Council assists the Northland Field Days Inc with the installation of a new 25mm water meter at its new Field Days site at Awakino Point East Road, Dargaville and associated connection costs of \$1,900.00; and

That Council reimburse this cost to the Northland Field Days Inc, with this cost to be met out of Council's existing Economic Growth budget.

Reason for the recommendation

The Northland Field Days is a well established calendar event in the Kaipara, Northland and New Zealand. This is a great opportunity for Council to support this organisation, its event and the District's economic wealth and well being.

P154 5.10 Engineering Code of Practice Review: Development of New Code

Development Manager 3803.01

A report from the Development Manager is attached that explains the current situation regarding design standards operating in the Kaipara District and detail options for simplifying this current situation. The document that specifies the design criteria for development with the Kaipara District is currently the Kaipara District Council Engineering Code of Practice for Land Subdivision and Development. This document was approved by Council as a Draft in May 2000. It is now outdated.

Development within the District is controlled by the District Plan as updated by various Plan Changes. Unfortunately when the District Plan was written it included various Engineering design criteria, meaning that any revision to engineering design criteria will require a Plan Change.

In order to create a more flexible and responsive design standard it is recommended that a stand alone document is developed outside of the District Plan. It is also proposed to develop a document based on national design standards to ensure that developers wishing to develop within Kaipara can engage the widest possible range of advisers. Use of national standards will encourage this.

Recommended

That Council undertakes to develop a new Engineering Code of Practice based on the current New Zealand standard NZS 4404:2004 including the provision of a Kaipara Supplement to control development in the District with a project budget of \$35,000; and

That Council approves the adoption of such an Engineering Code of Practice through a Plan Change to the current District Plan that can proceed independently of the current District Plan Review.

Reason for the recommendation

Currently Kaipara's design codes are potentially in conflict and can not be easily updated. This causes confusion and frustration for developers. Adoption of national standards ensures the widest possible understanding of the required standards.

P157 5.11 Resource Consent Decision: Settlement of Appeal by R Lench

Development Manager RM060087

A report is attached from the Development Manager seeking Council's approval to the settlement of an appeal by Mr Bob Lench against the decision to decline consent to his two-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 R Lench in respect of the application to subdivide Lot 13 DP211395 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.

5.12 Warrant of Appointment: Building Services Officer

Development Manager 3998.0 WOA

With the recent appointment of Building Services Officer, Gavin Bird, Council needs to now issue the Warrant of Appointment in order for him to undertake his regulatory functions under the relevant legislation. Mr Bird has been employed by Council on a casual basis to assist with the accreditation process. He has extensive experience as a Building Inspector and prior to accepting this position was employed by the Waitakiri District Council in the same position.

Recommended

That Council appoints Gavin BIRD as an Authorised Officer of the Kaipara District Council for the purposes of Section 222 of the Building Act 2004 and authorises at all times during normal work hours or while building work is being carried out:

1(a) to inspect:

- (i) land on which building work is or is proposed to be carried out; and
- (ii) building work that has been or is being carried out on or off the building site; and
- (iii) any building; and

(b) to enter premises for:

- (i) the purposes of inspecting the building; or
- (ii) the purpose of determining whether the building is dangerous, earthquake prone or insanitary within the meaning of subpart 6 of Part 2

That Council appoints Gavin BIRD under Section 177 of the Local Government Act 2002 as an Enforcement Officer of the Kaipara District Council in relation to any offence under that Act and authorised to undertake the following responsibilities and powers under that Act:

Section	Responsibility / Power
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.
172(1)	Enter land for the purpose of detecting a breach of a bylaw or the commission of an offence against the Act.
173(1)	Enter occupied land or buildings without giving prior notice in cases of emergency.

Reason for the recommendation

Making the appointment as recommended will allow the warrant to be issued in order for Gavin BIRD to undertake the regulatory functions under the relevant legislation.

