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Not for Publication until after Commencement of Meeting

Notice Of Ordinary Meeting Of Council

Date 10.00 am on Wednesday 24 August 2011

Venue Council Chambers, Station Road, Dargaville

Timetable

9.45 am Morning Tea

10.00 am Workshop

11am 1 Long Term Plan Launch

Introduction to the 2012/2022 Long Term Plan (LTP) process.

10am 2 Electoral Issues: Dale Ofsoosky

Presentation and discussion about electoral issues by Dale Ofsoosky of Independent Electoral Services. Item 5.2 refers.

12.15 pm Lunch

1.00 pm Commencement of Council Meeting

The Public Forum and Presentation will take place during Council business, as at times indicated below.

a) Public Forum at 1.00 pm

Club Targa Inc: Rally 2011

Item 5.1 refers. Targa New Zealand Rally 2011.

b) Presentation at 3.00 pm

Volunteer Rural Fire Force: Long Service Medal

Item 2.1 refers. This presentation is to formally acknowledge Bob Donald's 14 years of services to Volunteer Fire fighting both with the New Zealand Fire Service and Kaipara District Council's Volunteer Rural Fire Force.

3.00 pm Afternoon Tea

3.20 pm Recommencement of Council Meeting, if required

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 24 August 2011 Commencing 1.00 pm**

**Recommendations contained in the order paper and reports are NOT Council decisions
but are provided as advice on which the debate can begin.
Please refer to Council minutes for Resolutions.**

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Order Paper: Wednesday 24 August 2011**1 Opening: Councillor Linton**

Councillor McEwing to open the 28 September 2011 meeting.

(The running order for opening the meetings: Councillors Blackwell, Geange, Harding, Larsen, Linton, McEwing, Sutherland, Wade)

1.1 Present**1.2 In Attendance****1.3 Apologies****2 Public Forum / Presentation**

The Public Forum and Presentation will take place during Council business, as at times indicated below.

2.1 Club Targa Inc: Rally 2011 (1.00 pm)

Item 5.1 refers.

2.2 Volunteer Rural Fire Force Long Service Medal: R B Donald (3.00pm)**General Manager Operations 6201.0**

This presentation is to formally acknowledge Bob Donald's 14 years of services to Volunteer Fire fighting both with the New Zealand Fire Service and Kaipara District Council's Volunteer Rural Fire Force.

Bob Donald is currently the Controller of the North Kaipara Volunteer Rural Fire Force having served first as a Volunteer Fire Fighter with the New Zealand Fire Service. Bob has completed more that 14 years of service with the New Zealand Fire Service and the North Kaipara Volunteer Rural Fire Force. In recognition of this milestone it is customary in the emergency response services, including Council's Volunteer Rural Fire Forces, to recognise this achievement of Long Service.

Bob's dedication and ongoing commitment to the community and other Volunteer Rural Fire Forces is an inspiration. It is a privilege to recognise this achievement.

3 Confirmation of Minutes

P1 3.1 Ordinary Council Meeting : 27 July 2011

General Manager Policy and Governance 1601.16

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 27 July 2011 as circulated, be Confirmed as a true and correct record.

P32 3.2 Extraordinary Council Meeting : 2 August 2011

General Manager Policy and Governance 1601.16

A copy of the minutes is attached.

Recommended

That the minutes of the Extraordinary Meeting of Council 2 August 2011 as circulated, be confirmed as a true and correct record.

4 Declaration of Conflicts of Interest

4.1 Declaration of Conflicts of Interest

General Manager Policy and Governance 1902.0

Audit has asked that this item be included on Council's Agenda each month. People's personal situations change and Audit believes it is appropriate that both Councillors and Managers give regular consideration as to whether or not they have a potential conflict of interest in respect of anything before Council.

5 Policy

P36 5.1 Targa New Zealand Rally 2011: Application for Road Closure

General Manager Operations 3208.0

A report from the General Manager Operations dated 9 August 2011 is attached. Council has received an application from Club Targa Inc for the Targa New Zealand Rally 2011, asking Kaipara to host two stages of their up-coming car rally. The application asks for three roads in the eastern area, Paparoa-Oakleigh Road, Baldrock Road and Kaiwaka-Mangawhai Roads to be closed for up to two days while the rally is on.

Of main concern to Council with this activity is the hammering that the roading network would have to sustain. Along with this, the roads in question are also important connecting roads in the network. Declining this application is likely to result in negative publicity for Kaipara. Kaipara District contributes towards a strong Northland region, but this particular activity comes at potentially too high a cost for ratepayers to consider.

This report has been discussed with the Portfolio Holder, Councillor Linton.

Recommended

That Council declines the application to close Paparoa-Oakleigh Road, Kaiwaka-Mangawhai Road and Baldrock Road for the Targa New Zealand Rally 2011 in the Kaipara District.

