

# NORTHLAND REGIONAL COUNCIL

## Agenda

For an Ordinary Meeting of the Northland Regional Council  
to be held in the Council Chambers, Kaipara District Council  
42 Hokianga Road, Dargaville  
on Wednesday, 19 August 2009 commencing at 1 pm

### File 105.2

**Recommendations contained in the Council agenda are NOT Council decisions.  
Please refer to Council minutes for resolutions.**

**Opening Prayer**

**Apologies**

**Declaration of Conflicts of Interests**

### OPEN MEETING

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## NORTHLAND REGIONAL COUNCIL

Minutes of the Ordinary Meeting of the Council, held at the Northland Regional Council, 36 Water Street, Whangarei, on Wednesday, 15 July 2009 commencing at 1.00pm

### **File 105.2**

**PRESENT:** Crs Mark Farnsworth, Ian Walker, John Bain, Craig Brown, Joe Carr, Lorraine Hill, Peter Jensen and Bill Rossiter.

### **In Attendance**

#### **Full Meeting**

Chief Executive Officer  
Deputy CEO/Operations Director  
General Manager - Finance and IT  
Strategy and Planning Director  
Local Government Senior Programme Manager  
Local Government Projects Manager  
Resource Management Planning SPM  
Maritime Senior Programme Manager  
Consents Senior Programme Manager  
Deputy Harbourmaster  
Communications Senior Programme Manager  
Council Administration Programme Manager

### **OPENING PRAYER**

The Council Administration Programme Manager read the opening prayer.

### **DECLARATION OF CONFLICT OF INTEREST**

#### **File 100.1.2**

The Chairman gave members the opportunity to declare an interest on any item of business on the agenda for the meeting. No declarations were made.

### **ITEMS OF NEW BUSINESS**

**Resolved:** That the Council agrees to consider the following items of new business for the reasons shown:

#### **OPEN MEETING**

#### **1. ENVIRONMENTAL MANAGEMENT COMMITTEE MEETING MINUTES**

The Agenda advised that the Minutes would be tabled at the meeting (additional to item 17, page 96)

#### **2. LOCAL GOVERNMENT NEW ZEALAND MAORI ADVISORY COMMITTEE**

The reason for urgency for this item that Local Government New Zealand has requested NRC to give consideration to nominating a candidate for the Maori Advisory Committee. The closing date for nominations is 21 July 2009.

### **3. AUCKLAND GOVERNANCE LEGISLATION COMMITTEE**

The reason for urgency is that the Select Committee requires confirmation of the names and designations of the Northland Regional Council representatives making the presentation on 23 July 2009.

Cr Brown : Cr Rossiter

### **SUPPLEMENTARY AGENDA ITEM – LOCAL GOVERNMENT NEW ZEALAND MAORI ADVISORY COMMITTEE**

File 161.1

**Report from Chairman Mark Farnsworth dated 14 July 2009.**

**Resolved:** That the Council nominate Cr Hill for appointment to the Local Government New Zealand Maori Advisory Committee.

Cr Brown : Cr Bain

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

### **1. CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON 24 JUNE 2009**

File 105.2

**Resolved:** That the minutes of the Ordinary Meeting of the Council held on 24 June 2009 be confirmed, subject to the correction of item 25 as stated below.

Cr Walker : Cr Rossiter

### **25. BONDING ALTERNATIVES FOR AQUACULTURE INDUSTRY**

Files 22868 and 930.3.35

**Report from Chief Executive Officer Ken Paterson dated 15 June 2009.**

**Resolved:** That the Council approves staff submitting a proposed alternative to a bond to the Hearings Committee on the review of marine farm consent conditions as follows:

1. A financial contribution of \$215.60 per developed hectare per year.
2. The annual contribution to be reviewed every three years.
  - i. If the funds *have not* been used in the preceding three years, then annual contributions to be decreased by an amount to be determined beforehand. If the funds *have* been used in the preceding three years then the funds will be increased by an amount to be determined beforehand.
  - ii. Council may also review the formula for determining the annual contribution.

3. The addition of an advice note outlining the following compliance and enforcement process.
  - i. That the Council increase monitoring of the state of marine farms from every two years to every year.
  - ii. If non-compliance is identified, then;
    - the Council and the farmer may prepare a restoration plan to detail how the non-compliance will be remedied, and
    - the Council is to issue an abatement notice giving six months to remedy the non-compliance.
  - iii. If the non-compliance is not remedied within six months, then the Council is to issue one infringement notice (\$750).
  - iv. A further three months given for the Consent Holder to remedy the non-compliance.
  - v. If there is still outstanding non-compliance, then;
    - the Council will issue one infringement notice every week for five weeks (total of \$3,750), and
    - the Council may call on the collective fund to remedy the non-compliance and/or carry out further enforcement (eg prosecution).
  - vi. Where the non-compliance is as a result of an 'Act of God' event (eg severe storm), that renders more than 50% of the marine farm non-compliant, the timeframes are extended (eg initial six months becomes two years).

Cr Rossiter : Cr Walker

**Amendment to the wording of 3. vi:**

That the wording of 3. vi be amended to read:

3. vi. Where the non-compliance is as a result of an 'Act of God' event (eg severe storm), that renders more than 50% of the marine farm non-compliant, the timeframes are doubled (eg initial six months becomes one year).

Cr Jensen : Cr Brown

**The amendment was put and lost. The original motion Moved by Cr Rossiter Seconded by Cr Walker was then put and carried.**

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the LGA 2002.

**2. CORRECTION TO MINUTES – 22 MAY 2009****File 105.2****Report from Council Administration Programme Manager Dean Alderton dated 6 July 2009.**

**Resolved:** That the Minutes of the Council Meeting held on 22 May 2009, be corrected to identify the submitter as Zelka Grammer on behalf of GE Free Northland.

Cr Walker : Cr Carr

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2006-2016 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

**3. CHAIRMAN'S REPORT****File 105.4****Report from Chairman Mark Farnsworth dated 3 July 2009.**

**Resolved:** That the Chairman's report dated 3 July 2009.

Cr Farnsworth : Cr Carr

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 LTCCP, and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

**SUPPLEMENTARY AGENDA ITEM - AUCKLAND GOVERNANCE LEGISLATION COMMITTEE****File 161.1.1****Report from Chairman, Mark Farnsworth, dated 14 July 2009.**

**Resolved:** That the Chairman, Deputy Chairman and Chief Executive Officer be confirmed as the Council's representatives.

Cr Bain : Cr Jensen

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

**4. CHIEF EXECUTIVE OFFICER'S REPORT****File 105.3****Report from Chief Executive Officer Ken Paterson dated 3 July 2009.**

**Resolved:** That the Chief Executive Officer's report dated 3 July 2009, be received.

Cr Hill : Cr Walker

## **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 LTCCP, and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

## **MATTERS ARISING FROM CEO'S REPORT**

### **Versatile and Productive Soils**

Cr Brown questioned whether the Council's approach on opposing the subdivision and fragmentation of land containing versatile and productive soils was unnecessarily narrow.

### **SuperGold Card Scheme**

Cr Bain commented on the large numbers using the scheme for public transport and congratulated staff on their work in assisting in the successful implementation of the scheme.

## **5. 2009/2010 DRAFT STATEMENT OF INTENT – NORTHLAND REGIONAL COUNCIL COMMUNITY TRUST**

**File: 150.1**

**Report from Local Government Senior Programme Manager Kathryn Ross dated 8 July 2009.**

**Resolved:** That the Council receive the report from Kathryn Ross, Local Government Senior Programme Manager, dated 8 July 2009 informing the Council that the Northland Regional Council Community Trust's Statement of Intent for the year commencing 1 July 2009 has been delivered to Council.

Cr Farnsworth : Cr Rossiter

## **COMPLIANCE WITH DECISION MAKING PROCESS**

The receiving of this report and the subsequent recommendations are provided for in the Council's 2009-2019 Long Term Council Community Plan and the Local Government Act 2002 (specifically sections 55 to 74 and Schedule 8). As such they are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

## **6. FINANCIAL REPORT – 30 JUNE 2009**

**File 350.4**

**Report from General Manager – Finance and IT Lisa Aubrey dated 6 July 2009.**

**Resolved:** That the financial report to 30 June 2009 by General Manager – Finance and IT dated 6 July 2009, be received and the Audit and Finance Committee be given the opportunity to comment on the suggestion of carry overs.

