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**Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 28 September 2011 Commencing 1.00 pm**

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Minutes: 28 September 2011

1 Opening: Councillor McEwing

Councillor Sutherland to open the 26 October 2011 meeting.

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

1.1 Present

Mayor N Tiller, Councillors J Blackwell, J Geange, H Harding, Jonathan Larsen, W Linton, B McEwing, J Sutherland, A Wade.

1.2 In Attendance

Chief Executive, General Manager Operations, General Manager Policy and Governance, Corporate Services Manager

1.3 Apologies

There were no apologies

2 Public Forum

2.1 St John Ambulance Service Representatives (1.00pm)

Item 5.1 referred.

Tony Devanney (District Ops Manager, Northland) Dylan Pope (Senior Planner, O'Conner Planning) and St John Architect spoke to Council about their preference for a site in Molesworth Drive, Mangawhai.

3 Confirmation of Minutes

3.1 Ordinary Council Meeting : 24 August 2011

Governance Manager 1601.16

A copy of the minutes was circulated.

Moved McEwing/Sutherland

That the minutes of the Ordinary Meeting of Council 24 August 2011 as circulated be confirmed as a true and correct record.

Carried

4 Declaration of Conflicts of Interest

4.1 Declaration of Conflicts of Interest

Governance Manager 1902.0

No declarations of conflicts of interest were received from any member.

General Manager of Operations advised that he lived on a road where roadworks were planned. (Refer items 5.13 and 5.16).

5 Policy

5.1 Mangawhai St John Ambulance Station: Lease

General Manager Operations 5105.09

A report from the General Manager Operations dated 13 September 2011 was circulated. In August 2010 Council approved a lease for the Mangawhai St John to site an Ambulance Station at Thelma Road, Mangawhai. The reason for granting a lease to St John Northland was to ensure the Mangawhai community had an ambulance service that met current and future needs.

Further information had come to hand since Council's decision to grant a lease for the Thelma Road site. This had identified that the site had difficulties with soil conditions and a letter from O'Connor Planning Consultants dated 18 August 2011 was circulated. St John Ambulance Service had requested Council give consideration to a revised site on Molesworth Drive.

The newly proposed site was located along Molesworth Drive neighbouring the Museum site. This site answered to all the issues raised by the Thelma Road site and as a bonus offered shared services with the Museum such as stormwater. A site meeting was held with St John Ambulance Services on 17 August 2011 and informal discussions were held with the Museum. At that meeting it was agreed shared services would be mutually beneficial to both community focused projects.

This report had been sent to Councillors Jonathan Larsen, Wayne Linton, Julia Sutherland and Andrew Wade.

Council agreed that a traffic management plan for this area was essential.

Council was to undertake the public consultation in partnership with St John Ambulance Service.

Moved Sutherland/Geange

That Council receives the request from Mangawhai St John Ambulance Service for the lease of an alternative site on Molesworth Drive, Mangawhai Park neighbouring the Museum site, for the Mangawhai Ambulance Station; and

That Council consults with the community regarding the request by the St John Ambulance Service separately from the development of the Mangawhai Park management plan.

Carried

Reason for the decision

The revised site on Molesworth Drive provides a better building site for the Mangawhai St John Ambulance Station, however the community needs to be consulted prior to Council making a decision on use of land within Mangawhai Park.

5.2 Engineering Standards 2011: Adoption

General Manager Policy and Governance 3803.01

Item 6.12 of 22 June 2011 and item 5.11 of 24 August 2011 referred.

It had been resolved that this item lie on the table until the 28 September 2011 meeting so that the Engineering Standards 2011 document can be formatted into its final completed form, and to address some typographical errors.

Council had already resolved at its June 2011 meeting to adopt the Standards subject to the following changes:

- 5.1.1 *4 lots be amended to 8 lots*
- 8.2 (a) *Water supplies to all developments shall meet the requirements of the Building Act*
- (b) *New clause:*
 - (iii) *Be adequate for fire fighting purposes in accordance with NZ Fire Service's Code of Practice SNZ PAS 4509:2008*

It was also resolved that the Engineering Standards 2011 be reviewed in 2012.

With advice from Council's planners managing the District Plan Review some minor wording changes needed to be made to ensure the new Engineering Standards will be able to operate more independently of the new District Plan once it was operative. The key changes included:

- a) References to specific sections of the District Plan had been replaced by a more generic statement;
- b) Terminology used to refer to different zones in the Plan and the Operative District Plan had been amended for consistency;

- c) The definitions in the glossary had been amended to align with definitions in the District Plan;
- d) The second sentence under Note 6 for Table 5.1 had been removed as the first sentence was considered to be sufficient;
- e) The definition of Council had been taken from the Proposed District Plan;
- f) The cover page of the document amended to *Kaipara District Engineering Standards 2011* to clarify the version; and
- g) There were two references in Section 1 (1.1 and 1.2 respectively) which referred to the Engineering Standards 2009. These references had been updated.

A complete copy of the revised document was circulated separately for Councillors' information for Council to ratify its acceptance of the changes to the Standards, to take effect from 5 October 2011. This was in the final and complete form to be used for publication.

Moved McEwing/Sutherland

That, in the Engineering Standards 2011, the word "fire" be inserted in clause 8.2(b)(iii); and

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

That the new Engineering Standards 2011 take effect from 5 October 2011.

Carried

Councillor Larsen voted against the motion and asked that his vote be recorded.

Reasons for the decisions

To provide Council with a final and complete copy of the Engineering Standards 2011. *Clause 8.2(b)(iii) will read as follows: "Be adequate for firefighting purposes in accordance with NZ Fire Service's Code of Practice SNZ PAS 4509:2008"*

5.3 Proposed District Plan: Receiving of Decision Reports and the Decisions Version of the Proposed District Plan for Public Notification

General Manager Policy and Governance

3807.04.04

A report from the General Manager Policy and Governance dated 16 September 2011 was circulated. This report informed Council of the Hearing Panel's decisions on Submissions and Further Submissions, and to receive the 35 Decision Reports and the Decisions version of the Proposed Kaipara District Plan for public notification in October 2011.

The notification of the Decisions on Submissions and the Decisions version of the District Plan was an important milestone for Council and the community. The Proposed District Plan had been notified nearly two years before on 21 October 2009. The Proposed Plan had been through two rounds of submissions, 19 days of hearings, and many days of deliberations by the Hearing Panel. The Hearing Panel had been delegated power by Council to hear and determine decisions on 513 Submissions and Further Submissions. The 35 Decision Reports and the Decisions version of the District Plan was the result of that process and the Hearing Panel's decisions.

The District Plan represented one of Council's most influential documents which will assist in leading the District into the future. This document showed Council's leadership for Kaipara District, guiding growth and change. In addition, this report outlined the updates that had been made to the Engineering Standards as a result of submissions made to the Proposed Plan, the next steps in the public process under the Resource Management Act, including the Environment Court appeals process, and an outline of the public notification process.

This item had been discussed with the Portfolio Holder, Councillor John Blackwell who supported the staff recommendation.

Moved Mayor Tiller/Blackwell

That Council receives the Hearing Panel's Decisions on Submissions and Further Submissions and the Decisions version of the Proposed District Plan for public notification via the New Zealand Herald in October 2011.