Reason for the recommendation

A number of issues make using the sealed roads in question at risk of too much damage both short and long term. The repair for this damage would fall to the ratepayers of Kaipara, with little economic benefit

P39 5.2 Electoral System Maori Representation and Representation and Boundary Review

General Manager Policy and Governance 1301.01

A report from Independent Election Services Ltd was received on 5 August 2011 entitled 'Electoral System, Maori Representation and Representation Arrangements Reviews'. This report was written by Dale Ofsoske, Electoral Officer for the Council. The report is attached for Council's review.

Council may change the electoral system by 12 September 2011, but **must** advertise its decision by 19 September 2011.

Council **may** consider the introduction of Maori representation, but if it to be implemented for the 2013 triennial election, a decision **must** be made by the 23 November 2011.

The representation arrangements review **must** be completed by 31 August 2012.

Recommended

That the Independent Election Services Ltd report dated 5 August 2011 is received and the Council makes a decision on the following:

1. *That pursuant to section 27 of the Local Electoral System for the Kaipara District Council resolves to either:*
 - (i) *Retain the Single Transferable Voting electoral system for the Kaipara District Council for the 2013 triennial local body election; or*
 - (ii) *Change to the First Past the Post electoral system for the Kaipara District Council for the 2013 and 2016 triennial local body elections; or*
 - (iii) *Undertake a poll of electors on the electoral system to be used by the Kaipara District Council for the 2013 and 2016 triennial local body elections; or*
 - (iv) *Simply 'do nothing' (mandating the status quo); and*

That public notice be given by 19 September 2011 of the decision and of the right of electors to demand a poll on the electoral system to be used by the Kaipara District Council.
2. *That the issue of Maori representation will be discussed at a later date. Council is to meet with Ngati Whatua, Te Uri O Hau and Te Roroa;*
3. *That Council notes a representation arrangements review is required to be undertaken during 2012 but no later than 31 August 2012.*

Reason for the recommendation

The spirit of the Act encourages continuity for two elections in order to better assess its effectiveness in delivering representation that reflects the Districts demographics.

5.3 Maori Ward Options for Kaipara District

General Manager Policy and Governance 1301.01

Council is able to review the establishment of Maori wards under Section 19Z of the Local Electoral Act 2001. If a Council is to review it's Maori wards, a Council must make a resolution under Section 19Z(3) of the Act by 23 November 2011.

In a letter to the Race Relations Commissioner in October 2010, the Governance Manager stated that the Council would be reviewing it's stance on establishing Maori wards before the next local body elections. As part of this process Council will meet with Ngati Whatua, Te Uri O Hau and Te Roroa. Once these meetings have occurred, a recommendation will then be prepared for the Council's consideration.

The formula set out in Schedule 1A, Local Electoral Act 2001 calculated that with the current

Maori electoral population and general electoral population, the Kaipara District was eligible for one Maori ward. The options under consideration are:

- No Maori seat, in which case no action needs to be taken;
- Yes, a Maori seat, in which case a public notice must appear advising that electors can require that a poll be held on the question if more than 5% of the number of electors enrolled as eligible to vote at the previous triennial general elections request it;
- Decide to hold a poll to ask the question.

These options are also highlighted in Dale Ofsoske's 'Electoral System, Maori Representation and Representation Arrangements Review' report on this agenda.

Recommended

That Council receives the information and notes that a report will be prepared for Council at a later date.

Reason for the recommendation

Council needs to meet with local iwi so we are able to have all relevant information to compile a report with recommendations to the Council at a later date.

P48 5.4 Mangawhai Camp Ground 2011/12 Season: Proposed Fee Increase

General Manager Operations 4703.04

A report from the General Manager Operations dated 11 August 2011 is attached. Council needs to make a decision to accept the proposed casual and concession camp fee increases for the 2011/12 season. Council previously agreed in May 2011 to increase the camp ground fees to cover the shortfall in camp ground income that has occurred and rising operational costs. It was also agreed that there was a potential for servicing any loans required and the provision to improve camp facilities. Council was awaiting the proposed fee increase from Council Officers and the Camp Ground Manager. Council's policy on camp grounds is that they are cost neutral.

This report has been discussed with Councillors Julie Geange, Jonathan Larsen and Julia Sutherland prior to Council meeting.

Recommended

That Council approves the proposed fee increase for the Mangawhai Camp Ground 2011/2012 season for casual camping fee be raised by \$2.00 per person and concession fees increased from \$2,500 to \$3,000.

Reason for the recommendation

Camping fees need to be increased to offset the increasing operational costs related to the age, condition and maintaining of some of the camp ground's facilities and assets as well as main service charges (power, water and waste). Council has also been absorbing the GST increase since October 2010.

In the short term Council needs to increase the fees for the 2011/12 season to ensure the camp ground is self-funding and remains cost neutral.

P54 5.5 Licence To Use Unformed Road Or Road Reserve

General Manager Operations 4102.20

A report from the General Manager Operations is attached regarding Agreement to Licence for the Kaipara District. Council has received increased interest from the community to use unformed roads and road reserves in the District. With no satisfactory method previously to be able to handle these queries, staff approached Crown Property Services Limited to gauge how this is dealt within Northland. Crown Property Services Ltd produced an Agreement to Licence that is used in the Whangarei District.