5.13 Warrants of Appointment: EcoCare Project Director and Community Liaison Officer, Mangawhai

Development Manager 3999.1 WOA

The Mangawhai EcoCare project is about to get underway and Council has approved Earth Tech and Hawkins Construction being issued with warrants to enable staff to enter into private property to carry out survey and construction works associated with the proposed scheme. The Local Government Act 2002 gives Council the power to authorise such people to do this, and for the Council to issue warrants as evidence of the authority from Council in this regard. Further personnel need to be warranted in order to fulfil their roles as the project progresses. These are Peter Elliott as the EcoCare Project Director and Melanie Smith as the EcoCare Community Liaison Officer.

Recommended

That Council warrants Peter Elliott as the EcoCare Project Director and Melanie Ann Smith as the EcoCare Community Liaison Officer engaged in the implementation of the EcoCare sewage scheme for Mangawhai as authorised officers pursuant to section 174 of the Local Government Act 2002

That the warrants issued to Peter Elliott and Melanie Smith be withdrawn if any of the following conditions are not met:

- *They must, if requested, produce their warrant before entering onto private property.*
- *They must surrender their warrants upon the sooner of completion of their duties in relation to the implementation of the EcoCare sewerage scheme for Mangawhai, or when this authorisation is terminated.*

Reason for the recommendation

This authorisation is necessary to enable the Peter Elliott and Melanie Smith to set about their business and get the project underway without comprising the rights of affected property owners.

P169 5.14 2007 Local Authority Elections: Justice and Electoral Select Committee Inquiry

Governance Manager 1301.01

In December the Justice and Electoral Select Committee announced that it was holding an Inquiry into the 2007 Local Authority Elections. The deadline for submissions is 8 February 2008.

Local Government New Zealand has prepared draft recommendations on the policy and political issues relating to the elections. In the main the submission reflects the submission it made after the 2004 elections because many of those recommendations have still not been implemented. However it is also urging the Committee to take into consideration the full review of the local elections being carried out by the Local Government Commission.

Council has received copy of the draft Local Government New Zealand recommendations, attached, with a request for comments on the proposed recommendations.

Recommended

That Council responds in support of the recommendations made by Local Government New Zealand in respect of the Justice and Electoral Select Committee Inquiry into the 2007 Local Authority Elections.

Reason for the recommendation

The draft Local Government New Zealand recommendation to the Justice and Electoral Select Committee Inquiry address concerns experienced by this Council in respect of the 2007 Local Authority Elections and would improve the process if put in place.

P171 5.15 Kaipara District Plan: Estuary Estates Limited Private Plan Change N° 22 Recommendation

Policy and Planning Manager 3809.22

A recommendation from the Commissioners who heard the submissions on Estuary Estates Limited Private Plan Change N° 22, is attached. An interim recommendation was adopted by Council at their 10 October 2007 meeting. That interim recommendation, while approving the Plan Change, allowed time for modifications required to the Plan Change itself to be made in order to remove inconsistencies, provide clarity, improve workability and modifications as a result of the Commissioners' deliberations. Those modifications are now complete and the final recommendation is ready for adoption by Council.

Recommended

That Council adopts the final recommendation for Estuary Estates Limited Proposed Plan Change N° 22, as amended by the Commissioners following the 10 October 2007 Interim Decision dated 14 January 2008 and as enclosed along with the schedule of decisions on the submissions to it.

Reason for the recommendation

The final recommendation reflects Council's approach to planning and the underlying principles in the Mangawhai Structure Plan.

P174 5.16 Kaipara District Plan: Verano Properties Plan Change N° 24: Decision

Policy and Planning Manager 3809.24

A recommendation from the Commissioners who heard the submissions on Verano Properties Limited Private Plan Change N° 24, is attached. The recommendations the Commissioners make are final. Council does not have the ability to modify their recommendation, only accept it or require that whole matter to be re-heard.

Recommended

That Council adopts the Recommendation Report by the Hearings Commissioners dated 21 December 2007, to Verano Properties Limited Private Plan Change N° 24 and submitters' schedule.