By division:

For: Mayor Tiller, Councillors Blackwell, Geange, Harding, Linton, McEwing, Sutherland and Wade

Against: Councillor Larsen

Carried

Reasons for the Decision

The hearing and deliberating on Submissions on the Proposed District Plan is now complete and the 35 Decision Reports and the Decisions version of the Plan are ready for Council to receive for public notification. This is a procedural step which will then allow the appeals process to the Environment Court.

[Secretarial Note: Under Standing Order 3.3.2 the Chair ruled that tabled material was inadmissible for this item].

5.4 Proposed 2012/22 Long Term Plan Consultation Approach

Corporate Services Manager

2302.16.04

A report from the Corporate Services Manager dated 16 September 2011 was circulated. This report provided Council with a Consultation Strategy for the 2012/22 Long Term Plan process which built public awareness and encouraged engagement and connection with the wider Kaipara communities.

The Local Government Act 2002 stated councils must adopt a Long Term Plan every three years which covered a period of not less than 10 consecutive financial years.

Council's overall approach to the preparation of the 2012/22 Long Term Plan Consultation Strategy was to build and expand on the foundations laid with Council's previous Long Term Plan; *Kaipara's Future - Working Together* 2009/19.

As Council's key strategic planning document a consultation approach must be tailored to capture people's interest and obtain maximum engagement with the wider Kaipara communities. Previously Council's consultation process had focused on 'going out to the public' in the form of public meetings or open forums, the large number of meetings held across the District was aimed at providing Councillor accessibility; a chance for the public to talk to their Councillor. This process was time exhaustive for both Councillors and staff, with varied results. In order to provide a more resource and cost effective strategy that captured and engaged with the wider Kaipara it was proposed that the Consultation Strategy for the 2012/22 Long Term Plan be modified to better fit with the differing communities in the Kaipara region.

This report had been discussed with the Portfolio Holder, Councillor Julie Geange, who supported the staff recommendation.

Moved Geange/Sutherland

That Council approves the following two Stage consultation process:

- *Stage One October 2011 pre-plan round to provide information inviting thoughts and ideas included in front of house displays at the two Council offices and in the district /community libraries, in local newspapers, Council's website, Council's Facebook page, school newsletters, and the Mayor's Newsletter inviting thoughts and ideas of what should be included in the 2012/22 Draft Long Term Plan. Frontline staff will be trained to actively promote the upcoming Plan and offer comment forms for completion. These communications will not only highlight key messages but also actively encourage people to have a say in person, by telephone, email, letter or online (technology permitting).*
- *Stage Two March 2012 consultation (Draft Long Term Plan) includes the same process as the pre-plan consultation but including a newsletter style plain english Draft Long Term Plan Summary to be included in local newspapers. The Summary will actively encourage and promote participation highlighting a number of selected*

1601.16

cminutes 2011 september 28 public confirmed

issues with a tick box option for comment. The Summary will also be available on the website, at the two Council offices and district/community libraries. Stage Two will also include three open forums at Dargaville, Maungaturoto and Mangawhai, and attendance at local events/meetings of Councillor choice along with Draft Long Term Plan submissions and Hearings.

Carried

Reason for the decision

Establishing a Consultation Strategy for the Long Term Plan which encourages the wider community to effectively participate in Council's projects that they are affected by or have an interest in. Development of the Long Term Plan must follow a tight time schedule and agreeing the consultation approach at the outset will assist deadlines being met and encourage community participation and involvement in a cost effective but well rounded consultation process.

5.5 Mangawhai Community Wastewater Scheme Uniform Targeted Rate: Statement of Proposal Hearings

Chief Executive 2306.12, 2306.17, 2306.18, 2306.26, 4505.0

A report by the Chief Executive dated 19 September 2011 was circulated. As a result of a complaint from a ratepayer Council had sought legal advice from Bell Gully on the legality of the rates levied in association with the Mangawhai Community Wastewater Scheme. Bell Gully advised Council that the only retrospective action it needed to take was to replace the one off uniform targeted rate levied differentially. This was because the Council differentiated on the basis of location (the original serviced area that qualified for the Government subsidy (and the rateable properties established by 22 March 2002 (the date set by the Government for qualifying for subsidy). At the time of developing the rates structure for the wastewater scheme both of these factors were available. However, this changed with the implementation of the Local Government (Rating) Act 2002 and the differential by date was no longer provided for. This was overlooked when Council finally was able to levy rates on the scheme.

Council agreed to replace the one off targeted rate using the provisions of Section 120 of the Local Government (Rating) Act 2002 as recommended by Bell Gully. It did so recognising that only six (6) properties would be affected and each of those would have a reduction in rates. It also resolved that the lost revenue was not significant in terms of the funding arrangements for the Mangawhai Community Wastewater Scheme. The Statement of Proposal was approved by Council and publicly notified.

Council received three submissions to the Statement of Proposal. These came from:

1. Mangawhai Ratepayers and Residents Association
2. John Dickie
3. Clive Boonham

None of these submissions were opposed to the replacement of the rates. The submissions were generally about the process Council was following, compliance with legislation, that all non-compliance with legislation was not being addressed and the need for the independent review of all Mangawhai Community Wastewater Scheme Rates.

Council had followed the advice of Bell Gully who advised that the only retrospective action required related to the one off targeted uniform charge. All other matters had been addressed in dealing with the 2011/12 rates and the proposal to have all the rating resolutions and supporting documentation legally checked as part of the Long Term Plan process.

In terms of the Statement of Proposal process the submission suggesting that Council had not met the requirements of Section 123 of the Local Government (Rating) Act 2002 were correct. When preparing the Statement of Proposal Section 123 had been read as a separate matter which took effect once the Council had confirmed the proposal. However, on re-reading the Section when considering the submission it was considered the submitter could be correct. A legal opinion was obtained from Bell Gully which confirmed that this was so and that the Council needed to re-notify the Statement of Proposal ensuring it did meet all legislative requirements.

Moved Geange/McEwing

That this item, "Mangawhai Community Wastewater Scheme Uniform Targeted Rate: Statement of Proposal Hearings" lie on the table until after item 9.7 "Mangawhai EcoCare Complaint: Request for Independent Review Update" (public excluded) has been discussed.

Carried

5.6 Mangawhai Historical Society Request for Funding

General Manager Policy and Governance

2115.03; 2109.01

A report from the General Manager Policy and Governance dated 16 September 2011 was circulated. The Mangawhai Historical Society had a major construction project underway in building a new museum facility in Molesworth Drive, Mangawhai Heads. Council had provided assistance in various ways over recent years, and now the Society sought further financial support, a total of \$140,000 as either grant or loan, or a combination of both. This report was to assist Council with making a decision in respect of this request.

Finance could be made available from Council either from the Mangawhai Endowment Fund or the Reserves Contribution Fund. The Council's approach to the Endowment Fund was to make grants from the interest earned, and to preserve the value of the capital, whereas Reserves Contribution Fund money must be spent on capital, not maintenance works and be for public places which provide public recreational benefit.

The options were to decline the request, agree to it, or lend or grant a lesser amount than that requested. A key issue for the Council to consider was what impact the making of a grant of the magnitude requested would have on the ability of Council to support other worthy causes in the area. Ideally requests of this magnitude should be taken in the context of the Draft Long Term Plan or Annual Plan process, rather than as had happened in the past on a more random basis. It was intended that this situation would be regularised in future, but in the meantime the Historical Society was needful of financial assistance now in order to maintain the momentum of their building project.