Under Council's Delegations Schedule, section 45(1), the Chief Executive has the ability to sign these agreements. As this is a new process, Council approval is sought. A sample agreement that staff can modify on a case by case basis to suit a variety of situations is attached.

This agreement will offer staff a mechanism to register that an unformed road or road reserve may be used. It creates a tool to manage usage, and offers the ability to charge for staff time to monitor the areas of use.

The report has been sent to Councillor Wayne Linton for his comment.

Recommended

That Council adopts the Agreement to Licence for the Kaipara District; and

That Council's Chief Executive sign these agreements in the future under delegated authority with these being recorded in the Chief Executive's monthly report to Council.

Reason for the recommendation

To enable staff to handle these applications for usage in a standardised and timely manner.

P65 5.6 Short Term Parking: Hokianga Road and Parenga Streets, Dargaville

General Manager Operations 4102.11

Council has been approached regarding a lack of short term parking for customers using Orrs Pharmacy in Dargaville. Short term parking is ten minutes or less. Currently there are three short term parks available outside the pharmacy on Hokianga Road in Dargaville.

Council's Manager Infrastructure has visited the site and finds that the request can be catered for with minimal cost to the ratepayer. What is proposed is to convert two existing long term parking spaces at the Hokianga Road end of Parenga Street carpark, to short term parking. This can be achieved at minimal cost, a resolution from Council and new signage will accomplish a result for the community.

This has been discussed with the Roading Portfolio Holder, Councillor Wayne Linton.

Recommended

That Council converts two long term parking spaces to short term parking on the Hokianga Road end of the large parking bay on Parenga Street, Dargaville.

Reason for recommendation

This is a reasonable and minor request that can be accommodated with Council's operating budgets this financial year.

5.7 Deed of Grant New Zealand Railway Corporation Agreement: Central Road Bridge N° 47 Taipuha

General Manager Operations 4107.659

A Deed of Grant is required from New Zealand Railways Corporation to work within and above the railway land to enable the construction of a new replacement bridge at Central Road, Taipuha. The existing Central Road Bridge N° 47, Taipuha over the railway has reached the end of its useful life and is due for replacement. The construction of the new replacement bridge alongside the old bridge involves activities that are within and above the railway land. Following construction of the new replacement bridge, the old bridge will be removed.

The Deed of Grant was forwarded to Kaipara District Council on 22 December 2010.

A grant fee of \$300.00 per annum plus GST is payable. The term of the grant is for one year from 1 August 2011 which shall continue from year to year and may be terminated at any time by either party giving twelve calendar months notice in writing.

Council's legal advisors, Brookfields, have looked over the deed and recommended minor amendments. New Zealand Railway Corporation was notified and some minor amendments

have been made. The amended document was returned to Council on 4 July 2011 for execution.

Recommended

That Council approves signing of the Deed of Grant, with New Zealand Railway Corporation, received on 4 July 2011, granting the right to erect/construct an overbridge on railway land at Central Road, Taipuha known as Bridge N° 47.

Reason for the recommendation

To continue with the new replacement bridge at Central Road, Taipuha, it is necessary to accept the New Zealand Railways Corporation Deed of Grant document in its present form.

P66 5.8 Leaky Homes Financial Assistance Package Participation Request

General Manager Operations

3114.0

A report from the General Manager Operations dated 10 August 2011 and a letter from the Hon Maurice Williamson, Minister of Building and Construction dated 9 August 2011 are attached. Council has been invited by the Department of Building and Housing to sign up to participate in the Leaky Homes Financial Assistance Package. Council's decision on acceptance of this invitation is requested. This report seeks to provide information on which to base that decision.

The Leaky Homes Financial Assistance Package requires participating councils to contribute 25% of the costs of leaky home repairs. Participation may encourage new claimants who might not otherwise have claimed and these claims would not be covered by Council's insurance. Councils that do not participate are potentially liable for greater costs, but these would need to be sufficiently great to encourage the homeowner to seek those costs through litigation. Council is insured for its current claims, and any future large claims would need to be lodged before 2014. However, there are no known potential claims in Kaipara.

Recommended

That Council declines the Department of Building and Housing's invitation to participate in the Leaky Homes Financial Assistance Package.

Reason for the recommendation

The existing claims are covered by insurance. Building Control Officers are unaware of any new potential claims. Should there be any new claims made, they would need to be sufficiently large to encourage the claimant to seek redress from Council through litigation. It is considered that such claims are unlikely. On balance, participation in the scheme may be more costly to Council if new claims are lodged for which Council is no longer insured and therefore liable for 25% of the repair costs.