Reason for the recommendation

The recommendation reflects Council's approach to planning.

P206 5.17 Baldrock Road Seal Extension

Community Infrastructural Assets Manager 4104.029

A report is attached to update Council on progress on the sealing of Baldrock Road. Baldrock Road is currently carrying increasingly heavy traffic loadings due to development occurring within the Mangawhai area. Whilst traffic volumes are not high enough to obtain Land Transport New Zealand funding, there is a strategic need to upgrade this route. It is possible to apply for R Funds (the Regionally Distributed petrol tax) as this route qualifies under the funding criteria. This however requires the agreement of the other Road Controlling Authorities on the Northland Regional Land Transport Committee.

Recommended

That Council receives the report; and

That Council approves the replacement of the Pouto Road South project with the Baldrock Road Seal Extension Stage 2 project; and

That Council seeks the support of Northland Council's to obtain R Funds for the Seal Extension of Baldrock Road.

Reason for the recommendation

To maximise the available funding sources to ensure this strategic route is upgraded.

P209 5.18 Hilltop Road: Formation of Driveway on a Paper Road

Community Infrastructural Assets Manager 4104.185

A report is attached to enable Council to consider a request from Mr Hogan to form a driveway on an unformed legal road reserve off Hilltop Road, Mangawhai. Mr Hogan initially intends building a barn on Allot 76 (SO 6532/A, Rating Assessment 1220/5100) and then ultimately a house. The unformed road reserve currently provides legal access to five separate parcels of land. It would be appropriate to grant approval to Mr Hogan for road

upgrading works to a standard suitable for the current number of allotments fronting the road reserve.

Council in the past has allowed ratepayers, subject to conditions, to form private accessways on legal road reserves not maintained by Council. In all cases it has been a condition that the Council will not maintain the completed works.

Recommended

That Council approves the construction of a private accessway on an unformed public road reserve off Hilltop Road with the following conditions:

1. *All work shall be constructed to plans receiving the prior approval of Council.*
2. *All work shall be in accordance with Council's Quality Assurance requirements 2007.*
3. *The road construction shall be to a Rural 4 to 6 lot unsealed standard with passing bays.*
4. *The road alignment shall, as near as possible, be in the centre of the road reserve to facilitate any future road widening and use of the berms by Utility providers.*
5. *The intersection with Hilltop Road shall be constructed to Kaipara District Council Plan KDC/A4/S26.*
6. *Stormwater discharge points and culvert outfalls are required to have the written approval of all adjoining landowners prior to work commencing.*
7. *The legal road boundaries shall be defined by a Registered Surveyor and the boundaries permanently fenced with a post and wire fence.*
8. *The above requirements shall be fully met as a prerequisite for any Building Consent application approval.*
9. *Council will not maintain the completed road works.*

Reason for the recommendation

It would be unreasonable for Council to totally reject the application to use and improve an unformed public road reserve. The impact of any future development of the land fronting the road reserve can be addressed through the provisions of the Resource Management Act.

P213 5.19 Awakino Landfill and Northern Refuse Transfer Station: Relocation

Acting Infrastructural Assets Manager 4202.03

A report from the Acting Infrastructural Assets Manager is attached that provides an update on future proposals for disposal of refuse from the greater Dargaville/Northern Kaipara District area. Final landfill closure works at the Awakino site are to be completed once the Refuse Transfer Station has been relocated. Council is investigating various sites within Dargaville Wastewater Treatment Plant that would be suitable for the new Transfer Station. Whilst no suitable proposal was received from the recent request for Expressions of Interest, it was clear that a Council owned site would see substantially reduced costs and allow more

straightforward administration. Included in the report are the investigations being undertaken and work completed to date for the post closure final capping and environmental works at the Awakino landfill. Options for continued use of the site are discussed with recommendations to be discussed by Council.

Recommended

That Council rolls over the current arrangement with Kauriland Skills Centre for the operation of the Awakino Refuse Transfer Station until such time as alternative arrangements for a new Transfer Station are resolved.

