

I hereby give notice of the following Ordinary meeting:

Meeting	Kaipara District Council
Date	Thursday 28 March 2019
Time	9.30am
Venue	Pahi Hall – Pahi Road, Pahi

Open Agenda

Membership

Chair: Mayor Jason Smith
Members: Deputy Mayor Peter Wethey
Councillor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Julie Geange
Councillor Libby Jones
Councillor Karen Joyce-Paki
Councillor Jonathan Larsen
Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

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* Items 7.5 and 7.6 will be supplied under a separate cover.

Ordinary meeting of Kaipara District Council

Thursday 28 March 2019 in Pahi

1 Opening

1.1 Karakia

1.2 Present

1.3 Apologies

1.4 Confirmation of Agenda

The Committee to confirm the Agenda.

1.5 Conflict of Interest Declaration

Elected members are reminded of the need to be vigilant to stand aside from decision-making when a conflict arises between their role as Councillors and any private or other external interest they might have. It is also considered best practice for those members to the Executive Team attending the meeting to also signal any conflicts that they may have with an item before Council.

2 Presentations and Petitions

Uncontrolled dogs in Dargaville petition and unsealed roads in Dargaville petition

Meeting: Kaipara District Council
Date of meeting: 28 March 2019
Reporting officer: Lisa Hong, Governance Advisor

Purpose/Ngā whāinga

To acknowledge Council receipt of the petitions.

Executive summary/Whakarāpopototanga

The council received two petitions: one regarding uncontrolled dogs in Dargaville and the other regarding unsealed roads in Dargaville. In accordance with our current policy, the petitions are presented to the council and the responses are being prepared.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Receives the 'uncontrolled dogs in Dargaville petition' dated 28 February 2019.
- b) Receives the 'petition to start the process of completing the tarseal of Waihue, Nichols, Lawson and Middleton Roads, RD 2 Dargaville 0372' dated 27 February 2019.
- c) Requests the Chief Executive to investigate the issues contained in the petitions and report back to Council at the April 2019 meeting.

Context/Horopaki

Mr Graham Jones delivered a petition to the Dargaville council office on 28 February 2019. The petition is attached to this report as **Attachment A**. The petition consists of 417 words and 111 signatures.

Council also received a petition regarding unsealed roads in Dargaville on 06 March 2019. The principal petitioners are Klas Kronqvist and Suzanne Reinholds. This petition is attached to this report as **Attachment B**. The petition consists of 213 words and 69 signatures.

Discussion/Ngā kōrerorero

Petitions Policy

The council's Petitions Policy allows for constituents to directly appeal to the council by presenting a petition. The policy outlines the allowable format of the petition and how the council must respond.

In accordance with the policy:

- The staff reviewed the petitions. Both petitions exceed the word limit but otherwise comply with the policy.
- The petitions are presented to the council. The principal petitioners may make a presentation at this stage, and have been invited to do so.

- The staff are reviewing the requests raised in the petitions and are preparing reports with recommendations to the council.
- Once the staff recommendations are received, the council will decide on the responses. The staff will respond to the petitioners with the outcome and carry out any follow up actions.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

The staff will report back to Council and update the principal petitioners.

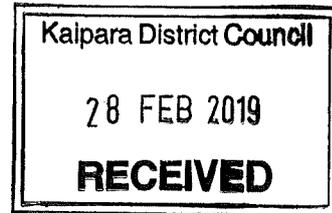
Attachments/Ngā tapiritanga

Number	Title
A	Uncontrolled dogs in Dargaville petition dated 28 February 2019
B	Petition to start the process of completing the tarseal of Waihue, Nichols, Lawson and Middleton Roads, RD 2 Dargaville 0372 dated 27 February 2019

Lisa Hong, 19 March 2019

28 February 2019

TO: Kaipara District Council



We the undersigned petition Council to undertake immediate action regarding the obvious problems with uncontrolled dogs in Dargaville.

What is happening now:

- (1) Uncontrolled dogs are seen regularly roaming the streets, both in daytime and at night;**
- (2) Some of the dogs are 'friendly' – or rather are unconcerned about pestering people;**
- (3) Others display antagonism towards people, and at times attacks have occurred;**
- (4) Many people are hesitant to walk along some streets, and in fact some will not now walk at all due to this menace.**

We do not accept that as members of the public we should be fearful of walking in our town because of this problem.

We believe Council has a duty to protect the safety of its citizens, and we have to report that our approaches so far have brought little (if any) action. It must be said that Council staff, the Dog Control contractors, and even the Mayor have shown little interest in carrying out this duty under urgency.

It is unacceptable to postpone the matter to a later date or time, which we know would only proceed at a glacial pace. There are rules in place right now.

What needs to happen:

- (1) One or more members of the plentiful Council staff (not the Dog Control contractor which has proved totally inadequate) needs to knock on doors to ascertain where dogs are kept, whether they are registered, do they belong there, are there others 'farmed out', are they under adequate control; our suggestion is to start in the area east of (but including) Awakino Road and incorporating Ranfurly Street.**
- (2) Following that it is suggested the same action be undertaken throughout Dargaville, as the problem is known to be widespread.**
- (3) In the event that unregistered dogs are found, immediate registration be required, failing which the dogs be impounded until registration (plus the pound fine) is paid.**
- (4) If payment not received within a reasonable period (say two weeks) the dogs be offered to new owners or destroyed.**

As concerned members of the public we do not think these requests are unreasonable; we point out that at the time when hydatids was prevalent such steps were taken; no one escaped.

It is accepted that this item is on today's agenda, but given the absence of affirmative action we have no confidence that anything will change.

Postponing a review of the rules to March does not acknowledge the seriousness of the problem.

The public are at risk right now.

Name	Address	Signature
M. Toia	216 Victoria St.	M. Toia
KB TOIA	16 Pirika St DRL	KB Toia
Jayne Waller	17 Logan St	Jayne Waller
Joyce Martin	35 Murdoch St	J.R. Martin
Gwen Edge	47 Haigh Access Rd Alky	Gwen Edge
William Radich	4/14 Awakino Rd	W Radich
Elaine Wightman	11/87 Hokianga Rd	E.M. Wightman
Isobel Cossill	1 Skyebank Close DRL	I Cossill
Sasha Jimadala	1-195 Victoria St	Sasha Jimadala
Pornick Bourke	3-195 Victoria St	P Bourke
Jeni Wallace	19 COBITAN AVE	Jeni Wallace
Teresa Romley	Tangitronia	Teresa Romley
Wz Holster	Dargaville	Wz Holster
K. Dury	14 Gordon St	K Dury
Chin Pe Kay	20 McKee Crescent	Chin Pe Kay
Kay Loo	42 Kingscourt Ave	Kay Loo
Te Rehia Dunn Ratina	14 Montgomery Ave	T. Ratina
B.E. Stuss	West Coast Rd. T.K	B.E. Stuss
Sharon Foley	7 Maxwell Rd	S Sharon Foley
Peter W. Enderby	Basin Rd	Peter W. Enderby
Chayne Frost	122 Scotty's Camp.	Chayne Frost
Elly Jackson	21 Cranley St	Elly Jackson
Brenda Jackson	18 Victoria st.	B. Jackson
Hare Hau	02108621020 DRL	Hare Hau
Sharon Constable	553 Waikare Rd	Sharon Constable

Name	Address	Signature
SUZANNE MAKOARE	36 KAIHAI WOOD RD	S. Makoare
Grace Richards	60 Heawa Rd	G Richards
Ianney Kua	110 Tara Rd R.D. 2 Matakohu	I Kua
E. TE KAWA	43 Ranfurly St	E. Te Kawa
Gail Hoddcroft	4-7 Meadowpark Dr	G Hoddcroft
BARBARA METARA	17 RONAKI RD ST. A. H. H. H.	B Metara
Sarah Tittleton	61 Seaview road Bay of Islands	S. L. Tittleton
Heather Wright	18 Mole Plc	H Wright
Patrick Rakete	19 Oturoa Settlement Rd	P. Rakete
J. Cox	52 Gordon St.	J. Cox
Francie Puhara	17 Norton St.	F. Puhara
KIPISARICA	Poua Rd.	K. Puhara
Moses. Makoare	4 Third Ave Darg.	M. Makoare
M. LANCASTER	44 GORDON ST	M. Lancaster
K. Herman	Mungatu	K. Herman
M. PASSMORE	62 FREYBERG R RUAWAI	M. Passmore
Siobhan Wakeling	Mamaramui Rd	S. Wakeling
ANDREW WARREN	57 GORDON ST DARHAVILLE	A. Warren
P. Morlett	7 Rimu St, Darg.	P. Morlett
J. McBrown	106 Ranfurly St.	J. McBrown
P. TAITERSALL	14 CRAWLEY ST	P. Taitersall
J. Mager	24 Churchill St	J. Mager
G. Welham	12 Plunket	G. A. Welham
50 Kristina Caculato	40 Jervois St	K. Caculato

Name	Address	Signature
Dennis Tyfe	7 MONTGOMERY AVE	
Viv Tyfe	" "	
Bar Jones	139 HOKIANGA Rd	
MARY McLean	138 HOKIANGA Rd	
Karishma Patel.	110 HOKIANGA Rd.	
TRICIA JURENCH.	172 VICTORIA ST	
T. Portinger	336 Wahue Rd	
A. Snell	378 station Rd.	
Kelly Ross	141 River Road	
Brenda Lupton	14 Cobham Ave	
Debra Curbin	67 old Golf Course rd	
Kura Pirini	160 HOKIANGA Rd	
P. Godfrey	129 HAKIANGA Rd	
Sarah Moran	1 Kaciri ^{D. Punguile} St	
Kirsty Palmer	15 Walker terrace ^{te Kaporo}	
Tracy Archer.	153 Morrison Rd	
JOHN MCLEAN.	38 HOKIANGA Rd	
Kath Okeefe	114 HOKIANGA Rd	
19 Graham Jones	139 HOKIANGA Rd	

27 February 2019

Dear Dr Jason Smith and Kaipara District Council,

If our metal roads are further 'improved' without tar-sealing them is that not actually doing a disfavour to our residents as the traffic is then able to travel faster than ever before? This is exactly what has happened to us. So, If EVERYONE, with reference to the Mayor's Memo in the "Lifestyler" dated February 26, 2019, is asking for the roads to be sealed should this not be the Council's priority?

Please find enclosed our petition calling for the completion of **tar sealing** Waihue, Middleton, Nichols and Lawson Roads, RD2, Dargaville 0372. In a democracy, where there is consensus, the will of the people ought to be abided by or it's not a true democracy?

Our roads need to be sealed urgently since metal roads are **hazardous to our health** – the ensuing dust from vehicles is causing breathing problems for many of us – and breathing fresh air is an essential part of maintaining a healthy lifestyle - both physiologically and psychologically. The World Health Organisation (WHO) cites evidence that fine particulate matter (PM) causes **chronic illness** such as:

> respiratory infections

>lung cancer and

>cardiovascular disease.

Furthermore, WHO states that dust is a major contributor to **Air Pollution** (In "Most polluted countries in the world" by Julianne Couch Feb 18, 2019 MSN News). This needs to be addressed urgently. Also, we are being **neglected** and are missing out on **essential infrastructure**. We are literally being left in the dust! This simply is not good enough. Our roads need to be sealed.

Another important reason is the **nuisance factor** of dust, it gets everywhere – covering our houses, on our decks, in our guttering and in our water tanks. The dust covers our buildings and many of us spend endless hours trying to rectify this unnecessary but very real problem. Sadly, this is time that we will never get back or even get compensated for. Also, the dust gets onto our gardens where we grow produce that we eat at our tables, onto our washing that we're only able to hang out according to wind and dust levels and of course the dust is ingested by our animals and livestock; to their detriment. We humans are unable to enjoy going outside or even open windows because of this. This is a terrible situation to be in. These roads must be sealed.

We have received **overwhelming support** from the Waihue Community of Ratepayers and Residents, with 69 signatures collected, many of whom have been long suffering in terms of poor road maintenance. Ironically, since the harvesting of logs started in 2012 the roads out here have improved dramatically. Even though the current Council could be commended for the work that they have achieved in bringing our roads up to the current standard the result has proven to be a double-edged sword, as vehicles now can travel faster on the smoother roads and stir up more dust than ever before. The

dust haze can be seen hanging over the valley from Dargaville (see photo taken of the corner of Middleton and Waihue Rd). It looks like, it did over LA in the 1980s.



We wonder whether the Multi- National Forestry Companies and local Contractors are contributing enough to the Council's roading network? In fact, the Metal Trucks appear to have consent to carry metal from their private Quarry in the Mangakahia Block, at the end of Middleton Road to other collectively owned properties in Nichols, Avoca Roads and elsewhere, until 2020. This consent was given without any local Community Consultation. Surely this is in serious breach of the Resource Management Act and we question the legality of the owners of the Mangakahia Block moving vast quantities of rock elsewhere.

Furthermore, **the Council's criteria** for sealing roads based on the volume of traffic (though we receive more than our fair share in terms of heavy vehicles with disastrous dust consequences) is **flawed**, in that it does not consider health and safety factors. The Northland Regional Council's dust monitoring in 2016/17 shows that it is a **health hazard** in our area and a copy of this is enclosed. Please note that this was carried out prior to the improvements of our roads and the situation is now reaching a critical stage. We have endured 7 years of living inside a dust bowl and we have at least another 3 years to go, this time around.

Now is the time for positive action. Recently, the water table restoration work has lifted the standard and level of our roads. A good starting point would be to **seal the road**

outside people's houses that are badly affected by dust. However, this is admittedly 'only effective up to a point. Large vehicles drag the dust along in their slip-streams so they are still effectively stirring up dust particles. We have found this to be the case where the Forestry Company has trialled Magnesium Chloride on the road outside our property in Middleton Road. We ask that the Council urgently give their seal of approval to this essential work.

Lastly, we ask for the KDC's assurance that our roads **WILL be sealed** - sooner rather than later – if only initially in stages outside people's houses but ultimately our roads will be sealed in their entirety and a time frame for this to be provided.

Yours sincerely



Klas Tore Kronqvist & Suzanne Jane Reinholds

54 Middleton Rd

RD2 Dargaville 0372

CC.

Penny Smart (Northland Regional Council)

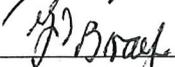
Shane Jones MP (Associate Minister of Roding)

Phil Twyford MP (Minister of Transport)

Petition to start the process of completing the tarseal of Waihue, Nichols, Lawson and Middleton Roads, RD2 Dargaville 0372

1. We, the undersigned residents, urgently request that our dusty gravel roads be permanently sealed. Vehicles, including heavy trucks, frequent our roads on a daily basis. The resulting dust - apart from being a health hazard adversely affecting human and livestock health - is also a significant nuisance; the dust gets everywhere i.e. our roofs and guttering that we rely on to collect our drinking water and often heavily reduces our visibility when we are driving on the roads.
2. We believe that the criteria used by the Council for the sealing of roads i.e. The volume of traffic (number of vehicles) is flawed. Health and safety factors must be considered. The Northland Regional Council's Dust monitor readings in February 2017 (refer to attached letter) showed us that Waihue is the second worst affected road in the Kaipara, even during an unseasonal wet spell.
3. Our goal is to have the worst affected areas sealed first i.e. the stretches of road outside where people live.
4. Our roads have already had a lot of much needed money spent on them; restoring the water table and it would make economic, long term sense to seal our roads now.
5. We will reap the economic benefits through sound infrastructure in Forestry and Farming and improve the air and life quality of residents!

Yours sincerely,

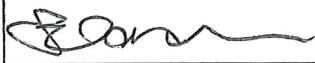
Name:	Address:	Signature:
Klas Tore Krongvist	54 Middleton Rd	
Suzanne Jane Reinholds	54 Middleton Rd	
Paki Brass	1859 Waihue	
Chalise Herbert	1859 Waihue	
JEFF LAMBORN	85 2288 WAIHUE	
John Shepherd	2065 Waihue Rd	
Betty Shephed	2065 Waihue Rd	
Bronson Shephard	2065 Waihue rd	
MELISSA SAMUELS	2065 WAIHUE RD	
Fred Bray	2034 Waihue Rd.	
Emilda Bray	2034 Waihue Rd.	
Aaron Hodgson	2136 Waihue RD	
Tara Hodgson	2136 Waihue Rd	

D R Munn	70 Middleton Road	D R Munn
PJ Hurley	70 Middleton rd	PJ Hurley
Mike Brindle	82 Middleton rd	Mike Brindle
Wendy Chitty	1819 Waihue Rd	W Chitty
Jan Milligan	66 Nichols	Jan Milligan
Ray Milligan	" "	Ray Milligan
Lloyd Chitty	1819 Waihue rd	Lloyd Chitty
Keith Nichols	59 Nichols Rd	Keith Nichols
AH Berghen	116 Nichols Rd	A. H. Berghen
J A Berghen	" "	J A Berghen
T. Nurse	142 Nichols R.d	T Nurse
Greg Berghen	142 Nichols Rd	Greg Berghen
R K Williams	Nichols Rd	R K Williams
Stephanie Browning	1798 Waihue Rd	Stephanie Browning
Nick Browning	1798 Waihue Rd	Nick Browning
Andrew Clark	1819 Waihue Rd	Andrew Clark
Adam Pierce	1450 Waihue Road	A Pierce
ROBIN PIERCE	1450 WAIHUE ROAD	Rob R.
Mariah Robinson	1450 Waihue Road	Mariah Robinson
Murray Pierce	1450 Waihue rd	Murray Pierce
Roger Mager	2150 Waihue Rd	R Mager
Brian Solly	2313 Waihue Rd	Brian Solly
Karen Solly	2313 Waihue Rd.	Karen Solly
Kimberley Bartz	2596 Waihue Rd	Kimberley Bartz
Sandra Parker	2596 Waihue RD	S Parker
Brent M'Sweeney	2634 Waihue Rd.	Brent M'Sweeney
Melissa Strongman	" " "	M Strongman
Aineta Tarlton	" " 25 "	A. Tarlton

Petition to start the process of completing the tarseal of Waihue, Nichols, Lawson and Middelton Roads, RD2 Dargaville 0372

1. We, the undersigned residents, urgently request that our dusty gravel roads be permanently sealed. Vehicles, including heavy trucks, frequent our roads on a daily basis. The resulting dust - apart from being a health hazard adversely affecting human and livestock health - is also a significant nuisance; the dust gets everywhere i.e. our roofs and guttering that we rely on to collect our drinking water and often heavily reduces our visibility when we are driving on the roads.
2. We believe that the criteria used by the Council for the sealing of roads i.e. The volume of traffic (number of vehicles) is flawed. Health and safety factors must be considered. The Northland Regional Council's Dust monitor readings in February 2017 (refer to attached letter) showed us that Waihue is the second worst affected road in the Kaipara, even during an unseasonal wet spell.
3. Our goal is to have the worst affected areas sealed first i.e. the stretches of road outside where people live.
4. Our roads have already had a lot of much needed money spent on them; restoring the water table and it would make economic, long term sense to seal our roads now.
5. We will reap the economic benefits through sound infrastructure in Forestry and Farming and improve the air and life quality of residents!

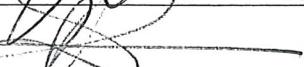
Yours sincerely,

Name:	Address:	Signature:
Carla Dordan	1767 Waihue Rd	
Brian Hutchings	84 Lawson rd	BA Hutchings
Carolyn Hutchings	84 Lawson Rd	Carol Hutchings
Glen Hanham	12 Lawson rd.	
Anne - Sophie Hanham	12 Lawson Rd	A Hanham
David Austin	25 Lawson Road	
Karen Hagley	25 Lawson Road	CK Hagley
Margaret Pinny	1578 Waihue Road.	M. Pinny
Megan Browning	1586 Waihue Rd.	MJB
Trevor Browning	1586 Waihue Rd	T. Browning
Jason Hillis	1514 Waihue Rd	
Cheryl Wagener	109 Nichols Rd	
ROBERT CAASTRA	109 NICHOLS RD	

Petition to start the process of completing the tarseal of Waihue, Nichols, Lawson and Middleton Roads, RD2 Dargaville 0372

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5. We will reap the economic benefits through sound infrastructure in Forestry and Farming and improve the air and life quality of residents!

