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Not for Publication until after Commencement of Meeting

Notice Of Ordinary Meeting Of Council

Date 10.00 am on Wednesday 22 June 2011

Venue Council Chambers, Station Road, Dargaville

Timetable

9.45 am Morning Tea

10.00 am Workshops

1 Engineering Standards 10.00 am

2 Pou Tu O Tu Rangi 11.45am

12.15 pm Lunch

1.00 pm Commencement of Council Meeting

1.00 pm Presentations

- a) Presentation 1.00 pm: Mangawhai Historical Society Inc:
Item 2.1 refers: Representatives from the Society will be present a PowerPoint to update Council on the Society's activities to date.
- b) Presentation 3.00 pm: Kaipara District 2011 Citizens Awards
Item 2.2 refers: The three recipients of the Kaipara District 2011 Citizens Awards Ron Halliday, Jean Finlayson and Gordon Murray are to receive their certificates during the afternoon session of this Council meeting, at 3pm

3.00 pm Afternoon Tea to follow Presentation of Citizens Awards

3.30 pm Recommencement of Council Meeting, if required

Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 22 June 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 22 June 2011

1 Opening: Councillor Julie Geange

Councillor Sutherland to open the 27 July 2011 meeting.

1.1 Present

1.2 In Attendance

1.3 Apologies

2 Presentation

2.1 Mangawhai Historical Society Inc: Museum Project Update (1.00pm)

Governance Manager 2105.35

Representatives from the Society are presenting at the commencement of the Council meeting to explain the background to the project and bring Council up to date with progress so far.

They also wish to sound Council out about ways in which Council may be able to assist with bringing the project to a successful, timely conclusion.

2.2 Kaipara District 2011 Citizens Awards (3.00pm)

Item 7.4 refers.

The three recipients of the Kaipara District 2011 Citizens Awards are to receive their awards during the afternoon session of this Council meeting, at 3pm. They are Ron Halliday, Jean Finlayson and Gordon Murray.

3 Confirmation of Minutes

P1 3.1 Ordinary Council Meeting : 25 May 2011

Governance Manager 1601.15

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 25 May, 2011 as circulated, be confirmed as a true and correct record.

4 Policy

P26 4.1 Fees and Charges 2011/12: Adoption

Development Manager 2301.07

Council considered a schedule of draft Fees and Charges at its Extraordinary meeting held on Wednesday 8 June 2011. Rather than adopt them as presented, it was requested that the Resource Management Fees section be amended to allow for a more rigid fees structure for processing applications, so that the initial charge would be the full charge. The Development Manager was asked to revise the fee amounts to allow for the possibility of the need for specialist advice beyond the scope of the usual planning and engineering nature usually encountered. The amount of money assigned to this allowance is based on experience in the last couple of years, where the additional expense ranged from about \$3,000 to up to \$10,000. It will however depend very much on the nature of applications (and applicants!) coming forward in the next year as to the total cost which could be involved. The change to the fee structure as originally proposed was intended as a means of managing this uncertainty without exposing Council to the risk of having a shortfall in income.

The fee structure has been revised on the following assumptions: there will be ten applications requiring extra input costing on average \$5,000 each; the extra cost will be applied as a percentage increase across all fees with some rounding up and down; there will be the same number of applications in each category, and there will be a total of 147 applications. This will produce a gross income of \$678,265. The \$50,000 extra allowance being made represents 7.3% of this, so the original draft figures have been increased by 7.3% on average.

The revised Resource Management Fees have been attached.

Recommended

That Council adopts the Fees and Charges 2011/12, as amended.

Reason for the recommendation

This is what the Council requested at its meeting on 8 June 2011.

P29 4.2 Kaiwaka Toilets Refurbishment

Community Spaces Manager 4603.07

A report from the Community Spaces Manager dated 13 June 2011 is attached. This report advises Council of the progress of the refurbishment of the public toilets at Kaiwaka, in readiness for the Rugby World Cup 2011. At the April 2011 Council meeting it was resolved that final costs for the construction of the public toilet facility be brought back to Council and these are discussed in this report.

Based on three quotes supplied to Council from Kaipara firms, it was decided that the contract to refurbish these toilets be awarded to Mark Pickering Builders Ltd. His quote was accepted as his is the most cost effective and he is also able to start shortly and be finished in time for the start of the Rugby World Cup. Minor changes have been made to the original plan, such as a small increase the size of the Men's toilet. Time is of the essence with this refurbishment as there is now less than three months to when we expect to see the influx of visitors to the Kaipara region.

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

Recommended

That the development of a new public toilet facility on the Kaiwaka War Memorial Hall site commence based on the plans provided; and

That Mark Pickering Builders Ltd be awarded the contract to develop a new public toilet facility at the Kaiwaka War Memorial Hall for the cost of \$11,500.

Reason for the recommendation

A new public toilet facility is urgently needed in Kaiwaka. The Kaiwaka Hall Committee has given approval and developed plans for a new facility along side the Kaiwaka Hall and the refurbishment is according to these plans. This new facility will cater for the current and future expected increase in visitor and tourist numbers in the District.

P32 4.3 Kaipara Biodiversity Improvement Fund: Allocation 2011/12

Community Spaces Manager 3833.07

A report dated 8 June 2011 from the Community Spaces Manager regarding the Kaipara Biodiversity Improvement Fund allocation for 2011/12 is attached. As part of this year's Annual Plan, Council set aside \$15,000 for a contestable Kaipara Biodiversity Improvement Fund which was successfully started in 2004/05. Eight

applications from individuals and groups from across the District were received by Council requesting over \$12,047.50.

Council staff met where necessary with applicants to view and discuss their project in relation to the Fund's criteria. A schedule was prepared, and is attached to the report¹, which briefly outlines the projects, location, current biodiversity rating, long term potential biodiversity rating, type of habitat, representation of habitat within the Kaipara, community involvement and overall rating.

Of the eight applications received, six were recommended for funding from the Biodiversity Improvement Fund and have the support of the Community Spaces Manager and Portfolio Holders concerned, who together valued the merits of all applicants received. With these applications totalling \$12,047.50, the Committee agreed that \$2,952.50 be allocated to the long term enhancement of biodiversity in Kaipara and a recommendation will be put to the Biodiversity Improvement Fund Committee that the \$2,952.50 be allocated to assist with the continued planting of Lake Rototuna on the Pouto Peninsula in association with Pouto Primary School, Waikare Marae and the Department of Conservation.

Recommended

That Council funds the applications from the Kaipara Biodiversity Improvement Fund as follows:

· <i>Rex Roadley Family Trust</i>	<i>\$6,000.00</i>
· <i>Otamatea Eco Village</i>	<i>\$1,500.00</i>
· <i>Chases George Camp Club</i>	<i>\$1,000.00</i>
· <i>Northland Field Days Incorporated</i>	<i>\$2,500.00</i>
· <i>New Zealand Fairy Tern Charitable Trust</i>	<i>\$407.50</i>
· <i>Marunui Conservation Ltd</i>	<u><i>\$640.00</i></u>
<i>Total</i>	<i>\$12,047.50</i>

Note: Funding indicated includes GST

Reason for the recommendation

The allocation of the Kaipara Biodiversity Improvement Fund will help contribute to the 'strong communities' and 'special character of Kaipara' community outcomes.