Cr Farnsworth : Cr Jensen

## **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2006/2016 Long Term Council Community Plan, as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

**7. INVESTMENT SCHEDULE AND PERFORMANCE – FINANCIAL REPORT**  
**30 JUNE 2009**

**File 350.4**

**Report from Financial Systems Administrator Kym Ace dated 7 July 2009.**

**Resolved:** That the Investment Schedule and Performance Report to 30 June 2009 from the Financial Systems Administrator dated 3 July 2009 be received.

Cr Bain : Cr Jensen

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2007/2008 Annual Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

**8. PAID ACCOUNTS FOR APPROVAL**

**File 350.9**

**Report from Payments Officer Rachel Hills dated 30 June 2009.**

**Resolved:** That the payments for June 2009, as detailed in the report from the Payments Officer, Rachel Hills dated 30 June 2009 be approved.

Cr Carr : Cr Jensen

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Northland Community Plan 2006-2016, and as such are in accordance with the Council's decision making process and Sections 76-82 of the Local Government Act 2002, and the requirements of the Public Bodies Contracts Act 1959.

**9. LEASE TRANSACTIONS**

**Files: 215.126, 215.126.1, 215.141**

**Report from General Manager Finance and IT, Lisa Aubrey dated 7 July 2009.**

**Resolved:** That the lease transactions and the use of the Council seal outlined in the report from the General Manager Finance and IT dated 7 July 2009, be approved.

Cr Jensen : Cr Rossiter

**COMPLIANCE WITH DECISION MAKING PROCESS**

The documents for sealing contained within this report are in accordance with the Council's Treasury Management Policy which was adopted in compliance with the decision making requirements of Sections 76 to 82 of the Local Government Act 2002 and the execution of the seal is part of the Council's day to day operations and as such is provided in the Council's 2009-2019 Long Term Council Community Plan.

**10. DOCUMENT SEALED****File 180.1****Report from General Manager Finance and IT Lisa Aubrey dated 7 July 2009.**

**Resolved:** That the use of the Council seal outlined in the report from the General Manager Finance and IT dated 7 July 2009, be approved.

Cr Rossiter : Cr Hill

**COMPLIANCE WITH DECISION MAKING PROCESS**

The documents for sealing contained within this report are in accordance with the Council's Treasury Management Policy which was adopted in compliance with the decision making requirements of Sections 76 to 82 of the Local Government Act 2002 and the execution of the seal is part of the Council's day to day operations and as such is provided in the Council's 2006-2016 Long Term Council Community Plan.

**11. CONSENTS DECISIONS AND APPLICATIONS IN PROCESS****File: 430.1****Report from Consents Senior Programme Manager David Roke dated 1 July 2009.**

**Resolved:** That the report from the Consents Senior Programme Manager dated 1 July 2009 on resource consent decisions and applications in process be received.

Cr Hill : Cr Farnsworth

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2006/2016 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

**12. APPOINTMENT OF HEARINGS COMMITTEE****File 110.8****Report from Consents Senior Programme Manager David Roke dated 3 July 2009.****Moved by Cr Rossiter, seconded by Cr Carr**

That Cr Farnsworth (Chair) and Mr Robin Shepherd be appointed to hear and decide applications for replacement marine farming consents CON20090629701: Houhora Bay Marine Farms Limited, and CON20090722801: Westpac Mussels Distributors Limited.

**Amendment:****Moved by Cr Brown, seconded by Cr Hill**

That Cr Farnsworth (Chair) and Cr Jensen be appointed to hear and decide applications for replacement marine farming consents CON20090629701: Houhora Bay Marine Farms Limited, and CON20090722801: Westpac Mussels Distributors Limited.

**On being put the amendment was carried.**

The amendment became the substantive motion and on being put was also carried.

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009/2019 LTCCP, and in accordance with the Council's statutory delegations approved in July 2004. As such they are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

### **13. WARRANTS OF APPOINTMENT**

**Files 100.2, 220.4.61 and 990.1**

**Report from Monitoring Senior Programme Manager Riaan Elliot dated 3 July 2009.**

- Resolved:**
1. That the following officers, currently appointed as Enforcement Officers under Section 38 of the Resource Management Act 1991, be delegated further powers and authorities under Sections 322, and 325(a) of the Resource Management Act 1991 as specified above.

Alan William Bee	Hydrology Monitoring Officer
Robert Arthur Tasker	Hydrology Monitoring Officer
Rochelle Carter	Hydrology Groundwater Monitoring Officer
Richard James Griffiths	Environmental Monitoring Officer – Coastal
Robert Hensel	Environmental Monitoring Officer – Land Use
Loren Marie Eagle	Environmental Monitoring Officer – Farm Waste
James Mitchell	Hazardous Substances Officer
Jacqueline Reed	Monitoring Programme Manager – Coastal
Sophie Jane Tweddle	Environmental Monitoring Officer – SOE Reporting
Allen David Temple	Hydrology Monitoring Officer
Cornelius Johannes	Environmental Monitoring Officer - Coastal
Herkulaas Van Tonder	Coastal
Eva May Harris	Environmental Monitoring Officer – Water Quality/Land Use
Garth Douglas Condon	Environmental Monitoring Officer – Water Quality/Land Use

2. That they be issued with the appropriate Warrants of Appointment under seal of the Council evidencing their appointments.

Cr Jensen : Cr Brown

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The decisions made by this resolution are authorised by Section 38 of the Resource Management Act 2002 and by virtue of Section 76(5) of the Local Government Act 2002 meet the decision making requirements of Sections 76 to 82 of that Act.

**14. BENTZEN FARM COVENANTS****File 110.8****Report from Consents Senior Programme Manager David Roke dated 25 June 2009.**

**Resolved:** That the Chief Executive Officer be authorised to execute the covenant received from Judith Anne Wrightson, under the Common Seal of the Council, duly witnessed.

Cr Brown : Cr Farnsworth

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2006/2016 LTCCP, and in accordance with the Resource Management Act 1991. As such they are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

**15. NEW ZEALAND PORT AND HARBOUR MARINE SAFETY CODE – SAFETY MANAGEMENT SYSTEMS APPROVAL****Files 715.12****Report from Maritime Senior Programme Manager Ian Niblock dated 1 July 2009.**

**Resolved:**

1. That the report from Maritime Senior Programme Manager Ian Niblock dated 1 July 2009 be received.
2. That Council confirms its commitment to support the New Zealand Port and Harbour Marine Safety Code systems established for Northland's harbours and coast.

Cr Hill : Cr Brown

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the LGA 2002.

**16. CONFIRMATION OF MINUTES OF AUDIT AND FINANCE COMMITTEE MEETING HELD ON 24 JUNE 2009****File 110.11**

**Resolved:** That the Minutes of the Audit and Finance Committee meeting held on 24 June 2009 be received and the Committee's recommendations adopted.

Cr Rossiter : Cr Jensen

**17. CONFIRMATION OF MINUTES OF ENVIRONMENTAL MANAGEMENT COMMITTEE MEETING TO BE HELD ON 15 JULY 2009**

**File 110.12**

**Resolved:** That the Minutes of the Environmental Management Committee meeting held on 15 July 2009 be received and the Committee's recommendations adopted.

Cr Brown : Cr Carr

The Council requested that the Chief Executive Officer invite Biosecurity NZ to speak to Council on Biosecurity issues in Northland and in particular the reduction of staffing levels in the region.

**BUSINESS WITH THE PUBLIC EXCLUDED**

**File 105.2**

**Resolved:** That pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the remainder of the meeting to consider:

1. Confirmation of the confidential section of the Minutes of the Audit and Finance Committee Meeting held on 24 June 2009
2. Chairman's Briefing Notes of Meeting of Northland Port Corporation (NZ) Limited.

The reason for excluding the public in relation to item 1 is as stated in the Minutes of that meeting and in relation to item 2, the reason for excluding the public is to protect the privacy of natural persons as protected by section 7(2)(a).