P70 5.9 Affordable Housing Finlayson Park, Dargaville: Te Uri O Hau Request

General Manager Operations 5105.12

A letter from Te Uri O Hau dated 2 June 2011 is attached, in which they approach Council asking for the Council land at Finlayson Park to be considered for affordable housing. Te Uri O Hau also provided a possible staged subdivision. They have asked Council to consider they purchase the land at a nominal price, preferably nil.

Council needs to consider whether they want to pursue this in greater depth. Council needs to reflect on the possible long term effects of having a whole group of social housing in any one particular area. For example, Housing New Zealand tends to 'spread' their clients throughout the community to avoid a 'ghetto' scenario.

Council also needs to give consideration to who will pay for the survey costs and valuations, building consents, resource consent and, development contributions. Once the individual sections are created and valued, Council will need to consider whether it wants to sell at valuation, market, or give the sections to Te Uri O Hau. The last three sections in Finlayson Park were sold at half the government valuation to Habitat for Humanity.

Another consideration is who will pay Council's legal costs. If Council does agree to pay for all of the legal costs it will be a considerable cost to the ratepayer. The attached plan talks about stages. There is no indication of what the timed stages could be.

Thought also needs to be given to any special conditions attached to this development. For example Council may want to consider that if they do give this land to Te Uri O Hau for either a nominal price or for free, if no build happens within a set timeframe, the land is transferred back to Council.

This report has been discussed with the Councillors Julie Geange, Brian McEwing and Andrew Wade.

Recommended

That Council receives the information from Te Uri O Hau in its letter dated 2 June 2011 and that the land at Finlayson Park (Lot 9 DP 158864) be investigated for redevelopment for affordable housing and other options and that this information come back to Council for consideration.

Reason for the recommendation

The information received from Te Uri o Hau does not give Council enough information to make an informed decision.

P73 5.10 Road Naming: Five Private Roads and Accessways off Pearl Street, Mangawhai

General Manager Operations

4102.09

Council has been approached by Mark Rowbotham to name five private roads and accessways at the end of Pearl Street in Mangawhai. The roads were created as part of a subdivision undertaken by Joydon Productions Ltd RM001102 in 2000.

Council's Road Naming Policy 2009 has a preference for road names which have an historical, geographical, nature based or cultural attachment to the area and/or the local people, are one word names versus complicated names and are not the same or similar to any other in the District

The names proposed for the largest road, numbered (1) on the plan, in order of preference are; Ocean Views, Taranga Views and Bream Tail Views. Council currently has Ocean Close and Ocean View Terrace in the District, therefore Taranga Views is recommended for this road.

Off this road is a small private right of way, numbered (2) on the attached plan. The names proposed here in order of preference are; Beach Views, Cape Rodney Views and Te Arai Views. Beach Road is currently in use in the District, therefore, Cape Rodney Views is recommended for this private right of way.

Numbered as (3) and (4) on the plan are the next. The names for the private road numbered (3) in order of preference are; Fern Bird Place, Matata Place and Pakiri Place. Fern Bird Place is recommended and complies with Council's policy. The accessway numbered (4) and proposed names are; Bush View, Matata Views and Fern Bird Place. Matata Views is recommended for this road, as Kaipara currently has a Bush Lane in the District.

The last road in this series is numbered (5) on the plan. The names suggested are; The Views, Harbour View and Pakiri View. Kaipara currently has a View Road and Harbourview Street in the District. Pakiri View is the third choice and is recommended.

This has been discussed with the Roding Portfolio Holder, Councillor Linton, who supports the recommendation.

Recommended

That Council endorses the following private road names located off the end of Pearl Street in Mangawhai; Taranga Views, Cape Rodney Views, Fern Bird Place, Matata Views and Pakiri View as private road names and private accessways from the Joydon Productions Ltd RM001102.

Reason for the recommendation

The names suggested comply with Council's Road Naming Policy 2009.

Cir 5.11 Engineering Standards 2011: Adoption

General Manager Policy and Governance 3803.01

At its meeting on 22 June 2011 Council considered a review of the Engineering Standards 2009 and resolved:

“That Council adopts the revised Kaipara District Council Engineering Standards 2011 by making the following changes:

“5.1.1 4 lots be Amended to 8 lots

8.2 (a) Water supplies to all developments shall meet the requirements of the Building Act

(b) New clauses:

(iii) Be adequate for fighting purposes in accordance with NZ Fire Service’s Code of Practice SNZ PAS 4509:2008

(iv) Meet the requirements of the New Zealand Drinking Water Standards.”; and

That the Kaipara District Council Engineering Standards 2011 be reviewed in 2012.”

With advice from Council’s planners managing the District Plan Review some minor wording changes have been made to ensure the new Engineering Standards are able to operate independently of the new District Plan once it is operative. The key changes include:

- a) References to specific sections of the District Plan have been replaced by a more generic statement;
- b) Terminology used to refer to different zones in the Plan and the Operative District Plan have been amended for consistency;
- c) The definitions in the glossary have been amended to align with definitions in the District Plan;
- d) The second sentence under Note 6 for Table 5.1 has been removed as the first sentence is considered to be sufficient;
- e) The definition of Council has been taken from the Proposed District Plan;
- f) The cover page of the document amended to *Draft Kaipara District Engineering Standards 2011* to clarify the version; and
- g) There are two references in Section 1 (1.1 and 1.2 respectively) which refer to the Engineering Standards 2009. These references have been updated.