P37 4.4 Proposed District Plan Variation 1 – Landscapes: Acceptance of Late Further Submissions

Governance and Policy Manager 3807.05.01.02

A report from the Governance and Policy Manager dated 14 June 2011 is attached. The further submission period for Proposed District Plan Variation 1 – Landscapes closed on 7 June 2011. Council has received three late further submissions and must formally consider whether it will accept these or not.

Historically, Council practice has been to not accept late submissions. That said Council is aware the opportunity to submit on a variation is not an annual occurrence. However, a cut-off time must be set for when late further submissions will no longer be accepted. This is to ensure the further processing of Variation 1 can continue and meet scheduled timeframes.

This report has been discussed with the Planning Portfolio Holder, Councillor John Blackwell, who supports the recommendation.

Recommended

That Council accepts late further submissions to the Proposed District Plan Variation 1 – Landscapes up until 22 June, after which late further submissions will no longer be accepted.

Reason for the recommendation

The opportunity to submit on a variation is not an annual occurrence. However, a cut-off time must be set to ensure the further processing of Variation 1 can continue and meet scheduled timeframes. This report has been discussed with the Planning Portfolio Holder, Councillor John Blackwell, who supports the recommendation.

4.5 Rates Resolution 2011/2012

Acting Management Accountant 2306.18

Kaipara District Council has adopted its final Annual Plan for 2011/12. It has made no changes to its rating policies as a result of submissions received. Nor has it altered the General Rate increase over 2010/11 from the 7.47% increase proposed in the Draft Annual Plan. Unlike 2010/11, the 2011/12 year will not see the levying of a targeted rate on forestry owners.

Council is now moving to set and assess the rates described in its Annual Plan rating policies, and incorporating the 7.47% General Rate increase over 2010/11.

The Council has historically collected its rates in six two-monthly instalments. After due consideration of the amount and timing of its expenditure needs, the Council has decided to continue to collect rates in six equal instalments. The due date for all six instalments will be the 20th of every second month.

Setting of Rates for the 2011/12 Financial Year

General

Because the rate of GST increased part-way through the 2010/11 rating year most local authorities, including Kaipara District Council, expressed their Rates Resolutions that year on a GST exclusive basis. Now that the GST rate of 15% applies for the whole of 2011/12, Council now reverts to expressing all the following rate factors on a GST inclusive basis.

Recommended

That the Kaipara District Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the District for the financial year commencing 1 July 2011 and ending on 30 June 2012.

(a) Uniform Annual General Charge

A Uniform Annual General Charge of \$353.00 (GST inclusive) per rating unit, set under Section 15 of the Local Government (Rating) Act 2002.

(b) General Rate

A general rate set under Section 13 of the Local Government (Rating) Act 2002 made on every rating unit, set on an undifferentiated basis as follows:

- *A rate of 0.2320 cents in the dollar (GST inclusive) of land value on every rating unit within the Kaipara District.*

(c) Water Supply Rates

- *A targeted rate set under Section 19 of the Local Government (Rating) Act 2002, for the supply of water as recorded by meter to consumers in the Water Supply Areas as set out below will be charged at the rate shown as from the next meter reading after 1 July 2011, with a minimum rate of \$10.00 in respect of any one reading:*

Water Supply Area	Rate per cubic metre (GST inclusive)	Special Conditions
<i>Dargaville</i>	<i>\$1.93 -</i>	
<i>Ruawai</i>	<i>\$5.05 -</i>	
<i>Glinks Gully</i>	<i>\$3.92 -</i>	
<i>Maungaturoto, excluding Station Village</i>	<i>\$1.56</i>	<i>Annual free quantity 100m³</i>
<i>Maungaturoto, Station Village</i>	<i>\$2.36</i>	<i>Minimum of \$99.20 per reading</i>

- *A targeted rate for water supply, set under Section 16 of the Local Government (Rating) Act 2002:*

Water Supply Area	Annual Rate (GST exclusive)	Special Conditions
Glinks Gully	\$349.00	\$174.50 for non-connected properties
Maungaturoto, excluding Station Village	\$222.00	

(d) Stormwater Rates

A targeted rate for stormwater disposal, set under Section 16 of the Local Government (Rating) Act 2002, and assessed on land values:

Stormwater Rating Area	Cents per \$ Land Value
Dargaville - Urban Stormwater Differential	0.3123
Dargaville - Rural Stormwater Differential	0.2082
Te Kopuru	0.1330
Baylys	0.0631
Mangawhai	0.0319
Kaiwaka	0.0955

(e) Wastewater Disposal Rates

A targeted annual rate for wastewater disposal, set under Section 16 of the Local Government (Rating) Act 2002 in lieu of drainage rates for each WC or urinal in respect of each rating unit in the defined wastewater areas set out below served either directly or through a private drain by public sewerage drain, and A Uniform Annual Charge in lieu of a drainage rate in respect of each premises within areas situated within thirty (30) metres of a public sewerage drain to which it is capable of being effectively connected either directly, or through a private drain but the property is not so connected. All figures include GST.

(a) Dargaville Wastewater District	\$
Connection Charge	341.00
Non Connection Charge	170.50
Special 75% School Charge	255.75
Special 50% School Charge	170.50
(b) Te Kopuru Urban Drainage District	
Connection Charge	454.00
Non Connection Charge	227.00
Special 75% School Charge	340.50
Special 50% School Charge	227.00
(c) Maungaturoto Urban Drainage District	
Connection Charge	869.00
Non Connection Charge	434.50

<i>Special 75% School Charge</i>	651.75
<i>Special 50% School Charge</i>	434.50
<i>(d) Kaiwaka Urban Drainage District</i>	
<i>Connection Charge</i>	666.00
<i>Non Connection Charge</i>	333.00
<i>Special 75% School Charge</i>	499.50
<i>Special 50% School Charge</i>	333.00
<i>(e) Glinks Gully Effluent Disposal Area</i>	
<i>Connection Charge</i>	745.00
<i>(f) Mangawhai Urban Drainage District</i>	
<i>(The following charges are applicable only to those properties for which connection to the reticulation network will be available before 30 June 2012)</i>	
<i>Uniform Targeted Rate, based on location only. The deciding location is either within, or outside, the original scope of servicing in the Mangawhai Community Wastewater Scheme Contract.</i>	1,482.50 (first 50%)
<i>(i) Within original contract scope</i>	4,198.50 (first 50%)
<i>(ii) Outside original contract scope</i>	
<i>Uniform Annual Charge</i>	2011/12 \$
	773.00
<i>Residential: per pan per annum</i>	773.00
<i>Non-Residential: per pan per annum</i>	
<i>Vacant Lots</i>	386.50

(f) Land Drainage Rates

A targeted rate for land drainage, set under Section 16 of the Local Government (Rating) Act 2002 and assessed on land value: All rate factors include GST.