Cr Rossiter : Cr Hill

**CONCLUSION**

The meeting concluded at 2.07pm

## **Chairman's Report**

**File 105.4**

**Report from Chairman, Mark Farnsworth, dated 3 August 2009.**

### **APPOINTMENTS**

1. **Aquaculture Technical Advisory Group (TAG)**

On 29 July 2009 Hon Phil Heatley, Minister of Fisheries, and Hon Dr Nick Smith, Minister for the Environment, announced my appointment to the Aquaculture Technical Advisory Group.

The TAG has been appointed to provide independent strategic advice on proposals for the reform of aquaculture and to provide recommendations in a written report to Ministers by 30 September 2009 on proposals for aquaculture reform.

2. **Maori Advisory Committee – Local Government New Zealand**

Cr Lorraine Hill has been appointed by Local Government New Zealand to the Maori Advisory Committee to National Council.

### **LOCAL GOVERNMENT NEW ZEALAND ANNUAL CONFERENCE**

The Local Government New Zealand Conference this year was held in Christchurch between 26 and 29 July. I attended the conference along with Crs Jensen and Rossiter.

Prior to the conference Michelle and I took part in the RAC Pre-Conference meeting and Tour. A meeting of the National Council of Local Government New Zealand was also held.

The Conference was well run, with an excellent range of key note speakers and topic specific workshops. The Prime Minister, Hon John Key; Leader of the Opposition, Hon Phil Goff; Minister of Local Government, Hon Rodney Hide, and Associate Minister of Local Government, Hon John Carter, addressed the conference.

The events surrounding the changes being made to Auckland local government governance tended to dominate the proceedings.

A full copy of the papers can be found on Local Government New Zealand's web page.

### **AUCKLAND GOVERNANCE**

Cr Ian Walker, Ken Paterson, CEO, and I made an oral submission to the Select Committee on Local Government Auckland Council Bill.

### **MEETINGS/EVENTS ATTENDED**

During the period I have attended the following meetings/events/functions:

- Meetings attended with the Council's CEO, Ken Paterson:
  - NorthTec – Terry Barnett, CEO; Suzy Poppe, Regional Manager South; John Finlayson, Programme Manager – NorthTec's desire to develop information and courses on sustainable urban development and

sustainable rural development and NorthTec's request to work alongside NRC to improve education outcomes for Maori;

- Pat Snedden and Ben White, Office of Treaty Settlements;
  - Wayne Brown, Mayor, and David Edmunds, CEO, Far North District Council.
- Brian McLachlan, WDC Councillor; Cr Craig Brown, Bruce Howse, Joe Camuso – Whangarei flooding.
  - Peter McKinlay, Director Local Government Centre, Institute of Public Policy, AUT University – Auckland Governance.
  - Judy Speight – Accelerating Auckland.
  - NorthTec – Dr Graeme Hayward, Research Development; Paul Decker, Director Business Development; Cr Bill Rossiter – Aquaculture.
  - Andy Britton, Chair, NRCCT.
  - Chaired/facilitated Priority Rivers Flood Risk Reduction Project Community Consultation at Maungaturoto.
  - Kaihu River Management meeting.
  - Kaipara District Council's Connection Ceremony for the EcoCare Wastewater Scheme at Mangawhai.
  - Function for Joyce Ryan to honour her community contribution as Mayor, City Councillor, Regional Councillor and member of many community groups.
  - NorthTec – Terry Barnett, CEO; Vern Dark, Chair; Suzy Poppe, Regional Manager South – Memorandum of Agreement.
  - Attended function at Friendship Yachts.

### NETWORKING

- Meetings, as requested, with residents and ratepayers;
- Councillors;
- Media.

### CORRESPONDENCE

During the month I sent out the following correspondence:

<b>Date</b>	<b>Addressed To</b>	<b>Subject</b>
1 July	Mayors FNDC, WDC, KDC	Regional Governance
1 July	Graeme Smith Secretary Mangawhai Harbour Restoration Society	Spread of Mangroves
1 July	Mary McDonald	GMOs
1 July	Eugene Bowen Chief Executive Local Government New Zealand	Te Hiku O Te Ika Iwi Forum

7 July	Neil Tiller Mayor, Kaipara District Council	Regional Governance
10 July	Shona Roberts Director Whangarei Bus Services/ Whangarei Passenger Services	Problems with having to field calls for CityLink
13 July	Dr Rita Shelley Programme Manager Business and Tourism, NorthTec	Letter of support for Bachelor of Applied Management degree
13 July	Doug Gordon Chief Executive Officer NZ Minerals Industry Assn	Confirming NRC will work with the Minerals Association in a supporting capacity
13 July	Jonathan White Chairman Galvanizing Association of NZ	Acknowledging receipt of an interactive DVD
13 July	Leo Helleur	Acknowledging receipt of DVD on GE
15 July	Phil Twyford MP	Auckland Issues
15 July	Hon John Carter	Vehicles on Beaches
20 July	Mike Lee, Chair, ARC	Policy Advice
20 July	John Hartnell Spokesman – Genetic Modification NZ Federated Farmers	GE
21 July	Craig Pratt Rodney District Council	Sand Mining Royalty - joint council letter
22 July	Mrs Rae Flood	Bus Patronage

### Recommendation

That the Chairman's report dated 3 August 2009 be received.

### COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

# Chief Executive Officer's Report to Council

File 105.3

Report from Chief Executive Officer Ken Paterson dated 7 August 2009.

## PROJECTS AND INFORMATION

### LONG TERM COUNCIL COMMUNITY PLAN (LTCCP)

The Northland Regional Council Summary document has been nominated as one of eleven finalists from a field of 50 in the Society of Local Government Managers (SOLGM) Great LTCCP Summary Competition. Northland Regional Council was the only Regional Council to make the finals and the winner will be announced at the SOLGM LTCCP Conference in Rotorua 13-14 August. Council also received a congratulatory letter from Peter Houba, the Business Manager from OPUS Whangarei for reaching the finals.

Response letters to all 606 submitters to the Long Term Community Plan were sent out by 31 July 2009. To date feedback on the letters has been positive with regard to the detail of the answers provided and how this enhanced the personalised nature of the responses.

A request for feedback from the staff will soon be circulated to ascertain what areas of the LTCCP process they thought went well and what can be improved upon.

### ADMINISTRATION

There was one complaint made against the Council staff during the month of July and it has been actioned.

## HUMAN RESOURCES

### STAFF MATTERS

#### Leaving

Kate Banbury, Land Management Officer finished her employment with the Council on 10 July 2009.

Curtis Harris, Land Management Officer finished his fixed term employment with the Council on 10 July 2009.

Bob Cathcart, Land Programme Manager retired on 30 June 2009. He has however been re-employed on a one year fixed term initially as Land Programme Manager while this position is recruited.

Dave Roke, Consents Senior Programme Manager retired on 24 July 2009. Dave will be re-employed on a part time, one year fixed term basis as Consents Specialist with effect from 7 September 2009.

A long service function was held for Bob and Dave on 21 July 2009 in recognition of them both serving 39 years.

Oliver Macindoe, Cadet has been transferred onto a WINZ sickness benefit and his last day of employment with the Council was 31 July 2009.

### Appointments

Debbie Johnson and Kerry Webster, both existing employees have been offered a job share as Land Management Officer with effect from 29 June 2009.

## Vacancies

The position of Policy Analyst has been advertised internally and externally with applications closing on 20 August 2009.

The positions of Biosecurity Officer, Consents Officer, Land Management Officer and Wastewater Management Officer – Engineer are on hold. In the meantime temporary and/or consultant staff are being used as required.

## STAFF ESTABLISHMENT

Status	July 2009	July 2008	June 2009
Full Time Permanent	116	112	118
Part Time (FTE)	9.5	7	9
Fixed Term (incl Part Time)	5	7	5
Students/TFG	2	2	4
Vacancies	11	8	8
<b>TOTAL FTE</b>	<b>143.5</b>	<b>136</b>	<b>144</b>

## STAFF TRAINING

### Internal Training

Seventeen staff attended Report Writing training on 16 and 24 July 2009. The course was facilitated by Steve McDowell of Meeting and Government Solutions.