A complete copy of the revised document is circulated separately with the Agenda for Councillors information for Council to ratify its acceptance of the changes to the Standards, to take effect from 1 September 2011.

Recommended

That Council adopts the Engineering Standards 2011, as circulated; and

That the new Engineering Standards 2011 take effect from 1 September 2011.

Reason for the recommendation

To provide Council with a final complete copy of the Engineering Standards 2011.

P74 5.12 Kauri Coast Community Pool Trust Statement of Financial Position March 2011

General Manager Operations 4701.03

A report from the General Manager Operations dated 12 August 2011 is attached, which provides Council with the Statement of Financial Position as at 31 March 2011. The annual financial accounts from the Kauri Coast Community Pool Trust and a report dated 27 July 2011 from their legal representative are attached.

This report on the financial position of the Trust identifies the difficult position the Trust finds itself in, which has come about due to the pool running at a deficit for the last season. The Trust is highlighting in this report that without additional support from Council there may be a risk that the pool may not open this season. However no request or submission from the Trust for additional funding was made in this year's Annual Plan process. Consequently additional funding sources would need to be identified.

While there are a number of options for future governance and management of the pool identified in this report, they are unlikely to be in place before the commencement of the next season. Therefore Council may need to consider a short term solution such as a loan from reserve funds to enable the Trust to continue operating the pool for the next season.

A meeting with the Trust and all concerned parties is currently being arranged. The outcome of this meeting and a further report covering actual construction costs and funding will be reported back to Council.

This report has been discussed with Councillors Geange, Harding and Wade prior to the Council meeting.

Recommended

That Council accepts the Kauri Coast Community Pool Trust's Statement of Financial Position accounts as at 31 March 2011 and the covering letter from their legal representative in respect of 'Agreement for Land Use and Management of Dargaville Community Pool' dated 27 July 2011, as circulated with the General Manager Operation's report dated 11 August 2011; and

That a further report covering actual construction costs and funding will be prepared for Council.

Reason for the recommendation

The Kauri Coast Community Pool Trust and Community Leisure Management have completed their first full season of managing and governing the pool. This report provides information for Council.

P112 5.13 Former Dairy Factory, Whakapirau

General Manager Operations

4702.28

Mr Brett Taylor recently approached Council with a proposal to carry out some alterations to the former Kaipara Dairy Factory building, situated on an Esplanade Reserve at Whakapirau. This reserve is vested in the Kaipara District Council. Mr Taylor proposes to use the building for visitor accommodation and a community hall space. This building is currently listed with the New Zealand Historic Places Trust (the Trust) as a place of historic and cultural significance. However, recent investigation has shown that Council has been identified as the legal owner of the building and the Trust recognises Council as such.

The Trust has recently highlighted to Council the process originally used by the Trust to register the building was deficient and as such is asking that Council as owner signifies support for remedying this. In order to remedy the deficiency it is necessary for the Trust to carry out the prescribed registration process to place the building on the Register. A draft report has been prepared by the Trust as a part of this process and that draft dated 3 June 2011 is attached for Council's information.

There is a 'fast track' process available under Section 32B of the Historic Place Act 1993, if the owner of the building signifies a support for registration. The Trust is seeking Council's approval to 'fast track' the registration process as the legal owner of the Dairy Factory. Mr Taylor, who was previously believed to be the owner, has been approached and given his approval. If Council does approve to 'fast track' the registration the proposal will go to the New Zealand Historic Places Trust Board for consideration.

Alternatively, this process can be publically notified. If this is the case, Council will be contacted by the Trust along with other interested parties and there will be a public notice requesting formal written submissions. This does extend the process time line and increase costs for the Trust.

This deficiency in the original registration process has come to light during the transaction involving Mr Taylor. The Trust says that the deficiency is a matter of legal process and in no way diminishes the historic or cultural significance or affects its status on Council's District Plan.

The Trust has approached Council requesting assistance to ensure their internal procedures are correct. The outcome of this process is to ensure that the building continues to be recognised for its historic and cultural significance. The purpose of this report enables the Trust to ensure its internal process has been correctly followed and this achieves the Trust's outcome. This process is cost neutral to Council.

This building has been in use for at least 100 years and throughout this time it appears that it has been privately occupied. However, there have been no records of any sale (disposition) of this building by Council to any third party over the years. Given this, legal opinion is of the

view that Council, as owner of the land by vesting, owns the improvements affixed to the land, in this case the former Kaipara Dairy Factory building. As any improvements affixed to the land they form part of the land. This is a fundamental legal position regarding improvements which are affixed to the land.

