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**Not for Publication until after Commencement of Meeting**

**Notice Of Ordinary Meeting Of Council**

**Date** 10.00 am on Wednesday 23 November 2011

**Venue** Council Chambers, Station Road, Dargaville

**Timetable**

**9.45 am Morning Tea**

**10.00am Kaipara Heritage Fund Committee Meeting**

**11.00 am Workshop**

**Kaipara District Council Website**

**12.15 pm Lunch**

**1.00 pm Commencement of Council Meeting**

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

**a) Public Forum 1.00 pm :**

**Lance Newby, Lands and Survey Ltd**

Mr Newby wishes to speak with Council.

**2.45 pm Afternoon Tea**

**3.00 pm Recommencement of Council Meeting, if required**

**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,  
Dargaville On Wednesday 23 November 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: 23 November 2011****1 Opening: Councillor Wade**

Councillor Blackwell to open the 14 December 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****2.1 Lance Newby (Lands and Survey) (1.00pm)**

Mr Newby wishes to speak to Council.

**3 Confirmation of Minutes****P1 3.1 Extraordinary Council Meeting : 19 October 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 19 October 2011 as circulated, be confirmed as a true and correct record.*

**P5 3.2 Ordinary Council Meeting : 26 October 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 26 October 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

### **P34 5.1 Dargaville Community Cinema Charitable Trust (DCCCT) Additional Funding Request**

#### **General Manager Operations 2105.51**

A report from the General Manager Operations dated 10 November 2011 is attached, regarding the request from the Dargaville Community Cinema Charitable Trust for additional funds.

The Dargaville Community Cinema Charitable Trust (DCCCT) cinema build fit-out project in the old library space in the Municipal Building, Hokianga Road, Dargaville requires additional financial support of \$57,212 (GST Inclusive) from Council, within this current financial year. This is required to allow for the project to start and be completed. This is over and above the \$200,000 GST inclusive amount approved by Council during the 2011/12 Annual Plan.

This item has been sent to Councillors Geange, McEwing and Wade for their information and comment.

#### **Recommended**

*That Council increases the grant to the Dargaville Community Cinema Charitable Trust for its Build Project in the Municipal Building, Hokianga Road, Dargaville by \$21,199 to allow the cinema to be completed; and*

*That Council provides a further contingency fund of \$23,283, with any savings or funds not required being returned or retained by Council.*

*That Council approves an additional \$15,750 required to move the flag and replace or relocate the bar.*

#### **Reason for the recommendation**

Without the additional funding the Cinema Build Project will not be able to be completed.

## **P40 5.2 Paparoa Library Lease Renewal (Brooke House)**

**General Operations Manager**

**2124.06.01**

The lease for Paparoa community library in the former Council building in Paparoa terminates in November 2011. This building has also been for sale for some time and has recently sold, with settlement on 10 November 2011. The new owners are very happy to have the library stay. They have assured Council that they would like the ongoing relationship with the library to be a happy one, and would like input into how to proceed so that the needs of the Council and the library are satisfied.

Paparoa, along with Mangawhai, Maungaturoto and Kaiwaka, is part of Kaipara's community library network. Paparoa library currently has 127 members with 4,564 item issues in the 2009/2010 year. This provides 16.8 issues per head of population and 36 issues per member annually, which is a high percentage of issues per customer so is well used by the community. The library has free membership now, thanks to Council's increase in funding. Membership has been increasing with the waiving of community library membership fees; it is up to 158 from the previous year's 127 members.

Paparoa library also gets a book grant, as they have done over the years, to spend on collection development. Council also pays power and telephone line/internet charges. As long as membership continues to grow (it is a high percentage of members for Paparoa's population) the Library Manager sees a strong future for this library.

There has been a library at Paparoa since the late 1860's. It had many homes over the years thanks to a dedicated group of people in the community. In 1989 Otamatea County amalgamated with Dargaville District Council and became Kaipara District Council. When the Paparoa office was sold and the branch moved to Kaiwaka the library was moved into what had been the front office space, where it remains to date. This is a better site, in part because it has wheelchair access.

This library is very central to the community, providing children's reading groups, examination facilities, a drop-in centre and a housebound service for those not able to visit the library. These facilities are vital to the health of a rural community.