Reason for the recommendation

To continue the operation of the Refuse Transfer Station in Dargaville and allow time to investigate suitable options based on the Expressions of Interest received. Development of a Council owned site will reduce costs substantially for the ongoing disposal of refuse from the Northern Kaipara District.

P216 5.20 Maungaturoto Wastewater Treatment Plant (WWTP) Upgrade: Ratepayer Impacts

Acting Infrastructural Assets Manager 4506.0

A report from the Acting Infrastructural Assets Manager is attached regarding the Maungaturoto Wastewater Treatment Plant (WWTP) Upgrade and impacts on ratepayers. The purpose of the report is to present the preliminary findings of the cost implications of the new discharge requirements of the Northland Regional Council and the impacts of adding capacity to the system. It also provides a way forward to ensure the current scheme can comply with current consent conditions and future growth.

Recent developments have changed the governing criteria of the Maungaturoto Wastewater Treatment Plant upgrade project. The Northland Regional Council appears to require a significantly higher discharge quality. Council now is considering significant growth in Maungaturoto.

In reviewing the funding impacts of these developments it is apparent that a review of the treatment systems is necessary. The proposed Rock Filter needs significant enhancement to meet the emerging Northland Regional Council requirements and provide additional capacity. This would increase cost significantly.

Kaipara's Future - Working Together notes that the Kaipara Harbour is a taonga to be preserved for all to enjoy. This proposal provides a significantly higher water quality that aligns with this vision.

Given the cost implications to the community, and the necessity of undertaking the upgrade work in a timely manner, it will be necessary for Council to undertake a consultation exercise at an early date.

Recommended

- 1 **That** Council receives the report entitled "Maungaturoto Wastewater Treatment Plant Upgrade: Ratepayer Impacts" dated 21 January 2008; and
- 2 **That** Council awaits a further report to be considered in February 2008 that;
 - (a) Provides a more detailed review of the current proposals taking into account recent developments
 - (b) Reports on how affected parties and Northland Regional Council view any new preferred option
 - (c) Identifies how construction of the preferred option can commence in the 2007/08 financial year
- 3 **That** Council undertakes the necessary consultation with the community at an early date.

Reason for the recommendation

The recommendations allow for a robust consideration of options while expediting the commissioning of a new wastewater treatment plant that will deliver a high quality effluent and be capable of meeting new regulatory requirements and future development potential.

P223 5.21 Permit to Operate Food Cart: Mangawhai Heads, F d'Arnaud

Stakeholder Engagement Manager 4702.13

Council has received a request from a mobile drink seller, Frans d'Arnaud trading as The Big Orange who would like permission to operate from the Mangawhai Heads car park at Mangawhai year round. See attached photographs. The proposal received is as follows:
Operating days and hours: Permanently through the year weather permitting, every day except Mondays from 10 am to 6 pm

Menu: Coffee/cold drinks, squeezed orange juice, American hotdogs, bacon and egg croissants.

The operator has indicated he will be providing his own rubbish bins as well as making sure that there is no rubbish lying around at the end of each working day. In his request to Council the operator said that he had put all his capital into this project and he felt he had been given incorrect advice by Council staff prior to investing. It was his intention to operate the cart year round; he was not just seeking a quick dollar over the Christmas period.

Council does not currently have a Trading in Public Places Policy however it resolved in September 2006 to adopt a policy of support of trading in public places and develop clear and consistent guidelines, procedures and charges for the application of the policy.

The Mangawhai Heads car park is designated recreational reserve and as Council is aware, the area in question is within the area for which a comprehensive management plan is being developed. Policies covering the criteria and process for allowing concessions of this type will be developed and included in the Management Plan. However at its workshop on Monday 21 January 2008 Council indicated as a general direction for the development of the Management Plan that it would permit a limited number of concessions operating in the Heads car park area subject to the development of appropriate management tools.