Yours sincerely,

Name:	Address:	Signature:
VERN WOODS	1544 WAIHUE Rd	
MARION STEVEN	1544 Waihue Rd	
Keith Burgess	2371 Waihue Rd	Keith Burgess
Finn Burgess	2371 Waihue Rd	Finn Burgess
Patricia Burgess	2371 Waihue Road	Patricia Burgess
W MacPherson	2111 Waihue Rd	W MacPherson
JULIA COX	2288 Waihue Rd	
Raewyn Nichols	1473 Waihue Rd	
MARK NICHOLS	1473 WAIHUE Rd	

Please Quote File: REG.850733.01
OKHA:SQUA

Te Kaunihera a rohe o Te Tai Tokerau

31 March 2017

Private Bag 9021
36 Water Street
WHANGAREI 0148
New Zealand

Kaipara District Council
Private Bag 1001
Dargaville 0340

Phone: 09 470 1200
Freephone: 0800 002 004
Environmental Hotline:
0800 504 639
Fax: 09 470 1202
Email: mailroom@nrc.govt.nz

Attention: Roading Manager

www.nrc.govt.nz

Dear Sir/Madam

UNSEALED ROAD PM₁₀ MONITORING – KAIPARA DISTRICT

Northland Regional Council carried out monitoring of respirable particulate matter (PM₁₀) at four locations within the Kaipara district during summer 2016/2017. Monitoring was conducted using a Met One Environmental Beta Attenuation Monitor (EBAM). Three monitoring sites selected were located adjacent to unsealed roads recommended by the Kaipara District Council and one site was monitored to investigate a dust nuisance complaint reported to the Northland Regional Council.

The main purpose of PM₁₀ monitoring is to identify sites adjacent to unsealed roads which experience high levels of dust as a result of traffic and to assist district councils in prioritising mitigation measures. Results of PM₁₀ monitoring at sites in your district are presented in the following paragraphs.

Table 1 shows the highest and the second highest 24 hour PM₁₀ concentrations recorded at each monitoring site as well as the total rainfall recorded during each monitoring period at nearby rainfall station. The graphs present the daily average PM₁₀ concentrations for each monitoring site.

Table 1: Summary of PM₁₀ monitoring results.

Monitoring site location	Monitoring period	PM ₁₀ concentration (µg/m ³)		Total rainfall at nearby rain gauge (mm)
		Highest	Second highest	
855 Golden Stairs Road	5 Nov 16– 17 Nov 16	41	36	101
64 Paparoa Station Road	26 Nov 16 – 7 Dec 16	34	32	1.5
2034 Waihue Road	14 Feb 17 – 1 Mar 17	82	50	86
4304 Pouto Road	1 Mar 17 – 24 Mar 17	86	74	109

Important notes about the monitoring programme:

- The PM₁₀ EBAM monitor used for this monitoring is not a Ministry for the Environment NES for Air Quality approved instrument.
- While it is likely the majority of PM₁₀ measured by the EBAM originated from unsealed roads, it is important to note that PM₁₀ can also originate from other sources such as fires, sea spray, pollen and vehicle exhausts.
- The PM₁₀ EBAM monitor was situated near the road and therefore results obtained represent PM₁₀ levels occurring at this location and may not be representative of actual ambient PM₁₀ levels in the area.
- PM₁₀ concentration may vary depending on weather conditions such as rainfall, wind speed and direction.

Please do not hesitate to contact me should you have any further queries regarding this matter.

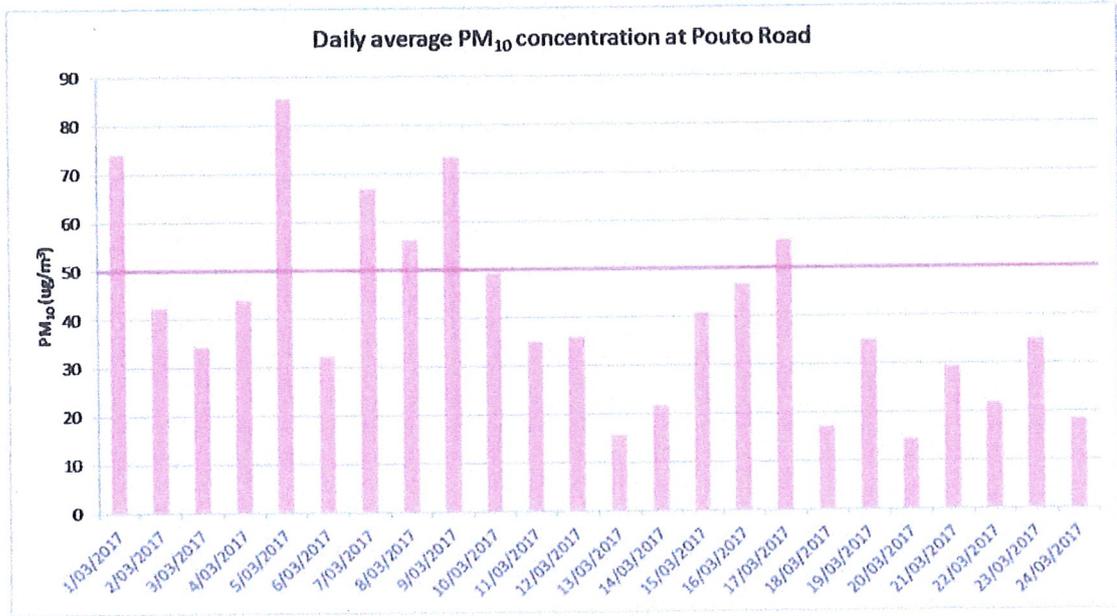
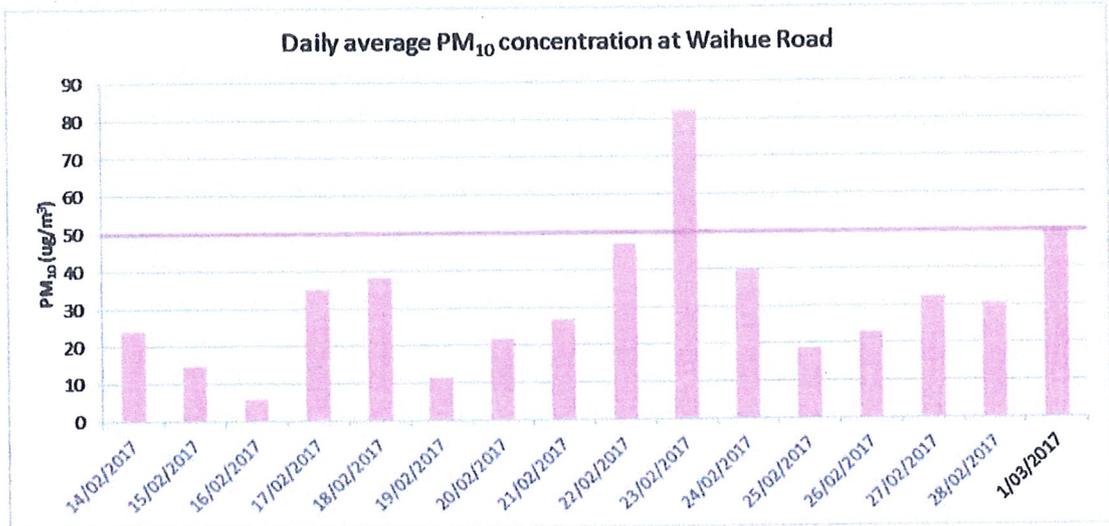
Yours faithfully



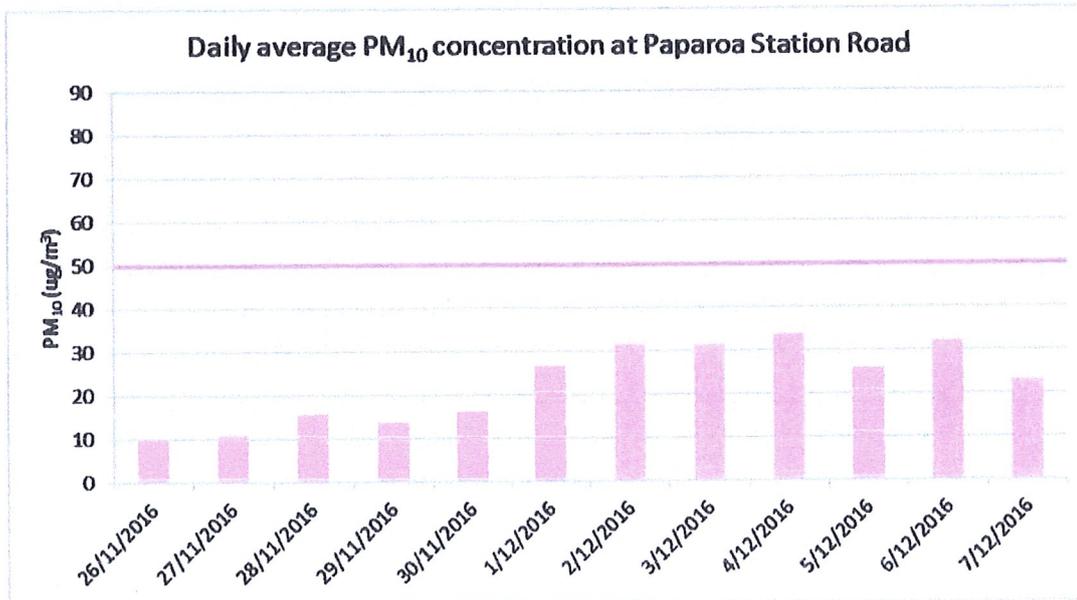
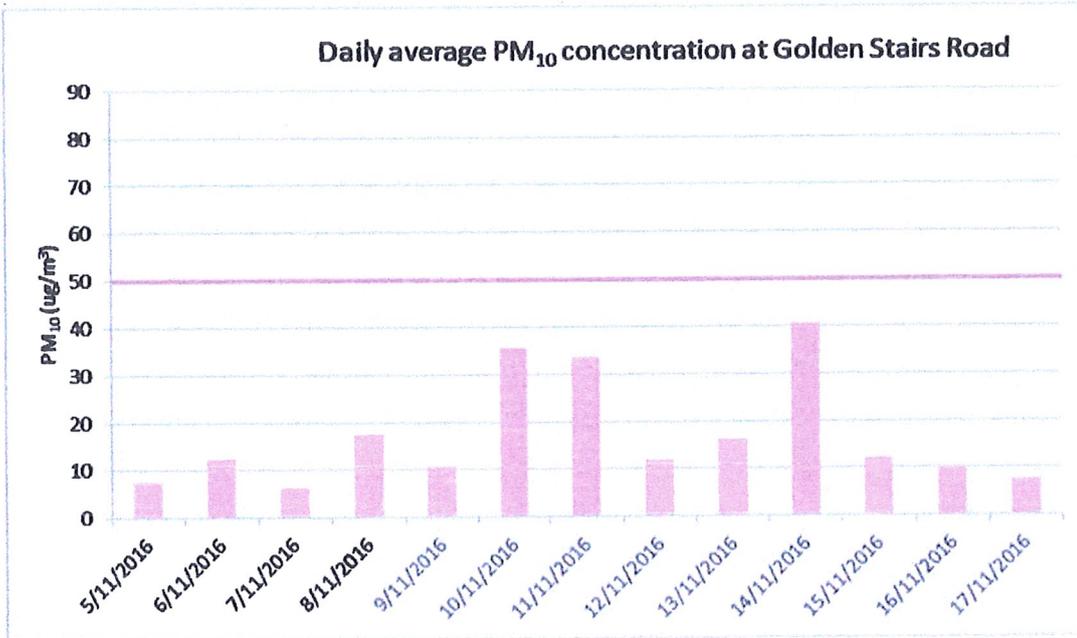
Obi Khanal
Air Quality Specialist

A93413B

Copies to the property owners of monitoring sites



Despite high rainfall, the site located at Pouto Road recorded the highest PM₁₀ concentrations out of the four sites monitored, with several exceedances recorded above 50µg/m³ over a 24 hour averaging period. The EBAM was near the house far from the road, still PM₁₀ concentration was recorded high. A 24 hour average of 50µg/m³ is the limit used in the National Environmental Standards for air quality for public health protection.



3 Minutes

3.1 Confirmation of Open Council minutes 28 February 2019

General Manager Governance, Strategy and Democracy 1601.23

Recommended

That the unconfirmed Open minutes of the Kaipara District Council meeting held 28 February 2019 be confirmed as a true and correct record.

Kaipara District Council

Minutes

Meeting	Kaipara District Council
Date	Thursday 28 February 2019
Time	Meeting commenced at 9.33am Meeting concluded at 2.56pm
Venue	Northern Wairoa War Memorial Hall – 37 Hokianga Road, Dargaville
Status	Unconfirmed

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey
Councillor Anna Curnow
Councillor Victoria del la Varis-Woodcock
Councillor Julie Geange
Councillor Libby Jones
Councillor Karen Joyce-Paki
Councillor Jonathan Larsen
Councillor Andrew Wade

Jason Marris
General Manager Governance, Strategy and Democracy

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**Minutes of the Ordinary meeting of Kaipara District Council
28 February 2019 in Dargaville**

1 Opening
1.1 Karakia

Councillor del la Varis-Woodcock opened the meeting with a karakia.

1.2 Present

Mayor Jason Smith, Deputy Mayor Peter Wethey, Councillors Anna Curnow, Victoria del la Varis-Woodcock, Libby Jones and Jonathan Larsen (item 2—close).

In Attendance

Name	Designation	Item(s)
Louise Miller	Chief Executive	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Curt Martin	Chief Operating Officer and General Manager Infrastructure	5.2—close
Sue Davidson	General Manager IT, Risk and Finance	5.1—close
Mark Schreurs	Policy Analyst	1—5.2
Bernard Petersen	Maintenance Lead	3.1—5.4
Wendy Campbell	CAR Specialist	3.1—5.4
Aran Arrieta	Roading Coordinator	3.1—5.4
Hamish Watson	Parks and Recreation Manager	5.1—5.5
Fleur Denize	Facilities Procurement and Contract Coordinator	5.2—6.2
Jenny Rooney	Funding Coordinator	5.2
Tanya Wilson	Governance Advisor	All
Lisa Hong	Governance Advisor	All (Minute-taker)

Adjournments

Reason	Start	Finish
Morning tea	10.45am	11.00am
Lunch	12.26pm	12.59pm

1.3 Apologies

Moved Smith/Curnow

That the apologies of Councillors Joyce-Paki and Wade be received.

Carried

1.4 Confirmation of Agenda

Moved Smith/Wethey

That the Kaipara District Council confirms the agenda for the meeting held 28 February 2018.

Carried

1.5 Conflict of Interest Declaration

Nil.

Councillor Larsen joined the meeting at 9.36am.

2 Deputations, Presentations and Petitions

2.1 Eugene Morgan-Coakle

Climate change and stopbanks

Eugene Morgan-Coakle tabled a climate prayer and song sheetⁱ, and spoke in the public forum regarding climate change and stopbanks.

2.2 Joanna Roberts

Mangawhai Artists Inc.

Joanna Roberts spoke in the public forum regarding the Pledge Me campaign for the Mangawhai Artists Gallery Extension to build a Community Art Workspace.

3 Minutes

3.1 Confirmation of Open Council minutes 20 December 2018

General Manager Governance, Strategy and Democracy

1601.23

Moved Smith/del la Varis-Woodcock

That the unconfirmed Open minutes of the Kaipara District Council meeting held 20 December 2018 be confirmed as a true and correct record.

Carried

3.2 Open committee minutes confirmed in December 2018 and January 2019

General Manager Governance, Strategy and Democracy

16/Various

Moved Smith/Wethey

That Kaipara District Council receives the confirmed Open minutes of the following committee meetings:

- *Audit, Risk and Finance Committee meeting held 12 September 2018;*
- *Combined Pou Tu Te Rangi Joint Management Committee and Harding Park Committee meeting held 23 October 2018; and*
- *Mangawhai Community Park Governance Committee meeting held 19 November 2018.*

Carried

4 Notice of Motion

4.1 Councillor del la Varis-Woodcock

Notice of Motion dated 28 February 2019

1701.03

[Secretarial Note: Councillor del la Varis-Woodcock tabled an amended Notice of Motionⁱⁱ.]

Moved del la Varis-Woodcock/Curnow

That the Kaipara District Council;

- a) *Establishes an award for Kaipara citizens (and/or organisations), who have contributed to the environmental good of the Kaipara District.*
- b) *Agrees that this award is judged on environmental leadership and actions including (but not restricted to) the protection, enhancement, and kaitiakitanga of natural resources and ecosystems; sustainability in enterprise, and environmental education and awareness raising.*
- c) *Agrees that a committee of suitably informed and qualified members will be established for determining the award recipient(s); and*
- d) *Requests that the Chief Executive*
 - i. *drafts an Award Policy with the frequency (to be determined), categories, and criteria for this Kaipara Environmental Award;*
 - ii. *drafts a Terms of Reference for the establishment of the aforementioned Committee;*
 - iii. *brings the draft Policy and Terms of Reference back to Council for approval, with a report that includes any possible costs to council for the establishment of the Award and the Committee.*

Carried

5 Decision

5.1 Fees and Charges 2019/2020: Annual Review

General Manager Planning and Regulatory 2301.07

Moved Smith/Curnow

That Kaipara District Council:

- 1 *Receives the General Manager Planning and Regulatory's report 'Fees and Charges 2019/2020: Annual Review' dated 11 February 2019 and its Attachment 1; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the proposed draft Fees and Charges 2019/2020 as outlined in the schedule included in the Agenda for this Council meeting held 28 February 2019 (circulated with the above-mentioned report 'Fees and Charges 2019/2020: Annual Review' as Attachment 1), for consultation to allow community comments to be received prior to formal adoption; and*
- 4 *Delegates to the Mayor and the Chief Executive the authority to make editorial changes as discussed at the Kaipara District Council meeting held 28 February 2019.*

Carried

Meeting adjourned for morning tea at 10.45am

Meeting recommenced at 11.00am

5.2 Policy on Dogs and Dog Management Bylaw Review – Adoption of Statement of Proposal for public consultation

Policy Analyst 3502.05

Moved Smith/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Policy Analyst's report 'Policy on Dogs and Dog Management Bylaw Review – Adoption of Statement of Proposal for Public Consultation' dated 08 February 2019; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*

- 3 *Adopts the Draft Policy on Dogs and Dog Management Bylaw, included as Attachment 1 to the aforementioned report, for public consultation; and*
- 4 *Adopts the Statement of Proposal, included as Attachment 2 to the aforementioned report, for public consultation; and*
- 5 *Establishes a Hearings Panel consisting of Mayor Smith, Councillor Curnow and Councillor Joyce-Paki and delegates them to hear any submissions received and recommend to Council amendments to the Draft Policy on Dogs and Dog Management Bylaw.*

Carried

5.3 Temporary Road Closure 23 and 24 March 2019 Dargaville, BDO Tour of Northland – Approval

Corridor Access Co-ordinator 3208.0

Moved Curnow/Jones

That Kaipara District Council:

- 1 *Receives the Corridor Access Co-ordinator's report 'Temporary Road Closure 23 and 24 March 2019 Dargaville, BDO Tour of Northland - Approval' dated 29 January 2019; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves Dynamo Cycling and Sports Club Inc.'s application for the temporary road closure of Victoria Street (between Edward Street and Normanby Street) Dargaville - Saturday 23 March 2019 – 09.30am to 01.00pm; and Edward Street (between Victoria Street and Normanby Street) Dargaville - Sunday 24 March 2019 – 07.00am to 9.00am and, as a condition of approval, Dynamo Cycling and Sports Club Inc. is to carry out a letter drop to all residents/businesses located within the extent of the road closures at least two weeks prior to the event.*

Carried

5.4 Road Stopping and Inundation of an Unformed Legal Road: Roberts West Road, Dargaville

Roading Operations Engineer/Acting Roading Manager 4102.17

Moved Smith/del la Varis-Woodcock

That Kaipara District Council:

- 1 *Receives the Acting Roading Manager's report 'Road Stopping and Inundation of an Unformed Legal Road: Roberts West Road, Dargaville' dated 11 February 2019; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 1974 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Agrees to the stopping of a portion of the section of Roberts West Road in Dargaville (approximately 1,538.6 metres of unformed road) as shown in Attachment 1 of the aforementioned report, under s342 of the Local Government Act 1974.*

Carried

5.5 Tourism Infrastructure Fund Projects – Council Share

Parks and Recreation Manager 4702.36

Moved Wethey/Curnow

That Kaipara District Council:

- 1 *Receives the Parks and Recreation Manager's report 'Tourism Infrastructure Fund Projects – Council Share' dated 15 February 2019; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Approves the reallocation of Parks and Recreation budgets as set out in Attachment A of this report and to debt fund the Roading component for Council's share of the Tourism Infrastructure Fund (TIF) to the value of \$138,275.*

Carried

5.6 Policy - Application of sales proceeds to debt – Adoption

General Manager Risk, IT and Finance **2304.14**

Moved **Smith/Curnow**

That Kaipara District Council:

- 1 *Receives General Manager Risk, IT and Finance report “Policy - Application of Sales Proceeds to Debt - Adoption” dated 12 February 2018 and Attachments 1—2; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the Application of Sales Proceeds to Debt Policy circulated with the aforementioned report; and*
- 4 *Delegates the Mayor and Chief Executive to approve minor changes as agreed at the Kaipara District Council meeting held 28 February 2019.*

Carried

The meeting adjourned at 12.26pm.