It is the landowner's responsibility to initiate an agreement and prepare lease documentation. However, Council has had discussions with the new owner and once settlement has been effected Council and the new owners will begin discussions about a new agreement. Currently, Council pays \$7,256.16 per annum for the lease. Council has been advised that the owners would like to increase the lease payments by approximately \$5.00 per week (approximately \$260.00 increase per annum) but this will be confirmed in discussions post settlement. With any lease, the agreement stays with the building and current Terms and Conditions continue until a new agreement is in place.

This item has been sent to the Portfolio Holder, Councillor Julie Geange.

### **Recommended**

*That Council continues to support the community library in Paparua by way of entering into a lease for the part of the premises known as Brooke House, comprising an area of 82.6 square metres; and*

*That Council staff enter into discussions with the new owners of Brooke House regarding this agreement and report back to Council once discussions are finalised.*

### **Reason for the recommendation**

Council can continue to support the Paparua community in a tangible way.

## **P42 5.3 Rally New Zealand: Expression of Interest for Rallies in Kaipara District, March and June 2012**

### **General Manager Operations 3208.01**

A report from the General Manager Operations dated 7 November 2011 is attached, regarding correspondence Council has received from Rally New Zealand seeking approval in principle to hold two separate rallies in Kaipara in 2012.

Rally New Zealand is a return visitor to Kaipara. They are a professional and well known organisation in Kaipara having held numerous rallies here since 2000. Communities such as Maungaturoto benefit economically from this activity. Organisations such as Lions Club and Rotary in Maungaturoto are used as marshals and officials for the event. Money they receive is in turn spent on local projects.

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

### **Recommended**

*That Council agrees in principle to hosting the Rally of New Zealand in March and June 2012; and*

*That when application is made for road closures associated with this activity, Council advises that a bond of \$20,000 will be required by Rally of New Zealand; and*

*That a payment of \$1,000 deposit toward the Temporary Road Closure Fee be made.*

### **Reason for the recommendation**

The Rally of New Zealand events directly benefit local communities economically. While the bulk of road maintenance is carried out after these events, the cost of road maintenance from the last rally was nearly \$15,000. An increase in bond is reflective of the actual cost of works. An increase in the deposit for the Temporary Road Closure fee is needed to cover the increasing cost in advertising.

## **P45 5.4 Kaipara District Liquor Licensing Agency: Draft Annual Report**

### **General Manager Operations 3706.0**

A copy of the Draft Annual Report from the Kaipara District Licensing Agency to the Liquor Licensing Authority for the year ended 30 June 2011 is attached, in accordance with the requirements of section 105 of the Sale of Liquor Act 1989. The Kaipara District Licensing Agency has operated effectively throughout the year and no complaints have been received.

### **Recommended**

*That the Draft Annual Report of the Kaipara District Licensing Agency, covering the period from 1 July 2010 to 30 June 2011, be adopted and forwarded to the Liquor Licensing Authority in terms of section 105 of the Sale of Liquor Act 1989.*

### **Reason for the recommendation**

Council, as the Kaipara District Licensing Agency, is required to report to the Liquor Licensing Authority annually, and the report is required to cover details of the Agency's proceedings and operations during the period under review.

It is appropriate that Council, as the Kaipara District Licensing Agency, approves the draft Annual Report prior to presentation to the Authority.

## **6 Reports**

### **6.1 Mayor's Report**

#### **1701.02.03**

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

### **6.2 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 6.3 Chief Executive's Report: November 2011****Corporate Services Manager 2002.02.10**

The Chief Executive's report is circulated separately.

**Recommended**

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

**7 Received Items****P50 7.1 Taharoa Domain Governance Committee Meeting 2 September 2011****General Manager Operations 1606.11**

A copy of the confirmed minutes is attached.

**Recommended**

*That the confirmed minutes of the Taharoa Domain Governance Committee meeting held 2 September 2011 be received.*

**8 Information Items****P56 8.1 Correspondence Addressed to Mayor and Councillors: 13 October to 7 November 2011****General Manager Policy and Governance 1701.01**

For the information of Councillors, attached are 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 necessitates this information to be collated two weeks prior to the meeting. Correspondence received after that date will be reported to the next meeting along with responses which have been sent after the cut-off date.