Whatever is finally adopted for the Management Plan of the Foreshore Reserve in Mangawhai will form the basis of the District-wide policy. In the absence of a policy, requests in the interim have been referred to Council. Previously Council has permitted similar activities on a case by case basis and on the understanding that this does not ensure on-going permission when the Management Plan for this area is adopted.

Feedback has shown that an opportunity to purchase refreshments near beaches is generally welcomed by the public. Activity of this kind is also useful in that a presence improves the security of parked vehicles and reduces undesirable behaviour such as littering in the car park. The operator would need to comply with any necessary health licences under the Health Act. With all annual health licences expiring on 30 June 2008, it would be logical to issue permission up until 30 June 2008 which could be extended if appropriate at the time of licence renewal.

This report recommends that temporary permission be granted for the following reasons:

- Any issues that arise from permitting the activity will provide useful background information to the development of criteria for the Management Plan.
- It is in line with Council's stated direction of permitting a limited number of appropriate concessions in the area.
- Mr d'Arnaud appears to be justified in his belief that he was still not given consistent information by staff.

The site recommended by staff is at the south western end of the car park as shown on the attached plan.

Recommended

That Council permits Frans d'Arnaud trading as The Big Orange to operate a food cart in the Mangawhai Heads car park as a temporary activity, until such time as the management plan for this area is adopted.

Reason for the recommendation

To provide a service in the interim period until a management plan is adopted. The activity is in line with Council's stated direction of permitting a limited number of appropriate concessions in the area.

P226 5.22 Chief Executive's Performance Plan

Chief Executive 2205.12

a) Performance Plan and Contract

Attached is a report from the Chief Executive enclosing his contract and Performance Plan as agreed in 2007. The Performance Plan is for the period to 30 June 2008. The report is provided to ensure Council is fully informed on the Contract and Performance Plan. Also enclosed is a copy of the Chief Executive's Annual Performance Review Report as at 30 June 2007.

b) Regulatory Management

Attached is a report from the Chief Executive resulting from his review of the regulatory function to meet his obligations to:

- i) ensure regulatory management is appropriately resourced to meet statutory and agreed timeframes;
- ii) ensure greater alignment between contractor's advice and Council direction.

It is obvious that the Council's resource consent processing has been not performing to the required standard or the national average which is significantly below this Council's required standard. This requires considerable change in the way we process resource consents. The report of the Ministry for the Environment has confirmed the situation. It has also raised two issues which could have been clarified at the time of the audit. This came about because neither the writer nor the consultant's manager was interviewed at the time. However, the management of this process is less than satisfactory and discussions with those involved have taken place and remedial action taken.

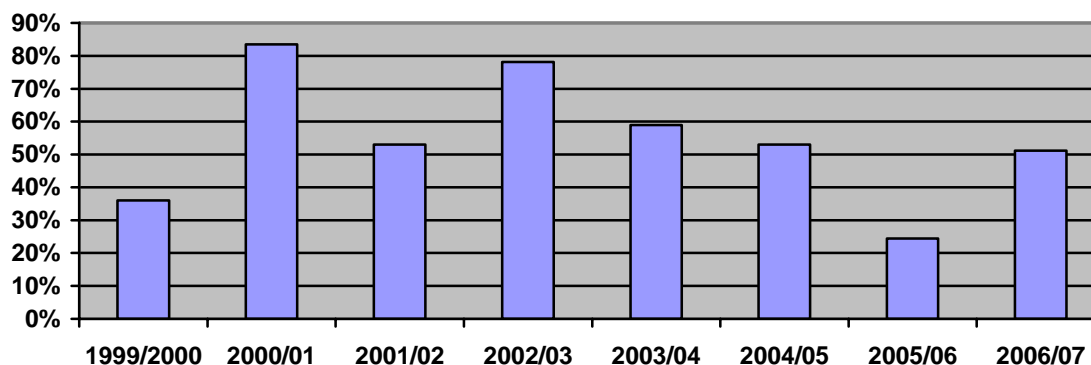
The following actions have been taken or are planned:

1. The Development Manager to take a proactive management role in ensuring the smooth and effective operating of his organisation. To identify potential issues and resolve them before they have an impact.
2. The consultants have appointed a full time planning manager as well as providing additional appropriately skilled staff to undertake the processing.
3. New system and staff resource for initial assessment of new applications to be able to reject inadequate applications. This includes initial assessment by a senior planner to also deal with notification.
4. This is supported by weekly face-to-face meetings involving Council staff and the planners to improve shared understandings of Council perspectives and institutional knowledge, so the planners can report more effectively.