Given the level of support already shown to the Historical Society in the form of grants, there would now be a case for agreeing to a loan rather than a grant and that the longer term position be reviewed as part of the Long Term Plan deliberations. For the future, it can be expected that there will be more demand on Council's Funds than there will be money available, so a disciplined, fair and transparent process was called for.

This request and the approach for responding to it had been canvassed with the three Otamatea Councillors, the Finance Portfolio Holder and the Mayor.

Moved Sutherland /Linton

That Council approves a loan of up to \$100,000 from the Mangawhai Endowment Fund to the Mangawhai Historical Society for a term of up to ten years at an interest rate matching the Council's internal borrowing rate; and

That the loan amount, term, security, draw downs, and other terms and conditions be approved by Councillor Geange (the Finance Portfolio Holder) and Councillors Larsen, Linton and Sutherland (the Otamatea Councillors) and the Mayor; and

That a more permanent financial solution for the Mangawhai Historical Society and other community projects be considered through the Long Term Plan process.

Carried

Reason for the decision

This solution allows the Historical Society to maintain the momentum of their building project which is already well advanced, yet is also fair and transparent. It does not compromise the capital value of the Endowment Fund or the interest income that the fund generates, and also recognises the need to develop a more regular way of dealing with such needs through Council's formal planning and consultation processes.

5.7 Aratapu Hall: Tender for Removal

General Manager Operations 4603.02

A report from the General Manager Operations dated 15 September 2011 was circulated. In October 2009 Council resolved to investigate options to sell Aratapu Hall and in June 2011 tenders were called for Sale and Removal. Two tenders were received; one from a timber recycling company and one from an individual who wanted to restore it as a dwelling. The building was listed as a Category II with the New Zealand Historic Places Trust and was a Category A heritage resource with Council's District Plan. It was situated on a Local Purpose Reserve vested in Council to administer.

When Council was making its decision about the tenders received, Council considered the District Plan which charged Council with protecting its heritage resource. The New Zealand Historic Places Trust acknowledged that Council did not have the funds to retain the building. They had expressed a desire for the building to retain as much of the original character as possible going into the future.

Moved Geange/McEwing

That Council accepts the tender for the Sale and Removal of Aratapu Hall on Heawa Road, Aratapu (Part allot 10, Parish of Kopuru), to F J Trigger Ltd for the sum of \$9,600 (GST inclusive); and

That the land site be returned by F J Trigger Ltd to grass and that this is a condition of the Resource Consent.

Carried

Reason for the decision

To progress the disposal of Aratapu Hall.

5.8 Contracts For The Provision Of Regulatory Services

General Manager Operations 3602.0

A report from the General Manager Operations dated 9 September 2011 was circulated. Council's contracts for the delivery of environmental health and liquor licensing services, and for the delivery of Animal Control, Noise, Parking and Bylaw Management services were due to expire. These contracts would benefit from a fundamental review with the possibility of new contracts being the subject of competitive tendering.

The Animal Control, Noise, Parking and Bylaw Management contract can be reviewed before it expires on 31 March 2012. However, the Environmental Health and Liquor Licensing contract, which had already been extended by 6 months to 31 December 2011, will require a further extension to provide time for the contract to be reviewed and tendered.

This item had been sent to the Portfolio Holder Councillor Brian McEwing.

Moved McEwing/Sutherland

That the contract for delivering Environmental Health and Liquor Licensing services is extended until 30 June 2012, and that this contract and the contract for delivering Animal Control, Noise, Parking and Bylaw Management services are reviewed and made subject to new competitive tendering processes that will occur prior to 30 June 2012

Carried

Reason for the decision

Both contracts are due to expire within the next year, and Council's new management team should have an opportunity to review how, and by whom, these contracts are delivered. The contract extension is recommended in order to allow time for this review and possible tendering process to occur.

5.9 2011/2012 Non-Subsidised Programme

General Manager Operations 4101.01

A report by the General Manager Operations dated 14 September 2011 was circulated. The 2011/2012 Non-Subsidised Programme was outlined in the current Annual Plan. Since the adoption of the Annual Plan the specific projects to be undertaken had been determined as detailed in the report.

This report had been sent to the Portfolio Holder, Councillor Wayne Linton.

Moved McEwing/Linton

That Council adopts the 2011/2012 Non-Subsidised Programme work for completion in the 2011/2012 financial year as set out below in Table 7:

NZTA W/C	Table 7: 2011/12 Non-Subsidised Programme	Amount 2011/12 \$	FAR %	Council \$
	Contract 606 2010/11 Gordon Street and Montgomery Avenue (Drainage renewal)	3,780	0	3,780
	Contract 647 2010/11 Moir Street and Molesworth Drive (Stormwater)	1,500	0	1,500
	• Footpaths	153,720	0	153,720
	• Berm Maintenance	81,130	0	81,130
	• Cleaning Sump	65,000	0	65,000
	• Road Legalisation	40,000	0	40,000
	• Road Safety Co-ordinator	8,170	0	8,170
	Totals	\$ 353,300		\$353,300

and

That Council requests the Chief Executive to review areas for potential savings and report back.

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans.

5.10 2011/2012 Renewal of Roads Programme

General Manager Operations 4101.01

A report by the General Manager Operations dated 14 September 2011 was circulated. The Renewal of local roads was required to meet obligations in *Kaipara's Future - Working Together*, Annual Plan and Asset Management Plans. The budget for 2011/2012 had been approved by the NZ Transport Agency (NZTA) and Council had developed the programme of work and specific projects to be undertaken in 2011/2012.

The information in this report had been sent to the Portfolio Holder, Councillor Wayne Linton.

Moved Linton/Sutherland

That Council adopts the 2011/2012 Subsidised Roading Renewals of Roads Programme for completion in 2011/2012 as set out in Table 2 below.

NZTA W/C		Amount 2011/12 \$	FAR %	Council \$	NZTA \$
	Table 2: 2011/12 Renewal of local roads				
211	Unsealed road metalling	1,058,000	60	423,200	634,800
212	Sealed road resurfacing (reseals)	953,000	60	381,200	571,800
213	Drainage renewals	1,021,700	60	408,680	613,020
	2010/11 Contract 647 Moir Street and Molesworth Drive Rehabilitation	2,140	60	856	1,284
	2011/12 Tara Road PR 7,345 culvert replacement	250,000	60	100,000	150,000
	Drainage Renewals District wide	550,000	60	220,000	330,000
	Culvert replacements	219,560	60	87,824	131,736
214	Sealed road pavement rehabilitation	2,749,700	60	1,099,880	1,649,820
	2010/11 Contract 647 Moir St and Molesworth Drive Rehabilitation	158,262	60	63,305	94,957
	2010/11 Contract 663 Baldrock Road and Kaiwaka-Mangawhai Roads	821,250	60	328,500	492,750
	2010/11 Contract 665 Karaka, Pukehuia and Waihue Roads	185,145	60	74,058	111,087
	2010/11 Contract 690 Arapohue Road RP 5,324-6,918	470,192	60	188,077	282,116
	2011/12 Wintle Street RP 0-1,200	364,800	60	145,920	218,880
	2011/12 Baldrock Road RP 0-480	157,440	60	62,976	94,464
	2011/12 Bickerstaffe Road RP 27-1,302	387,600	60	155,040	232,560
	2011/12 Section of West Coast Road RP 2,554 - 3,204	205,010	60	82,004	123,006
215	Structures component replacement	326,000	60	130,400	195,600
	2011/12 Omana Road Bridge Improvement	60,000	60	24,000	36,000
	2011/12 Pukehuia Road Bridge 229	266,000	60	106,400	159,600
222	Traffic services renewals (signs and road markings)	416,400	60	166,560	249,840
231	Associated improvements	752,200		300,880	451,320
	2010/11 Contract 647 Moir Street and Molesworth Drive	31,520	60	12,608	18,912
	2010/11 Contract 663 Baldrock Road and Kaiwaka,-Mangawhai Road	144,395	60	57,758	86,637
	2010/11 Contract 690 Arapohue Road	117,548	60	47,019	70,529