Twenty staff also attended Treaty of Waitangi training on 27-28 July and 30-31 July 2009. The course was facilitated by Robert Consedine of Waitangi Associates.

### External Training

Training Course	Dates 2009	Venue	Attendees
NZTA Stormwater Treatment Workshop	1 July	Whangarei	R Eyre, C Orevich, J Jongkees
Education for Sustainability	1 July	Paihia	S Botting, S Karels, T Rudgley
Team Leader Training	2-3 July	Whangarei	I Niblock, K Ross
LG Committee Advisor Conference	13-14 July	Rotorua	D Alderton
LG Communication Forum	16-17 July	Wellington	J Dawson, M Johnson
CIO Conference	21-22 July	Auckland	L Aubrey
Practical Time Management	22 July	Whangarei	K Grammer
Stormwater Seminar	24 July	Auckland	C Orevich, N Bull, P Johnston
UNDAC Consolidation Course	27-31 July	Singapore	G MacDonald
Hynds Technical Seminar	29 July	Mangawhai	G Kruger
MS Project Management	31 July	Auckland	D Ryder

## HEALTH AND SAFETY

There have not been any serious incidents or injury during the month of July. Influenza has not significantly affected Northland Regional Council staff to date.

## COMMUNITY RELATIONS

### PUBLIC COMMUNICATIONS

Northland's media was monitored for items of interest to the Council. Media releases were sent to appropriate media concerning the following:

- New kits for North's Enviroschools teachers
- Heavy rain, wind may cause flooding, damage
- Worst of heavy rain, wind over for Northland
- Safety behind planned Far North ski lane changes
- eDay 2009 offers Northland the chance to dispose of e-waste safely (*media release on behalf of eDay's Whangarei Co-ordinator*)
- Harbour seabed sampling planned
- Enviroschools bus tours a first for North
- NRC Chair appointed to aquaculture advisory group
- Regional flood meetings 'a success'

The Chairman's '*Northern Matters*' column covered the recent discovery of Tb in a cow in Kaitaia and the importance of vigilance in order to protect our region's Tb-free status.

The Chairman's '*From where I sit*' column covered local government restructuring and the criteria required to ensure the new governance model is effective, and able to be used as a model for other regions.

Council's column in the Northern Advocate's Rural Advocate supplement looked at the stress placed on land through increasingly intensive farming practices and offered suggestions for reducing negative impacts.

### EVENTS

Planning is under way for three clean-ups (one per District) to occur as part of Keep New Zealand Beautiful week from 4-11 September.

NRC staff will assist with eDay on 12 September.

For the first time NRC is co-hosting the Northland Community Conservation and Environment Awards with DOC and Biodiversity Northland on 17 September in Kerikeri – nominations are currently being sought.

### WEBSITE

#### Monthly Usage:

	July 2009	June 2009	May 2009	April 2009	March 2009	Feb 2009	Jan 2009
Visits <sup>1</sup>	58,393	52,978	40,988	34,974	34,356	31,633	31,202
Files downloaded <sup>2</sup>	19,683	16,885	11,016	9,670	11,816	8,787	9,942

1. The **Visits** report reveals the total number of times that people have visited the website during the month.
2. The **Downloads** report shows the total number of files (e.g. PDFs) that were downloaded during the month.

**Most popular pages :**

- Rivers and rainfall data
- Whangarei bus service
- Job vacancies
- Regional Plans
- Resource Library: Environmental Monitoring

**EDUCATION****Northland Regional Council 2009 Environmental Curriculum Awards**

Celebration assemblies were held at five Mid North schools during July to acknowledge success in each school winning a Northland Regional Council 2009 Environmental Curriculum Award (ECA). Environmental Education staff and Councillors Carr or Hill visited Kaikohe West, Karetu, Oromahoe, Waima and Opononi Area schools to deliver the awards. These deliveries kicked off a 2009 ECA delivery roadshow to 19 Northland schools. The \$20,000 annual ECA's support quality Environmental Education in schools. The awards delivered to these schools support the Environmental Education efforts of more than 420 students with projects ranging from water quality improvement to establish native crayfish (koura) habitat through to planting a grove of 30 cabbage trees as part of boosting schoolground biodiversity and creating a new school logo.

**Enviroschools**

Work has begun planning and preparing for the first ever Enviroschools Bus Tours in Northland. As part of the national Enviroschools programme, NRC holds an annual regional event for member schools in Northland. Due to Northland's large geographical spread, in previous years Council has hosted two annual hui at various locations throughout the region. This year, the Northland facilitation team decided it would be worthwhile to see some of the sustainability projects first-hand.

The Far North Enviroschools Bus Tour took place on 5 August, with over 100 students, teachers and Board of Trustees members taking part. Beginning in Kerikeri, the tour visited Oromahoe School where participants were guided around seven 'enviro-stations'. These included the fruit forest, eco-building, outside learning and bird feeding areas and community, class, fairy and butterfly gardens. Next, the tour visited the Aroha Island Ecological Centre, which Riverview School uses weekly as an outdoor classroom. Participants took part in an environmental dance and were guided around the island's learning and action areas. Tautoro School led the zero waste part of the itinerary, showing their 'Litterless Lunchboxes' DVD. The final part of the day involved a co-operative learning activity based on NRC's new State of the Environment Report cards. The evaluation forms all reveal positive feedback.

The Whangarei Enviroschools Bus Tour was scheduled to take place on 7 August. Both events are led by NRC and supported by Team Solutions and The Enviroschools Foundation.

**IWI LIAISON**

Te Runanga o Ngati Hine has completed its pre-planning project which looked at defining whether there is demand to warrant the establishment of a monitoring laboratory in Northland for Maori. The project was jointly funded by the FNDC and the NRC.

The Council has entered into an agreement with Te Runanga o Whaingaroa and the FNDC to assist Te Runanga o Whaingaroa to develop an Iwi Environmental Management Plan. It is intended that the Plan will set out the resource management aspirations and strategic priorities for the Iwi with specific goals and objectives.

Following the July Council meeting, the first in a series of workshops was held with Councillors to discuss the Treaty of Waitangi settlements process, the progress of settlements in Northland and implications these might have for the NRC. It is intended that further workshops will be held to address issues related to Treaty settlements.

During July NRC hosted two workshops by Robert Consedine of Waitangi Associates on the Treaty of Waitangi for staff. Robert is a well known and respected facilitator of Treaty Workshops and his work around human rights issues. The workshops were well received by staff.

## **FINANCE AND INFORMATION TECHNOLOGY**

There will be no financial results provided for the month of July. The July results are seldom reported as little meaningful information becomes apparent in the first few months of the financial year.

The Finance team is now focusing their attention towards the preparation of the 2008/2009 Annual Report. Audit New Zealand will commence the audit on 7 September 2009.

## **STRATEGY AND PLANNING**

### **RESOURCE MANAGEMENT PLANNING**

#### **One Plan Feasibility Report**

Council staff have prepared a draft report entitled "*Resource Management Planning Documents in Northland – An Analysis of Possible Future Options*". This report evaluates a number of options for combined planning documents. The report is currently being reviewed by Mr David Hill (consultant). A workshop with councillors is scheduled for 24 August 2009 and a final version of the report is due to be presented at September's Council meeting.

#### **Regional Coastal Plan Change 1 (Moorings and Marinas), Regional Coastal Plan Change 2 (Marine 1 Review – Whangarei Harbour) and Regional Coastal Plan Change 3 (Mangrove Management)**

The Council is awaiting final approval from the Minister of Conservation for these three plan changes. Once received, the next step will be for Council to make these plan changes fully operative by way of a public notice.

#### **Regional Coastal Plan Change 4 (Aquaculture Management)**

The appeals process continues. Council staff, accompanied by Cr Jensen, attended Court assisted mediation on 1 July 2009. Informal agreement was reached on issues relating to marae-based aquaculture, consultation with Maori, and recognising Maori aquaculture aspirations. Some progress was made on the most significant issue, being the extent of the restriction areas (basically aquaculture no-go areas), with the parties committing to exploring an alternative approach. A meeting of the key parties was held on 27 July 2009 to discuss the alternative approach. A further meeting has been scheduled for 18 August 2009.