<i>Drainage District</i>	<i>Cents per \$ Land Value</i>
<i>(1) Raupo Drainage District Targeted Rates</i>	
<i>Rural A</i>	0.1474
<i>Rural B</i>	0.0848
<i>Township</i>	0.2432
<i>(2) Targeted Land Drainage Rates (Hobson Area)</i>	
<i>Aoroa</i>	0.1272
<i>Arapohue No 1</i>	0.0318
<i>Arapohue No 2</i>	NIL

<i>Aratapu Swamp</i>	<i>NIL</i>
<i>Aratapu Village</i>	<i>0.0299</i>
<i>Awakino Point</i>	<i>0.0486</i>
<i>Awakino Valley</i>	<i>0.0372</i>
<i>Greenhill</i>	<i>0.0192</i>
<i>Hoanga</i>	<i>0.1177</i>
<i>Horehore</i>	<i>0.0472</i>
<i>Kaihu</i>	<i>0.0282</i>
<i>Kopuru Swamp</i>	<i>0.0749</i>
<i>Koremoa</i>	<i>0.0286</i>
<i>Manganui</i>	<i>0.0064</i>
<i>Mangatarā</i>	<i>0.0348</i>
<i>Mititai</i>	<i>0.0416</i>
<i>Notorious</i>	<i>0.0601</i>
<i>Oruariki</i>	<i>0.0872</i>
<i>Otiria</i>	<i>NIL</i>
<i>Owairangi</i>	<i>0.0272</i>
<i>Tangowahine No 1</i>	<i>0.0919</i>
<i>Tangowahine No 2</i>	<i>0.0695</i>
<i>Tangowahine Valley</i>	<i>0.0117</i>
<i>Tatarariki No 1</i>	<i>0.0341</i>
<i>Tatarariki No 2</i>	<i>0.0913</i>
<i>Tatarariki No 3</i>	<i>0.0437</i>
<i>Tikinui</i>	<i>0.0579</i>
<i>Whakahara</i>	<i>0.0326</i>

(g) Mangawhai Harbour Restoration Rate

A targeted annual rate for Mangawhai Harbour restoration works, set under Section 16 of the Local Government (Rating) Act 2002, of \$80.50 (GST inclusive), on each rating unit within the Mangawhai Harbour Restoration Rating Area.

(h) Dargaville Development Rate

A targeted rate for development within Dargaville, set under Section 16 of the Local Government (Rating) Act 2002, and assessed on land values within the Dargaville Rating area:

Dargaville Urban Differential at the rate of 0.0555 cents for each dollar of land value.

Dargaville Rural Differential at the rate of 0.0111 cents for each dollar of land value.

(i) Dargaville Town Hall Development Loan Rate

A targeted annual rate for servicing the Dargaville Town Hall loan, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$10.45 (GST inclusive) on every rating unit within the area of the Former Dargaville Borough.
- \$3.50 (GST inclusive) on every rating unit within the area of the Former Hobson County.

(j) Dargaville Pool Loan Rate

A targeted annual rate for servicing the Dargaville Pool Loan, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$51.10 (GST inclusive) on every rating unit within the area of the former Dargaville Borough.

(k) Ruawai Tokatoka Hall Rate

A targeted annual rate for the Ruawai Tokatoka Hall, set under Section 16 of the Local Government (Rating) Act 2002, assessed as follows:

- \$36.40 (GST inclusive) on every rating unit under the Raupo Drainage District catchment area.

(l) Forest Owners' Roding Impact Rate

A targeted rate, set under Section 16 of the Local Government (Rating) Act 2002, on land appearing in Council's Rating Information Database with a Valuation New Zealand Category Code of FE (Exotic Forest), and calculated by the following formula:

Targeted Rate applied to Exotic Forest land =
 $(4 - 1) \times \text{Exotic Forest Land-Valued Rates}$
 Less the Equivalent Council Share of any
 Regional Development Funding

Should the result produced by that formula be zero or negative for any financial year, then no targeted rate shall be set for that year. In that instance only the general rate would be applied.

The Targeted Rate would be in addition to the General Rate applied to land classified as Exotic Forest.

No Targeted Rate will apply for the 2011/12 rating year.

Due Dates for Payment of Rates

That all rates will be paid in six instalments due on:

Number	Date	Number	Date
1	20 August 2011	4	20 February 2012
2	20 October 2011	5	20 April 2012
3	20 December 2011	6	20 June 2012

Penalties

That the Council delegates authority to the Chief Executive and the Management Accountant to apply the following penalties on unpaid rates:

- A penalty of 10 per cent will be added to each instalment or part thereof which are unpaid after the due date for payment.
- Previous years' rates which remain unpaid will have a further 10 per cent added on 10 July 2011, and again on 10 January 2012.

Payment of Rates

That payment of rates will be accepted in the following ways:

- 1 By hand, during normal business hours, at either of the following two Council offices:

42 Hokianga Road	State Highway 1
Dargaville	Kaiwaka

- 2 By mail to:

The Chief Executive	The Chief Executive	The Chief Executive
Kaipara District Council	Kaipara District Council	Kaipara District Council
Private Bag 92201	Private Bag 1001	
Auckland 1020	Dargaville 0300	State Highway 1 Kaiwaka

- 3 By telephone banking
 4 By automatic payment
 5 By direct debit
 6 By Eftpos

Early Payment of Rates

That early payment of current or future rates will be accepted, but will attract neither a discount, nor interest on the sum paid.

Reason for the Recommendation

Compliance with the Local Government (Rating) Act 2002.

P40 4.6 Civic Assurance Annual General Meeting Wellington 24 June 2011

Governance Manager 2113.07

A Notice of Meeting for the Annual General Meeting of New Zealand Local Government Insurance Corporation Limited has been called for 24 June 2011 in Wellington.

Kaipara District Council needs to appoint a proxy for this meeting, and set the direction it wishes the proxy to vote. The two existing candidates, Tony Marryatt and Robert Lineham have offered themselves for re-election. David Ogden has offered himself for election. The curriculum vitas of the three candidates are attached for the information of Council.

Recommended

That Council appoints Darryl Griffin as Council's proxy; and

That Council supports the existing candidates who have offered themselves for re-election, being Tony Marryatt, and Robert Lineham.

Reason for the recommendation

This enables Council to have a voice in the process.

P46 4.7 Regional Policy Statement Mapping Project

Governance Manager 3820.01

A report from the Governance Manager dated 15 June 2011 is attached, the purpose of which is to update Council on progress with the review of the Regional Policy Statement and the Mapping Project by the Northland Regional Council.

The Northland Regional Council is progressing the review of its Regional Policy Statement. As part of that review the Regional Council is about to commence a mapping project. The Project outputs will be used in the new Regional Policy Statement. The brief for the Project is to identify and map within the Northland Region:

- The landward extent of the coastal environment;
- High and outstanding natural character areas in the coastal environment;
- Outstanding natural features / landscapes.

The Northland Regional Council has established a Regional Policy and Development Committee, which includes political representatives from the three District Councils. This Committee oversees the development of the new Regional Policy Statement. The Committee is the Mapping Project sponsor. Councillor Geange is Kaipara's representative on that Committee.

Council has been asked by staff at the Regional Council to consider placing Variation 1: Landscapes on hold to await the outcome of the Regional Mapping Project. Staff have investigated this request and do not believe Council should put its Variation 1: Landscapes on hold for the following reasons:

- Council was directed to notify Variation 1 early by the Environment Court due to action taken by the Environmental Defence Society, Council has sought legal opinion as to the Court's likely views on placing Variation 1 on hold. It is considered that the Court will not condone Variation 1 being placed on hold, given it will leave a gap in the Proposed District Plan that affects to whole of Kaipara District.
- The Environment Court was not prepared to let Council delay notifying Variation 1: Landscapes to take account of the about to be released New Zealand Coastal Policy Statement which is a national document. Given this it is even less likely that

the Environment Court would permit Council to place Variation 1 on hold while it waits for the Northland Regional Council to notify its draft Regional Policy Statement which is a regional document and still only in draft form.