NZTA W/C	Table 2: 2011/12 Renewal of local roads	Amount 2011/12 \$	FAR %	Council \$	NZTA \$
	2011/12 Wintle Street	91,200	60	36,480	54,720
	2011/12 Baldrock Road	39,360	60	15,744	23,616
	2011/12 Bickerstaffe Road	96,900	60	38,760	58,140
	2011/12 Section of West Coast (650m)	41,002	60	16,401	24,601
	Incremental improvements during rehabs	190,274	60	76,110	114,164
241	Preventative Maintenance 2010/11	565,100	60	26,040	339,060
	Contract 675 2010/11 Pukehuia Road				
	Realignment RP15720	225,770	60	90,308	135,462
	2011/12 Pukehuia Road RP 3,650 left and right	339,330	60	135,732	203,598
	Totals	\$7,842,100		\$3,136,840	\$4,705,260
<i>Note: NZTA W/C totals broken down for clarification</i>					

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans

5.11 2011/2012 Regional Development Fund Renewals

General Manager Operations 4101.01

A report from the General Manager Operations dated 12 September was circulated. The Regional Development Fund (RDF) had been established to undertake roading improvements required to facilitate forestry production. These works were funded by NZ Transport Agency (NZTA) at 100% financial assistance rate. The 2011/2012 programme consisted of projects being carried over from the 2010/11 financial year requiring completion. Should any additional funding be available from the nationwide fund, the rehabilitation of the first section of Chadwick Road, Tinopai will be put forward as the last remaining project.

The information in this report had been sent to the Portfolio Holder, Councillor Wayne Linton.

Moved Wade/Geange

That Council adopts the 2011/2012 Regional Development Fund Renewals Programme work for completion in the 2011/2012 financial year as set out below; and

That Council completes all six Regional Development Fund projects; and

That Council supports the additional request to complete the first section of Chadwick Road to the estimated value of \$310,000.

NZTA W/C	Table 5: 2011/12 Regional Development Fund Renewal	Amount 2011/12 \$	FAR %	Council \$	NZTA \$
324	RDF	1,350,330	100		1,350,330
	Con 683 2010/11 Chadwick Road (KA9)	108,250	100		108,250
	Con 677 2010/11 Tinopai Road (KA10)	454,750	100		454,750
	Con 678 2010/11 Trounson Park Road (KA4)	82,655	100		82,655
	Con 674 2010/11 Pouto Road (KA1 & KA2)	84,375	100		84,375
	Con 679 2010/11 Tinopai Road (KA6)	53,500	100		53,500
	Con 598 2010/11 Tinopai Road (KA7)	256,800	100		256,800
	First 500m of Chadwick Road 2011/2012	310,000	100		310,000
	Totals	\$1,350,330			\$1,350,330

Carried**Reason for the decision**

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans.

5.12 2011/2012 Urban Stormwater Programme**General Manager Operations 4101.01**

A report by the General Manager Operations dated 14 September 2011 was circulated. The 2011/2012 Urban Stormwater Programme proposed in the resolution will satisfy Council's legal and community obligations and was in accordance with the Annual Plan. The cost of these repairs was within the budgets established by the 2011/2012 Annual Plan.

This report had been sent to the Portfolio Holder, Councillor Hal Harding.

Moved Harding/McEwing

That Council adopts the 2011/2012 Urban Stormwater Programme work for completion in the 2011/2012 financial year as set out below:

Urban Stormwater Capital	Amount 2011/12 \$
<i>Dargaville: Stormwater Renewal Kauri Street and Extension</i>	70,000
<i>Mangawhai Resource Consent</i>	58,000
<i>Mangawhai Management Plan</i>	45,000
Total	\$ 173,000

Carried**Reason for the decision**

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plan and other asset management planning documents.

5.13 2011/2012 Otamatea Development Contribution Roding Programme**General Manager Operations 4101.01**

A report by the General Manager Operations dated 14 September 2011 was circulated. The Otamatea Development Contributions Policy had been developed to address the impacts of growth on the roading network. Ideally any contributions collected would be supplemented with NZ Transport Agency funding assistance. Council had collected over \$1,000,000 of contributions and with little opportunity to address larger projects or Seal Extensions it may be appropriate to spend these funds on Minor Improvement type works to ensure that the impacts of growth were being addressed.

This report had been sent to the Portfolio Holder, Councillor Wayne Linton.

Moved Sutherland/Linton

That Council approves the expenditure of Otamatea Ward Development Contributions to fund the local share of Roding Improvements on Arterial and Collector roads in the Otamatea Ward and Mangawhai Urban area to the extent of any funding assistance that is available and in accordance with Kaipara's Future - Working Together 2009/19; and

That a report is brought to Council when projects are ready for construction noting how the projects will be funded and the split between each Development Contribution; and

That the priority for projects is as follows:

- *Intersection Improvements; Devich Road/Kaiwaka-Mangawhai Road*
- *Sight benching of curves; Lawrence Road*
- *Safety Footpaths; Paparoa–Oakleigh Road/HookRoad*
- *Moir Street RP 0.179 (Tara Road) Footbridge*

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans.

5.14 2011/2012 Roading Maintenance and Operations Programme

General Manager Operations 4101.01

A report from the General Manager Operations dated 12 September was circulated. The Roading Maintenance and Operations Programme outlined all activity and funding to be undertaken on Council's roads for 2011/2012. The programme was designed to meet the NZ Transport Agency (NZTA) criteria to obtain a 60% tax contribution to match the 40% local share which came from rates.

The programme also provided funds for the repair of slips at various assistance rates which was calculated based on a formula that balanced Council's income against the communities ability to pay.

The information in this report had been sent to the Portfolio Holder, Councillor Wayne Linton.

Moved Linton/Geange

That Council approves Table 1A: 2011/2012 Maintenance and Operations of Local Roads Work Programme for completion in the 2011/2012 financial year:

NZTA W/C	Table 1A: 2011/12 Maintenance and Operations of Local Roads	Amount 2011/12 \$	FA R %	Council \$	NZTA \$
111	Sealed Pavement Maintenance	721,600	60	288,640	432,960
112	Unsealed Pavement Maintenance	2,942,800	60	1,177,120	1,765,680
113	Routine Drainage Maintenance and Cleaning of Sumps etc	153,000	60	61,200	91,800
114	Structures Maintenance	245,000	60	98,000	147,000
121	Environmental Maintenance; (Vegetation control)	550,300	60	220,120	330,180
122	Traffic Services Maintenance; (signs, road markings, cleaning, street lighting etc)	662,800	60	265,120	397,680
	Contract 636 Pavement Marking 2009/12	256,408	60	102,563	153,845
	Contract 522 General Maintenance	406,392	60	162,557	243,835
131	Level crossing warning devices	15,606	100	0	15,606
151	Network and asset management	1,070,000	60	428,000	642,000
Totals		\$6,361,106		2,538,200	\$3,822,906
Note: NZTA W/C broken down for clarification.					

and

That Council approves Table 1B: 2011/2012 Engineering Reinstatement (Slips) for completion in the 2011/12 financial year:

NZTA W/C	Table 1B: Emergency Works and Preventative Maintenance	Amount 2011/12 \$	FAR %	Council \$	NZTA \$
141	Emergency Works	410,000	70	123,000	287,000
Totals		410,000		123,000	287,000

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans.