#### **Mooring Management Plans (MMPs)**

**Opua** – Following further input from the stakeholder working group, council staff amended the draft Opua MMP and presented it back to the working group on 30 July. The revised draft was generally well received with support for the majority of proposed management measures. The working group were given until 14 August to provide additional comment on the revised draft.

If required, the draft will be revised on the basis of these comments and then released for wider community consultation, beginning with a public meeting of residents, mooring owners and other stakeholders to present the Draft Opua MMP. Public submissions will be sought and the draft MMP revised if necessary. It is envisaged that the Opua MMP will be presented to Council with the other High Priority Bay of Islands MMP's once these are completed.

**Mangawhai** - Kaipara District Council staff have advised that final decisions on the plans for the reserves on the edge of Mangawhai Harbour have been delayed due to the complexity and breadth of submissions received during public consultation. It was originally anticipated that a Council workshop would be held at the end of July to consider the matter further, however it is understood this is now scheduled for 1 September. In the meantime, the draft Mooring Management Plan is being progressed as far as practicable.

### **Regional Pest Management Strategy Review**

Strategy and Planning staff are assisting the Biosecurity Team in reviewing current Pest Management Strategies. Feedback from the discussion paper circulated in May 2009 indicated support from the community for development of a Regional Marine Pest Strategy. Of particular note was support for a collaborative approach towards marine pests from key central government agencies with a role in pest management such as MAF Biosecurity NZ, Department of Conservation and the Ministry of Fisheries. A draft proposal for a Regional Marine Pest Strategy is being developed in the light of this feedback. A discussion document on terrestrial and aquatic pests is also being drafted. It is intended that both the Draft Marine Pest Strategy and Terrestrial/Aquatic discussion paper be presented to the September EMC meeting.

### **Plan Change 2 (Animal Effluent Discharges) to the Regional Water and Soil**

The appeal period for Plan Change 2 has closed with two appeals received, the appeals being from Federated Farmers of New Zealand and Fonterra Co-operative Group Limited. Council staff have lodged a reply to the appeals with the Environment Court. The reply covers the issues raised in the appeals and generally maintains the notified Council decision. The Environment Court has directed that NRC and the appellants enter into negotiations and report back to the Court by 18 September 2009 as to whether an Environment Court hearing is required. Further details on these appeals are provided in the separate item in this agenda.

## **OTHER PLANNING MATTERS**

### **Land Use and Subdivision Applications**

During July 2009, 18 resource consent applications were received from the Whangarei, Kaipara, and Far North District Councils. There were 14 non-notified applications and four notified applications. The Northland Regional Council (NRC) has so far provided comment on seven applications, and made four formal submissions (all of which were applications received in June 2009).

Comments were made primarily regarding the lack of information provided on wastewater and stormwater management. Comments were also made regarding rules in the Regional Water and Soil Plan for Northland (RWSP), particularly earthworks and in one instance rules regarding solid waste discharges.

Following discussions with the CEO, the Council has lodged an appeal with the Environment Court on a resource consent decision made by the Kaipara District Council (KDC). The KDC's decision authorises Eran Orchards Limited to subdivide land at Tara, Mangawhai into four allotments. The activity is a non-complying activity according to the Kaipara District Plan.

The NRC's appeal raises a number of issues including the fragmentation of highly productive and versatile soils, reverse sensitivity (eg agrichemical spraying), and that the granting of the consent is contrary to the objectives and policies of both the Kaipara District Plan and the Regional Policy Statement for Northland. The subject land has fertile volcanic soils and is currently an avocado orchard.

### **Hearing evidence**

The NRC recently made a submission in opposition to a subdivision application by T Trembath within the Kaipara District. The NRC indicated in its submission that it wished to be heard at the hearing, however in this particular case the NRC provided a written statement of evidence because most of the concerns raised in the written submission had been addressed by way of recommended conditions of consent. In summary, the written statement of evidence requested that further information be obtained on wastewater management before any resource consent was granted. In the event that the subdivision consent was granted by KDC, the NRC requested that a condition of consent be included that requires a high level of wastewater treatment (secondary standard and discharged via pressure compensating drippers). Support was given to the recommendation in the engineering report and the reporting officer's recommended condition (2(e)(i)) that a suitably experienced Chartered Professional Engineer design and review foundations, earthworks and stormwater.

The formal submissions made for July 2009 were as follows:

**Onekainga Trust, Moureeses and Brookers Bay** – This was an application to subdivide two properties by cancelling an amalgamation condition. Land use consent was also sought to build a dwelling on one of the properties. A neutral submission was made supporting the recommendations in the engineering report regarding wastewater management. Due to the flooding hazard of the property, the Whangarei District Council (WDC) were advised that it needs to satisfy itself that the flood level and minimum floor level calculations provided by the applicant are accurate. Clarification was sought on the proposed water supply as the application mentioned roof-rainwater *and* 'private water supply'.

**G Phillips, Whatitiri** – This was an application to subdivide a site of 9.3280ha (being two lots held together by way of an amalgamation) into two lots – 2.1950ha and 7.1330ha. A submission was made opposing the application because granting this consent would result in the fragmentation of highly productive and versatile soils. The subject property contained a large proportion of highly productive and versatile soils (Class 2 and 3 soil according to the Land Use Capability), whose productive potential would be lost as a result of subdivision. The subject property was part of a previous subdivision of land and at that time the applicant proposed to protect these soils by holding the two lots together in one certificate of title so that the property could be used for productive purposes. The current application now seeks to subdivide this land.

The WDC was also advised that insufficient information was provided by the applicant regarding wastewater management. It was requested that the applicant provide further information in accordance with Appendix 4.1B of the Australian/New Zealand Standard "On-site wastewater management" 1547:2000. It was requested that the application be put on hold under s92 of the RMA pending this further information. The applicant was also advised of the rules in the RWSP regarding stormwater management and that the property was located on an "at risk" aquifer.

**J H Henderson, Kerikeri** – This was an application to subdivide a site of 3692m<sup>2</sup> into 2 lots - 1306 m<sup>2</sup> and 2386 m<sup>2</sup>. A neutral submission was made advising that the proposed building and any other associated buildings need to be sufficiently setback from the open drainage depression/channel which conveys stormwater. It was requested that a consent notice pursuant to section 221 of the RMA be placed on the title should the FNDC grant this consent.

**Northland Group Limited, Kaiwaka** - This was an application to subdivide a site of 438ha into 105 lots. The NRC previously provided comments to the Kaipara District Council on this application when it was proposed to be processed on a non-notified basis. The application has since become notified. A submission opposing the application has been made which raises concerns over the lack of wastewater management information provided, particularly regarding wastewater disposal on each proposed lot. Other points raised in the submission included stormwater management and the structural integrity of an existing dam on the property. The submission also noted that the applicant had applied for consent from the NRC for earthworks and associated diversion and discharge of stormwater.

## **INFRASTRUCTURE**

**Infrastructure Strategy** – No significant progress has been made on the infrastructure strategy due to the extra time and resources being directed into the Regional Land Transport Programme over this period.

**Regional Land Transport Strategy** – A meeting was held with the independent auditors to check on progress to date in preparing the Regional Land Transport Strategy (RLTS) and seek their views on what extra work is required to ensure the RLTS meets the statutory requirements. A number of areas have been identified that require further work.

The feedback period for the pre-consultation has closed and some positive comments and interest has been received from a number of key stakeholders. Their feedback will now be incorporated into the drafting of the RLTS.

Given that there are number of areas that require further work and the Government has recently revised its Government Policy Statement, it is being recommended that the RTC apply for an extension to the due date for completing the RLTS review.

## **Vehicle Mass and Dimension Rule**

The Government is preparing an amendment to the Vehicle Mass and Dimension Rule to allow heavier and longer vehicles. Vehicle weights are proposed to increase from 44 tonne to 53 tonne. Vehicle lengths are proposed to increase by 2m.