- The Environment Court is watching progress on Variation 1. Council had been requested to provide the Environment Court with an update on progress in June which it did. Council has subsequently been asked to provide a further progress report by 15 July 2011, at which time Council is to provide the dates it intends to hold its Hearing in respect of Variation 1.
- The Northland Regional Council is aiming to notify its **draft** Regional Policy Statement in May 2012 and it is estimated that the document will be operative by 2015-16. Council is required to give effect to the **final** document. To do anything else is to try to anticipate what the final document will look like before it has completed the public processes under the Resource Management Act.

This report has been discussed with the Planning Portfolio Holder, Councillor John Blackwell, who supports the recommendation.

Recommended

***That** Council receives the information in the Governance Manager's report dated 15 June 2011, as an update on progress by Northland Regional Council with the review of the Regional Policy Statement.*

Reason for the recommendation

Council is under direction from the Environment Court to proceed with the Variation. Council has also received legal advice that it should proceed with the Variation as planned and the Northland Regional Council is unaware of the advice this Council has received. To meet the Regional Council's request the Council would need to await the adoption of the Regional Policy Statement before it could make the final decision on the Variation and this could be in five years. In five years this Council is likely to commence its review of the District Plan on a Chapter by Chapter basis as now permitted by the Act and Landscapes could be the first Chapter reviewed.

4.8 Electoral Officer Appointment

Governance Manager 1301.01

Council is required to have a duly appointed Electoral Officer at all times. The position of Electoral Officer is presently held by Mrs Lichtwark-McInnes, Corporate Services Manager and as her role with Council is coming to an end, it is necessary to appoint a new Electoral Officer before 1 July 2011 so the position does not lie vacant..

It is recommended that Dale Ofsoske, a Director of Independent Election Services Limited be appointed to the position. Dale Ofsoske already provides Council with extensive electoral consultancy services by way of a contract with the Kaipara District Council. He acts of Electoral Officer for a number of councils including Whangarei District Council, Northland Regional Council and the Far North District Council. He also acts for the Northland District Health Board.

Section 14(5) of the Local Electoral Act 2001 expressly prohibits the Chief Executive being appointed or acting as an electoral officer unless there is no other option:

“(5) The Chief Executive of a local authority (however described) must not be appointed or act as an electoral officer, deputy electoral officer, or other electoral official, unless the local authority concerned is satisfied that no other course of action is reasonably practicable in the circumstances.”

Recommended

That Council appoints Dale Ofsoske of Independent Election Services as the Electoral Officer under Section 12 of the Local Electoral Act 2001.

Reason for the recommendation

To ensure Council is not left without an Electoral Officer.

P59 4.9 Road Legalisation: 178 and 605 Baldrock Road, Kaiwaka

Community Infrastructural Assets Manager 4102.08

As a result of improvements to Baldrock Road, Kaiwaka in 2010 an area of 4,131 square metres of privately owned land is required from two separate parties for road. Council engaged Crown Property Services on its behalf to acquire the land from all parties involved.

Crown Property Services has obtained valuations and reached agreement with all parties for compensation of land taken for road.

Agreement has been reached to acquire 2,459 square metres of land for road with Robert William Hastie, Deborah Lynne Hastie and Warner David Cullen who own 178 Baldrock Road, Kaiwaka. The land is described as Section 2 on SO 438723 and Section 3 SO 438723 on the attached maps. A registered valuation has been undertaken and the value of the land to be taken for road is \$3,830 excluding GST being \$566 for Section 2 and \$3,264 for Section 3.

Alan Charles Collins and Sharron Caitcheon are the registered owners of 605 Baldrock Road, Kaiwaka. Agreement has been reached for 1,672 square metres of land required for road. The land is described as Section 7 SO 438723 on the attached map and has a registered valuation of \$4,180 including GST.

This has been discussed with the Portfolio Holder who supports the recommendation.

Recommended

That Council compensates:

Robert William Hastie, Deborah Lynne Hastie and Warner David Cullen \$3,830 excluding GST for a total of 2,459 square metres of land for road, being Section 2 SO 438723 and Section 3 SO 438723 who own 178 Baldrock Road, Kaiwaka; and Alan Charles Collins and Sharron Caitcheon \$4,180 including GST for 1,672 square metres, being Section 7 SO 438723 at 605 Baldrock Road, Kaiwaka for land taken for roading due to improvements on Baldrock Road, Kaiwaka.

Reason for recommendation

To undertake this formalisation work at a later date is likely to be at greater cost to Council.

P62 4.10 Road Stopping and Legalisation: Intersection of Tinopai and Metcalfe Road, Hukatere

Community Infrastructural Assets Manager 4102.17 and 4102.08

As a result of discussions with Thomas Fennessey Beazley and upgrades to Metcalfe Road, Hukatere a small piece of land owned by Mr Beazley is required for road at the intersection of Tinopai and Metcalfe Roads.

When upgrades to Metcalfe Road were undertaken in approximately 2000, road legalisation work was undertaken at this time. This legalisation encroached on Mr Beazley's land and has meant that he has had minimal road reserve causing access issues to his property. A deal has been negotiated with Mr Beazley to legalise a small portion of land being one square metre for road at the corner of Tinopai and Metcalfe Roads. In exchange Council will stop 111 square metres of road and swap this for the land required. The land in question is shown on the attached map as Section 1 and Section 2 SO 443288.

There is difference of 110 metres that Council will stop in order to gain the land from Mr Beazley, however this has been an ongoing issue since the work was completed in 2000. The deal negotiated is the best solution for Council and Mr Beazley. The land Mr Beazley will give to Council is currently being used as road and as such needs to be gazetted. The natural road does not encroach on the area that Council is stopping and swapping with Mr Beazley. This has been a difficult matter for staff due to a variety of issues occurring and the deal that has been negotiated is the best way forward for all involved.

This recommendation has been discussed with Councillor John Blackwell who supports the recommendation.

Recommended

That Council stops 111 square metres of road being Section 1 SO 443288 and swaps this for Section 2 SO 443288 being owned by Thomas Fennessey Beazley at the intersection of Tinopai and Metcalfe Roads, Hukatere.

Reason for recommendation

Council needs to legalise an area of land for road and has worked closely with the land owner in order to negotiate a deal that is suitable for all parties involved.

P63 4.11 Road Legalisation: Paparoa-Oakleigh Road, Paparoa, Choiceland Farms

Community Infrastructural Assets Manager 4102.08

Due to road realignment on Paparoa-Oakleigh Road, Paparoa, two small areas of land totalling 920 square metres are required and Council engaged Crown Property Services on its behalf to acquire the land for roading purposes.

Crown Property Services has obtained a valuation and reached agreement for compensation of land taken for road.

Agreement has been reached with Choiceland Farms Limited to acquire 17 square metres and 903 square metres of land, with a total valuation for both pieces of \$1,500.00 plus GST if any. The lands are described as Section 3 SO 422811 and the larger piece being Section 4 SO 422811 on the attached map.

This has been discussed with the Portfolio Holder who supports the recommendation.