Council considered a report brought to the May 2011 meeting regarding a potential lease for the building. The two main options available to Council were to decline Mr Taylor's request so that the status quo continued, or to enter into an agreement with him along the lines suggested by Council's solicitors. The resolution from that meeting is as follows:

"That Council works with Mr Brett Taylor to assist him in finding solutions to the ownership/use issues around the Kaipara Dairy Factory on Whakapirau Wharf and that the potential solutions are brought back to Council for its consideration."

Council believed it was up to Mr Taylor to fund the finding of solutions rather than Council expending ratepayer money to find solutions for Mr Taylor. That said Council is willing to work with Mr Taylor to find the best solution for all. Council's solicitors have provided a way forward for Council and Mr Taylor and this information has been sent to Mr Taylor to enable him to make a decision. He has also been asked to give an undertaking to meet Council's costs should he wish to proceed.

This report has been sent to Councillors Geange, Larsen, Sutherland and Wade prior to the Council meeting for their information and comment.

Recommended

That Council approves the proposed Registration of the North Kaipara Dairy Factory building at Whakapirau (LOT 2 DP 47660 KARAKA TSH IP BLK III HUKATERE SD-ESP RES), requested by the New Zealand Historic Places Trust, thereby recognising its historic and cultural significance.

Reason for the recommendation

The New Zealand Historic Places Trust has advised that the original process used by them to register the former Kaipara Dairy Factory building at Whakapirau was deficient. They have asked that Council as owner signify support to remedy this. The outcome is to ensure that the building continues to be recognised for its historic and cultural significance to the District. Assisting the Trust to ensure their internal process has been correctly followed achieves this outcome.

6 Notices of Motion

6.1 Notice of Motion: 2011/2012 Annual Plan (Councillor Larsen)

General Manager Policy and Governance 1904.0

“Notice of Motion

Kaipara District Council Ordinary Meeting 24 August 2011

That Council immediately and with urgency establish a subcommittee to review the 2011-2012 Annual Plan with a view to reducing any requirements for further borrowing during the year.

Reason for the notice of motion

In light of the financial crisis and the prospect of continuing years of little or low growth, the underlying assumptions on borrowings and debt servicing should be immediately revisited by Council.

This review should not wait for appointment of a new CEO or Treasury consultants, as the questions and issues that will come out of such a review can be inputs to both the new CEO's role and the role of Treasury consultants.

Councillor Jonathan Larsen, 9 August 2011”

[In accordance with Council direction, Treasury consultants have been appointed. Staff and advisors are reviewing current borrowing, financial policies and reporting. The debt, debt maturity profile and the cash flow for the 12 months to 30 June 2012 is on this month's Chief Executives report]

7 Reports

7.1 Mayor's Report

1701.02.03

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

7.2 Councillors Reports

Councillors 1904 (various)

This is an opportunity for Councillors to inform Council of activities they have undertaken on behalf of Council. Written reports are preferred as these are then attached to the Minutes. Verbal reports are not recorded in accordance with Section 3.17.2 of Standing Orders.

7.3 Chief Executive's Report: August 2011

Chief Executive **2002.02.11**

The Chief Executive's report is circulated separately.

Recommended

That the Chief Executive's report for August 2011 be received.

8 Information Items

P143 8.1 Correspondence Addressed to Mayor and Councillors: 13 July to 9 August 2011

General Manager Policy and Governance **1701.01**

For the information of Councillors, circulated were copies of all correspondence received addressed to the Mayor and Councillors, with a copy of the response where applicable, and file notes for all others.

Note the agenda timetable necessitated this information to be collated two weeks prior to the meeting. Correspondence received after that date would be reported to the next meeting along with responses which had been sent after the cut-off date.

All letters were acknowledged on receipt unless they were answered the day of receipt, or the Mayor specifically requested no acknowledgement.

Recommended

That the information be received.

P156 8.2 Delegated Authority: Schedule of Decisions

General Manager Operations **3803.0**

A schedule of decisions that had been made under delegated authority is attached. The purpose of this is not for Council to review the detail of these decisions as they have already been made under delegated authority, but rather to give an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

Recommended

That the Delegated Authority Schedules of Decisions be received.

P198 8.3 NZ Transport Agency Targeted Changes to Co-Investment Ratios: Kaipara District Council Submission

General Manager Operations 4106.06

NZ Transport Agency has released a consultation document proposing changes to some of the Funding Assistance Rates (FAR). Funding Assistance Rates is used to determine what portion of a roading programme could be funded from the National Land Transport Programme.

While some of these proposed changes will have little to no impact for Kaipara e.g. reduction in funding for public transport, other proposed changes will impact e.g. removal of in kind donations being used as part of local contributions for programmes.

Council has made a submission to NZ Transport Agency regarding their proposal and the effects for Kaipara. Attached is the submission made before the NZ Transport Agency 21 July 2011 deadline. This submission has been discussed with the Portfolio Holder, Councillor Wayne Linton.

Recommended

That the information be received.