The NRC lodged a submission expressing concern that the draft rule is being proposed in isolation and does not directly ensure a more efficient movement of freight. There are significant concerns with the current capacity of routes and the cost burden to road controlling authorities (and ultimately ratepayers) in maintaining those routes.

The submission supports the overall intention of a more efficient movement of freight leading to a more cost effective and productive transport sector. However, the long term view (expressed through our Draft Regional Land Transport Strategy) is that this will be best achieved by a modal shift focusing on rail as the primary mode for the movement of heavy and bulk freight.

The submission requested that, if this proposal is to succeed, that it is financially supported through the National Land Transport Programme and that initiatives are put in place to ensure a fair user pays system is established to avoid further significant maintenance costs on our roading network.

### **Vehicles on Beaches**

WDC continues to progress their Vehicles on Beaches Bylaw under the Local Government Act with submissions closing on 7 August 2009. NRC has put in a submission which supports the general intent and approach adopted by the bylaw.

A letter, signed by Crs Farnsworth and Bain, was sent to the Hon John Carter offering NRC and the Regional Transport Committee support for his proposed solution (involving the extension of district boundaries to Mean Low Water Springs) to the vehicles on beaches issue within the Kaipara and Far North districts.

## **ECONOMIC ANALYSIS**

### **Economic strategy**

A key workshop with the funding partners and the consultant yielded input into the scenario planning phase of our analysis. The scenarios for future growth are now being modelled and will contribute to the modelling predictive tool that will allow us to manipulate inputs to gain a better understanding of the dynamics of the future economy.

These scenarios are predicated on an implicit base scenario for the national economy going forward.

### **General planning**

Our improved understanding of the Northland economy, its current state, its drivers and its vulnerabilities is giving us the background to put more robust (science – based) information forward into general activities e.g. aquaculture planning, transport planning, and other deliberations.

## **OPERATIONS**

### **CONSENTS**

#### **Consents in Process**

During July 2009, a total of 146 Resource Consents were issued. These comprised:

5	Moorings
18	Coastal Permits
6	Air Discharge Permits
86	Discharge Permits
6	Land Use Consents
19	Water Permits
6	Bore Consents
157	Decisions were issued as detailed elsewhere in the Agenda.
38	Applications were received.

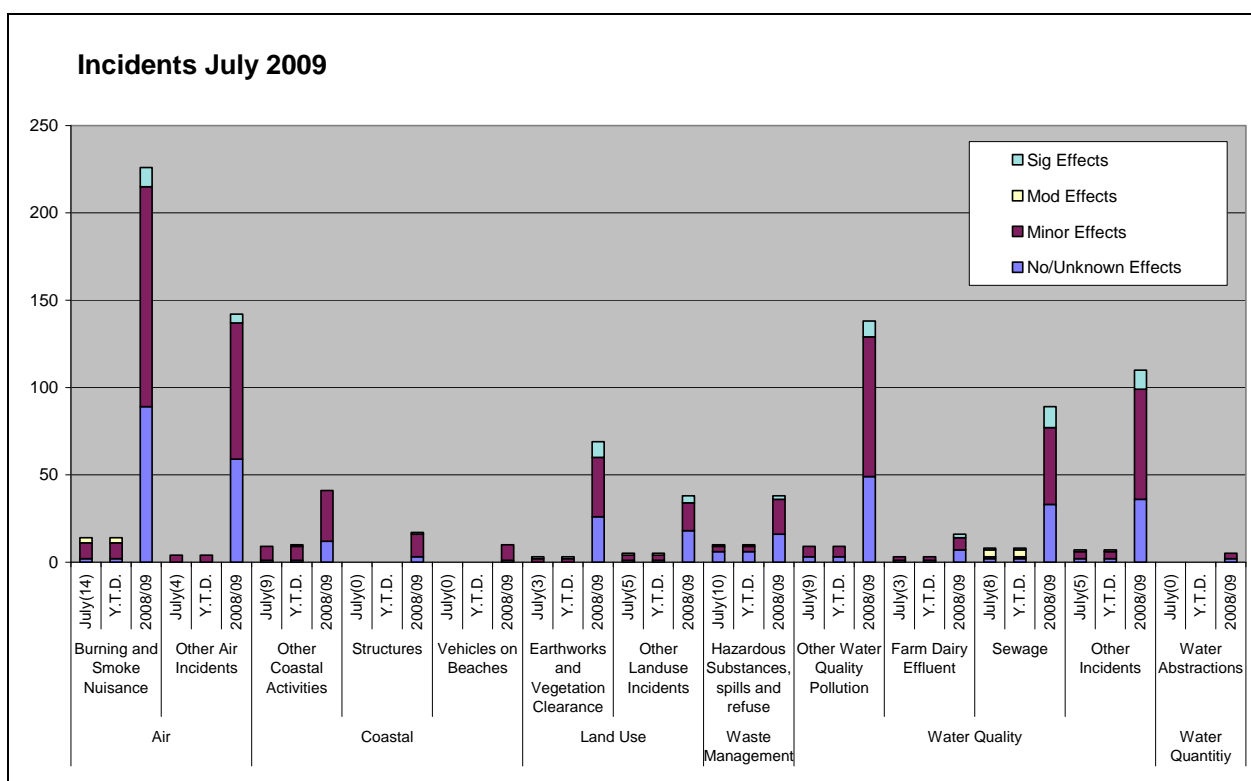
Of the 432 applications in progress at the end of July:

- 153 were received more than 12 months ago (most awaiting further information);
- 117 were received between 6 and 12 months ago (most awaiting further information);
- 162 less than 6 months.

## MONITORING

### HOTLINE – ENVIRONMENTAL INCIDENTS

The number of environmental incidents reported during July was close to the average with 70 incidents being reported compared with a July average of 69. Those that have been investigated are outlined below.



### AIR QUALITY

Eighteen air pollution related environmental incidents were recorded in July. The majority of the complaints received were for burning and smoke nuisance (14 complaints).

### WATER QUALITY

Discussions have been held with representatives from FNDC to look at issues around their community wastewater treatment plants. A number of the plants are now behind schedule for proposed upgrades. FNDC have indicated that it cannot afford to complete the required upgrades. It has been recommended that FNDC will need to make formal applications for changes to resource consent conditions in order to address these issues.

## **FARM DAIRY EFFLUENT (FDE) MONITORING**

A pre-season newsletter has been sent out to all dairy farms. The newsletter covers information for 2009/10 monitoring, an update on the rule change, a breakdown on compliance for the 2008/10 season and clean streams funding information. Feedback indicates that the newsletter has been well received by most farmers.

## **WATER RESOURCES**

### **Hydrology, Telemetry and Maintenance**

The telemetry system operated reasonably well during July; however a few radio communication problems persisted at two rain stations and one water level station. These problems were rectified within a short time frame. Two major rain events were monitored during July. On 11 and 12 July heavy rain and gale force winds affected east coastal areas and on 18 July localised rain in western and southern areas caused rivers to rapidly rise. Flood warnings were issued for each event.

### **Water Resources**

Northland, once again experienced very unsettled weather throughout July, with rain falling, on average over 22 days. Rainfall was generally average to above average over most of Northland. High rainfall amounts recorded after the major rain event on 11 and 12 July included Kaeo 170mm, Puhipuhi 169mm Opua 122mm and Whangarei 110mm. Flooding resulted in the lower Kaeo, Kawakawa, and Mangakahia Rivers, and the Hikurangi Swamp.