5.15 2011/2012 Bridge Replacement Programme

General Manager Operations 4101.01

A report by the General Manager Operations dated 14 September 2011 was circulated. The 2011/2012 Bridge Improvement Programme was outlined, and was in accordance with, the Annual Plan 2011/2012. Since the adoption of the Annual Plan a specific programme of works and projects had been developed for Council's consideration. The cost of these repairs was within the budgets established by the Annual Plan 2011/2012.

This report had been sent to the Portfolio Holder, Councillor Wayne Linton.

Moved Harding/Geange

That Council adopts the 2011/2012 Bridge Replacement Programme for completion in the 2011/2012 financial year as set out:

NZTA W/C	Table 3: 2011/12 Bridge Replacement Programme	Amount 2011/12 \$	FAR %	Council \$	NZTA \$
322	Bridge Replacement	354,204	70	106,261	247,943
	• Batley Road (Bridge 27) (2010/2011)	76,004	70	22,801	53,203
	• Central Road (Bridge 47) (2010/2011)	278,200	70	83,460	194,740
	Totals	\$ 354,204	70%	\$106,261	\$247,943

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans.

5.16 2011/2012 Seal Extension and Minor Improvement Programme

General Manager Operations 4101.01

A report by the General Manager Operations dated 14 September 2011 was circulated. Both the Seal Extension and Minor Improvement Programmes were based on lists of projects which were prioritised on the basis of need. These projects were discretionary and required no benefit cost analysis although each project must be consistent with NZ Transport Agency (NZTA) policy. The projects included in the programme were those with the greatest priority and included some projects that integrate with other programmes such as the stormwater programme. A further list of work had been prepared for future years but should economies be identified within the programme, it was proposed that the next highest priority tasks would be progressed.

The information in this report had been sent to the Portfolio Holder Councillor Wayne Linton.

Moved Sutherland/Linton

That Council adopts the 2011/2012 Seal Extension and Minor Improvement Programme work for completion in the 2011/2012 financial year as set out but that it defers Contract Numbers 638, 653 and 654:

NZTA W/C	Table 3: 2011/12 New and Improved Infrastructure Local Roads	Amount 2011/12 \$	FAR %	Council \$	NZTA \$
325	Intersection Safety Sealing	287,400	70	86,220	201,180
	Contract 637 2010/11 Devich / Kaiwaka-Mangawhai	180,994	70	54,298	126,696
	Devich Road New Intersection	106,406	70	31,922	74,484
341	Minor Improvements	1,039,500	70	311,850	727,650
	Contract 647 2010/11 Moir Street and Molesworth Drive Rehabilitation	27,986	70	8,396	19,590
	Contract 671 2010/11 Moir Street footbridge	123,850	70	37,155	86,695
	Contract 668 2010/11 Lawrence Road curve easing	149,185	70	44,755	104,430
	Contract 670 2010/11 Paparoa-Oakleigh footpath	85,587	70	25,676	59,911
	Contract 637 2010/11 Devich/Kaiwaka-Mangawhai	159,443	70	47,833	111,610
	Contract 669 2010/11 Aranga Road curve easing	99,400	70	29,820	69,580
	Northern Area Engineers Minor Improvements	40,000	70	12,000	28,000
	Southern Area Engineers Minor Improvements	40,000	70	12,000	28,000
	2011/12 Safety Audit Mitigations	100,000	70	30,000	70,000
	2011/12 Intersection Improvements	39,049	70	11,715	27,334
	2011/12 Traffic calming devices	25,000	70	7,500	17,500
	2011/12 Safety sightrailing	40,000	70	12,000	28,000
	2011/12 Safety guardrailing	30,000	70	9,000	21,000
	2011/12 Sight benching	30,000	70	9,000	21,000

NZTA W/C	Table 3: 2011/12 New and Improved Infrastructure Local Roads	Amount 2011/12 \$	FAR %	Council \$	NZTA \$
	2011/12 Bridge approach sealing	50,000	70	15,000	35,000
Totals		\$1,326,900		\$398,070	\$928,830

Carried

Reason for the decision

Adoption of the 2011/2012 programme will allow Council to fulfil its commitment made to the community in the current Annual Plan while maintaining its assets in accordance with the Asset Management Plans.

5.17 Forestry Consultants New Zealand Units: New Zealand Emissions Trading Scheme Report August 2011

General Manager Operations 4901.0

Chandler Fraser Keating, Ian Jenkins, was Council's forestry consultant and provided professional industry expertise and guidance in Council's forestry short and long term planning and direction. Chandler Fraser Keating had identified and reported on an opportunity within the New Zealand Emissions Trading Scheme for Council's Pre-1990 Forest that was financially beneficial for Council. Council officers subsequently requested a report from Chandler Fraser Keating on the New Zealand Emissions Trading Scheme Pre-1990 Forest Land with recommendations and guidance. Their report of August 2011 was circulated for information.

Council had an opportunity to benefit under the New Zealand Emissions Trading Scheme Pre-1990 Forest Land Allocation Plan to apply for the "one-off" opportunity to receive New Zealand Units in part compensation for the restrictions that the New Zealand Emissions Trading Scheme imposes upon future land use.

The application period was currently open for the Forest Allocation Plan and closes 30 November 2011. Council officers were required to complete a New Zealand Emissions Unit Register account holder registration process prior to applying. The application process involved minimal cost, estimated at \$6,000 plus any disbursements. This cost was minor when compared to the potential financial gain.

In the future Council can receive and consider Chandler Fraser Keating's Part 2 Post-1989 Forest Land report as this was a more complicated process and there was no deadline concerning lodging applications.

This item had been sent to Portfolio Holders, Councillors Jonathan Larsen and Andrew Wade.

Moved Larsen/Sutherland

That Council receives Chandler Fraser Keating's Pre-1990 Forest Land August 2011 Report; and

That Council makes an application under Pre-1990 Forest Allocation Plan to receive New Zealand Units under the New Zealand Emissions Trading Scheme.

Carried**Reason for the decision**

The Forest Allocation Plan is a one-off opportunity ("use it or lose it") and even if pre-1990 forest land owners do not apply for their units, the deforestation liability on their pre-1990 forest land remains. Therefore it is really a "no-brainer" for eligible pre-1990 forest land owners to apply and receive these units. The benefit will bring significant financial gain or reinvestment within Council's forestry as outlined in the report.

5.18 Kaipara District Council Forest Review of Tree-growing Regimes August 2011

General Manager Operations 4901.0

Chandler Fraser Keating is Council's forestry consultant and provided professional industry expertise and guidance in Council's forestry short and long term planning and direction. Chandler Fraser Keating had provided a detailed report on forest tree-growing regimes for Kaipara District Council forests with recommendations that will reduce Council's forest operational costs and will fit better within the current economic environment and milled timber wood type pricing.

This item has been discussed with Portfolio Holder, Councillor Jonathan Larsen.