P201 8.4 Mosquito Gully Fire, Pouto: National Rural Fire Authority Operation Review Suggestions for Improvement

General Manager Operations 6204.0

The National Rural Fire Authority Operational Review of the Mosquito Gully fire at Pouto on 9 December 2010 critically examined all aspects of the management of the fire and made a number of recommendations for improvement of Kaipara District Council's response. The opportunity to have the management of such major incident examined dispassionately by independent experts in fire management has been rare in Kaipara District previously and of immense value for the future of rural fire management. These matters have been addressed as shown in the attached paper by the Emergency Support Officer titled 'Mosquito Gully Fire, Pouto National Rural Fire Authority Operation Review Suggestions for Improvement. Consolidated List' dated 4 August 2011.

A deliberately lit vegetation fire on 9 December 2010 resulted in a major fire occurring in plantation forestry, owned by the New Zealand Superannuation Fund and managed by Northland Forest Managers Ltd, on Pouto Road at Mosquito Gully.

The fire took several days to contain and suppress at a cost in excess of \$600,000. The total cost including reinstatement, fence repairs, replacement of trees and loss of production amounted to over \$1.5 million. The ferocity of the fire in the initial stages was such that the National Rural Fire Incident Management Team was requested by the Principal Rural Fire Officer to assist in the management of the fire.

The enormity of the cost of the arson and the efforts of the several organisations in the suppression of this fire prompted the request from the Principal Rural Fire Officer for not only a Police investigation but also a forensic fire investigation and an Operational Review of the fire management. The reasons for this were to exhaust all avenues in detection of the offender who lit the fire but also to examine the management of the suppression response to learn from the experience, not only for Council's fire management benefit but also other rural fire management organisations also.

It will be noted that the containment and suppression effort was commended by the review team but a number of issues that need to be addressed in future fire management were highlighted. An explanation of what steps will be taken to address areas requiring improvement is included. It will be noted that not all of these issues are able to be controlled by Council.

Recommended

That the information be received.

8.5 Contract 527: Water Supply and Wastewater Services Operations and Maintenance 2007-2010 Renewal

General Manager Operations 4107.527

Contract 527 Water Supply and Wastewater Services Operations and Maintenance 2007/2010 is a three year contract with two one-year rights of renewal. The primary objective of the contract is to operate and maintain the water supply and wastewater networks of the Kaipara District. The contract is held by Downer EDI Works Limited.

The first three-year period expired on 31 January 2011 based on the letter of acceptance dated 29 November 2007. The final end date of the contract is 31 January 2013 if all the rights of renewal are exercised, or earlier as determined by extensions.

The engineer to the contract, Garson Bell of Resolve Group has completed a performance review. He has recommended that Downer EDI Works Limited be awarded an extension to the current contract under the existing conditions until 30 June 2012. Council concurs with the recommendation. A proposal for the extension is currently with Downer EDI Works Limited for signature.

There is a possible restructure by the current contractor's organisation. Local contractors and larger national providers are interested in submitting a competitive bid for the maintenance and operation of Council's infrastructure. This interest suggests it would be appropriate that a new tender be prepared and placed on the market early in 2012.

This item has been discussed with the Portfolio Holders, Councillors John Blackwell and Brian McEwing.

Recommended

That the information be received.

P206 8.6 C and A Burn, Wintle Road, Mangawhai

General Manager Operations

3837/RM typing RM100119

In December 2010 the applicant was granted resource consent for the construction of a new dwelling. As the attached page from the Notification Report on Review of Resource Consent RM100119 makes clear, further information was later obtained that placed Council in an invidious position. This resulted in a decision to review the consent decision under section 128 of the Resource Management Act 1991.

Following the decision to grant consent it was made known to Council that neighbouring residents were entitled by covenant to be notified of such resource consent applications, and that this had not occurred. For this reason, it was decided that the decision to grant resource consent should be reviewed.

It also became known that there were possible inaccuracies contained within the original resource consent application. Consequently, Council offered to forego only half of the cost of the review.

Mr Burn has now accepted Council's offer to forego 50% of the Council's processing and hearings costs in relation to its review of RM100119 under section 128 of the Resource Management Act 1991, up to a maximum of \$5,000.

Mr Burn had threatened judicial review of Council's decision to review this resource consent. There was also the potential for further judicial review by the neighbouring residents. By making its offer Council sought a quick resolution to this matter at minimal cost, and this has now been accepted.

This item has now been withdrawn from the Potential and Current Claims Schedule.

Recommended

That the information be received.

P209 8.7 Wintle versus Kaipara District Council, Settlement of Appeal. ENV-2010-AKL-000256

General Manager Operations 3837/RM typing/100001

The sealed Consent Order resolving this issue has been received by Council and is attached with a copy of the locality plan and the site plan.

The applicant had appealed against some of the terms of consent. The resulting changes do not compromise Council's interests.

Recommended

That the information be received.