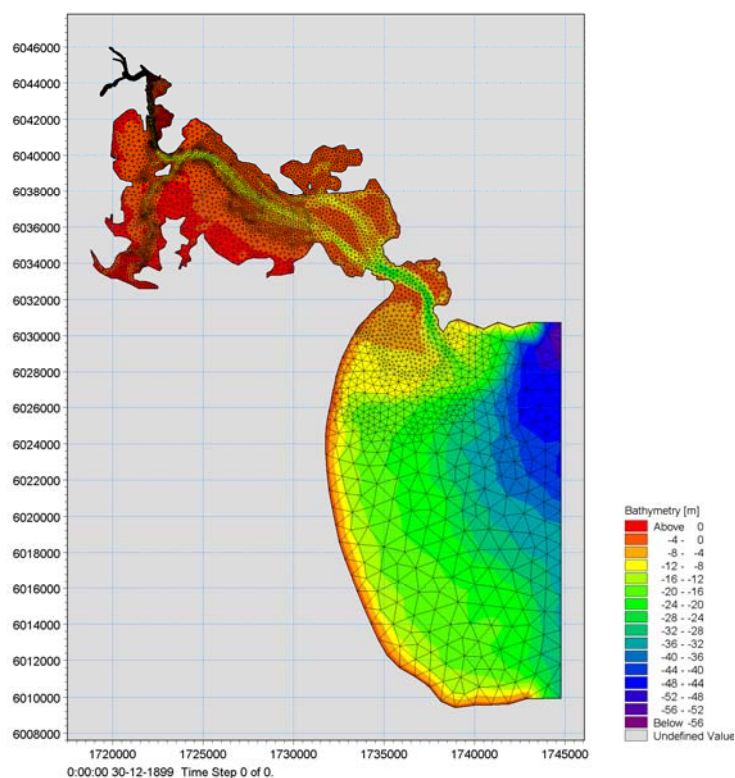
River flows and groundwater levels were above average for this time of year.

## **COASTAL MONITORING**

Water quality monitoring project continued this month in the Kaipara Whangarei, Hokianga, Whangaroa, and Bay of Islands. The results of this monitoring will be reported to future Environmental Management Committee meetings.

NRC staff attended a meeting where monitoring at Poor Knights Marine Reserve was reported. This monitoring suggests that over the last 30 years some of the larger marine species have not recovered from exploitation as expected. These species are the more mobile ones including sharks, hapuka and lobsters. Pathways where these species travel are not protected (some are not even identified as yet). A new project was discussed with DOC, NIWA and University of Auckland (Leigh Marine Lab) to identify these pathways and this is likely to be called Northland's "*Blue Highways*". This project would be a joint-venture between several organisations to identify these marine pathways and discuss how we can look after the blue highways.

Whangarei Harbour hydrodynamic model project is progressing well with the initial model grid being completed this month (see below). The next stage of this project is working with WDC to provide information on sewage bypasses and overflows into the harbour during various weather events to assess the potential impacts downstream of Okara pump station and main wastewater treatment plant inputs. This will be completed in August.



## WASTE MANAGEMENT/HAZARDOUS SUBSTANCES

### Waste Hazardous Substances Collection

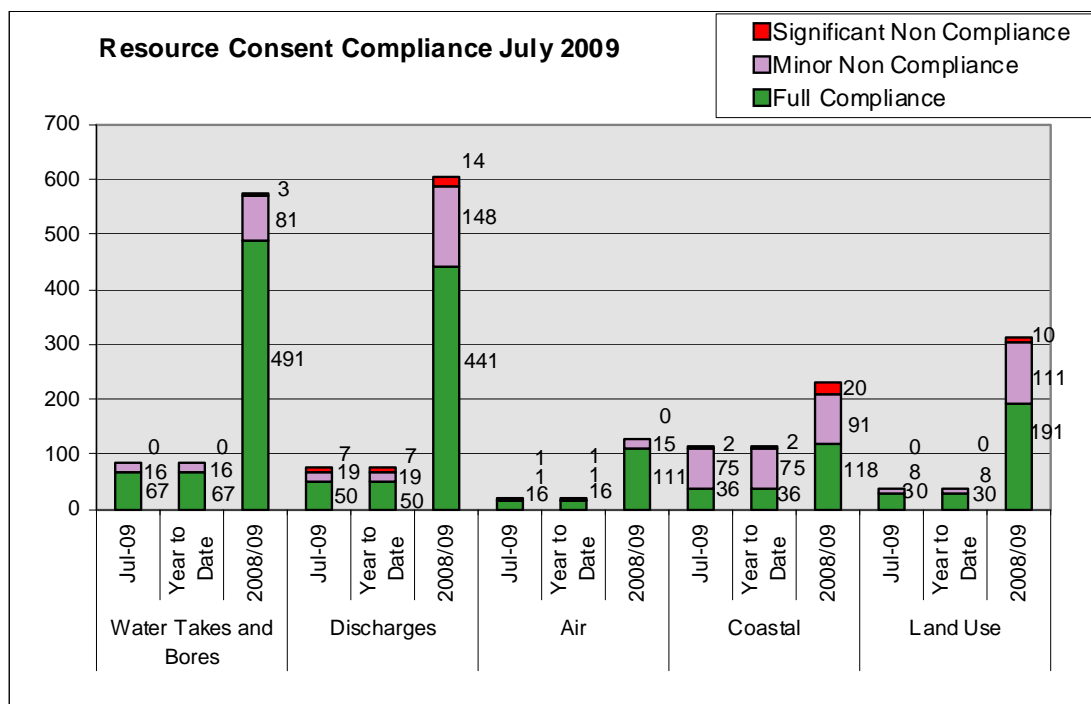
Approximately 450 kilograms of hazardous substances were repacked and transported to Auckland for disposal during July.

### DOL Hazardous Substances Contract

Fifteen workplace inspections were undertaken including a number of premises storing LPG and solvents.

## COMPLIANCE MONITORING

The results of July's compliance monitoring are provided in graphical format (see below). Data is also provided on compliance levels year to date and compared with last year's monitoring results.



### Water Quality

Four sewage discharges were significantly non-compliant with resource consent conditions during July. At follow-up monitoring in July the Ota Point system was within resource consent limits.

### Air Quality

Eighteen compliance assessment visits for air discharge consents were carried out in July including 12 industrial site visits. The site visits confirmed that majority of inspected sites were complying with the conditions of their resource consents. However an abrasive blasting company had significant non compliance with resource consent conditions. The company was operating without adequate emission control equipment.

### Coastal

Follow-up compliance monitoring of coastal structures in Whangarei Harbour (inside Onerahi) was undertaken this month. Approximately 110 structures were visited in July and of those, approximately 55% were not compliant. Marinas and marine farms are to be monitored in August.

### Waste Management

During July Ahipara and Pohe Island landfills were monitored.

### ENFORCEMENT

#### Abatement Notices

Nineteen abatement notices were issued in July. These related to the following activities:

- Farm dairy effluent discharges
- Improper disposal of dead stock
- Smoke nuisance.
- Contaminated stormwater discharge.
- Sewage discharge.
- Earthworks causing flooding risk to neighbouring property.

### **Infringement Notices**

Seven infringement notices were served during July. These related to farm dairy effluent discharges and the improper disposal of dead stock.

### **Other Enforcement**

Charges were laid in December 2008 against several parties in relation to the deposition of material including soil, vegetation, demolition material, and domestic refuse at a site with inadequate stability and sediment control measure. This resulted in a significant discharge of this material into a small tributary of the Ngunguru Estuary. All parties have now pleaded guilty and have elected to participate in restorative justice.

Charges were laid in May 2009 against seven parties in relation to the discharge and deposition of material including soil into water and the CMA at Mangawhai as a result of ongoing non compliance with consent requirements. Summonses have been served on all parties. The disclosure of evidence is currently being prepared and will be provided to the defendants during August. An initial hearing date in August has been set; however there is likely to be an administrative adjournment to allow the parties to assess the disclosed evidence and summary of facts.

## **MARITIME**

### **OIL SPILL RESPONSE AND PREPAREDNESS**

#### **Marine Oil Spill Response**

Council staff responded to two reported diesel spills during July, however both were minor and left to disperse naturally. A third potential oil spill was avoided by the launch owner's prompt salvage action that refloated the launch and removed it ashore before any oil leaked.

#### **Marine Oil Spill Preparedness**

The Regional Harbourmaster attended a two day National On-Scene Commander (NOSC) meeting hosted by Maritime New Zealand (MNZ) in Auckland. All members of the NOSC team were put through intensive media refresher training during the first day. The second day focussed on planning for the annual Regional Council oil spill response workshop and on recommendations from the MNZ Training Manager for a comprehensive review of MNZ oil spill response training courses.