The meeting reconvened at 12.59pm.

6 Information

6.1 Forestry Sale Proceeds

General Manager Risk, IT and Finance **4901.0**

Moved **Smith/Jones**

That Kaipara District Council:

- 1 *Receives the General Manager Risk, IT and Finance’s report “Forestry Proceeds Sale” dated 07 February 2019; and*
- 2 *Notes that the proceeds from sale of forestry assets in 2017 will be allocated to general debt, specifically to the district-wide portion of the Mangawhai Community Wastewater Scheme debt; and*
- 3 *Notes that this application of funds complies with Council’s previous decision at its 11 December 2017 meeting as part of Forecast One 2017/2018 approval, Application of Sale Proceeds to Debt Policy and Treasury Management Policy.*

Carried

6.2 Remedial Works 37 and 42 Hokianga Road, Dargaville - Weathertightness

Facilities, Procurement and Contracts Coordinator 5106.05

Moved Smith/Curnow

That Kaipara District Council receives, for information, the Facilities, Procurement and Contracts Coordinator's report "Remedial Works 37 and 42 Hokianga Road, Dargaville - Weathertightness".

Carried

6.3 2019 committee rotations: Citizens Awards Committee and Community Grants Committee

Governance Advisor 1203.01

Moved Curnow/Jones

That Kaipara District Council:

- 1 *Receives the Governance Advisor's report '2019 committee rotations: Citizens Awards Committee and Community Grants Committee' dated 21 February 2019; and*
- 2 *Notes the following appointments to the Citizens Awards Committee for 2019, with His Worship the Mayor Smith remaining as Chair:*
 - *Councillor del la Varis-Woodcock*
 - *Councillor Larsen; and*
 - *Councillor Wade*
- 3 *Notes the following appointments to the Community Grants Committee for 2019:*
 - *Councillor del la Varis-Woodcock*
 - *Councillor Wethey (Chair)*
 - *Councillor Joyce-Paki.*

Carried

6.4 Strategic Plan Quarterly Report October – December 2018

Administration Manager 2002.02.19

Moved Smith/Jones

That Kaipara District Council receives the Administration Manager's 'Strategic Plan Quarterly Report October – December 2018' and the information contained therein.

Carried

6.5 Quarterly Performance Measures for Second Quarter Ending 31 December 2018

Administration Manager 2002.02.19

Moved del la Varis-Woodcock/Smith

That Kaipara District Council receives the Administration Manager's 'Quarterly Performance Measures for Second Quarter Ending 31 December 2018' and the information contained therein.

Carried

6.6 Chief Executive's Report for the months of December 2018/January 2019

Chief Executive 2002.02.18/February

Moved Smith/Curnow

That Kaipara District Council receives the Chief Executive's Report for the months of December 2018/January 2019 and the information contained therein.

Carried

6.7 Resolutions Register and Action Tracker

Governance Advisor 1202.05

Moved Jones/Curnow

That Kaipara District Council receives the Resolutions Register and Action Tracker dated 18 February 2019 and the information contained therein.

Carried

7 Public Excluded Council minute items 28 February 2019

The meeting went into Public Excluded session at 2.54pm.

Moved del la Varis-Woodcock/Curnow

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

- *Confirmation of Public Excluded Council minutes 20 December 2018; and*
- *Public Excluded Committee minutes confirmed in December 2018 and January 2019*

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 s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Confirmation of Public Excluded Council minutes 20 December 2018</i>	<i>S7(2)(a) protect the privacy of natural persons, including that of deceased natural persons</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Public Excluded Committee minutes confirmed in December 2018 and January 2019</i>	<i>S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

Carried

8 Open Council minutes 28 February 2019

The meeting returned to Open session at 2.55pm.

Closure

The meeting closed at 2.56pm.

Kaipara District Council
Dargaville

ⁱ Climate prayer and song sheet (Eugene Morgan-Coakle)

ⁱⁱ Amended Notice of Motion (Councillor del la Varis-Woodcock, 27 February 2019)

3.2 Open Committee minutes confirmed in February 2019

General Manager Governance, Strategy and Democracy

16/Various

Recommended

That Kaipara District Council receives the confirmed Open minutes of the following committee meetings:

- *Remuneration and Development Committee meeting held 06 April 2018;*
- *Raupo Drainage Committee meeting held 15 November 2018; and*
- *Taharoa Domain Governance Committee meeting held 15 November 2018.*

Remuneration and Development Committee

Minutes

Date	Friday 06 April 2018
Time	Meeting commenced at 1.00pm Meeting concluded at 1.39pm
Venue	Paparoa Sports Pavilion, Paparoa
Status	Confirmed

Membership

Chair: Mayor Jason Smith

Members: Deputy Mayor Peter Wethey and Councillors Anna Curnow, Libby Jones and Andrew Wade

Staff and Associates:

Acting Chief Executive, Governance and Procedural Advisor

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	Closure	5

Minutes of the Remuneration and Development Committee meeting
Friday 06 April 2018, Paparoa
1 Opening

Pursuant to Clause 22(1), Schedule 7 of the Local Government Act 2002, the Mayor has called an Extraordinary meeting of the Remuneration and Development Committee.

1.1 Present

Mayor Jason Smith (Chair), Deputy Mayor Wethey and Councillor Jones
Councillors Curnow and Wade attended via audio link

In Attendance

Name	Designation	Item(s)
Peter Tynan	Acting Chief Executive	All
James Bews-Hair	Governance and Procedural Advisor (in lieu of General Manager Governance, Strategy and Democracy)	All (Minute-taker)

1.2 Apologies

Nil.

1.3 Confirmation of Agenda

Moved **Wethey/Jones**

That the Remuneration and Development Committee confirm the Agenda for 06 April 2018.

Carried

1.4 Conflict of Interest Declaration

Nil.

2 Public Excluded Remuneration and Development Committee minutes

06 April 2018

Moved Smith/Wethey

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

- *Chief Executive recruitment: Recommendation to Council.*

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 s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Chief Executive recruitment: Recommendation to Council</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(b)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</i>	<i>Section 48(1)(a) that the public conduct of the whole or relevant part of the proceedings of the meeting would likely to result in the disclosure of information for which good reason for withholding would exist</i>

Carried

3 Open Remuneration and Development Committee minutes 06 April 2018

3.1 Other business – Training

The Committee discussed that on 14 April 2018 Councillors will receive training on:

- *Representation review (by Dale Ofsoske, Election Services Ltd); and*
- *Skills matrix (Jill Calogaras, Local Government New Zealand).*

Closure

The meeting closed at 1.39pm.

Confirmed 13 February 2019

Chair Mayor Jason Smith

Kaipara District Council

Paparoa

Meeting	Raupo Drainage Committee
Date	Thursday 15 November 2018
Venue	Raupo Drainage Board Offices – Wharf Road, Ruawai
Time	Meeting commenced at 10.05am Meeting concluded at 10.34am
Status	Confirmed

Minutes

Membership

Chair: Ian Beattie

Members: Greg Gent, David Hart, Brian Madsen, Ross McKinley, Ken Whitehead,
Councillor Anna Curnow, Mayor Jason Smith

Staff and Associates:

Land Drainage Co-ordinator, Governance Advisor (Minute-taker)

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	Closure	5

**Minutes of the Ordinary meeting of the Raupo Drainage Committee
Thursday 15 November 2018 in Ruawai**

1 Opening

1.1 Present

Chair: Greg Gent

Members: Councillor Anna Curnow, David Hart, Ross McKinley and Mayor Jason Smith

In Attendance

Name	Designation	Item(s)
Wayne Crump	Drainage Co-ordinator	All
Matt Smith	Planning and Design Engineer	All
Lisa Hong	Governance Advisor	All (minute-taker)

1.2 Apologies

Moved Gent/Curnow

That the apologies of Ian Beattie and Brian Madsen be received.

Carried

1.3 Confirmation of Agenda

The Committee confirmed the Agenda.

1.4 Conflict of Interest Declaration

Nil.

1.5 Deputations and Presentations

Nil.

2 Confirmation of Minutes

2.1 Raupo Drainage Committee Minutes 16 August 2018

General Manager Governance, Strategy and Democracy

1603.23

Moved Smith/Hart

That the unconfirmed minutes of the Raupo Drainage Committee meeting held on 16 August 2018 be confirmed as a true and correct record.

Carried

3 General

3.1 Asset Management Report: November 2018

Land Drainage Co-ordinator 4303.24

Moved Curnow/Smith

That the Raupo Drainage Committee receives the Land Drainage Co-ordinator's report 'Asset Management Report: November 2018' dated 06 November 2018.

Carried

3.2 Financial report for the period ended 30 September 2018

Financial Services Manager 4303.24

Moved Curnow/Smith

That the Raupo Drainage Committee receives the Raupo Drainage District financial report for the period ended 30 September 2018.

Carried

3.3 Murphy Bower Stopbank Options Report

Waters and Waste Manager 4303.24

Moved Gent/Smith

That the Raupo Drainage Committee:

- 1 *Receives the Waters and Waste Manager's report 'Murphy Bower Stopbank Options Report' dated 05 November 2018 and its circulated Appendix A; and*
- 2 *Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Recommends to Council that the Murphy Bower stopbank located on **SECT 73-75 PT 44 BLK XV TOKATOKA SD** is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under **New Stop Bank** and the upgrade of the existing section of the stopbank as highlighted by the area marked under **Option 2** as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST; and*
- 4 *Recommends to Council to defer the following capital works and operational projects to fund the proposed stopbank:*

- a. \$128,000 to come from financial year capital works projects;
 - b. \$50,000 from Management services (identified to start hydraulic modelling);
 - c. \$42,000 from the stopbank maintenance budget; and
- 5 Recommends to Council to approve an additional budget of \$45,000 to be loan funded;
and
- 6 Recommends to Council, in regards to the landowner, that:
- a. There be no compensation granted to the landowner for any disruption to business activities, or for loss of land and/or grazing area;
 - b. If compensation is sought for the land area under the stopbank from the landowner, that Council acquire the land as an area of interest to the Raupo Drainage District; and
 - c. A Raupo Land Drainage Targeted Rate remission be granted for the land area that would lie outside of the protection of the Raupo Drainage District.

Carried

Closure

Meeting closed at 10.34am.

Confirmed 21 February 2019

Chair Ian Beattie

Kaipara District Council

Dargaville

Taharoa Domain Governance Committee

Ordinary meeting held

Date	Thursday 15 November 2018
Time	Meeting commenced at 2.17pm Meeting concluded at 3.17pm
Venue	Lake Waikare Centre, Taharoa Domain
Status	Confirmed

Minutes

Membership

Chair: Ric Parore

Members: Alan Nesbit, Councillor Karen Joyce-Paki and Councillor Andrew Wade

Staff and Associates:

Parks and Recreation Manager, Financial Services Manager, Policy Planner, Policy Analyst,
Governance Advisor (minute-taker)

Jason Marris
General Manager Governance, Strategy and Democracy

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	Closure	6

Ordinary meeting of Taharoa Domain Governance Committee
Thursday 15 November 2018
1 Opening
1.1 Karakia

Iwi Relations Manager opened the meeting with a karakia.

1.2 Present

Ric Parore (Chair), Councillors Karen Joyce-Paki and Andrew Wade

In attendance	Designation	Item(s)
Hamish Watson	Parks and Recreation Manager	All
Andrew Howells	Domain Manager	All
Kathie Fletcher	Policy Manager	All
Paula Hansen	Policy Planner	All
Mark Schreurs	Policy Analyst	All
Francis Toko	Iwi Relations Manager	All
Jason Marris	General Manager Governance, Strategy and Democracy	All
Lisa Hong	Governance Advisor	All (minute-taker)

1.3 Apologies

Moved Parore/Joyce-Paki

That the apology of Alan Nesbit be received.

Carried

1.4 Confirmation of Agenda

The Committee confirmed the Agenda.

1.5 Conflict of Interest Declaration

Name	Interest
Councillor Karen Joyce-Paki	Councillor Joyce-Paki Declared an interest as a full-time employee of Department of Conservation

2 Deputations and Presentations

Nil.

3 Confirmation of Minutes

3.1 Taharoa Domain Governance Committee Extraordinary meeting minutes 16 August 2018

General Manager Governance, Strategy and Democracy 1606.17

Moved Joyce-Paki/Parore

That the minutes of the Extraordinary meeting of the Taharoa Domain Governance Committee held on 16 August 2018 be confirmed as a true and correct record.

Carried

4 Decision

4.1 Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal - recommend to Council to adopt for public consultation - update

Policy Planner 3216.0

Moved Joyce-Paki/Wade

That the Taharoa Domain Governance Committee:

- 1 Receives the Policy Planner's report 'Taharoa Domain Bylaw 2018 (Draft) and associated Statement of Proposal – recommend to Council to adopt for public consultation update' dated 01 November 2018; and*
- 2 Believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provision of s79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 Determines that the proposed bylaw (circulated as Attachment 1 of the aforementioned report) is required and is the most appropriate way of addressing the perceived problem and is the most appropriate form of bylaw; and*
- 4 Recognises that Council's legal obligations under the Reserves Act to protect Ecological Values and to provide Recreational Safety for the users of Lake Waikare and Lake Kai Iwi are met; and*
- 5 Delegates officers to correct minor typographical errors; and*
- 6 Recommends that Kaipara District Council adopts the Taharoa Domain Bylaw 2018 (draft) and associated Statement of Proposal for public consultation as amended, both documents circulated as Attachment 1 and Attachment 2 of the aforementioned report.*

Carried

5 Information

5.1 Taharoa Domain Operations Update: August 2018 to October 2018

Parks and Recreation Manager 4702.24.02.02

Moved Joyce-Paki/Parore

That the Taharoa Domain Governance Committee receives the Parks and Recreation Manager's report 'Taharoa Domain Operations Update: August 2018 to October 2018' dated 01 November 2018 and the information contained therein.

Carried

[Secretarial Note: The Committee requested that staff:

- ask the beehive owner to remove the beehives from the Taharoa Domain; and
- include a clause to allow community fundraising (e.g. charity sausage sizzle) in the Agreement with the concession holder.]

5.2 Financial report for the four month period ending 31 October 2018

Financial Services Manager 4702.24.02.01

Moved Wade/Joyce-Paki

That the Taharoa Domain Governance Committee receives the Financial Services Manager's report 'Financial report for the four month period ending 31 October 2018'.

Carried

5.3 Kai Iwi Lakes Dune Lakes Galaxias Working Group update

Policy Analyst 4702.24.05

Moved Joyce-Paki/Wade

That the Taharoa Domain Governance Committee receives the Policy Analyst's report 'Kai Iwi Lakes Dune Lakes Galaxias Working Group update' dated 26 October 2018 and the information contained therein, giving an update on the work of the Kai Iwi Lakes Dune Lakes Galaxias Working Group and its members.

Carried

Closure

A member of the public, Andrew Knock from the Department of Conservation, closed the meeting with a karakia.

Meeting closed at 3.17 pm.

Confirmed 12 February 2019

Chair Ric Parore

Kaipara District Council

Dargaville

4 Notice of Motion

- a) That Council directs the Chief Executive to prepare a report on the feasibility of granting Mangawhai Activity Zone (MAZ) funds from the Reserve Contributions Fund, including options for making a grant; and
- b) That the report take into account funding already committed to other projects, the Reserve Contributions (Use of) Policy, Reserves and Open Spaces Strategy, and any other documents and considerations deemed to be pertinent to the report; and
- c) That the report be brought back to the 2 May 2019 or 30 May 2019 Council ordinary meeting (subject to available resourcing) for a decision.

Reasons for the notice of motion

1. MAZ is rapidly becoming the centre of outdoor activities at Mangawhai.
2. MAZ meets perfectly the criteria of the Reserve Contributions (use of) Policy.
3. Substantial reserve contributions funds have been collected and not yet spent from Mangawhai and surrounds - \$3,870,000 prior to the end of the 2017 – 18 year a further \$696,000 to the end of January 2019 (total \$4,566,000)
4. MAZ has engaged the most skilled New Zealand team to extend the MAZ skate area starting in July 2019 using funding received from NRC.
5. MAZ wishes to retain the contractor to complete the skate arena. This would make it the only Olympic standard skate park in New Zealand.
6. Skateboarding is going to be a full status sport at the 2020 Tokyo Olympics. Having such a unique facility in Kaipara District would be a real drawcard for the local area.
7. MAZ has only ever received \$200,000 from Council and this was in 2010, nearly nine years ago.
8. MAZ has so far raised \$1,500,000 through fundraising and donations (not including the NRC grant), and the committee over the past seven years have committed more than 16,500 hours of voluntary work to the development of the site.
9. MAZ has requested a grant of \$500,000 to contribute to the completion of the skate arena. The cost of completion is \$1,200,000
10. MAZ will raise the remaining \$200,000 required to complete the park through fundraising.

Signed



Councillor Jonathan Larsen

20 March 2019

- a) That Council directs the Chief Executive to prepare a report on the feasibility of funding the purchase and installation of the Kaiwaka Fitness Trail equipment funded from the Reserve Contributions Fund, including options and recommendations for funding; and
- b) That the report take into account funding already committed to other projects, the Reserve Contributions (Use of) Policy, Reserves and Open Spaces Strategy, and any other documents and considerations deemed to be pertinent to the report; and
- c) That the report be brought back to the 2 May 2019 or 30 May 2019 Council ordinary meeting (subject to available resourcing) for a decision.

Reasons for the notice of motion

1. Kaiwaka and the surrounding area has experienced a large amount of growth in recent years.
2. Substantial reserve contributions funds have been collected and not yet spent from Kaiwaka and surrounds - \$461,000 prior to the end of the 2017 – 18 year, a further \$67,000 to the end of January 2019 (total \$528,000)
3. The Long Term Plan projects scheduled for the Kaiwaka and Surrounds area only total \$55,000. Thus there is an excess of \$473,000 that has been collected in the Kaiwaka and Surrounds area that has not been committed to projects in the Kaiwaka and Surrounds area.
4. To provide for the outdoor recreational needs of the expanding population, Council has an obligation to spend reserve contributions collected in the local area to upgrade existing reserves.
5. Kaiwaka Sports Association has requested \$60,000 to allow for the completion of the fitness trail. This includes the purchase of high quality exercise equipment, concreting of exercise station locations, intermediary park benches, and equipment freight.