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

**Recommended**

*That the information be received.*

**P108 8.2 Delegated Authority: Schedule of Decisions****General Manager Operations 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.*

**P152 8.3 Northland Intersectoral Forum Monthly Briefing Report 18 October 2011****General Manager Governance and Policy 1908.01.04**

The Northland Intersectoral Forum Monthly Briefing Report of 18 October 2011 is attached for information.

The Northland Intersectoral Forum has an overarching view on social monitoring, community renewal, engaging the community in learning, helping with the environment and the promoting and highlighting of the economic well-being of the region, among other topics.

This month's briefing report provides an overview and update from the NZ Transport Agency which outlines future subsidy rates for councils. For Kaipara the subsidy rate is to decrease by 1%.

This month's briefing report also summarises Enterprise Northland's Quarterly Report covering the July-September 2011 period.

**Recommended**

*That the information be received.*

**P155 8.4 Otamatea Roding Development Contributions: Implications of Suspension****General Manager Operations 2304.11**

This information item provides feedback to Council on its development Contribution Policy where it affects the Otamatea Roding area.

In April 2011 Council resolved to suspend roading development contributions for resource consent applications in the Otamatea area. This policy is effective from 1 July 2011. Since then, six applications have been lodged with Council for new resource

consents to replace existing resource consents that have been liable for roading development contributions. For all six of these applications, what the applicant is seeking is exactly the same as their previously granted consent. Discussions with certain agents acting for applicants have made it clear that new applications are being lodged for a specific purpose of avoiding paying these development contributions. The cost of a new application is less than the cost of the development contributions.

The total amount of development contributions being avoided by these six repeated applications is \$105,179.

This policy could be seen to have either created a loophole for the avoidance of previous commitments to pay development contributions, or alternatively reducing the financial burden on developers to pay development contributions.

If viewed from the perspective of creating an unexpected loophole, Council currently stands to miss out on at least \$105,000, or pre-July 2011 development contributions it could have otherwise expected to receive during the next few years. These contributions would have funded infrastructure works. Presuming that these consented developments are completed, Council is faced with having to fund those works itself. However, Council is not permitted by the Resource Management Act 1991 to reject these repeated applications.

If considered as a successful means of reducing the financial burden of development, it has done so by over \$105,000 with the prospect of further savings in the future. There is currently another resource consent that has already been granted for a large subdivision that it is rumoured may be re-lodged with Council in order to avoid these development contributions. There are likely to be other such applications made where the current resource consent has not yet been given effect.

### **Recommended**

*That the information be received.*

## **P156 8.5 Draft Auckland Spatial Plan: Auckland Unleashed**

### **General Manager Policy and Governance**

**3832.04**

The new Auckland Council has prepared a set of planning documents to guide development over the next thirty years. This consists of a draft Auckland Plan, a draft Economic Development Strategy, a draft City Centre Masterplan, and a draft Waterfront Plan. Copies of the Auckland Plan and Economic Development Strategy summaries are attached.

The Plan has some implications for the Council as a neighbouring authority. Firstly, while significant growth is being anticipated, the Plan is to channel this into existing

built-up areas, and add to identified outlying nodes such as Wellsford, Warkworth, Helensville and Orewa. Development will be contained inside the Rural Urban Boundary (RUB). The consequence of this is that, while the Plan does not encourage commuter travel unless by public transport, land north of the boundary may look more attractive to those who do not wish to live in a more confined urban setting. Kaipara's subdivision rules are more liberal than the former Rodney District's, and in time could become increasingly appealing especially if State Highway 1 north of Puhoi is further upgraded. Thus the result could be more development activity in Kaipara, and more of an increase in traffic on the State Highway.

The Plan does acknowledge the importance of the Kaipara Harbour on its northern boundary, and as a unitary council its responsibilities end at the regional boundary in the middle of the harbour. It has indicated an intention in the environmental chapter to carry out a spatial planning exercise, and in the Development Strategy section it acknowledges in a general sense, the need to work with other agencies including the adjoining local authorities. The opportunity to establish a governance entity to cover the whole of the Kaipara Harbour is therefore possible in the future. This can complement the work of the Kaipara Harbour Integrated Management Group which is being supported by this Council as well as Auckland Council and the Northland Regional Council among others.