5. A more streamlined process for checking applications has been implemented and is going through a quality assurance check to ensure it operates as intended and delivers quicker timeframes.
6. A set of Quality Assurance Requirements was adopted by Council in September to sit alongside district plan and draft engineering code provisions. This should help save time previously taken up with drafting extensive engineering conditions and quality assurance requirements and the like for inclusion in the consent.
7. Council's consultants have online access to the Council resource consents database and are able to update the records for the benefit of staff in both offices.
8. A review of resource materials for prospective applicants has been carried out, and a preliminary report with recommendations has been provided. This has been actioned. It was concluded that the simplest and most effective means of updating our information resources is to make use of a series of booklets provided by the MfE. Copies of some of these documents are already available in Council offices, and others in the series have been ordered.
9. Council's Asset Management Plans are being made available for practitioners in digital form. This will remove the need for practitioners to call at Council offices to check the location of services etc.
10. New arrangements for applications to be received by appointment. This took effect from 10 December 2007. Council has already been briefed on this arrangement. This involves accepting applications by appointment with a planner present at Dargaville, Kaiwaka and Whangarei. This will also increase certainty for applicants. In addition it will also raise the standard of applications. Council is joining a large number of councils that will not accept an application until all of the information is held. This will generally require the submission of applications by appointment. It also provides the applicants with a face, person and name to whom they can address their planning enquiries.
11. Continue liaison meetings held with practitioners. The last was held on 6 December 2007. This meeting was to inform practitioners of the Council's changed requirements and to seek feedback. As predicted there was some resistance from some practitioners because Council is requiring them to complete all engineering design before application. But it is only by doing this can we ensure that we understand the impact of the engineering works on the environment. It will also mean the post approval processes will be quicker and simpler. There will be no argument about standards. Such disputes will be resolved as part of the consent process.
12. A review of the use of section 37, extending the time available for processing.
13. A review of the reporting of consent statistics to provide more useful information.

In addition there is already a significant improvement in resource consent processing times and this will continue in 2007/08. The graph below demonstrates the trend over the past six (6) years, but does not show the significant further improvement in the current year.

Consents Processed within Statutory Timeframes



The result for the first six months of the current year is 70%. This further improvement has been achieved without the full benefit of the processing changes which have been introduced over that period. Further improvement is expected.

Applicants will be encouraged to use the new option of lodging applications by making use of s37 of the Act to double the time for assessing whether or not an application should be rejected as incomplete under s88. Section 37 should continue to be applied to the notification decision and substantive assessment of more complex and large scale applications.

It is desirable for all parties involved in the resource consent process to minimise the number of further information requirements. Better communication between Council's advisors and practitioners will help with this, through continuation of liaison meetings and the opportunity for agents to discuss their application with a Council planner at the time of lodging it.

Recommended

- 1 **That** the report be received; and
- 2 **That** progress reports be made monthly to Council through the Chief Executive's Report; and
- 3 **That** a further report on achievement of Council targets be made to the July 2008 meeting of Council; and
- 4 **That** Council confirms the use of Section 37 of the Resource Management Act to extend the timeframe for the decision under Section 88 (rejection of applications) where no appointment to lodge the application has been made; and to also extend the timeframe for making the notification decisions and assessment for applications which are complex or large scale.