Signed



Councillor Jonathan Larsen

20 March 2019

- a) That Council directs the Chief Executive to prepare a report on the feasibility of designing and building a pedestrian bridge or shared path (walking and cycling) bridge beside the Insley Street (Tomarata Road) bridge; and
- b) That the report include an assessment of requirements for community consultation to complete the bridge earlier than currently scheduled (after 2028) in the Mangawhai Community Plan (MCP) and any funding implications; and
- c) That the report be brought back to a subsequent Council meeting (to be determined by agreement based on workload and resourcing).

Reasons for the notice of motion

1. There is no pedestrian access across the Insley Street bridge at present. With the ever increasing volume of traffic using the bridge, including a lot of heavy vehicles, and its proximity to Mangawhai Beach School this creates a very dangerous situation.
2. The Mangawhai Community Plan does include a footbridge for this location but it is not scheduled to be built until stage 4 (after 2028).
3. There is strong community support for building the bridge much sooner than planned, and there may be some other parts of the Mangawhai Community Plan that could be re-prioritised to allow the pedestrian bridge/ shared path bridge to be built much sooner.
4. Despite the MCP being relatively recently developed, many residents may not have been aware of the extent of the delay in building the bridge. Carrying out the feasibility report will allow community concerns to be addressed and allow Council to be better informed of the options for dealing with this safety issue.
5. Council is unable to attach a pedestrian bridge/ shared path bridge to the vehicle bridge because the vehicle bridge is not strong enough to support such a structure.

Signed



Councillor Jonathan Larsen

20 March 2019

5 Decision

Mangawhai Activity Zone Charitable Trust – Variation of Licence to Occupy

Meeting: Kaipara District Council
Date of meeting: 28 March 2019
Reporting officer: Curt Martin, General Manager Infrastructure

Purpose/Ngā whāinga

To approve a variation to The Mangawhai Activity Zone Charitable Trust's (the Trust) Licence to Occupy (LTO) for the purpose of a pump track and small takeaway café.

Executive summary/Whakarāpopototanga

As part of the application for an extension to the Trust's LTO, staff have looked at the current LTO and found that the Trust does not have the ability to sublease Council land for the commercial operation of running a small café.

The need for the extension of the pump track is because of unavailability of suitable land within the area currently covered by the LTO.

To remedy this, a variation to the Trust's LTO is proposed to extend the area of occupation for the pump track and allow the operation of a small café. A variation also allows parameters to be set around the café operation.

The Trust sought support from the Mangawhai Community Park Governance Committee (the Committee) for this application. Attachment A is an extract from the January 2019 meeting where the Committee gave this support.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the variation to the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to extend the lease area by approximately 1,000 m² behind the St John's site to provide for a proposed pump track, as shown in Attachment B.
- b) Approves the variation to the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to allow for the operation of a small takeaway café.
- c) Delegates authority to the Chief Executive to negotiate the final terms and conditions of the variation of the Licence to Occupy with Mangawhai Activity Zone Charitable Trust for execution.

Context/Horopaki

The Trust seeks the inclusion of a pump track for bicycle riding of approximately 1,000 square metres (**Attachment B**) and a small takeaway café operation. The need for the extension area in the park is because existing open spaces within the park are either presently utilised, or there are plans for utilising them for other activities.

Discussion/Ngā kōrerorero

Options

A. Grant a variation of LTO to the Trust.

The Committee endorsed this option for Council approval.

Located in this area is a playground, skate park and outdoor gym area. A pump track will complement existing activities at the park. Staff have discussed the proposal with St John Ambulance in Mangawhai and Friends of Mangawhai Community Park (Friends Group). St John and the Friends Group have no objection to the proposal.

St John will approach the Trust for an agreement between the two parties for matters of mutual interest.

A café operation is an enhancement to activities of the park. The Committee suggested parameters to the operation including but not limited to:

- a review period
- specified location
- size of structure
- type, purpose and layout of business
- hours of operation, rubbish removal
- any necessary permits/consents to be obtained.

B. Decline the variation of the LTO to the Trust for the pump track and small takeaway café.

This would not align with the Committee's recommendation.

Policy and planning implications

The vision of the Mangawhai Community Park Master Plan is for public space used for recreation and enjoyment of the outdoor environment. A pump track would be in line with this vision.

Stated objectives of current and future uses of the park are:

“Commercial uses will not generally be allowed, unless they are secondary to the non-commercial use principle for the intent of fundraising, attracting visitors and the like”.

Staff believe that a small takeaway café would attract more than deter visitors to the facility, and would complement the Park's use.

Financial implications

There are no financial implications for Council with this decision. The Trust has received a donation of \$30,000 for the pump track project.

Risks and mitigations

Staff have not identified any risks or issues relating to this report.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. Public will be informed via the agenda on the website.

Next steps/E whaiake nei

The Chief Executive will instruct staff to finalise the LTO variation for execution.

Attachments/Ngā tapiritanga

Number	Title
A	Extract of Mangawhai Community Park Governance Committee January 2019 meeting
B	Site Survey and Lease Area – Mangawhai Activity Zone

Hamish Watson, 20 March 2019

Decision

Mangawhai Activity Zone Charitable Trust – Variation of Licence to Occupy

Parks and Recreation Manager

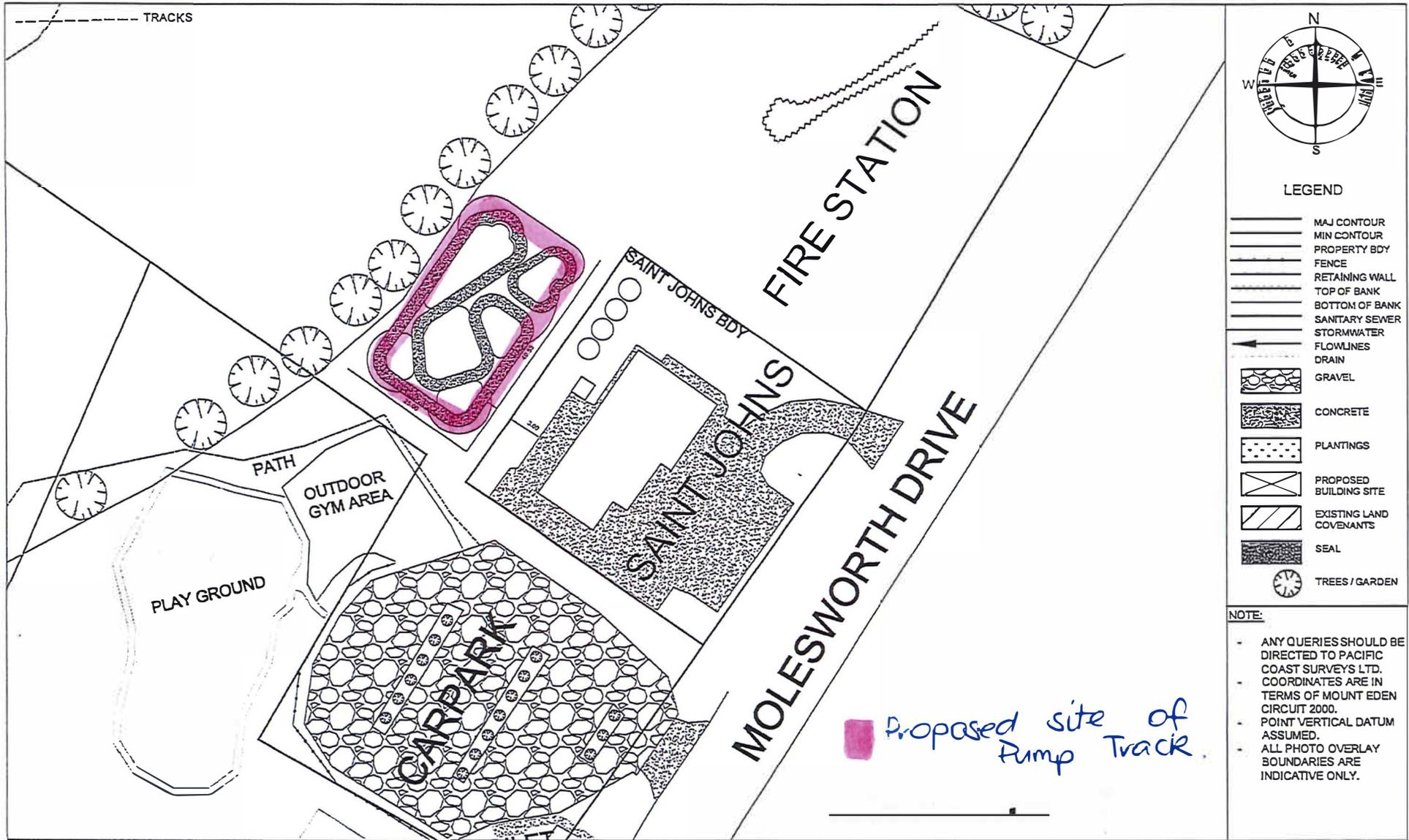
4702.13.04

Moved Wethey/Wintle

That Mangawhai Community Park Governance Committee:

- a) *Supports a variation of the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to extend the lease area to provide for a proposed pump track, as shown in Attachment B appended to the 'Mangawhai Activity Zone Charitable Trust – Variation of Licence to Occupy' report, and to allow for the operation of a small takeaway café; and*
- b) *Recommends to Council to approve a variation of the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to extend the lease area to provide for a proposed pump track, as shown in Attachment B appended to the aforementioned report noting that the construction may only occur after any tree removal; and*
- c) *Recommends to Council to approve a variation of the Mangawhai Activity Zone Charitable Trust's Licence to Occupy to allow for the operation of a small takeaway café, subject to the same conditions as in a similar Council concession agreement and including:*
 - *review period*
 - *specified location*
 - *structure to be no bigger than a 20-foot container and to be re-locatable*
 - *restricted to takeaways-only*
 - *no dedicated seating area and no deck*
 - *hours of operation*
 - *rubbish removal*
 - *building and health consents to be obtained at no cost to Council*
 - *the primary purpose being a fundraiser for MAZ.*

Carried



PCS PACIFIC COAST SURVEYS
 0800 PACIFIC (0800 722 434)
 info@pacificcoastsurvey.com
 www.pacificcoastsurvey.com

SITE SURVEY
 PUMP TRACK
 MANGAWHAI COMMUNITY PARK

CLIENT KAIPARA DISTRICT COUNCIL
 FILE 2645
 REVISION 1
 DATE DECEMBER 2018
 SCALE 1:500 @ A3
 COUNCIL FILE

SITE SURVEY OF
 LOT 1 DP 450057

Baylys Coast Road Watermain Renewals 2018.19 - Authorisation to Award Contract 910.02

Meeting: Kaipara District Council
Date of meeting: 28 March 2019
Reporting officer: Curt Martin, General Manager Infrastructure

Purpose/Ngā whāinga

To seek approval to award Contract 910.02 Baylys Coast Road Watermain Renewal Stage 3.

Executive summary/Whakarāpopototanga

Kaipara District Council (Council) manages its infrastructure so that it can sustainably service the community of the district. The Baylys Coast Road Watermain Renewal is one such project which was openly tendered and bid for by four contractors. A Council Tender Evaluation Team evaluated the contract under Price Quality Method and concluded that Broadspectrum Limited is the preferred contractor.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the award of Contract 910.02 to Broadspectrum Limited for the contract price of \$654,056.07 excluding GST.

Context/Horopaki

Kaipara District Council (Council) manages its infrastructure so that it can sustainably service the community of the district. One such way is to administer pipe renewals when they are due. The Baylys Coast Road Watermain Renewal project was openly tendered and bid for by four contractors.

A Council Tender Evaluation Team evaluated the contract under the Price Quality Method and concluded that Broadspectrum Limited (BRS) is the preferred contractor. BRS had the third highest supplier quality premium and submitted the lowest contract price of \$654,056.07 excluding GST which gave them the lowest adjusted evaluation price. A summary of the evaluation process is below:

Tenderer	Submitted Price	Supplier Quality Premium	Adjusted Evaluation Price
Broadspectrum Ltd	\$654,056.07	\$ 89,395.83	\$564,660.24
BCG Ltd	\$2,034,954.00	\$0.00	\$2,034,954.00
Construct Civil Ltd	\$1,087,180.20	\$102,166.67	\$985,013.53
United Civil Ltd	\$997,849.60	\$120,045.83	\$877,803.77

BRS has the lowest adjusted evaluation price, and it is therefore recommended that Contract 910.02 – Baylys Coast Road Watermain Renewal 2018.19 is awarded to BRS for the tender price of \$654,056.07 excl. GST.

Budget

The project budget for Baylys Coast Road Watermain Renewal is \$300,000, however by utilising budgets from the \$337,000 savings in the Dargaville High School Watermain, and \$82,000 from Beach Road Watermain, there is sufficient budget:

Project	Amount \$
11099 Baylys Coast Road Watermain	300,000
Less: Design	- 60,000
Add:	
11084 Savings from Dargaville High School Watermain	337,000
11091 Beach Road 480m Watermain Renewal Stage 2 (all completed 2017/2018)	82,000
Total Available budget	\$ 659,000

Discussion/Ngā kōrerorero

Options

Option 1: Council approves the award of Contract 910.02 Baylys Coast Road Watermain Renewal 2018/2019 to Broadspectrum Ltd. for the contract price of \$654,056.07 excluding GST.

Option 2: Council rejects the award of Contract 910.02 to Broadspectrum Ltd.

The recommended option is Option 1.

Policy and planning implications

There are no policy implications.

Financial implications

There are no financial implications as there is sufficient budget in the 2018/2018 Long Term Plan.

Risks and mitigations

There are no known risks.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

Award Contract 910.02 to Broadspectrum Ltd. for the contract price of \$654,056.07 excluding GST.

Don Mugutso, 13 March 2019

Temporary Road Closure Approval - Dargaville Veterinary Centre Run/Walk Series 14 April 2019

Meeting: Kaipara District Council
Date of meeting: 28 March 2019
Reporting officer: Wendy Campbell, Corridor Access Coordinator

Purpose/Ngā whāinga

To seek approval from the council for the application of a temporary road closure for the purpose of the Dargaville Veterinary Centre Run/Walk Series.

Executive summary/Whakarāpopototanga

Approve the application for a temporary road closure to allow the Dargaville Veterinary Centre Run/Walk series to start and finish in a safe manner. The proposed closure is on Victoria Street (between Hokianga Road and Normanby Street (State Highway 12), opposite where it intersects with Beach Road) on Sunday 14 April 2019 from 07:00am to 12:30pm.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Approves the application for the temporary road closure of part of Victoria Street, Dargaville between Hokianga Road and Normanby Street (State Highway 12), opposite where it intersects with Beach Road, on Sunday 14 April 2019 between 07:00am to 12:30pm. A condition of approval being the event organiser do a letter drop to all residents located within the closure.

Context/Horopaki

In terms of the Transport (Vehicular Traffic Road Closure) Regulation 1965, the council is required to advertise any road closures at least 42 days in advance of an event. The decision to close the road is to be approved by the council under the Local Government Act 1974 s319.

The Dargaville Veterinary Centre Run/Walk will be held on Sunday 14 April 2019. This course replaces the Baylys 2 Dargaville event. The changes to the course bring more people to Dargaville and participants get to experience some of the better scenery the town has to offer. The event attracts more than 500 participants into the main street with added financial and social benefits to local businesses and communities.

Discussion/Ngā kōrerorero

The proposed traffic management plan necessitates the temporary closure of Victoria Street, Dargaville (between Hokianga Road and Normanby Street (SH12), opposite where it intersects with Beach Road). The event requires the road to be closed for 5.5 hours on Sunday 14 April 2019 between the hours of 07:00am to 12:30pm.

This is likely to cause some nuisance to the local businesses located within the closure. The proposed temporary road closure was publicly advertised in the Dargaville Lifestyler on Tuesday 05 February 2019 and closed for objections at 16:00pm on Monday 18 February 2019.

No objections were received during the notification period. The closures will have minimal impact on traffic and pedestrians.

Sport Northland Run/Walk Series along with the council prefers to enforce the temporary road closure due to improved safety for the community, event participants and road users. The lack of good traffic management would put the community, participants and road users at an unnecessary risk. The council has an obligation to facilitate a safe environment for the event and all involved.

Options

Option A: Approve the application for the temporary road closure.

By choosing Option A, the council can allow for a safe event for the community, event participants and road users.

Option B: Decline application for the temporary road closure.

If council declined the application the event organisers are committed to continuing the event without the temporary road closures in place. This would put the public at unnecessary risk. The council has an obligation to facilitate a safe environment for the event and all involved.

The recommended option is Option A.

Policy and planning implications

Local Government Act 1974, s319 – General powers of council in respect of roads. Section 319 (1)(h) includes “to stop or close any road or part thereof in the manner and upon the conditions set out in section 342 and Schedule 10”.

Financial implications

The applicant will bear all costs of temporarily closing the road.

Risks and mitigations

There are no major risks associated with the decisions or matters outlined in this report.

Significance and engagement/Hirahira me ngā whakapāpā

The public were informed of the application.

Next steps/E whaiake nei

Advise the applicant of council’s decision. If approved, give public notice and advise stakeholders of the decision to close part of the road under Clause 11A of Schedule 10 of the Local Government Act 1974. Applicant to undertake letter drop to all residence/businesses located within the closure.

Wendy Campbell, 01 March 2019

6 Information

Crown Manager Six Monthly Report

Meeting: Kaipara District Council
Date of meeting: 28 March 2019
Reporting officer: Jason Marris, General Manager Governance, Strategy and Democracy

Purpose/Ngā whāinga

To provide the Crown Manager's six monthly report which covers the period from July 2018 to 16 March 2019.

Executive summary/Whakarāpopototanga

This report provides the Crown Managers' six monthly report to Council. It informs the community about the progress of legal matters and directions made, to ensure they are aware of matters being progressed. Publishing the Crown Manager's full report in the Council agenda is the mechanism that enables this transparency.

Recommendation/Ngā tūhunga

That Kaipara District Council:

- a) Notes the Kaipara District Council Crown Manager six monthly report covering the period from July 2018 to 16 March 2019.

Context/Horopaki

In June 2017, a Crown Manager was appointed by the Associate Minister of Local Government to assist Council on any outstanding and future legal actions relating to the development of the Mangawhai Wastewater Scheme, and the setting or collection of rates during and prior to the Kaipara Commissioners' term on Council's behalf.

The Crown Manager is required to report to Council and inform the Kaipara community at least six monthly of the progress of legal matters within his management responsibilities. This must include any directions he has made, to assure Council and the community that their interests are being looked after.

This is the Crown Manager's third six monthly report, provided at **Attachment 1**.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

The Crown Manager will continue to report six monthly on progress up until when the appointment ends at the Local Government Triennial Election in October.

Attachments/Ngā tapiritanga

Number	Title
A	Report of the Kaipara District Council Crown Manager – July 2018 to 16 March 2019

Jason Marris, 15 March 2019

Report of the Kaipara District Council Crown Manager

Covering July to December 2018 and January to 16 March 2019

Purpose

The purpose of this report is to provide the Kaipara District Council and the people of the Kaipara District with an update on the progress with the legal matters for which the Crown Manager is responsible. This report covers the six-month period to 31 December 2018. It also provides updates on matters that have happened between 1 January 2019 and 16 March 2019.

Background

The Crown Manager was appointed by the Associate Minister of Local Government Hon Jacqui Dean for a term commencing 20 June 2017 and expiring on the day of 2019 Local Government elections. The Gazette Notice of 15 June 2017 sets out the Terms of Reference under which the Crown Manager was appointed.