Recommended

That Council compensates Choiceland Farms Limited \$1,500, plus GST if any, for two pieces of land 17 square metres, being Section 3 SO 422811 and 903 square metres, being Section 4 SO 422811 of land required for road on Paparoa-Oakleigh Road, Paparoa

Reason for recommendation

To undertake this formalisation work at a later date is likely to be at greater cost to Council.

P34 4.12 Dargaville Wharf Pontoon and Waka Ama Club

Community Spaces Manager 2130.03

A report from the Community Spaces Manager of 9 June 2011 is attached regarding a letter of 23 May 2011 received from the Chairperson of the Waka Ama Club. The local Waka Ama Club proposes to have the Dargaville Wharf pontoon modified and repaired

so that it can be reinstated and used by the Club and other river users. They propose that the work be carried out by the local boat builder who built the original pontoon.

The Club has indicated the cost of repair and reinstatement will be \$5,000 but have not specifically asked for any funding. However, Council needs to consider if this proposal is the best long term solution or whether other pontoon options similar to the Mangawhai boat ramp would be more cost effective and provide a better outcome for the reinstatement of the pontoon. The pontoon reinstatement will once again make the Dargaville wharf accessible to all river users.

The Portfolio Holders Councillors McEwing and Wade have been provided with a copy of this report.

Recommended

That the Kaipara District Council supports the proposal by the Waka Ama Club to reinstate the pontoon at the Dargaville Wharf; and

That Council staff, along with representatives of the Waka Ama Club, investigates further the best pontoon option for the Dargaville Wharf; and

That the preferred option , funding options and costs be brought back to Council at its August 2011 meeting.

Reason for the recommendation

The Waka Ama Club will provide an additional activity for the community and through this project will make the Dargaville Wharf available to a wide range of river users. This will contribute to the community's social cultural and potentially economic well-being. Council needs to be sure that the reinstatement of the original pontoon is the best long term and cost effective option for community and Council.

P68 4.13 Engineering Standards 2009: Review

Community Infrastructural Assets Manager

3803.01

A report from the Community Infrastructural Assets Manager dated 13 June 2011 is attached. At Council's August 2010 meeting Council resolved to partially review the Engineering Standards 2009 through an Independently Facilitated Workshop Process to address submissions received on the Proposed District Plan that related to issues contained within the Engineering Standards. The proposed Workshop Process has now been completed with some useful amendments to the standards worked into a revised Engineering Standard document.

The next step in the process will be completed once the recommendations from the Hearing in respect of the Proposed District Plan have been actioned by Council. This

will allow the resolution of policy issues that impact on both the Engineering Standards and the Proposed District Plan or the setting of technical standards that have multiple acceptable solutions but require policy rather than technical determination.

Recommended

That Council receives the Community Infrastructural Assets Manager's report dated 13 June 2011, with a view to adopting the Engineering Standards document once Council has considered the recommendations of the Proposed District Plan Hearing Panel.

Reason for the recommendation

This would finalise the partial review which was the result of the Independently Facilitated Workshop Process as resolved by Council in August 2010 and allow the Engineering Standards to be considered as part of the District Plan Review process

P74 4.14 Department of Conservation's Kauri National Park Proposal May 2011:
Cir Kaipara District Council Submission

Governance Manager 2110.03

The Kaipara District Council's submission dated 9 June 2011 is attached, regarding the Department of Conservation's Proposal of May 2011 to establish a Kauri National Park around the Waipoua Forest.

Council has requested it be heard in support of its submission.

A copy of the Kauri National Park May 2011 proposal document is circulated separately for information.

Recommended

That Council endorses its submission to the Department of Conservation on the Kauri National Park Proposal May 2011.

Reason for the recommendation

Council has long supported the establishment of a Kauri National Park around the Waipoua Forest.

P76 4.15 Cames Road, Mangawhai: Opening

Chief Executive 4104.069

A letter from MWH, Council's Engineers, received 16 June 2011 is attached. There have been numerous complaints and petitions received on changing the unformed road status of Cames Road, Mangawhai. The community is divided on whether to sever or join the unformed road.

During the meeting for *Deliberation on Submissions to the 2011/2012 Draft Annual Plan* held on 19 May 2011 Council decided to open Cames Road to through traffic. This report considers the various implications surrounding this decision in terms of legislation, road usage, signage, speed restrictions and ongoing road maintenance responsibilities.

Council has decided to open Cames Road to through traffic and in doing so they need to be conscious of the legislation and operational issues surrounding that decision.

On Cames Road there is a section of road, approximately 350 metres long by 3.5 metres wide, which is constructed in concrete by the developer, Mangawhai Ridge Limited, as access to an adjacent subdivision. With the increased traffic volumes expected the existing pavement will deteriorate faster resulting in higher maintenance costs and associated safety risks for Council.

Through recent changes to the Land Transport Act the Road Controlling Authority, Kaipara District Council, has the ability to limit the type of vehicles using Cames Road to only light vehicles and emergency vehicles and can also limit the speed of vehicle passing through this section using other legislation. In placing these restrictions this will enhance the overall safety on Cames Road and minimise the ongoing maintenance costs. The approximate cost for regulatory signs place at either end of Cames Road and in close proximity to the concrete section of road is \$12,500 plus design costs. Given the road ultimately belongs to Kaipara District Council regardless of who constructed it, Council needs to engage in dialogue with developer to agree on the maintenance responsibilities.

With the history and controversy surrounding the Cames Road opening, Council may wish to consider a more in-depth implementation strategy with media releases.

The letter from MWH suggests three recommendations, which are set out below:

Recommended

That Cames Road, Mangawhai, be open to restricted traffic; and

That Council erects restricted signs and one pair of agreed warning signs; and

That maintenance will be to existing standards and become Kaipara District Council responsibility.

Cir 4.16 Strategic Plan for Kaipara Libraries 2011

Corporate Services Manager 2124.04.03

The Strategic Plan for Kaipara Libraries has been prepared to give direction to the District's library service over the next five years and to position it for the future. The Plan outlines steps to modernise the service across the District and provide equality of

service and digital capabilities. A copy of the Plan is circulated separately for information.

The Portfolio Holder Councillor Sutherland has been provided with a copy of this Plan.

Recommended

That Council adopts the recommendations of the Strategic Plan for Kaipara Libraries, and incorporates the recommendations into Council's Long Term Plan for consultation with the community.

Reason for the recommendation

To ensure that Kaipara's citizens benefit from a modern, equal library service that caters for their needs and that there is a Plan to inform the libraries' direction.

4.17 Warrant of Appointment: Dog Stock and Noise Control Officer and Parking Warden and Delegation of Future Appointments to Chief Executive

Development Manager 6404.0 WOA

Approval is sought to appoint Raymond Richard Lovelace Bull as an authorised Dog, Stock and Noise Control Officer and Parking Warden pursuant to the Dog Control Act 1996, the Impounding Act 1955, the Local Government Act 2002, the Resource Management Act 1991 and the Transport Act 1962.

Mr Bull is currently residing at Matakohe and employed by Environmental Northland Limited, Council's contractor for providing these services. The Contactor is responsible for ensuring that all staff are suitably qualified and trained to carry out their duties.