Moved Harding/Wade

- 1 *That Council receives Chandler Fraser Keating's Review of the Tree-growing Regimes for Kaipara District Council Forests August 2011 Report; and*
- 2 *That Council discontinues pruning on all other areas, unless there becomes sound rationale for implementing a pruned regime on specific areas; and*
- 3 *That Council incorporates this change of regime into the update of the Kaipara District Council Forest Management Plan and have unpruned regime as the primary silvicultural strategy; and*
- 4 *That a report on the cashflow implications of different pruning and management options be prepared for Council's consideration.*

Carried

Reason for the decision

Significant expenditure will be required to prune and manage Council's forests with an overall clear wood regime over the next 1-10 years for current forest land with increases in labour and operational costs. The margin of value between pruned clear wood timber compared to un-pruned timber products has reduced making an un-pruned regime more viable.

5.19 Rationalising National Intervention Under The Resource Management Act

General Manager Policy and Governance

2113.02; 3825.0

Council considered a report by the General Manager Policy and Governance dated 19 September 2011.

Local Government New Zealand sought feedback on a report which it had had prepared, suggesting the need to rationalise the approach taken by central government when it prepared National Environmental Standards and National Policy Statements. If there was sufficient support it will promote such an approach to central government. Council asked for a report on what the implications of this were for Kaipara.

The report noted that the current practice by central government in introducing national policy instruments was inconsistent, and did not recognise the pivotal role which local government had in their implementation. Such instruments can have effects on councils and their constituents, especially financial as well as environmental, and it was important that councils have a more elevated role than just being another stakeholder for central government to deal with. There would be benefits for both central and local government working together within a more consistent, integrated structure instead of the rather ad hoc current practices.

To ensure that the results were beneficial as well as practical and achievable from a local government perspective, the special position of local government should be recognised.

Moved Geange/Sutherland

That Kaipara District Council writes to Local Government New Zealand to express its support for a more regularised approach to the development of new National Environmental Standards and National Policy Statements, and promoting a key stakeholder role for local government in the process.

Carried

Reason for the decision

Local Government New Zealand is promoting good practice by proposing a consistent approach in the development and application of these Standards and Policies, which should result in better outcomes at the central as well as local level of government in terms of both quality and cost; a win on all sides. In this the special position of local government in the development of National Environmental Standards and National Policy Statements should be recognised.

5.20 Warrants of Appointment: Rural Fire Officers

General Manager Operations

6208.0

Council appointed Rural Fire Officers for two year periods to assist in rural fire management and control. In line with warrant expiry dates and changes in legislation Council found it necessary to update warrants from time to time. With staff changes within Council and in membership of the Paparoa Volunteer Rural Fire Force the appointment of these additional Rural Fire Officers was necessary.

The Kaipara Region extended from Mangawhai in the east to Dargaville in the west and Waipoua Forest in the north to Pouto in the south. The District was rich in natural bush, farmland and residential settlements and as such we constantly live with the inherent danger of fires, especially during the hotter months of the year. The Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005 provide Council with the basis to assist the regular fire service, promote and educate the community and to protect lives, property and animals in the District.

Moved McEwing/Harding

That Council warrants Hugh Hulse Infrastructure Manager and Michael Poyner as Rural Fire Officers pursuant to section 13 of the Forest and Rural Fires Act 1977 and Forest and Rural Fires Regulations 2005 to enable them to carry out the powers, functions and duties under the Forest and Rural Fires Act 1977 in the Kaipara District.

Carried

Reason for the decision

This authorisation is necessary to enable assistance to the regular fire service, promotion and education of the community and protection of lives, property and animals in the District.

5.21 Kaipara District Civil Defence Emergency Management Plan 2011

General Manager Operations 6101.0

A document titled Kaipara District's Civil Defence "Draft" Emergency Management Plan 2011 was circulated separately with the Agenda. This document outlined Kaipara District's Civil Defence Emergency Management Plan 2011 and detailed the arrangements in place for emergency management.

Kaipara District Council had legislated responsibilities under the Civil Defence Emergency Management Act 2002, Hazardous Substances and New Organisms Act 1996, the Forest and Rural Fires Act 1977 and Regulations 2005 to provide for the protection of life and property within the area it administers.

This item had been sent to the Portfolio Holder, Councillor McEwing for his review and comment.

Moved McEwing/Harding

That the Kaipara District's Civil Defence Emergency Management Plan 2011, as circulated, be received.

Carried

Reason for the decision

Kaipara District Council's Civil Defence Emergency Management Plan is required to be reviewed every five years and it is timely that it be done now due to recent restructuring of management.

This review has been completed and the changes to the Kaipara District's Civil Defence Emergency Management Plan and Management Structure have been indicated.

6 Reports

6.1 Mayor's Report

1701.02.03

There was no report for this month.

6.2 Councillors Reports

Councillors 1904 (various)

There were no reports for this month.

6.3 Chief Executive's Report: September 2011

Chief Executive **2002.02.10**

The Chief Executive's report was circulated separately.

Moved **Geange/Sutherland**

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

Carried

7 Receipt Items

7.1 Raupo Drainage Committee Minutes 19 May 2011

General Manager Operations **1603.15**

A copy of the confirmed Raupo Drainage Committee minutes of 19 May 2011 was circulated.

Moved **Linton/Sutherland**

That the Raupo Drainage Committee minutes of 19 May 2011, as circulated, be received.

Carried

8 Information Items

8.1 Correspondence Addressed to Mayor and Councillors: 9 August 2011 to 12 September 2011

General Manager Policy and Governance **1701.01**

For the information of Councillors, circulated were copies of all correspondence received addressed to the Mayor and Councillors, with a copy of the response where applicable, and file notes for all others. All letters were acknowledged on receipt unless they were answered the day of receipt, or the Mayor specifically requested no acknowledgement. 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.

Moved **Linton/Sutherland**

That the information be received.

Carried

8.2 Delegated Authority: Schedule of Decisions

General Manager Operations 3803.0

A schedule of decisions that had been made under delegated authority was circulated. The purpose of this was not for Council to review the detail of these decisions as they had 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.

Moved Linton/Sutherland

That the Delegated Authority Schedule of Decisions be received.

Carried

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

General Manager Policy and Governance 2113.02

The fortnightly briefing papers from the President and the Chief Executive of Local Government New Zealand dated 12 September 2011 were circulated for Council's information.

Moved Linton/Sutherland

That the information be received.

Carried

8.4 Northland Intersectoral Forum Monthly Briefing Report 24 August 2011

General Manager Governance and Policy 1908.01.04

The Northland Intersectoral Forum Monthly Briefing Report for 24 August 2011 was circulated for information.

The Northland Intersectoral Forum had 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 forum was made up of various executive managers from agencies around Northland including but not limited to the Ministry of Social Development, New Zealand Police and Northland District Health Board. The Council was represented on this Forum by its Chief Executive.

The Strategic Forum was a sub group of the Intersectoral Forum. The Strategic Forum had been established to lead collaborative activity on monitoring strategic risks, issues and opportunities within Northland. The Council was represented on this Forum by its Policy Analyst, Kyle Whitfield.

Moved Linton/Sutherland

That the information be received.

Carried

8.5 Department of Internal Affairs Discussion Document: Managing Conflicts of Interest in Local Government

General Manager Governance and Policy 2110.12

The Department of Internal Affairs Discussion Document for August 2011 was circulated for information.

The Local Authorities (Members' Interests) Act 1968 was seen to be out of date, and the provisions had caused a degree of concern and confusion for some years. This document aimed to bring out ideas about the Act and its strengths and weaknesses, as well as opportunities and innovations for dealing with conflict of interest provisions in the future. It also posed 22 questions to stimulate debate on the topic.