As specified by the Terms of Reference, the role of the Crown Manager is to “address any outstanding or future legal actions relating to the development of the Mangawhai Community Wastewater Scheme (“Scheme”), and the setting and collection of rates during and prior to the Kaipara District Council Commission’s term (“Kaipara Commission’s term”).”

The Crown Manager has the authority to direct the Council to address legal actions, including directing the Council to initiate new or discontinue legal actions within his management responsibilities.

Amongst other things, the Terms of Reference require the Crown Manager to:

“report, as appropriate, to the Minister of Local Government at least six monthly on the progress in fulfilling his or her Terms of Reference.”

and

“report to the Council and inform, as appropriate, the Kaipara community at least six monthly of the progress of legal matters within his or her management responsibilities. This must include any directions he or she has made, to assure the Council and community that their interests are being looked after.”

At the time of appointment, a number of legal actions that fall within the responsibilities of the Crown Manager were underway. They include:

- A second judicial review of rates decisions of both Kaipara District Council and the Northland Regional Council covering the 2011/12 to 2015/16 rating years initiated by Mr and Mrs Rogan and the MRRA (CIV-2015-488-95)
- An appeal by Mr and Mrs Rogan of a District Court decision requiring them to pay outstanding rates (CIV 2015-488-182)
- Action in the District Court by Kaipara District Council against a number of other ratepayers seeking payment of outstanding rates where the action has been stayed pending the determination of the case against Mr and Mrs Rogan
- District Court Judgments against a number of Kaipara District ratepayers that order the payment of outstanding rates where the amount ordered by the Court has not yet been paid and the order has not yet been enforced

- Actions in relation to costs associated with a number of the prime legal actions.

Progress

Over the last period, considerable progress has been made on the outstanding legal actions.

Second Judicial Review

On 3 July 2018, the Supreme Court heard the application for leave to appeal the decision of the Court of Appeal. The application for leave to appeal was made by Mr and Mrs Rogan and the MRRA.

On 6 August 2018 the Supreme Court released its decision declining leave to appeal and awarding costs to the respondents (Kaipara District Council and Northland Regional Council). That decision brought to an end this significant litigation and left the Court of Appeal Decision as the substantive case law in relation to rating irregularities. Importantly, the Supreme Court noted that in setting a later date than the statutory minimum, Northland Regional Council (NRC) ratepayers who did not pay their rates on time received a benefit rather than suffering any substantial wrong or miscarriage of injustice.

The Supreme Court decision brought to an end all legal action in relation to the second judicial review of KDC rating – other than the finalisation and payment of costs and the recall of the High Court Decision which was overturned by the Court of Appeal.

Those matters have now been finalised. Costs at each stage of the second judicial review have now been awarded to the KDC and NRC.

Appeal of the High Court Decision in relation to the recovery of rates

In 2014, Kaipara District Council (KDC) initiated action in the District Court seeking the recovery of outstanding rates from a number of ratepayers. In response to the District Court action, a number of ratepayers paid outstanding rates and penalties in full. Some ratepayers responded to the threat of legal action by entering into agreements to pay the outstanding rates and, as a consequence, the legal action was withdrawn. Some actions proceeded to Court and were not defended. These actions resulted in sealed awards against the ratepayers requiring the payment of outstanding rates and penalties. Interest is payable on the outstanding amount from the date of the award against the ratepayer.

The Rogans chose to defend the rates recovery action against them. Five actions against other ratepayers were stayed awaiting the determination of the action to recover rates from the Rogans. The Rogans argued that the rates were invalid. The Rogans lost their argument in the District Court.

The Rogans then appealed the District Court decision to the High Court. The appeal was heard by Duffy J and again the Rogans lost. Although, in this instance, because of the related decision by Duffy J in relation to NRC rates, the decision does not include NRC rates in the amounts that the Rogans would be required to pay. The Rogans then sought leave to appeal the High Court decision. Leave to appeal this decision was opposed by NRC and KDC, but Duffy J granted leave to appeal on 23 February 2018. This appeal was heard by the Court of Appeal on 11 September 2018.

The Court of Appeal released its decision on 6 November 2018. The Court of Appeal dismissed the appeal by the Rogans and awarded costs to the respondents (KDC and NRC).

The appeal relates to the interpretation of Section 60 of the Local Government (Rating) Act 2002 and its interplay with a number of other sections in the Act. Importantly the Court of Appeal decisions notes at paragraph 26:

“Section 60 is concerned only with challenges to the validity of the underlying rates. It provides that a person cannot refuse to pay rates on the ground that the rates are invalid unless he or she makes good on the objection by bringing judicial review proceedings in the High Court. Even then, he or she must not refuse to pay the rates unless the challenge is based on the contention that the local authority is not empowered to set or assess the rates on the particular rating unit. This could be where, for example, the rating unit is outside the local authority’s territorial boundary.”

Further at paragraph 28:

“The Rogans do not challenge the validity of the underlying rates. Their challenge is confined to the validity of the documents giving notice of their liability and triggering their payment obligation, namely the rates assessments and the rates invoices. The object of their challenge is to avoid payment of penalties.

The Court of Appeal reaches its conclusion at paragraphs 33 and 34 of their judgement (where the reference to the Act and to sections 45 and 46 are references to the Local Government (Rating) Act 2002):

“The requirement to set out the information specified in ss 45 and 46 is intended to serve one of the purposes of the Act by providing information to enable ratepayers to identify and understand their liability for rates. Local authorities can be compelled to comply with their obligations under ss 45 and 46 when preparing rates assessments and rates invoices but errors or omissions in these documents will not absolve ratepayers from their obligation to pay rates, and penalties if they fail to do so.

We conclude that although s 60 does not apply on the facts of this case, the Rogans were not entitled to refuse payment of the rates because of the asserted errors and omissions in the rates assessments and rates invoices. The sections we have referred to show a statutory obligation to pay irrespective of whether there are errors or omissions in the rates assessment or the rates invoice of the type complained of in this case. It follows that the appeal must be dismissed.”

The Rogans lawyers subsequently applied to the Court of Appeal for a recall of the decision. In a decision of 4 December 2018, the Court of Appeal declined the application for recall and awarded costs to the respondents (NRC and KDC). Further approaches by the Rogans themselves directly to the Court of Appeal seeking a recall have been dismissed by the Court of Appeal.

At the time of writing this report, the appeal period in relation to the substantive decision by the Court of Appeal has ended and it would appear that this matter is now at an end.

Settlement Proposals, Payments and Next Steps

In the period immediately before the Court of Appeal hearing in relation to the recovery of rates (s60), efforts were made to reach a settlement before the matter went to Court. An offer of settlement was made by KDC, recognising that if a timely settlement could be reached it could avoid further legal costs associated with the Court of Appeal hearing. The KDC offer of settlement was made through the Rogan’s lawyer to the Rogans and the other ratepayers who had recovery actions against them that were stayed awaiting resolution of the Rogans case.

The Crown Manager issued a direction to KDC to make this offer of settlement following consultation with the Chief Executive of the KDC, the Mayor of KDC and the Chief Executive of the NRC. The KDC offer of settlement was not accepted. A counter offer of paying just rates and interest (no penalties and no court costs) was rejected.

In August of 2018 the Rogans paid outstanding NRC rates for the period 2011/12, 2012/13, and 2014/15. On 5 September the Rogans paid KDC less than half of the total amount of outstanding rates, penalties and court costs (owed to both the KDC and NRC). The amount was tagged as a “full and final settlement” of all matters and all legal action. Accepting this as a full and final settlement would have been contrary to the views consistently expressed by the KDC when consulted by the Crown Manager. Further options for paying the full amounts owed were offered by KDC. When it was clear that KDC would not accept the payment as full and final settlement the Rogans requested on 7 September that the money be returned and it was.

On 14 December the Rogans and the Boonhams offered payments of outstanding rates. These payments were not tagged as being a full and final settlement, but were tagged as relating to specific rates. Those payments have been accepted and work continues to seek recovery of the remaining amounts outstanding.

During the period, the property belonging to the defendants in one of the stayed cases was sold. As part of the sale process, all outstanding rates and penalties were paid.

Following the Court of Appeal decision of November 2018, KDC started the process of recommencing recovery action against the defendants with stayed cases. Letters requesting payment have been sent. If payment has not been made within the specified time, the next step in the process will be to take those cases back to the District Court. Given the case law that has now been established, it is expected that charging orders against each of the stayed defendants would be granted by the Court. It is hoped that further legal action can be avoided and the stayed defendants will honour the commitment that was made when the cases were stayed – that they would be bound by the decision in relation to the Rogan’s case.

If full payment from the Rogans is not forthcoming, the next step in that process will be to initiate enforcement action to secure payment of the initial judgement, interest and all subsequent court and other relevant costs. Enforcement action under s67 of the Local Government (Rating) Act 2002 could result in the commencement of rating sale under s68 of that Act. It is sincerely hoped that this step will not be required.

Consultation with the Council

During the period under report, the Crown Manager consulted with the KDC Chief Executive (who has delegation to represent the KDC on all matters relating to the Crown Manager’s remit) and the Mayor of KDC. Consultation has been focused on the moments when a decision was required.

In the consultation during this period, the views expressed by the Chief Executive and Mayor were consistent with those expressed by the whole of the Council in May 2018.

Direction to the Council

Having considered the views of the KDC and the other matters that are required to be considered, the Crown Manager issued a direction to the Council on 3 September in relation to making an offer of settlement (discussed above). While the decisions to reject the counter proposals that were subsequently received were consensus based decisions, the decision to reject the offers that led to the repayment of money to the Rogans on 7 September also

constitute a direction to Council.

The Crown Manager also provided direction in relation to opposing the recall of the Court of Appeal decision relating to s60.

The Council has continued to progress the matters dealt with in the 15 May 2018 report to Council, including the matters that the Crown Manager encouraged the Council to undertake.

Approach and Activities Undertaken

During the period from July 2018 to 31 December 2018, and subsequently in the period to 16 March 2019, the activities undertaken by the Crown Manager have included:

- Conference calls, meetings and the exchange of emails and legal advice with the Chief Executive and relevant staff of the Kaipara District Council, representatives of the Northland Regional Council, and the joint legal team supporting both councils.
- Attending the Court of Appeal Hearing.
- Reviewing and considering Court decisions as they have been received.
- Working with the Council's Chief Executive to progress the legal actions that were underway at the time, including discussion of legal strategy and approach and reviewing and providing feedback on legal submissions in relation to the legal actions.

The Crown Manager has worked closely with the KDC Chief Executive who has been delegated, by the Council, responsibility for the legal actions in which the Crown Manager has a role. Directions have reflected input from the Chief Executive and 'direction' has been provided in both written form and through discussion in meetings and conference calls.

Next Steps

The work of the Crown Manager is coming to an end. The cases of the very small number of ratepayers with rates outstanding from the period for which the Crown Manager has responsibility will hopefully be resolved over the next few months. If payments are not received, then the next step will be to initiate further recovery action. The consistent view that the Council and its representatives have expressed is that all rates, penalties, interest and court costs must be paid. It would be regrettable to end up having to initiate further recovery proceedings, or a rating sale, but unless the amounts of outstanding rates, penalties, interest and court costs are paid, there are no other real options.

6.2 Chief Executive's Report for the months of February 2019

Chief Executive **2002.02.18/March**

Recommended

That Kaipara District Council receives the Chief Executive's Report for the months of February 2019 and the information contained therein.



Chief Executive's Report

For the month of February 2019

Part One

- a) Chief Executive's update**
- b) Activities report**
- c) Contract acceptances**
- d) Looking ahead**

Part Two

Financial Report to February 2019

Part One

a) Chief Executive Update – February

February marked a new phase for Kaipara, with the announcement of Kaipara's Kickstart Package of PGF funding for Kai, Roads and Wharves on Sunday 03 February 2019 at Otamatea Marae. In the time since the announcement we have worked to develop milestone and deliverable plans, assemble the project teams and obtain the funding contracts for review and negotiation. At this stage, we have received the Kai contract and are in progress of determining the terms of reference of the Oversight Committee with MBIE.

On Thursday 07 February 2019 I had the pleasure of attending the Te Uri o Hau Taumata Council meeting in Te Hana. The meeting provided me with an opportunity to introduce myself, talk about my vision for the council and community, as well as outlining the PGF process and award.

I attended report writing training along with a number of our staff who are involved in writing reports to Council. The purpose of the training was to ensure that reports are clear with robust recommendations and to develop more efficient processes around writing reports. General feedback from those who attended was that it was a valuable exercise. I hope that this training, aligned to the adoption of the new reporting template, will ensure all KDC reports are increasingly accessible and transparent, allowing all parts of our community to understand our decision-making process.

We are still addressing the concerns of a number of ratepayers around areas such as roads, water supply and dogs, however the frequency of contact has slowed, and this is possibly a sign that our ratepayers are seeing the effects of the recent culture changes within council after a turbulent few years, and the increased effort being put in to ensure that all complainants feel they are being heard and understood.

Over the past six weeks, I have noticed that ad hoc feedback from the community has become more positive and suggests that KDC is being seen as more open and responsive in our interactions. I have continued to be available to meet with community / interest groups and on 28 February, I met with builders and tradesmen from Dargaville, who wanted to share their concerns with me. They raised a number of issues, which the Building Inspection team will be responding to and I was able to help clear up some areas of confusion they had, in terms of our operations. The evening was well received and feedback after the event was positive.

b) Activities Report

1 Roads and footpaths

The team were busy in February with preparations for the Provincial Growth Fund (PGF) expenditure. Meetings have been ongoing within Council, NTA teams and external consultants to ensure we can hit the ground running when the signed documents are received and the funds become available.

The preliminary testing of proposed unsealed heavy metaling works have begun with the maintenance contractor providing this function and focusing initially on access roads to four significant Kaipara Harbour Marae.

Operational and Maintenance

The maintenance contractor is continuing with this season's resurfacing programme with an additional team coming up from Hamilton to help complete the remaining sites in March.

The February contract claim has been processed, however we are still working through the Key Performance Measures (KPM's) so are unable to report on the performance bonus payment at this time. It is hoped there is improvement following a performance review meeting with the contractor in January. Broadspectrum has acknowledged that they have a lot of work to do to improve on their KPM scores and has invested in developing a tool to actively identify issues with their data before the claim is submitted.

Our contract remains on target with inspections.

Finances as 31 December 2018

Programme	NZTA budget 2018/2019	Total Expenditure To date	% spent February	% spent YTD	Remaining Actuals vs NZTA
Local Road Maintenance	6,286,000	4,156,997	6.19	66.13	2,129,003
Capital	11,719,599	4,753,880	14.54	40.56	6,965,719
Network Asset Management	1,378,687	1,009,818	7.36	73.25	368,869
Grand Total	19,384,286	9,920,695	11.40	51.18	9,463,591

The capital works programme is slightly behind schedule however 84% of the programmed works have been committed to successful contractors. The physical works for most of the projects commenced late January and we expect better financial figures going forward until the end of the financial year. There are two major projects at the procurement stage which have robust performance management contracts in place to get them delivered this financial year.

Savings made on the P Category LED conversions are being utilised on V Category LED lighting installation with the procurement of a contractor in a joint NTA contract.

Capital

Contract 884 Gorge Road Slips: Separable portion 1 is complete. Separable portion 2 is now 100 % complete.

Contract 885 Garbolino Road Slip: 100% complete. Practical Completion issued.

Contract 889 P-Cat LED Streetlight Conversion: 100% complete. RAMM data issues holding up final payment.

Contract 899 Tara Road Culvert Replacement: 22% complete. Physical works expected to be completed end of March 2019.

Contract 900 Tangowahine Valley Road Bridges: 30% complete. Physical works expected to be completed end of June 2019.

Contract 902 Paparoa Oakleigh Three Slips: Awarded to GHK Piling. Physical works to start 25 March 2019.

Contract 905 Bridge Structures Components: 70% complete with physical works expected to be completed early April 2019.

Contract 914 Pukehuia Road slip remediation Stage 2: Prices evaluated and on hold pending Contract 839 termination discussions.

Contract 917 V-Cat LED Streetlight Conversion: Light procurement contract awarded to Techlight with a discount for Regional supply under the NTA. Installation under joint NTA contract in procurement stage.

Contract 919 New Footpaths: Separable portion 1 - 48% complete (separable portion 2 to be undertaken in the 2019/2020 financial year).

Contract 920 School Zone Improvements: Awarded to Asset Construction Ltd. Works start 23 March 2019.

Contract 923 Tomarata Bridge: Tender closes 15 March 2019.

Contract 924 Mangawhai Community Plan Stage 1:

- Insley Street and Moir Street shared paths – Out to tender week beginning 11 March 2019.
- Moir-Insley and Moir-Molesworth intersections – To be constructed 2019/2020 financial year.

Road Safety

The Kaipara Alcohol Accord is working on a project to develop a logo. Team members are keen to see a new “One Tear Too Many” sign erected.

A child restraint education workshops and clinics will be held in Maungaturoto 26 March and in Dargaville 04 April.

A Young Driver Learner Licence course was held in Dargaville in February and finished with eight out of the 10 participants passing. The goal was to achieve seven passes.

The Volunteer Mentor Driver programme had 15 students in Dargaville in January with 23 mentoring hours in total. No restricted licence passes were obtained.

The six-month’s cross-region joint Speed advertising programme is confirmed, still subject to formal agreement from Dargaville cinema.

2 Parks and Reserves

Contract 860: With the recent bit of rain grass growth has started again. Due to the current water restrictions garden watering has been stopped.

Taharoa Domain camp ground numbers have started to drop with just the weekends remaining busy.

Mangawhai Coastal walkway design and construction project tender has closed and staff are now working with Resilio as the preferred tenderer. Stage 1 (Pearl Street to Sellars carpark) of the coastal walkways physical works has been awarded to Broadspectrum with work due to start early April 2019.

The Kaihu Valley Rail Trail project is progressing with external consultants working on the consultation process with Council, Te Roroa and Department of Conservation staff.

All three Tourism Infrastructure Fund (TIF) projects are being progressed with Council approving the reallocation of funds for Council's share of the projects.

Overall committed budget %:

Project	Value	Committed Spend	% Progress
Mangawhai Coastal Walkway	\$494,000	\$222,740	45%
Mangawhai Walking Linkages	\$152,217	\$29,692	20%
Mangawhai Community Park	\$171,000	\$46,483	27%
Mangawhai Community Park MAZ carpark	\$100,000	\$39,000	39%
Mangawhai Heads Carpark	\$80,000	\$42,000	53%
Mangawhai Esplanade Development	\$60,000	\$7,211	12%
Mangawhai Domain (this project is being reassessed)	\$200,000	\$0	0%
Public Toilets	\$295,000	\$29,250	10%
Playgrounds	\$96,000	\$25,833	27%
Park Improvements	\$50,000	\$37,608	75%
Baylys Beach Boardwalk	\$106,000	\$14,200	13%
Hard Surface Renewal	\$50,000	\$20,887	42%
Taharoa Domain	\$174,000	\$64,345	37%
Kai Iwi Lakes	\$210,000	\$35,967	17%
Pou Tu Te Rangi Harding Park	\$100,000	\$23,277	23%
Cycleway/walkway Implement strategy	\$99,000	\$68,020	69%
Community Infrastructure	\$30,000	\$16,742	56%
Dargaville Placemaking	\$25,000	\$25,000	100%
Total Spend	\$2,492,217	\$748,255	30%

3 Community Team Activities – February

- The Kauri Coast Community Pool (KCCP) has now been handed over to Sport Northland. The licence to occupy and funding agreement have been signed;
- The Pou Tu Te Rangi Harding Park Provincial Growth Fund (PGF) application was declined as it did not align with the PGF requirements such as increasing jobs, training and work readiness. The Pou Tu Te Rangi Governance Committee is now considering other options;
- Kaihu Valley Rail Trail PGF Project – The consultants have been putting together accurate data so that letters and maps can be sent out as the initial consultation process;
- Council facilitated a working group with Police, Dargaville High School, Road Safety, District Health Board, WINZ and Te Roroa Learning Centre to identify gaps in the driver licencing process. It was noted that there has been the lack of people to do practical driving lessons and a campaign will be undertaken to try to fill this gap;
- Working with NZ Transport Agency (NZTA) on business cases for projects across Northland. These include township improvement plans, wayfinding, passing lanes, rest areas and cycleways;
- Working with the Baylys Beach Community Centre Trust to help them liaise with Council. They are due to start construction on 01 July 2019;
- Working with staff about the four well-beings that are currently before Parliament and what this means for Council;
- Creative Communities Fund open and closed in February 2019.