Submissions to the draft Auckland Plan documents closed on 31 October 2011.

### **Recommended**

*That the information be received.*

## **P176 8.6 Proposed Plan Change, Te Arai**

### **General Manager Policy and Governance**

**3832.02**

Notification has just been received from Auckland Council of a proposed private Plan Change relating to land at Te Arai which Te Uri o Hau received as part of its Treaty settlement. Te Uri o Hau entered into a joint venture arrangement with the NZ Land Trust to prepare the application, which has been put forward in the name of Te Arai Coastal Lands Trust. The original draft proposal prepared in 2005 showed approximately 1,400 lots, but this was revised down to 850 the following year. In an endeavour to allay concerns about the development from various parties including the Auckland Regional Council, it was revised further down to 180 lots in November 2008. That version was also unsuccessful. These earlier versions had implications for Kaipara given that Mangawhai is located so close to the site, and had the potential to increase traffic on land and water significantly.

The latest version allows for 44 rural-residential lots, 2 balance lots and 172 hectares of reserve and wetland protection. One of the key focal points of opposition is the threat to the endangered fairy tern colony in the area posed by greater human habitation in the vicinity.

Copies of the plan change have been forwarded to the Mangawhai library and the Kaiwaka Service Centre. A copy of the public notice and summary of the Plan Change are attached for information. The closing date for submissions is 19 December 2011.

**Recommended**

*That the information be received.*

**P185 8.7 Kaihu River: Management Operations, Gravel Extraction**

**General Manager Operations 2117.01; 4302.02**

Transfield Services has been granted a resource consent by Northland Regional Council to carry out river management operations on the Kaihu River. These operations involve the removal of willows from the banks, extraction of 22,000 cubic metres of gravel from the Kaihu River and its tributaries in 4 designated locations, and the discharge of named herbicides from land-based applications for weed control.

The four locations are situated between 250 metres upstream and 150 metres downstream of the Wood Road bridge at Kaihu. All are rural locations, with one only near to a bridge which might experience some noise or dust issues. However, there are likely to be minimal additional on-road vehicle movements; the extracted gravel will be moved off-site directly to surface forest roads. Gravel crushing operations will occur at the most isolated locations. Earthworks will be limited to the removal of topsoil and a middle base being laid to create access to the river for vehicles.

These operations are expected to take four to six weeks beginning in February 2012. Council is not expected to take any action to support this operation. Transfield Services has discussed this with officers as a courtesy in order that Council is kept informed.

**Recommended**

*That the information be received.*

**P186 8.8 Local Government New Zealand: Coroner Report Recommendations on Stormwater Systems**

**General Manager Policy and Governance**

**2113.02**

A Memorandum from the Chief Executive of Local Government New Zealand dated 28 October 2011 is attached for Council's information.

**Recommended**

*That the information be received.*

**P191 8.9 Mangawhai EcoCare Project: From Conception to 2010**

**Corporate Services Manager 4505.0**

Council, at its Workshop held Wednesday 16 November 2011, considered the report "EcoCare - from conception to 2010" for release. This report sets out the timeline that the various decisions were taken and concludes with the official opening of the Scheme on 16 January 2010.

Council will receive further reports in respect of the financials and the "first principles review" at a later date.

The report has been circulated separately and a copy will be tabled at the meeting.

**Recommended**

*That the information be received.*

## 9 Public Excluded Council Items 23 November 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>Council Public Excluded Minutes 19 October 2011 Item 3.1 Appt of Chief Executive</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(b)(ii)</i>
<i>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(g)</i>
<i>Kauri Coast Community Pool: Shortfall Funding Options Update</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(b)(ii)</i>
<i>Hall Handover Legal Costs</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(b)(ii)</i>
<i>Mangawhai Community Wastewater Scheme: Proposal from Riverside Holiday Park to Connect to Scheme</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(b)(ii)</i>
<i>Mangawhai EcoCare Project: Bringing Associated Documentation in Open Meeting</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii), 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)(i)** enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).

**Section 7 (2)(b)(ii)** would be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

**Section 7 (2)(g)** maintain legal professional privilege.

## **Open Council Meeting: 23 November 2011**

### **Recommended**

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

### **Closure**

**Kaipara District Council**

**Dargaville**