Officers will be compiling a draft response to this document, and will present this response to Council at the Council meeting on 26 October 2011.

Moved Linton/Sutherland

That the information be received.

Carried

8.6 Trade Waste Discharge Agreement: Ravensdown Limited, Dargaville

General Manager Operations 4501.07

Trade waste discharges have the ability to adversely affect Council's wastewater systems and discharge permits. Negotiating agreements to discharge trade wastes with industrial processing operators minimises the risk to Council's wastewater infrastructure.

There was a need to ensure that trade waste discharges do not adversely affect Kaipara District Council's treatment plants. To date trade waste discharges from industrial processing operations had largely been controlled. The adoption of the

Wastewater Drainage Policy and Bylaw by Council in June 2009 had laid the foundation for Council to enter into Trade Waste Discharge Agreements. This will help to ensure the integrity of the treatment processes within Council wastewater systems are maintained and Council's discharge consents are not compromised.

Ravensdown Limited currently operated an external washdown area. The existing drainage area associated with washdown on the site directed all runoff to the open stormwater drainage system. Ravensdown Limited planned to construct a new truck washdown facility at 14 Day Street, Dargaville. Application had been made to Council to accept trade waste discharge which will be generated from the new truck washdown facility.

Council was currently working with Ravensdown Limited to develop an agreement in accordance with accepted New Zealand practice. The circulated draft Trade Waste Discharge Agreement had been developed to be used as the basis for consultation and negotiation with Ravensdown Limited.

This item had been discussed with the Portfolio Holder, Councillor John Blackwell.

Moved Linton/Sutherland

That the information be received.

Carried

8.7 Kauri Coast Community Pool: Construction Costs and Funding

General Manager Operations 4701.03

A report by the General Manager Operations dated 15 September 2011 was circulated. This item informed Council of the Kauri Coast Community Pool actual construction cost and funding as resolved at the 23 March 2011 Council meeting. This had been reported on previously to Council, the most recent being the previous Community Spaces Manager (S Soole) 17 March 2011 report for the 23 March 2011 Council meeting.

The pool had been constructed and operating for two seasons and was providing an excellent amenity to Dargaville, the Kaipara District, Northland and New Zealand. It was providing social, economic and cultural benefits to the community achieving the forecasted annual visitor/user numbers. Should the pool not be able to continue to run operationally this coming season and onwards this would create significant serious impacting factors for all key stakeholders, local and wider communities including the Northland Region.

Moved Sutherland/Geange

That Council requests a further report on the shortfall of funding for the Kauri Coast Community Pool and recommendations as to how it is proposed that this shortfall is met and that this report be brought back to Council at its 26 October 2011 Council meeting.

Carried

Reason for the decision

Council funded the shortfall. It needs to look at the original plan to see where funding was to come from to enable it to replace its reserves.

8.8 Crest Energy Turbines Proposal: Decision by Minister of Conservation and Environment Court**General Manager Policy and Governance 2105.33**

The combined decision of the Minister of Conservation and the Environment Court in relation to the proposal by Crest Energy to install up to 200 power generating turbines in the Kaipara Harbour, had recently been provided to Council. This was New Zealand's first large-scale tidal energy generation scheme, and the Minister's decision in March 2011 enabled it to proceed.

The decision ended a legal and resource consent process that had been on-going since 2006. The promoters of this \$600 million project hoped to make a start in the next two years, once financial backing had been secured.

The proposal also involved placing a power cable under the Northern Wairoa river between Tikinui and Raupo. The consent required installation of turbines to be staged, with three at first, so effects can be monitored, with the opportunity for a publicly notified review process after each stage.

A copy of the Minister's decision was circulated, along with location plans. The full 85 page Environment Court decision was also available upon request.

Moved Linton/Sutherland

That the information be received.

Carried

8.9 Remuneration Authority: Review of Local Authority Remuneration Setting, Discussion Document

General Manager Policy and Governance 1301.01

The Remuneration Authority's 'Review of Local Authority Remuneration Setting Discussion Document' for September 2011 was circulated for information.

This Discussion Document had been prepared by the Remuneration Authority to facilitate a review of how the Authority went about setting remuneration for Elected Members of local authorities in a way that met the requirements for the Local Government Act and the Remuneration Authority Act.

The Remuneration Authority was consulting with representatives of local government in order to gain their input and insights in the review. It was expected that a final proposal will be prepared following that consultation.

The discussion document listed 18 questions which the Remuneration Authority had said would be helpful on obtaining Council's views. A response to this document will need to be received by the Authority before 10 November 2011. The Discussion Document outlined a timetable on the consultation process. This Discussion Document was the first step. By the end of November 2011 the Remuneration Authority will meet with representatives to finalise the details of the preferred option which was listed within the Discussion Document.

The implementation of this preferred option for the 2012/2013 year will be due to commence on 1 March 2012. Officers will be compiling a draft response to this Document, and will present this response to Council at its meeting on 26 October 2011.

Moved Linton/Sutherland

That the information be received.

Carried

8.10 International Rally of Whangarei 2011: Damage to Council Roads

Infrastructural Assets Manager 3208.01

On 16 and 17 July 2011 special stages of the International Rally of Whangarei were hosted in the Kaipara District.

Following completion of the Rally, Council engineers carried out an inspection of the roads used in the special stages to assess if any damage had been caused by the vehicles competing in the Rally. A total of six roads were damaged this year. The extent of damage to the roads was greater than expected and this may be due in part to the inclement weather over the weekend that the Rally was held. The damaged roads required maintenance and grading, which had been carried out by Council's contractors. The cost to repair the roads came to a total of \$11,824.83 plus GST.

International Rally of Whangarei had been notified of the damage to the roads and had been furnished with an invoice for the cost to repair the roads. A bond of \$5,000.00 was currently being held by Council. The bond had been put in place for damage to the property of the Council caused by vehicles competing in the Rally and wear and tear on the special stage roading resulting from the Rally.

Council will be calling up the bond of \$5,000.00 and this amount will be applied to the invoice for the cost to repair the roads.

This item had been discussed with the Portfolio Holder, Councillor Wayne Linton.

Moved Linton/Sutherland

That this information be received.

Carried

Confirmed

9 Public Excluded Council Items 28 September 2011

9.0 Supplementary item (9.8) arising from the 24 August 2011 minutes: Pohutukawa Cove Limited: Claims

Moved Sutherland/Harding

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:

Subject matter to be considered:	Ground(s) under Section 48 (1) for the passing this resolution:
<i>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(g)</i>
<i>Recycling Activities: Increase in Funding for 2011/2012</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(b)(ii)</i>
<i>Contract 575: Maintenance Parks Reserves and Recreational Facilities 2008/2011</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(b)(ii)</i>
<i>Mangawhai Park Development Plan: Consultant Selection</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(b)(ii)</i>
<i>Land Swap: Memorandum of Understanding GDL, KDC, Dargaville Gardens Trust</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(b)(ii)</i>
<i>Sale of Council Land</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and Section 7 (2)(b)(ii)</i>
<i>Mangawhai EcoCare Complaint: Request for Independent Review Update</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(g)</i>
<i>Pohutukawa Cove Limited: Claims</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(i) and 7 (2)(g)</i>

Carried

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.