4 Four Waters

Due to the continued dry weather the water supply restrictions are still in place for the Dargaville and Baylys area. There has been some rainfall received which has been crucial in keeping our dam levels at a sufficient level to be able to provide continued water supply to the community.

A main focus during February for Broadspectrum was around the Drought Management Plan with the Dargaville catchment continuing to be closely monitored by the team, as the dry weather continued.

Inflow to the Mangawhai Wastewater Treatment Plant for the month of February 2019 totalled 13,073m³, which is down approximately 27.6% when compared to February 2018 volumes (noting however that February 2018 was a relatively wet month). The plant is stable and continues to operate within resource consent limits.

In Flood Protection, a floodgate for Te Hapai has been built and its installation is scheduled to start 25 March 2019. We are continuing to work through the proposed reinstatement of the Murphy/Bowers stopbank while both floodgate and stopbank inspections are ongoing.

The 2018/2019 Four Waters capital works programme is well underway and summarised below as follows:

- Sewer pump station VA Mangawhai (CON909) will be awarded to the preferred supplier in early March 2019;
- Sewer pump station 2 and rising main in Dargaville (CON913) has been awarded and construction has begun;
- Dargaville High School watermain relocation (CON903.01) is near completion with decommissioning of the old line only to be completed;

- Baylys Coast Road to Logan Street watermain replacement (CON910.01) construction tender is currently being advertised on TenderLink with a closing date of 01 March 2019;
- Maungaturoto raw watermain replacement (CON911.01) design is in progress with the preliminary design expected early March 2019;
- Montgomery Avenue (Dargaville) and Ruawai watermain replacements (CON912) designs have been completed;
- Mangawhai Wastewater Treatment Plant Upgrade is at the scope and early design phase with WSP OPUS;
- Quail Way Stormwater improvements (CON879) is behind schedule with the scheduled. Liquidated Damages (LDs) are being assessed;
- The Mangawhai Community Wastewater Scheme Irrigation extension (CON906) commenced in December 2018 and is progressing well.

We continue to liaise with the Northland Regional Council (NRC) regarding our consents and compliance and have appointed a consultant to investigate options to rectify the issues at the Kaiwaka and Te Kopuru Wastewater Treatment Ponds. The review of the Kaiwaka Wastewater Treatment Plant is now complete and the options are being considered. We will meet with the NRC to update them on the findings of the report.

5 Solid Waste

The Bickerstaffe Road Closed Landfill rehabilitation contract is now underway. The completion target is the end of April 2019.

Stage 1 of works at the Dargaville Closed Landfill have been completed. This has come in under budget which has allowed some additional works to be undertaken.

The Hakaru Closed Landfill project leachate treatment design is in progress. Telemetry has also been installed so accurate data can be collected. This will help to finalise the type and size of the treatment system required.

Rubbish cages at Glinks Gully and Omamari are programmed to be removed the week after Easter 2019 due to their continued misuse. Kerbside collections are available in both these locations.

Solid Waste staff have identified hotspot areas for illegal dumping issues. The sites are monitored by cameras with the aim of identifying the culprits. While our O&M contractor is searching bags to identify illegal dumpers, it is becoming apparent that dumpers are going to some lengths to prevent their identification (this includes names and addresses etcetera being torn off letters).

Overall Committed Budget % for Four Waters and Solid Waste

Activity	Budget Total	Committed Funds	% Progress
Water Supply	\$1,798,198	\$857,204	48%
Wastewater	*\$5,126,595	\$4,037,539	79%
Stormwater	\$1,367,935	\$1,266,035	93%
Flood Protection	\$547,500	\$80,073	15%
Solid Waste	\$1,235,549	\$388,256	31%
Overall Committed Funds - 4 Waters	\$9,498,511	\$6,629,107	70%

* Wastewater budget includes additional \$577,266 from future years for Contract 913 Pump Station 2 and Rising Main (approved by Council in December 2018).

6 Business Excellence

Mangawhai Community Plan – Project update

- Marketing and graphic material to be used at worksites and public events has been produced and circulated to work stream leads;
- Content for the website and public education material a current focus for the project team.

Waters

- The first stage one project of the Mangawhai Community Plan for Water Management, has been completed in conjunction with Abergeldie Harker Limited. Stormwater pipes have been installed on Quail Way, along with swales and energy dissipaters at the outfall on Breve Street. These are positioned to alleviate the flooding issues that occur after significant rainfall.

The area had been flooding with regular occurrence towards the end of March 2017 due to the groundwater table being inundated and its inability to drain away under the frequency of rainstorms. This new work is part of wider stormwater upgrades across the district.

Residents have been advised that there will now be increased flow of water down the Breve Street Gully. Council will continue to look into options to minimise impact there, however we will not be able to stop the flow of water. Energy dissipation devices have been installed to try and reduce energy from the stormwater discharge. Devices like these, help to minimise any scouring or erosion that may be caused in the gully due to increased stormwater flows throughout the year.

Abergeldie Harker Limited also completed some base level work to remediate the Breve Street coastal access walkway, this will receive future improvement in stages to come.

Eveline Street is progressing through the Stormwater Department and we should know more of the state of this shortly. One of the issues with this project is the wastewater rising main that is at risk.

- Mangawhai wastewater upgrades are progressing slowly as there are a lot of questions around how best to complete this, but it is progressing well overall.

Connections

- Our main Mangawhai Coastal Walkway project has been through the tender process and we are now working with our preferred supplier, Resilio;
- Stage one of the Mangawhai Coastal Walkway has been awarded to Broadspectrum and work will begin in the next few weeks;
- Work on some of the other smaller Mangawhai Community Plan projects is progressing with most projects either underway or beginning in April/May 2019;
- Thelma Road North - participative design process underway with local residents. Path construction started;
- Community design workshops and consultation are underway on smaller placemaking projects;
- Village heritage loop walk almost ready for markers to be installed;
- Other projects proving to be a bit trickier include village road intersection and path for Insley Bridge.

Transport

- Concept plans have been developed and are due to be circulated to the Mangawhai Community Plan working group for comments;
- Detail survey for stage one has been completed by OPUS and the next stage of works would be for detail plans and specification.

7 Planning and Regulatory

February statistics

Planning	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
Resource Consent Applications	45	360	58%	0.0	71%
224 Applications	10	6	100%	1.0	
Service Requests	205	111	84%		88%
Resource consents processing efficiency has decreased this month (down to 58% for the month) with 7 out of 12 non-notified consents being processed within 20 working days. The YTD figure has decreased slightly by 1% as a result. Resourcing challenges continue across all areas of the team, and this is exacerbated due to periods of staff annual leave.					
Building	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
Building Consent Applications	56	59	93%	12.0	92%
CCC Applications	41	0	100%	1.0	99%
Service Requests	163	102	84%		90%
The total number of building consents received for February was 59. The combined value of these projects totalled \$11,944,134. There were 20 new dwellings and relocates received for the month of which 12 were within Mangawhai valued at \$6,777,234. There were three commercial consent applications received with a total value of \$340,886.					
Regulatory	Received		% On Time	Average Working Days	YTD % On Time
	2018	2019			
Alcohol Applications	15	23		14.7	
Food Control Audits and Inspections	28	15	93%		79%
Service Requests	243	347	93%		96%
EHO contractors are being sourced to assist in addressing the immediate backlog of overdue Food Control Plan verifications. A number of complex illegal activities are still being actively pursued.					
BCA Accreditation	Due	Completed		YTD % Completed	
		YTD	Feb 2019		
BCA Audits	4	25	3	96%	
Competency Assessments	0	13	0	87%	
Four audit reviews were scheduled for February 2019, with three being completed as a compliance schedule audit review is to be deferred until a process issue has been addressed. There were no competency assessments due for the month. IANZ has cleared all GNC actions apart from ongoing discussions around resolution of two points (one pertaining to compliance schedules).					

Policy

Bylaws Review - Dog Control Bylaw adopted for public consultation. The Policy Team consulted with campers and day visitors on the proposed Taharoa Domain Bylaw.

Two District Plan review workshops were held. One with elected members and one with consent planners providing the Policy Team with key areas of concern and interest. Attending a national local government forum on the draft National Policy Statement for Biodiversity to understand how this will affect district planning. Facilitating engineering standards review meeting with key staff to complete this review in line with the District Plan review.

Attendance at a Kaipara Moana Treaty negotiations Council meeting to develop a business case proposal for Crown agencies. Discussions with NRC on Kaipara District Council's implementation of the Regional Policy Statement. Also attended a collaborative Northland Council Climate Change meeting to discuss risk assessment of Council assets and sea level rise planning options.

Dune Lakes - Facilitating Galaxias Research Working Group meeting to discuss research and best practice Mana Whenua engagement and capacity building.

8 LIMs Overview

A Land Information Memorandum (LIM) is a property information report compiled by Council. This is typically obtained by a potential buyer when looking to purchase a property and must be issued within 10 working days of receipt. In February all 56 LIM applications received were processed on time, taking an average of seven (7) working days.

9 LGOIMA Overview – 01 February 2019 to 28 February 2019

Below is a list of requests received for information under the Local Government Official Information and Meeting Act 1987 (LGOIMA). Information requested as a LGOIMA must be answered within 20 working days from the day of receipt. All requests were processed within statutory timeframes.

Year to date we have received 92 LGOIMA requests to the end of February 2019.

Name	Subject	Time Taken	Number of Requests Year to Date
Charolette Wilson	Sale of Tomarata Road property and relocated dwelling	30 mins	1
Kristy Hoare	Consents for solar photovoltaic systems	15 mins	1
Henderson Reeves	Tangiteroria Tavern water samples	2 hours	4
Steve Hull - Inspect Services	Complaints regarding Dargaville Funeral Services	3 hours	1
Housing NZ	Noise complaints at 11A First Avenue, Dargaville	30 mins	3
Taxpayers Union	Grants to Toyota New Zealand	15 mins	15
Stuff NZ	Media inquiry costs	30 mins	2
Taxpayers Union	Waste Management and Minimisation Funding	2 hours	16

Name	Subject	Time Taken	Number of Requests Year to Date
Boonham - Sibery's Salary	Sibery's Salary - 3rd request	15 mins	8
Taxpayers Union	Residential rate costs, staff numbers, staff salaries	2 hours	17
Boonham – Sibery's Salary	Sibery's Salary – 4th request	15 mins	9
Gary Dixon	Information on impounding of Gary Dixon's dog	30 mins	1
Ross Cook	Legal advice re: Health and Safety for Mangawhai Golf Club	15 mins	1

10 Customer Services and Library

Customer Services

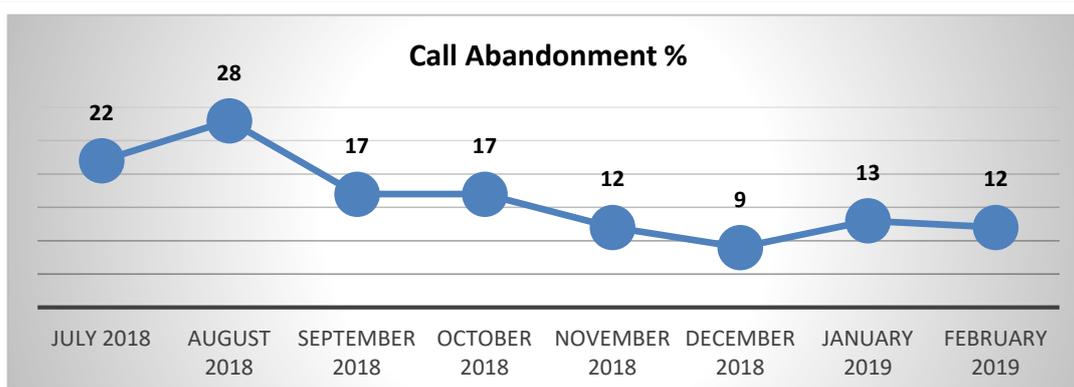
In February 2019, Customer Services had 7.2 Customer Services staff and 2 new staff training, with an average of 2.4 FTE available to answer calls, due to an internal secondment, staff sickness, annual leave and departmental training. Planned annual leave in February is restricted due to rates instalment three payments due.

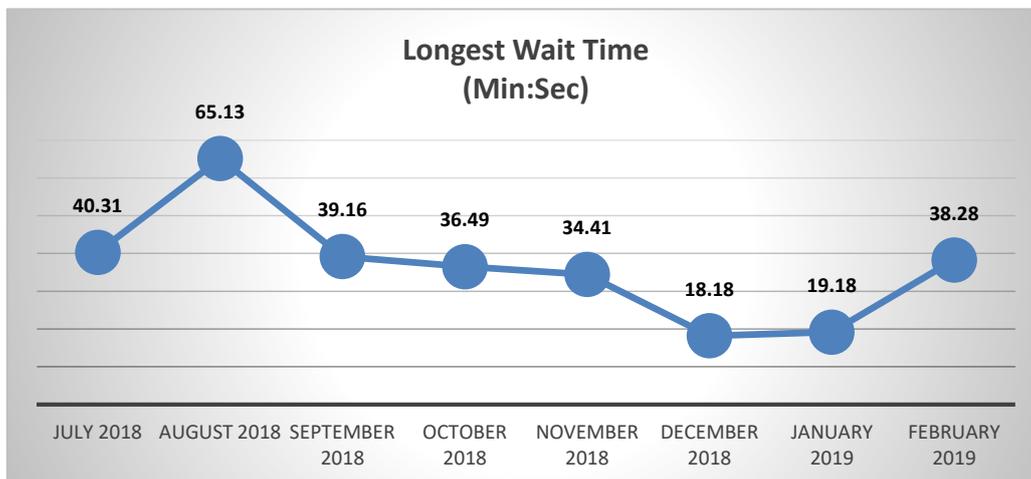
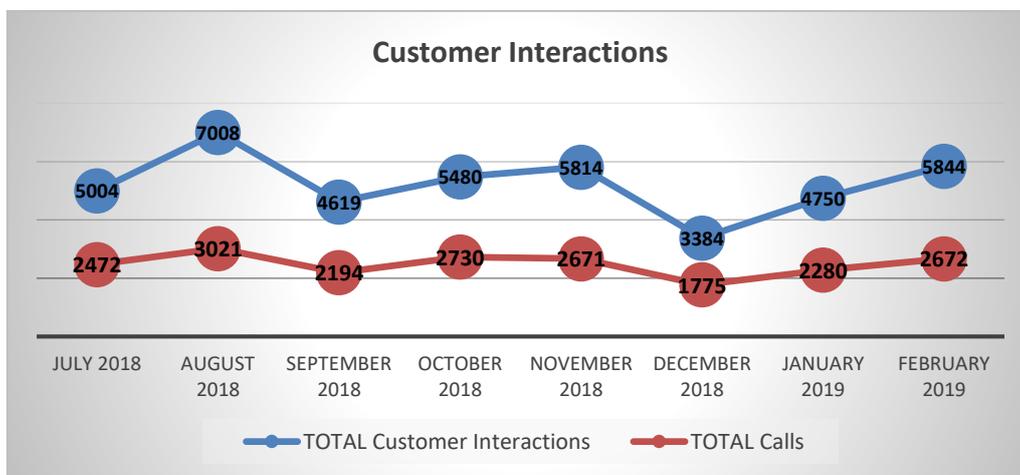
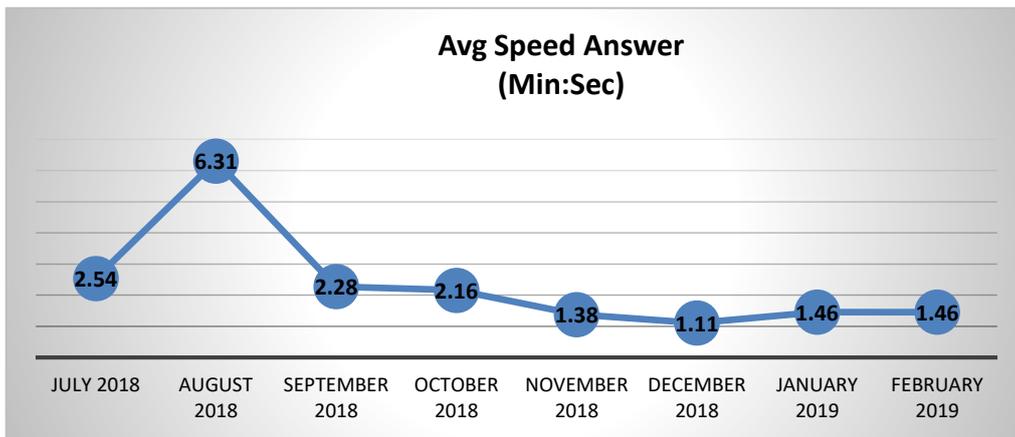
Two experienced staff members have secured internal promotions commencing 04 March and 18 March 2019, therefore we are currently recruiting new staff.

Customer interactions are comparable to the previous rates month (November 2018), with slight increases across all communication channels. To continue with our customer centric focus, reception staffing was increased to a minimum of four to accommodate the additional customers coming in to pay rates.

Customer Services improved in all facets of customer telephone enquiries. The average call abandonment was reduced to 12% and the average speed of answer 1 minute 46 seconds. One caller experienced a wait time of 38 minutes 28 seconds on 04 February 2019, with the next longest wait time almost 50% less at 19 minutes 28 seconds on 19 February 2019.