- 5** *That Council endorses the steps taken to reduce the number of further information requirements made in respect of Section 92 of the Act, by continuation of practitioner liaison meetings, and the option of lodging applications by appointment.*
- 6** *That a report be made to Council at its February 2008 meeting on proposed changes to the reporting of resource consent statistics.*

Reason for the recommendations

The investigation and proposed actions will provide an improved standard of resource consent processing and this will be reported to Council regularly to enable it to monitor standards.

c) Communications Improvements

Attached is a report from the Chief Executive prepared to meet his obligation of "Providing a full report to Council on effective communications".

This report addresses the issues raised in the Chief Executive's performance review in relation to communication. Communication is a complex two way process which cannot be considered in isolation, it impacts on, and is affected by all aspects of an organisation. The annual independent customer satisfaction survey indicates that Kaipara performs comparatively well benchmarked against similar organisations.

The recommendations in this report recognise the feedback from residents and ratepayers and acknowledge that better communication is not simply a matter of more communication.

We have a solid base of proven success from which to build, there are a number of communication initiatives that are working well and with constant refinement will continue to do so. These include:

- The customer service centre is built on the philosophy that the person the customer first comes in contact with will be the one who provides them with the answer or follows their issue through to completion. This has been successful in reducing delays and frustration in getting answers. Some see it as blocking contact with senior staff however most customers have accepted the system and have confidence in the results.
- The Helpdesk provides robust complaint logging and tracking. It does not currently meet all the requirements in terms of follow-up and a more robust system for this is being developed and implemented early in the New Year.
- The bi-annual consultation round has been very well received by the community and is being continually refined to take into account the feedback received each year.
- Iwi engagement - Kanohi ki te Kanohi has also resulted in very favourable feedback and is well attended.
- The website is successful in terms of high usage, it could be made more relevant and current with more funds.

- The Mayor's Newsletter is successful and well received, it is currently undergoing a format and content change to reflect the new leadership style.

Improvements that can be implemented within budget, many of which are either already underway or due to commence shortly, are:

- Monthly briefing of Council by all Managers will be able to provide Councillors with more information in relation to planned activities. An appropriate date and time each month for this needs to be set. The first Monday of each month has been suggested.
- Circulation of weekly Assets and Community open spaces news.
- All tendered works to include a contract requirement to provide a communication plan showing how Councillors, local residents and the wider community will be informed.
- The use of media trained staff as a specialised resource which will result in improvement in identifying affected parties and targeting specific information to them.
- An additional resource in the form of a part time media writer generating press releases
- Media training for the Mayor and Chief Executive, with a policy of these being the only two authorised to speak on behalf of Council.
- New technology to provide more robust follow-up reporting for the Helpdesk system.
- A trial using other staff on a roster system to answer telephones during the Tuesday morning 'down time' when Customer Service staff are in training.
- Front end communication to ensure applicant's expectations are managed, this matter is the subject of a separate report.
- Developing 'telephone trees' to disseminate information rapidly for unexpected events and emergencies.

Potential further improvements not currently budgeted for:

- A full time internal public relations person to liaise with the media, and provide proactive national promotion of the Kaipara.
- A full time internal website manager providing a promotional, informative and continually updated website.
- The provision of service centres in all townships, Mangawhai, Maungaturoto, Paparoa, Ruawai, which would increase Council profile and service levels.
- Front end response building. Providing more information so that customers understand the reasons behind the response they have received. This is a potential project not factored into the current allocation of resources but could be completed in the 2008/09 year.

Recommended

- 1** *That the report be received and accepted as meeting Council's expectations.*
- 2** *That the following activities have the potential to provide service which exceeds expectation or to provide exceptional service:*
 - (i) *Monthly Council briefings*
 - (ii) *Assets and Community Spaces weekly email activity lists*
 - (iii) *Project Communication Plans*
 - (iv) *Better identification of affected parties, not resource consents*
 - (v) *Media releases, part time resource*
 - (vi) *Media Training for Mayor and Chief Executive*
 - (vii) *Improved technology to support Help desk follow up*
 - (viii) *Rostering other staff to answer telephones on Tuesday mornings*
 - (ix) *Improvements proposed to Development Management Department Communication*
 - (x) *Telephone trees*
- 3** *That the following activities are not feasible because they are not affordable:*
 - (i) *Full time PR resource*
 - (ii) *Permanent Internal Website Manager*
 - (iii) *Additional service centres*
 - (iv) *Front end response building*
- 4** *That the Council chooses a suitable time for monthly briefings.*

Reason for the recommendation

The communication plan outlined above is affordable, reasonable and likely to meet and exceed Council's expectations.