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

In addition, and for future reference, approval is sought to delegate the authority to appoint future enforcement officers, to the Chief Executive. This is proposed in order to avoid unnecessary delays in making such appointments, as the current situation causes operational difficulties for the contractor. As originally enacted, the seventh schedule to the Local Government Act 2002 specifically excluded the power to warrant enforcement officers from the functions which could be delegated. Several years ago the seventh schedule was amended by repealing paragraph (g) of Clause 32, which means that it is now lawful for the warranting of enforcement officers to be delegated. While this issue will be addressed in the comprehensive review of current delegations which will take place later in the year, there will be an immediate operational benefit if Council agrees to this step now. Recommendation Three below relates to this.

Recommendation One

That Council appoints Raymond Richard Lovelace Bull as an Authorised Officer under the Kaipara District Council General Bylaw No.1 2008 and authorises him to carry out the functions and powers of an Authorised Officer under this Bylaw.

Reason for Recommendation One

Making the appointment as recommended, will allow the warrant to be issued to the officer in order for him to undertake his duties under the Kaipara District Council General Bylaw No.1 2008.

Recommendation Two

1 That Council warrants Raymond Richard Lovelace Bull as an authorised officer pursuant to s.13, s.14, s.17, s.19, s.19A, s.59 and s.60 of the Dog Control Act 1996; and pursuant to s.8 of the Impounding Act 1955; and pursuant to s.164, s.171, s.172, s.173, s.177, s.245 of the Local Government Act 2002; and pursuant to s.38(1)(2)(5)(6), s.327, s.328 of the Resource Management Act 1991.

2 That Council warrants Raymond Richard Lovelace Bull as an authorised parking warden pursuant to s.7 of the Transport Act 1962.

Reason for Recommendation Two

This authorisation is necessary to enable Raymond Richard Lovelace Bull to undertake the duties of a Dog, Stock and Noise Control Officer and a Parking Warden in the Kaipara District.

Recommendation Three

That pursuant to Clause 32 of the Seventh Schedule to the Local Government Act 2002, the Kaipara District Council delegates to the Chief Executive the authority to warrant enforcement officers under legislation administered by it, such as the Dog Control Act 1996, the Impounding Act 1955, the Local Government Act 2002 and the Resource Management Act 1991 and the Council's Bylaws in force at the time of appointment.

Reason for Recommendation Three

The delegation of this authority to the Chief Executive will enable appointments to be made in a timely way without having to rely on the Council meeting cycle.

5 Reports

5.1 Mayor's Report

1701.02.03

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

5.2 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.

Cir 5.3 Chief Executive's Report: June 2011

Chief Executive 2002.02.10

The Chief Executive's report is circulated separately.

Recommended

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

6 Receipt Items

P82 6.1 Raupo Drainage Committee Minutes 15 March 2011

Chief Executive 2002.02.10

A copy of the minutes is attached for information.

Recommended

That the minutes of the Raupo Drainage Committee meeting 15 March 2011 be received.

7 Information Items

P86 7.1 Correspondence Addressed to Mayor and Councillors: 8 June to 7 July 2011

Governance Manager 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.

P90 7.2 Delegated Authority: Schedule of Decisions

Development Manager 3803.0

A schedule of decisions that has 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 Schedule of Decisions be received.

P115 7.3 Mangawhai Historical Society Inc: Annual Accounts and Mangawhai Endowment Fund Grant

Development Manager 2115.03

A letter dated 17 May 2011 from John Bull, Treasurer of the Mangawhai Historical Society Inc that reports the use of Mangawhai Endowment Fund grants and the 2010 financial report delivered at the Society's Annual General Meeting on 16 March 2011 is attached for Council's information.

Recommended

That the information be received.

7.4 Kaipara District 2011 Citizens Awards

Corporate Services Manager 2120.01.03

Council annually recognises three volunteers in Kaipara for their dedication in helping other people and making their community a better place in which to live.

The three recipients of the Kaipara District 2011 Citizens Awards are to receive their awards during the afternoon session of this Council meeting, at 3pm. They are Ron Halliday, Jean Finlayson and Gordon Murray.

Recommended

That the information be received.

P140 7.5 NZ Mutual Liability Riskpool (Riskpool) and Local Authority Protection Programme Disaster Fund (LAPP)

Governance Manager 5105.10

A letter dated 1 June 2011 from ACM Ahlers Insurance Professionals (Council's Insurance Broker), and their updated report that details Riskpool and Local Authority Protection Programme Disaster Fund (LAPP) are attached.

RiskPool and LAPP are both mutual insurance funds formed in the 1990s in association with local government to address specific needs relating to the provision of insurance coverage for infrastructural assets and legal liability exposures respectively. The funds are owned by the member councils. The funds are administered by Jardines and Civic Assurance.

Each fund carries a relatively low threshold of the risk, and reinsures the balance of the insured programme with international reinsurance companies. It is the strength of these reinsurance arrangements that the funds rely on for major losses or catastrophes.

It is noted that Council is taking the advice of its insurance brokers set out in its June 2011 letter.

Recommended

That the information be received.

P147 7.6 Northland Regional Council and Kaipara District Council Joint Workshop Notes 17 May 2011

Chief Executive 2117.01

A copy of the notes from the Northland Regional Council and Kaipara District Council joint workshop, hosted by Kaipara District Council, on 17 May 2011 is attached for the information of Councillors.

Recommended

That the information be received.

P150 7.7 Foreshore Jurisdiction Extension

Governance Manager 3834.0

At its meeting held 27 May 2009, Council considered a letter received from John Carter MP requesting Council forward its views on the proposed seaward boundary extension. Mr Carter stated that such a proposal would make it easier for territorial authorities round New Zealand to deal effectively with irresponsible vehicle use and other problems on beaches. He believed that it would be an important first step to a consistent approach by territorial authorities through New Zealand.

Mr Carter went on to state that since 1989 33 territorial authorities had chosen to have their seaward boundary extended from the Mean High Water Mark to the Mean Low Water Mark. The Whangarei District Council extended their seaward boundary. The Far North District Council and Kaipara District Council did not. Both the Far North and Kaipara have beaches that are designated as a road which brings its own set of unique foreshore and roading issues, Whangarei does not.

Council's primary concerns included:

- Increased risk of liability for road safety. Council would be responsible for the upkeep and safety of the road along the foreshore which becomes inundated by incursion of the sea. Therefore the foreshore is prone to spots which are soft and dangerous and impossible to maintain, increasing safety concerns which Council is not currently responsible for. This situation was highlighted in the case of **Parkin verses Tararua District Council**, where a breach of standard of care for the safety of the road along the foreshore led to that particular Council being successfully prosecuted for criminal nuisance.
- Additional costs and resources for implementation and enforcement.

- Acquisition of land from Crown could raise fundamental legal problems as roads in the District would be vested in fee simple in the Council by virtue of section 316 of the Local Government Act 1979. Consideration of how our local Maori would respond to such change taking into account their significant interest in the foreshore.
- Similar legal uncertainties could arise in respect of functions, responsibilities and liabilities under legislation such as; the Resource Management Act 1991 with regard to the coastal marine area and the Maritime Transport Act 1994 with regards to marine oil spill contingency plans.

Council sought and received legal advice that the disadvantages of making such a move seemingly outweighed the advantages. Council could ultimately be placed in a precarious position without being provided with any real solutions to the initial problems.