Total Customer interactions	Emails	Reception	Total Calls	Average speed answer (min:secs)	Average call abandonment (%)	Calls FTE	Longest wait time (min:secs)
5,844	1,074	2,098	2,672	1.46	12	2.4	38.28





Library

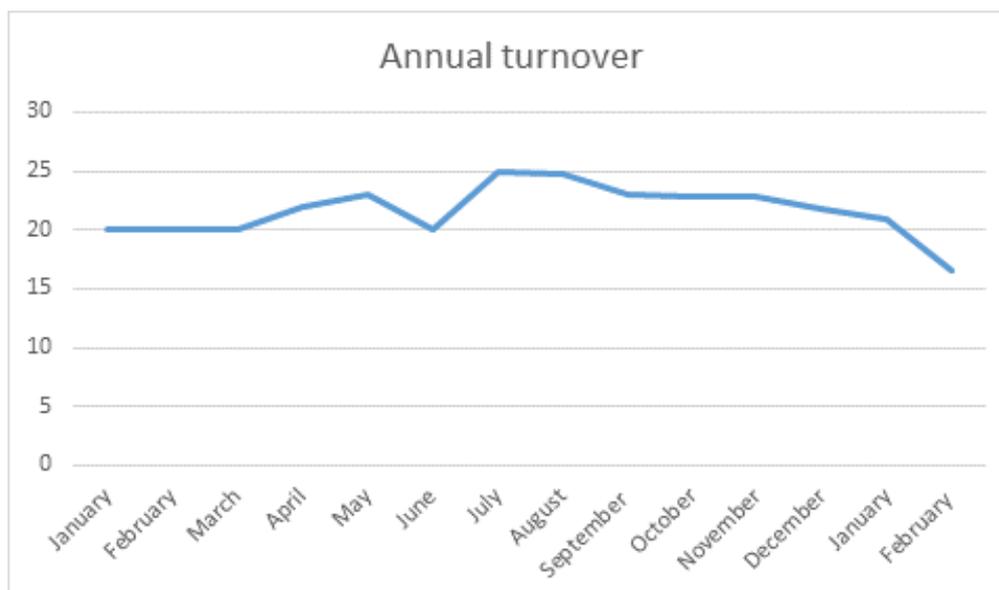
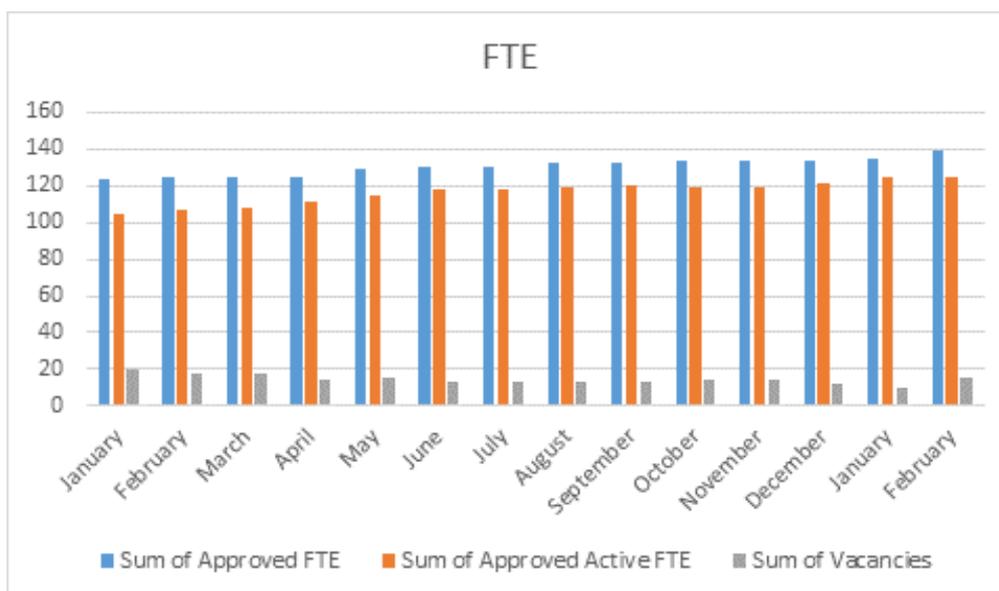
Library highlights and issues February 2019

- Redevelopment work should be completed on the Paparoa Library building in April. Once they have a confirmed date they will plan the fit out;
- A quarterly community library manager meeting was held in Kaiwaka;
- The summer reading programme was a success with all Kaipara libraries participating;

- A further 24-hour network outage occurred at the Dargaville Public library this month. IT is working on a plan to provide a second connection to the library;
- Due to space issues the library holiday programme at Dargaville has been revised. We will trial a new concept in April and review;
- The library is involved in progressing a Provincial Growth Fund application for a Digital Hub in Dargaville.

11 People and Capability

People and Capability update:



FTE's have increased due to approved planning and policy roles approved by Council in December 2018.

c) Contract Acceptances

Contract 920: School Zones Improvements 2018/2019 Package 1

Awarded to: Asset Construction Limited

Price: \$398,423.11

Budget: \$401,701.00

No. of Tenders: 4 received only 2 conforming

Tender Method: Price Quality Method

Contract Manager: Opus

Contract 902: Paparoa Oakleigh Slips 2018/2019

Awarded to: GHK Piling Limited

Price: \$582,633.90 **Budget:** \$613,257.00

No. of Tenders: 2

Tender Method: Price Quality Method

Contract Manager: Hawthorn Geddes

d) Looking Ahead

Thursday 04 April	Council Briefing	Mangawhai Club	9.30am
Monday 15 April	Mangawhai Community Park Governance Committee	Mangawhai Council office	10.00am
Thursday 02 May	Ordinary Council meeting	Dargaville Town Hall	9.30am
Wednesday 08 May	Remuneration and Development Committee	TBC	2.00pm
Thursday 09 May	Council Briefing	Dargaville Town Hall	9.30am
Tuesday 14 May	Taharoa Domain Governance Committee	Dargaville Town Hall	2.00pm
Thursday 16 May	Raupo Drainage Committee	Ruawai	10.00am
Thursday 30 May	Ordinary Council meeting	TBC	9.30am

Part Two

February 2019 Financial Report

Statement of Operating and Capital Performance

February 2019 Financial Report

Statement of Operating and Capital Performance

	Year to Date February 2019			Indicator	Full Year Annual Plan \$000's
	Actual \$000's	Annual Plan \$000's	Variance \$000's		
Total Rates	24,180	23,578	602	●	35,029
Operating Subsidies and Grants	3,193	3,056	137	●	4,584
Activity Revenue and Other Income	4,322	3,767	555	●	5,544
Total Operating Income	31,695	30,401	1,294	●	45,156
Employee Benefits	7,197	7,213	16	●	10,819
Contractors	5,828	5,793	(34)	●	8,706
Professional Services	3,220	3,253	33	●	4,924
Repairs and Maintenance	1,994	2,129	135	●	3,348
Finance Costs	1,712	1,967	254	●	2,950
Other Operating Costs	3,589	3,824	235	●	5,317
Total Operating Costs	23,539	24,179	640	●	36,063
Operating Surplus / (Deficit) before Depreciation	8,155	6,222	1,934	●	9,093
Capital Subsidies	2,945	5,517	(2,572)	●	8,276
Contributions	2,684	1,662	1,022	●	2,494
Other Capital revenue	117	0	117	●	175
Total Capital Revenue	5,746	7,180	(1,434)	●	10,945
Capital Expenditure	7,350	11,283	3,933	●	23,529
Total Capital Expenditure	7,350	11,283	3,933	●	23,529
Subtotal Capital	(1,604)	(4,103)	2,500	●	(12,584)
Surplus / (Deficit) before Loan Payments and Depreciation	6,552	2,119	4,433	●	(3,492)

Key: ● Within 5% of budget
 ● Over or under budget by 5 - 10%
 ● Over or under budget by more than 10%

Public Debt and Requirements			
	Jun-18	Feb-19	Jun-19
	\$000's	\$000's	\$000's
Debt			
Debt	46,000	45,000	46,270
Cash in bank (overnight deposits)	- 3,641	- 8,553	- 500
Net debt	<u>42,359</u>	<u>36,447</u>	<u>45,770</u>
Reserves (future obligations)			
Development Contribution Reserve	- 24,648	- 24,648	- 26,829
Other Reserves	16,946	16,946	13,360
Total	<u>- 7,702</u>	<u>- 7,702</u>	<u>- 13,469</u>
Debt Requirements			
Debt	46,000	45,000	46,270
Future obligations	16,946	16,946	13,469
Gross Debt Requirement	62,946	61,946	59,739
Less cash in bank	- 3,641	- 8,553	- 500
Net Debt Requirement	<u>59,305</u>	<u>53,393</u>	<u>59,239</u>

*Note: Reserves balances are only recalculated at end of year.

Statement of Operating and Capital Performance

Comments on major variances

Operating Income:

Account	Rationale	\$000
<u>Rates Revenue</u>	Rates General are tracking on budget for the month.	
	Rates Targeted are ahead of budget due to extra properties connected to waste water services	<u>94</u>
	Penalties are continuing to be ahead of budget for the year to date due to arrears penalties applied.	<u>518</u>
<u>Operating Subsidies and Grants</u>	Increase in Rooding operating subsidies from NZTA as operational costs up on budget.	<u>124</u>
<u>Activity Revenue and Other Income</u>	<u>Community Parks</u>	
	Mangawhai Camp - 25% share of camp ground revenue - timing difference	<u>43</u>
	MBIE TIF paid for Matakoho toilets and footpath	<u>61</u>
	Receipt of MBIE Kai Iwi Lakes visitor amenities	<u>30</u>
	Camp fees timing difference for summer season	<u>63</u>
	<u>Regulatory</u>	
	Subdivisions income	<u>380</u>
	<u>Solid Waste</u>	
	Waste levy – timing difference	<u>51</u>

Operating Costs:

<u>Account</u>	<u>Rationale</u>	<u>\$000</u>
<u>Employees</u>	Increase in Regulatory costs over budget due to increased resource consents Balanced by decrease in other department vacancies	<u>141</u>
<u>Contractors</u>	Overall contractors cost reduction across the activities Increase in roading unsealed pavement maintenance spend Increase of cost for removal of illegal refuse	<u>(236)</u> <u>209</u> <u>62</u>
<u>Professional Services</u>	Costs overall are under budget Regulatory is ahead of budget due to the higher levels of activity, but will be offset in other areas predominantly water services - who will have consultants in to get better asset management information later in the year. - timing Budget is also offset by District Plan costs not committed as yet - timing	<u>628</u> <u>(332)</u> <u>(329)</u>
<u>Repairs and Maintenance</u>	Slightly below budget year to date February, and above budget for the month of February. This is due to repairs and maintenance programme starting across the district.	<u>135</u>
<u>Finance Costs</u>	Below budget due to lower inter-period loan balances due to being behind capital expenditure programme.	<u>254</u>
<u>Other Operating Costs</u>	Costs overall are under budget	<u>235</u>

Capital Revenue:

<u>Account</u>	<u>Rationale</u>	<u>\$000</u>
<u>Capital Subsidies</u>	Lower due to less capital expenditure than budgeted	<u>(2,572)</u>
<u>Contributions</u>	The financial and development contributions are continuing to be above budget for year to date February	<u>1,022</u>
<u>Capital Revenue</u>	increase is due to sale of land on Tomarata Road	<u>117</u>

Public Debt:

The public debt position at 28 February 2019 is \$45 million and the net debt position (debt less cash) is \$36.4 million. Cash was higher due to not spending on capital works.

Activities Net Cost for the period to 28 February 2019

Activity	Actual YTD			Annual Plan YTD	Annual Plan Whole Year	
	Actual Operating Income \$000s	Actual Operating Costs \$000s	Net Operating Surplus/ (Deficit) \$000s	Net Operating Surplus/ (Deficit) \$000s	Net Operating Surplus/ (Deficit) \$000s	
Community Activities	3,790	3,072	718	182	312	Increase in activity revenue – timing – Kai Iwi Lakes camp ground revenue increase during the holiday season. Mangawhai Heads Camp Ground share of profits. Lower expenditure – Grounds and drains maintenance works is scheduled for future months.
District Leadership	4,548	4,188	361	(1,193)	(2,150)	Finance costs remain below budget due to lower inter-period loan balances due to lower capital expenditure. Overall operating costs are lower than budget. District Plan behind budget.
Regulatory Management	3,839	3,964	(125)	10	14	Income above budget due to increase in subdivisions consents income. Professional services costs are continuing to increase due to the higher levels of activities.
Roads and Footpaths	9,771	7,307	2,464	2,619	4,224	Contactors cost increase due to work done on unsealed roads surfacing. Professional services costs increase due to network management and design works for operational projects.
Flood control	502	286	216	214	200	Tracking on budget.
Wastewater	5,121	2,344	2,777	2,582	3,872	Costs for professional services costs are lower to date, but will be utilised later in year for consulting on impacts of growth.
Solid Waste	935	726	209	210	316	Tracking on budget.
Stormwater	1,079	469	610	537	713	Costs for professional services are lower to date but will be utilised later in the year.
Water Supply	2,109	1184	925	1,061	1,592	Fonterra is to pay for some reticulation this year and capital expenditure has not yet begun.
Whole Council	31,694	23,540	8,155	6,222		

Attachments:

- Attachment 1 – Commentary on capital projects for the period ended 28 February 2019.
- Attachment 2 – Commentary on significant capital projects for the period ended 28 February 2019.

Significant Capital Projects - Commentary	Year to Date February 2019			Full Year		Indicator	Committed Costs	
	Actual	Budget (Forecast One)	Variance	Budget (Forecast One)	Budget remaining			
	\$	\$	\$	\$	\$			
Structures Component Replacements 2018/2019	595,074.36	504,900	-90,174	2,250,000	1,654,926		444,346	Tomarata Bridge is under tender evaluation at this stage. Physical works are planned to commence early April.
Roads Resurfacing 2018/2019	1,288,541	1,444,748	156,207	2,186,960	898,419		1,800,000	Resurfacing programme is behind programme however the Maintenance contractor, Broadspectrum has provided a comprehensive programme to complete the sealing works by early April.
Quail SW improvements	1,203,994.05	0	-1,203,994	1,197,935	-6,059		0	Ongoing - still to be completed this month. Contractor has been advised they will be penalised if ongoing delays continue.
Dargaville WW PS1/PS2 Rising main from Pump Station 2 to Pump Station	416,250	596,000	179,750	1,056,000	639,750			Contract awarded, work is proceeding to programme. Planned to complete by end of financial year - early June.
Mangawhai Upgrade WWTP	105,065	625,000	519,935	1,000,000	894,935		884,826	Purchase Order raised for \$400k for the diffuser, cost committed, still decisions to be made for the rest of the budget.
Drainage Renewals 2018/2019	447,047	522,664	75,617	740,000	292,953		651,000	Drainage works are progressing well and will continue until the end of the financial year.
LED conversion of streetlights	92,148	100,730	8,582	724,609	632,461		250,000	The supply contract has been awarded for \$250,000 and the installation contract will be a continuation of the current LED programme.
Hakaru Leachate Improvements	40,410	46,600	6,190	685,549	645,139		0	Set backs with design such as high cost have resulted in a delay to project while alternative designs are investigated, plan to have contract let by financial year end with works to start in new construction season.
Dargaville Main under Dargaville High: Reroute/replace pipe	270,646	255,000	-15,646	637,500	366,854		0	Project now completed on time and on budget.
Mangawhai WW Extend Irrigation System	237,388	500,000	262,612	600,000	362,612		364,909	No claim received yet, contract is awarded to Waterforce, contractor is on site and work has commenced.
Mangawhai Wastewater Upgrade PS-VA	84,309	200,000	115,691	600,000	515,691		369,800	Tender closed. Contract awarded to Trility planning to complete by end of the financial year.
Mangawhai Tara Road Box Culvert RP7270	284,339	140,000	-144,339	560,001	275,662		0	On target to be completed late April.
MCP Moir/Molesworth Intersection (Intersection 2)	5,292		-5,292	550,000	544,708		0	This project has been deferred to the new financial year. However we will be tendering a contract in March to procure a contractor for this upgrade.
MCP Insley/Moir Intersection (Intersection 1)	5,292		-5,292	550,000	544,708		0	As above. This project has been deferred to the new financial year. However we will be tendering a contract in March to procure a contractor for this upgrade.
Mangawhai Cove Road RP0-1152 Rehab	6,295		-6,295	539,592	533,297		416,133	Physical works have started on this contract by BRS. Completion is scheduled for early April.
Digital transformation	206,382	153,328	-53,054	1,000,000	793,618		238,085	With the infrastructure first phase complete, the second phase of this project is underway. A preferred supplier has been chosen and commercial arrangements are being put in place.
Total Significant Projects accounted for				14,878,146				#NAME?

Capital Projects								
	Year to Date February 2019			Full Year		Indicator		% of work completed
	Actual	Budget (Forecast One)	Variance	Budget (Forecast One)	Budget remaining			
	\$	\$	\$	\$	\$			
Activity - Work in Progress								
Community Activities	248,879	539,000	290,121	3,298,701	3,049,822	Mangawhai Heads Stage 1 Coastal walkway - we are working with our preferred supplier towards awarding the contract for this. Taharoa Domain is gearing up for a busy time at the Camp grounds during Easter and the week following this with ANZAC Day falling so closely to this. Staff are working with various community groups for the TIF projects. These include the Matakohē Cemetery Committee and a meeting with the Maungatuoroto Business Association for these projects. A meeting is scheduled for 11 April with the Baylys community and this will include an update on the TIF project for this community.		8%
District Leadership, Finance and Internal Services	337,800	243,328	-94,472	1,335,000	997,200	IT has completed the desktop hardware replacement programme and is now undertaking the larger infrastructure replacement programme. Due to the complexity and scope the data warehouse and IAAS projects are at the planning not implementation stage. Isovist, HRIS and the digital transformation projects are progressing according to schedule.		25%
Flood Protection and Control Works	19,497	103,500	84,003	547,500	528,003	Stalled - pending Murphy Bowers stopbank progress. Proceeding with original projects and capital spend. Stopbank and floodgate improvements.		4%
Regulatory Management	0	0	0	0	0			
Sewerage and the Treatment and Disposal of Sewage	753,144	2,744,750	1,991,606	4,609,329	3,856,185	Cont 918 - upgrade to Mangawhai WWTP. Opus has designed the diffuser system contract pending for construction with Trility. PSVA contract being issued to Trility for construction, procurement underway. Maungatuoroto WWTP quotes received for filtration upgrade works. Proceeding with evaluation with procurement to begin following this. Dargaville PS2 project proceeding well.		16%
Solid Waste	60,363	400,000	339,637	1,235,549	1,175,186	Set backs with design such as high cost have resulted in a delay to project while alternative designs are investigated, plan to have contract let by financial year end with works to start in new construction season.		5%
Stormwater Drainage	934,577	0	-934,577	1,367,935	433,358	Quail way completion approaching. Cheviot Street work quote received. Eveline Street SW report received. Geotech walkover to be completed.		68%
The Provision of Roads and Footpaths	4,698,250	5,992,393	1,294,143	15,400,649	10,702,399	The capital works programme is slightly behind schedule however 84% of the programmed works has been committed to successful contractors. The physical works for the most of the projects has commenced late January and we expect better financial figures going forward until the end of the financial year. There are two projects out of the full programme which are at detail design stage however strategic procurement with a robust performance management contract is in place to get this project delivered this financial year.		31%
Water Supply	297,070	1,339,500	1,042,430	1,798,198	1,501,128	Dargaville High School construction complete. Baylys Coast Road tender to be awarded. Montgomery Avenue Dargaville tender to be awarded. Ruawai - tender awarded construction to start. Maungatuoroto tender closed 22 March.		17%
Grand Total	7,349,580	11,362,471	4,012,891	29,592,861	22,243,281			
In eight months 24.8% of the capital works programme has been completed which is behind budget.								

6.3 Resolutions Register

Governance Advisor 1202.05

Recommended

That Kaipara District Council receives the Resolutions Register dated 18 March 2019 and the information contained therein.