Confirmed

Open Council Meeting: 28 September 2011

Moved Sutherland/Harding

That resolutions 9.1 - 9.7 inclusive made whilst in Public Excluded, be confirmed in open meeting.

Carried

9.1 Potential Claims Against Council

General Manager Operations 3810.0

Moved Sutherland/Linton

That the information be received.

Carried

9.2 Recycling Activities: Increase in Funding for 2011/2012

General Manager Operations 4201.02

Moved Geange/Wade

That Council increases funding to Kaipara Refuse Limited from \$30,000 to \$36,000 for the 2011/12 financial year, to support the ongoing community interest for recycling.

Carried

Reason for decision

Funding for recycling is provided by government and will therefore not have to be ratepayer funded. The recycling service provided by Kaipara Refuse is in line with Waste Minimisation initiatives and how the Waste Minimisation Levy be spent.

9.3 Contract 575: Maintenance Parks Reserves and Recreational Facilities 2008/2011

General Manager Operations 4107.575

Moved Tiller/Wade

That Contract 575, Maintenance of Parks Reserves and Recreational Facilities 2008/2011, is rolled over on a monthly basis with a three month notice of termination clause with the existing contractor until such time Council is in a position to go out to tender with a new amended contract document.

Carried

Reason for the decision

The contract needs to be reviewed and amended to meet changing current and future needs however Council is not able to complete this process and go out to tender prior to the existing contract expiring. It would take at least three months to complete the review and tender process.

9.4 Mangawhai Park Development Plan: Consultant Selection

General Manager Operations **4702.13.06**

Moved **Mayor Tiller/Sutherland**

That Council defers allocating the contract for the development of a Management Plan for the area known as Mangawhai Park (Part Lot 3 DP 108638); and

That, with the exception of the land for the St John's Ambulance Association, no more parcels of land will be allocated.

Carried

Reason for the decision

The Mangawhai community is developing the park appropriately at this point. The deferral of the plan will contribute towards Council's fiscal goals for 2011/2012. The position can be reviewed as part of the Long Term Plan process.

9.5 Land Swap Memorandum of Understanding, General Distributors Limited, Te Awa Gardens Trust and Kaipara District Council

General Manager Operations **5105.14**

Moved **Geange/McEwing**

That Council authorises the Chief Executive to sign the Memorandum of Understanding with General Distributors Limited, and delegates responsibility to the Chief Executive to negotiate and execute a legal agreement for the gift of land to Te Awa Gardens Trust, in order for the Trust to finalise its land swap with General Distributors Limited.

Carried

Reason for the decision

This land swap will facilitate an attractive development in Dargaville which will provide additional employment opportunities for the community. It will also allow for the formalisation of land ownership for the parts of the garden that have been established on land currently owned by General Distributors Limited.

9.6 Sale of Council Land

General Manager Operations **5105.12**

Moved **Geange/Wade**

That Council accepts the information provided regarding land disposal received from Brookfields Lawyers (letter to Council dated 11 August 2011 and

That when procuring any further legal advice regarding the sale of land local firms be given the first opportunity to provide this.

Carried

Reason for the decision

Council may want to further consider the sale of Council land.

9.7 Mangawhai EcoCare Complaint: Request for Independent Review Update

Corporate Services Manager **4505.0**

Moved **Wade/Geange**

That Council asks the Chief Executive to prepare a revised Terms of Reference and Scope (including a recommended provider) for an independent review of Mangawhai Community Wastewater Scheme and other relevant rating issues taking into consideration the previous revised terms of reference and other stakeholders; and

That the revised Terms of Reference, Scope and recommended provider be brought back to Council for consideration.

Carried

Reason for the decision

There is a need to clarify the Terms of Reference and ensure that the scope of the independent review meets the objectives of all parties to the extent possible.

5.5 Mangawhai Community Wastewater Scheme Uniform Targeted Rate: Statement of Proposal Hearings

Chief Executive 2306.12, 2306.17, 2306.18, 2306.26, 4505.0

Moved Geange/Wade

That in regard to the Mangawhai Community Wastewater scheme Uniform Targeted Rate, the Council notifies the Statement of Proposal suitably modified to comply with Section 123, Local Government Rating Act 2002 and any other legislative requirements; and

That the outcome of any independent review is incorporated as appropriate; and

That the redrafted Statement of Proposal be checked for legal compliance before it is publicly notified.

Carried

Reason for the decision

To ensure full legal compliance of the Statement of Proposal thus enabling the process to proceed without successful legal challenge. Note: Section 123 states as follows:

“Rates replacement proposal

- 1) Replacement rates must be set by the adoption of a rates replacement proposal prepared in accordance with the special consultative procedure.
- 2) A rates replacement proposal must:
 - (a) identify the relevant year; and
 - (b) for each of the rates set and assessed by the local authority in the relevant year, state -
 - (i) the date on which the rate was set; and
 - (ii) whether it is a general rate based on rateable value, a uniform annual general charge, or a targeted rate; and
 - (c) identify which of the rates referred to in paragraph (b) are proposed to be replaced and the reasons for their replacement; and
 - (d) for each proposed replacement rate, state whether it is a general rate based on a rateable value, a uniform annual general charge, or a targeted rate; and
 - (e) identify any difference between the revenue sought from the rates to be replaced and that proposed to be sought from the replacement rates and the reasons for that difference; and

- [(f) explain any departure from the revenue and financing policy under section [103](#) of the Local Government Act 2002 and the reasons for that departure; and]
 - (g) explain any difference in basis or type of rates between the rates to be replaced and the replacement rates; and
 - (h) describe the general effect that the rates replacement proposal is expected to have on the overall liability of ratepayers or groups of ratepayers within the district for rates for the relevant year.
- 3) In giving notice of the rates replacement proposal under the special consultative procedure, the local authority must give specific notice of the proposal to every ratepayer of the district.
 - 4) The notice must include:-
 - (a) a summary of sections [126](#) and [127](#); and
 - (b) a statement that the proposal will not affect rates set and assessed in years after the relevant year and, if a rates replacement proposal is intended for any of those years, a statement of that intention.”

Section 126 states as follows:

“Allocation of excess

- 1) The amount of any excess must be applied in the following order:
 - (a) paying any rates arrears for the relevant year; and
 - (b) paying any other rates arrears owing in respect of the rating unit; and
 - (c) crediting against future rates any remaining sum in anticipation of rates yet to be assessed.
- 2) If a remaining sum is credited against future rates, -
 - (a) the ratepayer may, at any time, apply in writing to the local authority for the refund of the whole or part of the credited rates; and
 - (b) the local authority must make the refund as soon as practicable after receiving the application.”

Section 127 states as follows:

“Assessment of deficit

- 1) The amount of a deficit must be assessed on the rating unit -
 - (a) in the current year if, at the time that the replacement rates are set, the local authority has not set its general rates for the current year; or
 - (b) in the subsequent year in any other case.
- 2) The amount of the deficit must be identified in the rates assessment as a replacement rates adjustment for the relevant year.
- 3) The following enactments apply to the assessment of the deficit as if it were rates assessed in the year it is assessed:
 - (a) Parts [3](#) to [5](#);
 - (b) the [Rates Rebate Act 1973](#).

- 4) The exclusion of all or part of a rating unit from the district of a local authority after the relevant year does not affect the ability of the local authority to assess a deficit on the unit.”

An outcome of an independent review may be that Council should amend the Statement of Proposal before it is publicly notified.

Closure

The meeting closed at 5.20 pm

Confirmed 20

Mayor

Confirmed