P222 8.8 Mangawhai Community Funds

General Manager Policy and Governance 2109.01

A report from the General Manager Policy and Governance dated 11 August 2011 is attached for information. The report sets the scene for consideration of approaches which have been made by two community groups at Mangawhai requesting financial assistance and other potential calls on the funds. It is timely to review the origins of the schemes Council has available for making grants to community organisations, the basis upon which they operate, and also potential candidates that may make calls on the funds.

As Council moves into the Long Term Plan process and, given that we have limited resources and a number of potential calls on funds available, it is timely to review funding available. It is important to look at it in a holistic manner over the longer term when reviewing funding requests. Council has two main funds available for funding qualifying community projects on a contestable basis:

- 1 The Mangawhai Endowment Fund of \$5.5 million of which \$2.3 million is land. The capital of this fund is preserved and grants are made each year from the income of the fund. The Mangawhai Harbour Preservation Society has first call and the balance is allocated on a contestable basis each year.
- 2 The Reserves Contribution Fund of which \$2.5 million is available for the Mangawhai area.

In addition, each year as part of the Annual Plan deliberations grants out of rates may be allocated.

We are aware of a number of potential candidates for calls on these funds e.g.

- 1 Mangawhai Museum
- 2 Mangawhai Activity Zone

- 3 Mangawhai Harbour Restoration Society
- 4 Mangawhai Park
- 5 Mangawhai camping ground and surrounds
- 6 Browns Road Farm.

There are likely to be others who come forward as part of the Endowment Fund application round or as part of the Long Term Plan process. The amounts sought may be small or large and range from one-off grants or expenditure, a series of grants or expenditure requirements to on-going assistance. These need to be reviewed as a whole where possible as approval of one or more options may prohibit others. Council needs to weigh the balance before making a decision.

This report has been prepared to provide context to subsequent deliberations on requests for financial assistance from Council.

Recommended

That the information be received.

P230 8.9 Regional Policy Statement Review: Resource Management Issues of Significance to Tangata Whenua

General Manager Policy and Governance

2117.01.03

The Regional Policy Statement for Northland is the over-arching resource management document for the Northland Region and therefore very important. The purpose of a Regional Policy Statement is to provide an overview of the resource management issues of a region. It is also to provide policies and methods to achieve integrated management of the natural and physical resources of the whole region. Council must give effect to the Regional Policy Statement through the Kaipara District Plan. The Regional Policy Statement has a ten year life span and hence is up for review.

To assist with the review, the Northland regional Council has set up a Regional Policy and Development Committee made of elected members nominated from the local councils throughout Northland. The Deputy Mayor Julie Geange is Kaipara's representative. They have also set up a Technical Steering Group made up of staff from each local Council. Paula Hansen is the Kaipara Council's representative in this particular group. The Committee and the Steering Group are each given documents to review. These documents contain information on proposed objectives, policies and methods addressing particular issues.

The attached document 'Resource Management Issues of Significance to Tangata Whenua' could be of particular interest to Council. It contains a Maori perspective on resource management throughout Northland. Outside of this process, this document could also be useful as an educational document to give an appreciation of a different world view. A section 32 Report has been prepared which evaluates the Consideration of Alternatives,

Benefits and Costs to support the Resource management Issues of Significance to Tangata Whenua Report.

The document covers the resource management issues of significance to Tangata Whenua and the participation of Tangata Whenua in integrated management of natural and physical resources in the Northland Region.

The document shows a strong desire to work on a co-management or partnership basis. There are already two examples which Council is involved in which works as a co-management or partnership basis. The first is the governance of the Taharoa Domain and second is the partnership in the Integrated Kaipara Harbour Management Group. The document also shows a strong desire to be more actively involved in the decision making process particularly in areas of significance to Tangata Whenua.

The Resource Management Issues of Significance to Tangata Whenua report once approved by the Regional Policy and Development Committee will then be put into a draft Regional Policy Statement. Currently the proposed Regional Policy Statement is proposed to be released towards the end of this year. The next step after this is a proposed Regional Policy Statement will then be released towards the middle of 2012.

Recommended

That Council receives the circulated report on Resource Management Issues of Significance to Tangata Whenua.

Reason for the recommendation

This document may be of interest to Council and is presented to keep Councillors informed of this particular issue.

P257 8.10 Local Government New Zealand: Fortnightly Update from President and Chief Executive

General Manager Policy and Governance 2113.02

The fortnightly briefing papers from the President and the Chief Executive of Local Government New Zealand dated 1 August 2011 are attached for Council's information.

Recommended

That the information be received.

9 Public Excluded Council Items 24 August 2011

Recommended

That the public be excluded from the following part of the proceedings of this meeting.

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>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g))</i>
<i>Pohutukawa Cove Limited: Claims</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g))</i>
<i>Sale of Council land: 20 and 22 Gordon Street, Dargaville</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i)</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)(g) maintain legal professional privilege.

Section 7 (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).

Open Council Meeting – 24 August 2011

Recommended

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

Closure

Kaipara District Council

Dargaville