**Kaipara District Council
Resolutions Register at 18 March 2019**

Ref	Meeting Date	Agenda Item Number	Item Name	Details	Assigned	Status	Comments	Due
1	13/02/2017	6.4	Establishment of Older Persons Committee	Will look at other ways of engaging with older members of the community.	GM GSD	In Progress	On hold until the People's Panel recruitment has been completed (Oct - Dec). Approximately 400 people have now signed up for the People's Panel which presents a good cross section of the community. Membership is growing steadily.	Feb 2019
2	11/07/2017	1.7.2	Notice of Motion 2	1) That the Chief Executive develop a policy for the appointment of independent commissioners; and 2) That the policy include: a) the process for Council appointment to, and removal from the list of commissioners; and b) standardising of commissioner remuneration; and c) the requirement for Council approval of appointments of commissioners for resource consent hearings, and a procedure for appointment including: i) an alphabetical acceptance and refusal process to remove bias; and ii) a public register recording the process followed in point a); and iii) a process allowing applicants to refer disputes over appointments decisions to Council for resolution; and iv) mechanisms to allow qualified elected members to sit on hearing panels if Council decides to do so.	GM RPP	Completed	Terms of Reference for the Planning and Regulatory Working Group is under consideration by Councillors and included in the March 2018 Council agenda. The intention is that this Working Group review the policy. Working group met on 11 April 2018. Staff to create a policy based on guidance from this meeting. Policy Team is aiming to have a draft ready in December.	Feb 2019
3				3) That the Chief Executive work with a committee to be recommended by the Mayor in developing the policy and procedure	GM RPP	Completed	As above	Feb 2019
4				4) That any related current delegations be amended to reflect policy	GM RPP	In Progress	As above. Policy team has made recommendations for updates to Delegations register, when policy adopted the delegations contained within this Policy will also need to be registered.	June 2019
5				5) That the policy be presented to Council for approval at 09 October 2017 meeting.	GM RPP	In Progress	Draft policy presented to Regulatory Working Group on 11 February 2019 for discussion. Draft Policy to be presented to Council at Briefing meeting 4 April 2019. Policy to be adopted at Council meeting 2 May 2019.	June 2019
6	26/09/2017	6.6	Stopbank reinstatement - land known as Section 73 75 part 44 Block XV of the Tokatoka Survey District	Delegates responsibility to the interim Chief Executive to complete any associated works for the stopbank reinstatement of Raupo Drainage District flood protection based on feedback from community consultation and expert advice	COO (SP)	In Progress	See update below.	June 2019
7				Notes that the works are to be funded by Raupo Drainage Targeted Rate.	COO (SP)	In Progress		June 2019
8	14/11/2017	6.13	Northpower – Assignment of Lease	Approves the assignment of the grazing licence from Northpower to Highview Investments Limited	GM R,F&IT (JB)	Completed		
9				Delegates to the Chief Executive responsibility for execution of the Deed or Assignment on Council's behalf.	GM R,F&IT (JB)	In Progress	As it's a Deed this needs to be executed by two elected Members. Still Waiting for Northpower and Highview to execute the Deed and return same to Council for Execution.	Dec 2018
10	11/12/2017	6.5	Mangawhai Museum Partial Surrender of Lease	Approves the Partial Surrender of the Lease by the Mangawhai Museum	GM R,F&IT (JB)	Completed		

11				Approves the grant to the Mangawhai Museum of a non-exclusive licence to use the surrendered area for the use permitted in its lease	GM R,F&IT (JB)	In Progress	Location of the Arts Building has now been identified so this can be excluded from non-exclusive licence area.	Dec 2018
12				Delegates to the Acting Chief Executive responsibility for the finalisation of the Deed of Partial Surrender of Lease	GM R,F&IT (JB)	In Progress	The Deed of Partial Surrender can be finalised now with updated plans However Museum have advised they now want to new lease rather than a partial surrender. They have been advised the policy is now for LTO rather than lease. A draft LTO has been provided to the Museum so they can consider.	Dec 2018
13	25/01/2018	7.4	Reserve Contributions (use of) Policy: Adoption of reviewed Policy	Approves the reviewed Reserve Contributions (use of) Policy as amended at the Reserve Contributions Committee's meeting on 18 January 2018 (as Attachment 2 of the above mentioned report) and at this Council meeting on 25 January 2018	GM RPP	Completed		
14				Consults on the reviewed Policy as part of the draft Long Term Plan process	GM RPP	Completed	Adopted at May 2018 Council Meeting	June 2018
15				Prioritises the review of Reserves and Open Space Strategy (ROSS)	GM RPP	In Progress	Review underway. Pre consultation with key stakeholders. A briefing to Council was provided in Nov. A workshop is planned with Council in April.	May 2019
16	26/04/2018	5.2	Forecast Two 2017/2018	Approves the forecast as set out in the forecast sections in the above mentioned report and its attachments, and determines that no further action is required at this point in time	GM R,IT&F	Completed		
17				Notes that the revised forecast shows increased operating revenues of \$1.6 million, reduced operating costs of \$0.4 million, increased capital funding of \$0.3 million and reduced capital expenditure of \$1.7 million from the estimates in Forecast One	GM R,IT&F	Completed		
18				Approves the revised capital expenditure schedules, listed in Attachment 4 of the above mentioned report, and the carry forwards to the Long Term Plan 2018/2028	GM R,IT&F	Completed		
19				Notes that forecast debt is currently projected in the order \$48.2 million which is a reduction of \$13.9 million compared with the planned \$3.8 million reduction in the Annual Plan. The increased reduction is due to release of available general reserves, property sales and development contribution payments for the Mangawhai Community Wastewater Scheme (MCWWS)	GM R,IT&F	Completed		
20				Approves the out of limit position in terms of clause 6.3 of the Treasury Management Policy (this to be reviewed in six months)	GM R,IT&F	Completed		
21				Notes that the Chief Executive is to provide Council with a full briefing on all options on the proceeds from the forestry asset sale	GM R,IT&F	Completed	Council Briefing held in November 2018, further information sought, and this item will come to the February 2019 Council Briefing	Feb 2019
22	23/05/2018	5.1.3	Issues and Options: Reserve Contributions	Adopts the Reserve Contributions (use of) Policy as consulted on in the Consultation Document for the Long Term Plan 2018/2028 effective from 01 July 2018		Completed	Approved as part of the LTP	
23				Continues to fund the existing \$100,000 p.a. budgets (\$150,000 for Mangawhai Park for 2018/2019 year only) for each of the three priority parks from reserve contributions as a priority over other reserve projects (and without being required to participate in the contestable funding round), until an alternative funding source is arranged, subject to each governance committee providing a business plan that conforms to the funding criteria of the policy	GM R, IT&F, GSD (IL)	Completed	Approved as part of the LTP, but process is being worked through. The Council Briefing on 6 December looked at LTP projects. Report to address this fund is on the March Council agenda.	TBC

24			Directs the Chief Executive to advertise the contestable funding round in July 2018 in accordance with the new policy	GM GSD (DL)	In Progress	This is contingent on Council approving the process. It was reported to the 6 December Council briefing and is now awaiting a decision at the March Council meeting	Mar 2019	
25			Directs the Chief Executive to investigate the provision of alternative funding sources for the region's priority parks and other reserves on completion of the reviews of the Reserves and Open Spaces Strategy (ROSS) and the Reserve Management Plans to ensure there will be sufficient funding for their capital works programmes	GM R,IT&F	In Progress	Awaiting ROSS review		
26		5.1.7	Issues and Options: Mangawhai Community Wastewater Scheme	Approves the inclusion of \$20.05 million in the Long Term Plan 2018/2028 for the upgrade and extension of the Mangawhai Community Wastewater Scheme to accommodate new connections	GM GSD	Completed	Approved as part of the LTP	
27				Agrees that the \$20.05 million shall be funded through debt	GM GSD	Completed	Approved as part of the LTP	
28				Agrees that the growth portion of \$20.05 million debt servicing and financing be levied on future connections with the associated revenue raised from development contributions	GM GSD	Completed	Approved as part of the LTP	
29				Notes that investigations of future disposal options to provide additional disposal capacity will be undertaken concurrently and a preferred option recommended to Council for approval	GM I	In Progress	Looking to amend existing consent to increase capacity for future disposal as an initial option (estimate existing farm has 8-10 years' capacity). Will then progress finalising the long term disposal options and seeking consent for the preferred option.	June 2019
30		5.1.15	Issues and Options: Pensioner Housing	Approves the continued investigation of alternative options for the land it owns at Fagan Place in Mangawhai, including the possibility of working with external partners	GM R,IT&F (JB)	Completed	Council needs to make decision on what is to happen to Pensioner Housing	Dec 2018
31				Requests the Chief Executive reports the results of the investigation to Council	GM R,IT&F (JB)	In Progress	Investigating scope and timeline once Council makes decision on Pensioner Housing. Report to come to April Council meeting	Dec 2018
32	26/07/2018	4.4	Kauri Coast Community Pool Update, Contract for Service and Licence to Occupy	That this item lie on the table until a meeting with the Kauri Coast Community Pool Trust is held with Elected Members and Council officers.	GM GSD	Completed	A decision was made at the December Council meeting agreeing that Sport Northland take over the operation of the Kauri Coast Community Pool. The handover to Sport Northland was completed on 5 March.	Dec 2018
33		4.11	Mangawhai golf course Reserve status exchange and Golf Club surrender of lease / variation of lease or grant of new licence	Approves the surrender of the Mangawhai Golf Club lease on Lot 33 DP 185449 and the driving range Licence to Occupy and agrees in principle to approve a new Licence to Occupy for the Mangawhai Golf Club in accordance with the Community Assistance Policy	GM R,IT&F	In Progress	In negotiation with Golf Club on terms and conditions in respect of Surrender and LTO	Nov 2018
34				Directs the Chief Executive to publically notify Council's intention to grant the Mangawhai Golf Club a new Licence to Occupy as required in section 119 of the Reserves Act 1977, and to report back to Council on the results of this consultation so that Council can consider any submissions received in accordance with section 120 of the Reserves Act 1977	GM R,IT&F	In Progress	Notification was done in August. No objections received. Once the LTO and Surrender deed are finalised this will be reported to Council for final decision.	Nov 2018
35	23/08/2018	4.5	Road stopping and amalgamation: 623 Golden Stairs Road, Paparaoa	Agrees in principle to the stopping of a portion of the section of Golden Stairs Road in Paparaoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report) under s116 of the Public Works Act subject to reaching prior agreement with the purchaser on the terms and conditions of the Sale and Purchase Agreement, subject to the sale price being no less than \$7,800 plus GST (if any), and that the purchaser meets all costs associated with the transaction	GM I	In Progress	Deposit payment of \$3450.00 incl GST was received on the 6.11.2018. Waiting for for the Purchaser to arrange the Legalisation Survey Plan for the subject Land at their cost. Once the Survey Office Plan is approved by LINZ the Purchaser is to pay the balance (\$4,800.00 + GST).	Jun 2019

36				Delegates authority to the Chief Executive to finalise the sale of the stopped portion of road of the section of Golden Stairs Road in Paparoa, as marked red on aerial map (see Attachment 2 to the afore mentioned report)	GM I	In Progress	As above	Jun 2019
37	20/11/2018	4.2	Recommendation from Taharoa Domain Governance Committee for a Proposed Taharoa Domain Bylaw	Adopts for public consultation - the Statement of Proposal for the Taharoa Domain Bylaw and associated draft Bylaw as presented in the circulated Attachment 2 of the aforementioned report	GM RPP	Completed	Submission period opened on 4th December 2018 and runs until the 8th February 2019	
38				Delegates to the Chief Executive and the Mayor to approve minor typographical changes and any changes that do not affect the intent of the draft Bylaw	GM RPP	Completed		
39				Delegates to the Taharoa Domain Governance Committee including representatives from Te Roroa and Te Kūihi, the responsibility to hear submissions and make recommendations on the final Taharoa Domain Bylaw to Council with the Mayor acting as Chair	GM RPP	Completed	Discussions underway to determine representatives from Te Roroa and Te Kūihi -Taharoa Domain Governance Committee representatives from Te Roroa and Te Kūihi will be sitting at Hearing. Taharoa Domain Bylaw hearing is being held on Monday 25 March 2019 @ 1.00pm.	May 2019
40				4.4	Private Road Seal Extension Policy 2018 Adoption	Adopts the Private Road Seal Extension Policy 2018, as set out in Appendix 4 of Attachment 1 to the aforementioned report	GM I	Completed
41	4.5	Speed Review Tara Road, Kaiwaka-Mangawhai Road, and Moir Street, Mangawhai	Adopts Option B – reduce the speed limit in the full review area to 50km/hr, as set out in Attachment 1 (Tara Road, Kaiwaka Mangawhai Road and Moir Street: Speed Limit Review – 31 October 2018) to the aforementioned report	GM I	Completed	Public notification of the new speed limit completed. Amendment of the bylaw complete.	Feb 2019	
42			Adopts the amendments to the Kaipara District Speed Limit Bylaw 2005, as set out in Appendix 3 of Attachment 2 ('Tara Road, Kaiwaka Mangawhai Road and Moir Street: Submission Recommendations') to the aforementioned report	GM I	Completed	Public notification of the new speed limit completed. Amendment of the bylaw complete.	Feb 2019	
43	4.6	Authorisation for delegated authority to Mayor and Chief Executive to impose and rescind water restrictions	Delegates authority to the Mayor and Chief Executive to impose and rescind water restrictions if required within the Kaipara district in accordance with Clauses 1609.1 and 1609.2 of the Kaipara District Council's General Bylaws 2008, Part 16, Water Supply	GM I	Completed		Nov 2018	
44			Instructs the Chief Executive to report to the next available Council meeting the details of any water restrictions imposed or rescinded	GM I	In Progress	Water restrictions imposed for Dargaville & Baylys Beach.	May 2019	
45	4.7	Murphy Bower Stopbank Options Report	Resolves that the Murphy Bower stopbank located on SECT 73 75 PT 44 BLK XV TOKATOKA SD is remediated as per Option C of the aforementioned report – the remediation of the stopbank along the approximately 300m long section outlined under New Stop Bank and the upgrade of the existing section of the stopbank as highlighted by the area marked under Option 2 as per Fig 1 in Appendix A of the aforementioned report, without associated ground improvements i.e. construct the proposed stopbank to a standard no less than the existing stopbanks within the Raupo Drainage District at an estimated cost of \$375,000 + GST	GM I	In Progress	Meeting with landowner was requested but not accepted. Details sent to landowner's legal advisors. If no agreement can be reached with the landowner regarding approval to enter private property to undertake the works, then Council will need to proceed with statutory process to obtain authority to enter property to construct the public works.	June 2019	
46			Resolves to defer the following Raupo Drainage District capital works and operational projects to fund the proposed stopbank: a) \$128,000 to come from financial year capital works projects; b) \$50,000 from Management services (identified to start hydraulic modelling); c) \$42,000 from the stopbank maintenance budget	GM I	In Progress		June 2019	

47				Resolves to approve an additional Raupo Drainage District capital budget of \$45,000 to be loan funded	GM I	In Progress		June 2019
48	20/12/2018	4.1	Kauri Coast Community Pool Licence to Occupy Funding Agreement	Delegates the Chief Executive to finalise the Funding Agreement of \$321,000 per annum (consisting of \$257,000 for operating costs, \$42,000 for repairs, maintenance and renewals; \$22,000 for water rates), with Sport Northland for three years commencing in the 2018/2019 financial year	GM GSD	In Progress	Staff have finalised the agreements with Sport Northland. Sport Northland are working with the Trust to handover.	Apr 2019
49				Delegates the Chief Executive to finalise the Licence to Occupy with Sport Northland	GM GSD	Completed	The LTO was finalised and formal signing of the LTO to Sport Northland was completed on 5 March.	Feb 2019
50		4.3	Forecast One 2018/2019	Approves the forecast as set out in the forecast documents attached to the aforementioned report, and determines that no further action is required at this point in time	GM R,IT&F	Completed		
51		4.4	Draft Annual Plan 2019/20	Agrees that the Chief Executive prepares the draft Annual Plan 2019/2020 with an estimated average rates increase of 5.26% (after consideration for growth of 1% and exclusive of water supply rates), after reducing the Chief Executive's legal fees budget by \$169,000 to meet the shortfall and manage resource consent demand	GM R,IT&F GM GSD	In Progress	Annual Plan will be compiled with this direction.	June 2019
52				Agrees that the estimated total rates increase of 5.26% (after consideration for growth of 1% and exclusive of water supply rates) for the draft Annual Plan 2019/2020 is not material and that formal consultation on the rates increase is not required	GM R,IT&F GM GSD	In Progress	Annual Plan will be compiled with this direction.	June 2019
53				Agrees that a comprehensive communication and engagement plan be delivered to inform and educate the community on the draft Annual Plan 2019/2020	GM R,IT&F GM GSD	In Progress	Engagement plan was reported to the 4 February Council briefing. Feedback will be incorporated into the engagement plan.	April/May 2019
55	28/02/2019	4.1	Notice of Motion dated 28 February 2019	a) Establishes an award for Kaipara citizens (and/or organisations), who have contributed to the environmental good of the Kaipara District.	GM RPP	In Progress	Policy team currently researching similar award policies from other Territorial Authorities	
56				b) Agrees that this award is judged on environmental leadership and actions including (but not restricted to) the protection, enhancement, and kaitiakitanga of natural resources and ecosystems; sustainability in enterprise, and environmental education and awareness raising.	GM RPP	In Progress		
57				c) Agrees that a committee of suitably informed and qualified members will be established for determining the award recipient(s)	GM RPP & GM GSD	In Progress		
58				d) Requests that the Chief Executive i. drafts an Award Policy with the frequency (to be determined), categories, and criteria for this Kaipara Environmental Award; ii. drafts a Terms of Reference for the establishment of the aforementioned Committee; iii. brings the draft Policy and Terms of Reference back to Council for approval, with a report that includes any possible costs to council for the establishment of the Award and the Committee.	GM RPP & GM GSD	In Progress		
60		5.1	Fees and Charges 2019/2020: Annual Review	Delegates to the Mayor and the Chief Executive the authority to make editorial changes as discussed at the Kaipara District Council meeting held 28 February 2019	GM RPP	Completed	Minor changes to the F&C schedule approved for public consultation. These included removal of the Fire Safety breach fee and Fire Safety & Relocate Building fee – Page 10 (requested by Cr Larsen); and the additional wording under Parking fees – (These fees are set by central government legislation) – Page 18 (requested by Cr Curnow)	

61	5.2	Policy on Dogs and Dog Management Bylaw Review – Adoption of Statement of Proposal for public consultation	Adopts the Draft Policy on Dogs and Dog Management Bylaw, included as Attachment 1 to the aforementioned report, for public consultation	GM RPP	Completed	
62			Adopts the Statement of Proposal, included as Attachment 2 to the aforementioned report, for public consultation	GM RPP	Completed	
63			Establishes a Hearings Panel consisting of Mayor Smith, Councillor Curnow and Councillor Joyce-Paki and delegates them to hear any submissions received and recommend to Council amendments to the Draft Policy on Dogs and Dog Management Bylaw	GM RPP	Completed	
67	5.6	Policy - Application of sales proceeds to debt – Adoption	Adopts the Application of Sales Proceeds to Debt Policy circulated with the aforementioned report;	GM R,IT&F	Completed	Policy went to Council and was adopted
68			Delegates the Mayor and Chief Executive to approve minor changes as agreed at the Kaipara District Council meeting held 28 February 2019	GM R,IT&F	Completed	

7 Public Excluded Council agenda items 28 March 2019

Recommended

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

- *Confirmation of Public Excluded Council minutes 28 February 2019;*
- *Public Excluded Committee minutes confirmed in February 2019;*
- *Contract 798 - 3 Waters Operations and Maintenance Contract Extension;*
- *Mangawhai Community Wastewater Scheme Operations and Maintenance Contract - Amended and Reinstated Project Deed;*
- *Contract 923 Tomarata Bridge (Insley Street) Strengthening – Award*
- *Civic building opportunities; and*

That Phil Heatley of Northland Regional Council and architect Grant Harris remain for the item 7.6 ‘Civic building opportunities’.

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 s48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Confirmation of Public Excluded Council minutes 28 February 2019</i>	<i>S7(2)(a) protect the privacy of natural persons, including that of deceased natural persons S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Public Excluded Committee minutes confirmed in February 2019</i>	<i>Section 7(2)(a) protect the privacy of natural persons, including that of deceased natural persons Section 7(2)(b)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

General subject of each matter to be considered:	Reason for passing this Resolution	Ground(s) under Section 48(1) for the passing this resolution:
<i>Contract 798 - 3 Waters Operations and Maintenance Contract Extension</i>	<i>S7(2)(h) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Mangawhai Community Wastewater Scheme Operations and Maintenance Contract - Amended and Reinstated Project Deed</i>	<i>S7(2)(i) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Contract 923 Tomarata Bridge (Insley Street) Strengthening – Award</i>	<i>S7(2)(i) enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>
<i>Civic building opportunities</i>	<i>S7(2)(i) enable any local authority holding the information to carry on without prejudice or disadvantage negotiations (Including commercial and industrial negotiations)</i>	<i>S48(1) (a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.</i>

8 Open Council agenda 28 March 2019

Closure

**Kaipara District Council
Dargaville**