All this became a rather moot point when on 26 May 2011 Council received a further letter from John Carter MP (see attached) advising that the seaward boundaries of Kaipara District Council and 22 other territorial authorities would be extended to Mean Low Water Springs. He said that this would allow the application of the Council's existing regulatory powers and functions to Mean Low Water Springs and provide a nationally consistent seaward boundary for all 53 coastal territories. He added that a key benefit of this jurisdiction extension is that it would allow the Council to locally regulate public nuisances and safety issues on the foreshore such as the use of motor vehicles if issues arise.

John Carter MP admits that this jurisdiction extension does not address the legislative framework for managing activities stating that the reason for this is that to do so would be costly, complex and could affect local choice.

The disadvantages of these changes still seemingly outweigh the advantages with local government again being forced to pick up additional costs including resourcing the development, implementation and enforcement of appropriate regulation, whatever that may end up being. Nothing in this allays any of Council's primary concerns. Council appears to have been placed in that precarious position without being provided with any real solutions to the initial problems as suggested by its earlier legal advice.

The situation prior to John Carter's decision to extend jurisdiction was that territorial authorities had responsibility to mean high water mark and above, regional authorities had responsibility from Mean Low Water Mark and below and the strip in between was the responsibility of the Department of Conservation. Council has worked closely with the Northland Conservancy to find workable solutions and in fact the Northland Conservancy had indicated it was prepared to consider taking responsibility for the area between mean high water and mean low water. The Department of Conservation's Head Office however declined to participate refusing to step up and formally accept this responsibility. Council has also worked with the Northland Regional Council and local Police. Of particular success was having a police presence on Ripiro Beach during the

peak summer period.

This move by John Carter MP coincides with amendments to the Land Transport Act 1998. Section 22AB(1)(f) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 states that road controlling authorities may make certain Bylaws prohibiting or restricting the use of vehicles on beaches. The Local Government Act 2002, sec 156 states that the special consultative procedure must be used when making, amending or revoking a Bylaw.

Council will continue to work with its northern and southern neighbours to achieve a consistent approach. It is considered highly likely however that with the recent changes to the legislation there will be pressure brought to bear on Council by other agencies and the public to consider Bylaws around the restricting and/or prohibiting of vehicles on beaches. With this will come the cost of monitoring said Bylaws; another cost to Council and its ratepayers.

A letter from the Hon John Carter received by Council on 23 May 2011 is attached.

Recommended

That the information be received.

P152 7.8 Mangawhai Park Limited: Unit of Demand Appeal

Chief Executive 4505.01.Mangawhai Village Park

The Appeals Committee for the Mangawhai Community Wastewater Scheme held several hearings in February and March 2011 to consider an appeal from Mangawhai Park Limited regarding the wastewater charges applied to their property on Moir Street, Mangawhai. The first meeting of 24 February 2011 was held on site with the directors of Mangawhai Park Limited present.

At its meeting of 23 March 2011 the Committee made a decision which is attached.

A further letter was received from David Kirkpatrick, a Solicitor representing Mangawhai Park Limited, on 4 May 2011 asking the Committee to reconsider its decision made on 23 March 2011.

The Committee met again on 25 May 2011 to consider this letter and has reconfirmed its original decision as there was no further evidence to suggest the decision should be changed.

Recommended

That this information be received

P153 7.9 Mangawhai Community Wastewater Scheme: Northcoast Developments Limited Hearing Minutes

Chief Executive 4505.01 The Sands

The Mangawhai Community Wastewater Scheme Committee held a hearing on 10 February 2011 with the directors and associates of Northcoast Developments Limited to determine whether their objection to Council's Notice of Intention, to construct a sewer line through Northcoast Developments property, be declined. The meeting was public excluded. The Committee made the attached decision that their objection be declined.

Since the Hearing Northcoast Developments have appealed the decision and Council has been continuing with the litigation process.

A decision will need to be made whether this should continue. A report, prepared by Peter Elliot, outlining more detail and Council's options will be presented to Council for consideration and is also included in this months agenda.

Recommended

That this information be received.

P154 7.10 Omamari Road Failure Report

Community Infrastructural Assets Manager 4104.339

Council commissioned the Resolve Group to review the cause of the Omamari Road failure and who was responsible for it. A desk review of the correspondence and reports was undertaken together with telephone interviews with the participants. The site has not been visited.

The conclusion of the attached Report of 30 May 2011 is that neither side was culpable and that given the circumstances it was not reasonable to expect a contribution to the restoration from either the contractor or the consultant.

Recommended

That Council receives the information.

P165 7.11 Local Government New Zealand: Rationalising National Intervention under the Resource Management Act

Governance Manager 2113.02; 3825.0

A copy of the memorandum dated 27 May 2011 and report dated April 2011, regarding rationalising national intervention under the Resource Management Act, from Local Government New Zealand is attached.

Recommended

That the information be received.

P201 7.12 Public Debt Portfolio: Additional Information

Acting Management Accountant 2305.01

At the 25 May 2011 monthly meeting Councillors requested an updated Public Debt portfolio. That update, as at 31 May 2011, is now provided and shows, the interest rates applicable to each loan. The Sinking Fund figures have not changed, as the annual payments are made in the month of June.

Recommended

That the information be received.

P204 7.13 Management of Genetically Modified Organisms in the Whangarei District

Governance Manager 2105.37

A letter dated 23 May 2011 from the Whangarei District Council regarding their decision concerning the management of Genetically Modified Organisms in the Whangarei District is attached.

Recommended

That the information be received.

P205 7.14 Local Government Elected Members (2010//) (Certain Local Authorities) Determination (No 2) 2011

Governance Manager 1801.0

A copy of the Local Government Elected Members (2010/11) (Certain Local Authorities) Determination (No 2) 2011 dated 3 June 2011 from the Remuneration Authority is attached.

Recommended

That the information be received.

P248 7.15 Class 4 Gambling Venue Policy May 2011 and TAB Venue Policy May 2011 –
Cir Deliberations

Governance and Policy Manager 1601.15

At its meeting held 25 May 2010 Council delegated authority to Councillors Geange, Blackwell, Linton and McEwing to make decisions on Council's behalf in respect of its draft Class 4 Gambling Venue and TAB Venue Policy 2011. These four Councillors formed the Committee that had sat and heard submissions from those submitters wishing to be heard at Maungaturoto on 09 May 2011.

Council considered it appropriate to delegate decision-making authority to that Committee to make the required decisions on behalf of Council.

The Deliberations are attached, and the Class 4 Gambling Venue Policy May 2011 and TAB Venue Policy May 2011 are circulated separately with the agenda for information.

Resolved Linton/Blackwell

That the minutes of the Class 4 Gambling Venue Policy May 2011 and TAB Venue Policy May 2011 Deliberations held 25 May 2011, as circulated, be confirmed as a true and correct record.

Recommended

That this information be received.

P252 7.16 Civil Defence Emergency Management Group: Minutes of meeting 7 June 2011

Community Infrastructure Assets Manager 6107.0

Minutes of the Northland Group meeting held on 7 June 2011 at Northland Regional Council chambers, Whangarei are attached for information.

At an earlier meeting this year it was noted that minutes of the Civil Defence Emergency Management Group meetings were not circulated to the member Council's and a resolution was passed that, in future, minutes of all of the Civil Defence Emergency Management Group meetings would be forwarded to the member councils for inclusion in their business papers, for their information.