Recommended

That the report of the Chief Executive entitled "Chief Executive's Performance Plan and Contract" dated 18 January 2008, be received.

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: December 2007/January 2008

Chief Executive 2002.02.08

The combined report for December and January is circulated separately.

Recommended

That the information be received.

7 Information Items

P292 7.1 Legislative Compliance Certification

Chief Executive 2112.01

Attached are the signed certificates for the period ended 31 December 2007 of the sign-off from Management to Council that is undertaken half-yearly.

Recommended

That the information be received.

P297 7.2 Kaihu River Liaison Committee: Minutes of Meeting 30 November 2008

Governance Manager 4302.02

A copy of the minutes of the Kaihu River Liaison Committee meeting held on 30 November 2008 in the Dargaville Town Hall, is attached for information.

Recommended

That the information be received.

P300 7.3 Local Government New Zealand: Zone One Minutes 12 November 2007

Governance Manager 2113.05

A copy of the minutes of the Zone One meeting held in Whangarei on 12 November 2007, is attached for the information of Councillors.

Recommended

That the information be received.

P337 7.4 Rural and Provincial Sector Minutes 22/23 November 2007, Wellington

Governance Manager 2113.02.01

A copy of the Rural and Provincial Sector Minutes for the meeting held 22 and 23 November 2007, in Wellington, is attached for the information of Councillors.

Recommended

That the information be received.

P341 7.5 2009-2019 Long Term Council Community Plan Health Check

Policy and Planning Manager 2302.13.05

Council has received a 'tool' by the Society of Local Government Managers (SOLGM), which is attached, with which it can gauge our readiness to prepare for *Kaipara's Future*, the next Long Term Council Community Plan (LTCCP). The LTCCP is a document that gives an outline of Council's activities over ten years and is reviewed every three years. Council's last LTCCP was done for the period of 2006-16, and was titled *Kaipara's Future - Working Together*. While *Kaipara's Future* Plan will not be operative until 2009, given the enormity of this document, Council began thinking about this process in 2007.

This process began with a Managers workshop on 18 January 2008. The workshop established an action plan, identified tasks and timeframes for the next 18 months. Due to this early start on this large project, Managers are well prepared to complete the tasks.

Council staff requires direction from Council as to what projects, activities and levels of service they consider are the priorities for the next ten years to be included in *Kaipara's Future - Working Together*. There will be a workshop on Wednesday 20 February 2008 to do this. The tool will help keep us on track when preparing the LTCCP 2009/19.

Recommended

That the information be received.

P347 7.6 Letters of Thanks / Appreciation

Governance Manager 2105.02; 3601.0

Two letters of appreciation are attached, for Councillors information.

a) Citizens Advice Bureau, Wellsford

The Chair of the Bureau's Management committee expressed thanks to Council for the community grant used to fund volunteer expenses, particularly in the ongoing training area.

b) Mangawhai Heads Camping Ground

Longterm campers at the Mangawhai Heads Camping Ground expressed their appreciation of camping ground managers, Garry and Shirley Lawson and the positive aspects they brought to the site, and commented on the recent upgrades made to the toilet and shower amenities.

Recommended

That the information be received.

8 Public Excluded Items: 30 January 2008

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely: Mangawhai EcoCare Project: Reuse Strategy; Land Transport Management Amendment Bill: Submissions.

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>Mangawhai EcoCare Project: Reuse Strategy</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Land Transport Management Amendment Bill: Submissions</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: 30 January 2008

Recommended

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

Closure

Kaipara District Council

Dargaville