Recommended

That the information be received.

P276 7.17 Area Boundary Changes in Northland Conservancy

Governance and Policy Manager 2110.03

As of 01 July 2011, the Department of Conservation will be shifting the boundaries between the Whangarei and Kauri Coast areas. Implementing this boundary change will provide greater alignment between the Department and Kaipara District Council boundaries together with those of the rohe of Te Uri o Hau. In short, the Department believes it will provide an opportunity to improve its connection with those communities that naturally come to Dargaville for their day to day needs.

A copy of the Department of Conservation's Area boundary Changes in Northland Conservancy document is attached for information.

Recommended

That the information be received.

8 Notices of Motion

8.1 Notices of Motion: Councillor Larsen

Chief Executive 1905.0

Cr Larsen has forwarded 15 Notices of Motion for inclusion in the Council agenda. Councillor Larsen has since withdrawn one of these. The Mayor has instructed that only three (3) of the remaining Notices of Motion be included in the agenda.

a) "Notice of Motion 1

That, in accordance with best practice, Council engage independent consultants to carry out a full review of the Ecocare project including the lessons learnt on-

- a. The cost control of the project
- b. Costs that can be avoided in the future
- c. The management of the project
- d. The expected performance of the infrastructure going forward; and

The effect of the findings on the financing of the project and issues with the loan agreement terms for affected Mangawhai ratepayers.

Reasons for Notice of Motion 1

There has been much debate about the costs and issues with the performance of the Ecocare project.

The first issue is that affected ratepayers (many of whom are on fixed incomes) are worried that, given-

- the inflation in the project cost; and
- the apparent increase in operating costs; and
- the apparent issues with the long term reliability of the infrastructure; and
- the unknown terms of the financing agreement; and
- the reliance of the schemes financial success on rapid expansion of the number of connections and the glut of sections and downturn in holiday home building,

they face a future of increasing targeted rates demands and development stalled by requests for uneconomic development contributions or new connection contributions.

It is important that Council also, in accordance with best practice for major projects, undertake a review to determine what lessons can be learnt so that future management of the scheme and future project management of other such major projects can be improved.”

b) “Notice of Motion 7

That an independent RMA mediator be appointed as a matter of urgency to mediate on matters of process and costs relating to disputes between applicants and council staff/ consultants. The RMA mediator will make recommendations to Council and will liaise with a committee Comprised of the Mayor and two appointed councillors with current MfE Making Good Decisions certification when available; and

That in appointing the RMA mediator, preference shall be given to candidates with the following characteristics:

- A professional person with extensive experience and expertise, and qualifications covering the many sectors of development regulated by Council.
- Experience in Engineering, Construction, Land Development and Project Financing.
- Be certified by the MfE Making Good Decisions programme
- Experience in negotiation between parties with conflicting interests and who need to perceive that at the end they have been treated according to the principles of natural justice.

- Demonstrable access to international experts and networks will be an advantage, as Council wants to be advised of best international experience as well as local experience and legislative requirements.
- Able to communicate with the parties and the general public through high quality reports and commentaries. Therefore proven capabilities in communication and good relationships with the various media will be necessary.
- Able to complete or transfer any projects currently being undertaken for clients prior to appointment to ensure genuine independence; and

That preference given to suitably qualified persons residing within the Kaipara District

Reasons for Notice of Motion 7

Feedback to me as a Councillor is that this Council is anti-development. The official position of Council (in being for growth and development in the District) appears to be undermined in ratepayer perception by Council's battles with developers and the affect on property rights of recent Council initiatives.

The paradox is that Council has set itself growth objectives that must be achieved (e.g. Mangawhai growth) if the Council is going to be able to reduce its debt.

The appointment of a mediator will provide both a clear alternative to objectors and signal to ratepayers that the Council is serious about transparency and avoiding impact on the costs to ratepayers of easily solvable issues. It will improve the economic viability of such proposals and accordingly give a clear signal that Council is not opposed to economic growth within the district."

c) "Notice of Motion 8

That, in addition to the appointment of an RMA mediator, a disputes procedure be established for RMA applicants. Applicants can apply on the prescribed form to have their dispute or grievance resolved. If the matter is not resolved by council staff/ consultants within 15 working days (excluding s357A and s357B matters which may require a hearing) then the applicant is entitled to have the matter referred to the RMA mediator. A draft procedure shall be provided to Council by 20 July 2011 with amendments being made and presentation to Council for adoption on 24 August 2011.

Reasons for Notice of Motion 8

This is part 2 of a suggested programme (the first part being in Notice of motion 7) designed to promote transparency and assist those that can bring economic growth to the district as outlined in the reasons for Notice of Motion 7."

Chief Executive's Comment

Each of these matters could have significant impacts on Council ranging from legality through to cost implications. Each item, should Council wish to proceed with them should be referred to the Chief Executive to provide Council with a full report, in Council's standard template, on the issues relating to each matter to ensure that Council is fully informed before it makes a decision.

In addition, given the number of Notices of Motion received and the impact these could have on Council's workflows and ability to achieve other outcomes Council is seeking, I have carried out some initial research. This has raised the following concerns about the process: -

Decision-making Requirements

Currently, there are no guidelines in Standing Orders for the level of information to be contained in a Notice of Motion. The Local Government Act 2002, however, has specific decision-making requirements for local authorities and, as a general rule, Council must ensure that its decision-making processes "promote compliance" with sections 76-82 of the Act. The effect is that Council's decision-making processes must:

- Consider all reasonably practicable options, including the costs and the benefits of those options, the extent to which they achieve community outcomes and their impact on the capacity of Council to meet its statutory obligations.
- Consider the views and preferences of persons likely to be affected by or have an interest in the matter.
- Identify and explain any significant inconsistency between the decision and any policy or plan adopted by Council.
- Provide opportunities for Maori to contribute to the process.
- Promote compliance with the principles of consultation, including giving interested persons a reasonable opportunity to present their views*.

(*Local Government Know How - Decision Making, Local Government New Zealand)

Organisational Priorities

- When making decisions by way of Notice of Motion, Council needs to take into consideration that its decision can result in additional staff work that has neither been scheduled nor identified as a Council priority. This can result in staff having to reprioritise work schedules, possibly causing delays to already programmed work and/or creating the need for additional unbudgeted resources. A report from the Chief Executive would provide clarity as to how the Notice of Motion would fit with other organisational priorities and workloads.

Of the issues above those around decision-making are of most concern as Council could be in breach of the law if it does not have full information in relation to the matters being considered. This may make the decisions invalid and may cause liability for Councillors.

9 Public Excluded Council Items 22 June 2011

Recommended

That the public be excluded from the following part of the proceedings of this meeting namely, a) Potential Claims against Council, b) Verano Properties Limited:

Overpayment of Development Contributions, c) EcoCare Complaint Independent Review Update, d) Developer Sewer Issues, Northcoast Developments Ltd Mangawhai EcoCare Project,

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>Verano Properties Limited: Overpayment of Development Contributions.</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i)</i>
<i>EcoCare Complaint Independent Review Update</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g)</i>
<i>Developer Sewer Issues, Northcoast Developments Ltd Mangawhai EcoCare Project</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(g)</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).

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Recommended

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

Closure

Kaipara District Council

Dargaville