MNZ notified Council that Peter Wiessing, Area Manager - Kaitia had successfully completed his Regional On-Scene Commander (ROSC) revalidation training and assessment and his appointment as a member of the Council's ROSC team was therefore extended for a further four years.

## **NAVIGATION, SAFETY AND MARITIME OPERATIONS**

### **Port and Harbour Safety**

MNZ approved an application to have the Whangarei Harbour pilotage tonnage raised from 100 to 500 Gross Registered Tons, to take effect from 3 August 2009. The higher tonnage limit was proposed some time back, with the agreement of the Whangarei Harbour Safety Committee, and was subsequently included in the draft of the revised MNZ Maritime Rule Part 90 - Pilotage. The new Part 90 is likely to come into force in the third quarter of the current financial year.

The Kioreroa Reach navigation beacons in the upper Whangarei Harbour were vested (at no cost to NRC) by Northport to the Council on 1 July 2009. Council now owns and maintains all the aids to navigation from Onerahi to the Town Basin. The number of beacons was rationalised prior to vesting, taking into consideration the closure of this part of the harbour to large commercial vessels.

The 13 Kioreroa Reach beacons (Onerahi to Kissing Point) have a residual value of \$41,650, and an estimated life expectancy of three years, at which time they will be replaced with modern equivalents.

Community consultation for navigation safety improvements at Taipa and Doubtless Bay commenced in early July. Consultation documents were distributed to interested parties and were made available on the Council's website.

### **Maritime Incidents**

The effects of two significant weather events contributed significantly to the 52 incidents reported to Council during July. Many of the incidents related to trees, man-made structures and other floating debris creating navigation hazards but there was also a number of vessel grounding incidents after mooring failures. One yacht still remains aground at Waitangi in a position that makes salvage almost impossible due to rocks and other natural hazards. Opuha based personnel are working with the owner's representative and salvage experts to resolve this issue. All other grounded vessels were recovered by their owners or appointed salvage teams.

A 20 foot long yacht, which had been abandoned at Port Whangarei, was severely damaged after it broke free from the pontoon it was tied to and grounded on a sand bank. The owner was unknown and the yacht was subsequently declared a wreck by the Regional Harbourmaster. The yacht was cut up and disposed of.

### **Aids to Navigation Failures**

The two storm events also caused damage to the Council's Aids to Navigation. The Pakatahi Island beacon in the Bay of Islands was almost completely destroyed during the second storm, with the only surviving component being its self contained light unit that washed up on Moturoa Island beach. A starboard hand buoy has been temporarily laid until the beacon is reinstated. A new self contained light unit was installed on No. 6 Okiato Point port hand beacon after it was reported as extinguished.

The Onoke buoy on Hokianga Harbour was once again reported as adrift but was reinstated and extra chain added to prevent buoy from drifting again.

The H11 beacon in the Hatea Channel completely disappeared and was replaced by a starboard hand buoy.

### **Aids to Navigation Maintenance**

All the Kioreroa Reach navigation lights were replaced with self contained light units, while large new information signs were installed at Marsden Cove Marina and Mangawhai.

### **Hot Work Permits**

A Hot Work Permit was issued for phase one of a significant refit to the NIWA research vessel "Tangaroa". The month-long refit is taking place at Port Whangarei and is being carried out by a consortium of local engineering businesses.

**TRANSPORT OPERATIONS****Total Mobility – June 2009**

Monthly Actual Expenditure	Monthly Budget Expenditure	Variance	08/09 Actual Expenditure	08/09 Budgeted Expenditure	Variance
\$20,985	\$19,250	+\$1,735	\$200,378	\$231,000	-\$30,622

Whangarei District Council is yet to formally advise the total budget for the 2009/2010 financial year, but indications are that it will be the same as last year.

Taxi Trips during June	Bus Trips during June	Number of Clients on Scheme
3980	203	1244

**City Link Whangarei – July 2009**

Passengers (Includes Super Gold Card and Total Mobility Clients)

Month Actual	Budget	Variance	July 2008
25,286	22,500	+2,786	23,043

Farebox Revenue (includes Super Gold Card and Total Mobility Revenue, GST excl.)

Month Actual	Budget	Variance	July 2008
\$57,216	\$60,157	+\$2,941	\$58,240

**Super Gold Card Scheme**

Passengers Carried

Monthly Actual	Monthly Budget	Variance	Average 2008/2009
3,664	2,778	+886	3670

Monthly budget passenger numbers are from the NZTA provisional allocation for 2009/2010 – this figure will not be confirmed until late August. This will need to be monitored carefully.

**Regional Land Transport Programme (RLTP)**

At the extraordinary meeting of the Regional Transport Committee on 15 July 2009, it was resolved to submit the Northland Regional Land Transport Programme 2009-2012 to the September 2009 Northland Regional Council meeting for their approval and submission to the New Zealand Transport Agency.

**Northland Regional Road Safety Plan (RRSP) 2009-2012**

The Northland Regional Road Safety Plan has been released and is now being progressed by RoadSafe Northland members and partners. There has been positive feedback about the new RRSP both locally and from Road Safety Co-ordinators from the Auckland region. Some initiatives in the Plan are however subject to funding availability, and a funding announcement by NZTA regarding the RLTP is expected to be delivered late in August.

**ROAD FATALITIES NORTHLAND REGION 1 JAN 09 – 4 AUGUST 2009**

Local body data by district	Total for all 2008	January 2008 - July 2008	January 2009 – July 2009	Annual Average 2004-2008
Far North	10	6	9	13.8
Whangarei	15	6	9	10.2
Kaipara	4	2	2	4.4
<b>Total</b>	<b>29</b>	<b>14</b>	<b>20</b>	<b>28.4</b>

*NB: Four of the 20 fatalities were south of Uretiti with three on the Brynderwyns within several hundred metres of each other.*

### Road Safety to 2020 Strategy.

The Government is currently developing the new Road Safety to 2020 Strategy. The table below shows the new draft 'Safe System' which is being considered as a cornerstone of the new strategy. Submissions will soon be called for. The table below is a summary of the proposed themes and priorities.

<b>SAFE SYSTEM</b>			
	<b>Safer use</b>	<b>Safer roads</b>	<b>Safer vehicles</b>
<b>Proposed Priority: High</b>	<b>Safer speeds</b>		
	Alcohol/drugs Young drivers	Road engineering	
	Motorcycles		
<b>Medium</b>	Walking and Cycling		
	Fatigue Distraction		Light vehicles Heavy vehicles
<b>Maintain focus</b>	Restraint use High risk drivers		
<b>More research</b>	Child road safety Older road users		Workplace vehicles

### CIVIL DEFENCE EMERGENCY MANAGEMENT (CDEM)

During July the Met Service issued weather warnings for several events that occurred in the Northland region. Over the period 10-12 July a number of warnings were issued for severe rain and wind. This event developed as forecast, several areas receiving in excess of 150 mm of rain accompanied by damaging winds. The event was monitored at regional and local level and several weather related media release were made, including a warning issued prior to the event. Although there was some disruption to power supplies and surface flooding there was no need for any formal activation of civil defence arrangements.

On Saturday 4 July a tornado struck a small area of Kaitaia causing damage to approximately 25 houses. The response to this event was coordinated at a local level by the fire service and involved a multi-agency response from a number of organisations including the FNDC Civil Defence Controller. There were no injuries and repairs to the houses have been coordinated by Housing NZ and insurance companies. The Minister of CDEM visited the affected area a week after the event and made positive comments about the Kaitaia communities ability to respond efficiently and effectively to emergency events.

Between 27–31 July the CDEM Senior Programme Manager attended the Asia Pacific United Nations Disaster Assessment and Coordination Consolidation course in Singapore. The purpose of the course was to prepare members to enable them to participate in an UNDAC team in all types of emergency environments. The course was based upon a simulation of a flooding event, derived from an actual UNDAC mission but set in a mythical country called Juliandia. The course included simulated practical needs assessments and followed the UNDAC mission cycle. Five members of the New Zealand UNDAC team attended the course

## **LAND AND RIVERS MANAGEMENT**

### **LAND MANAGEMENT**

#### **Maori Land**

Land management staff have met with three iwi authorities to date to discuss the provision of data and advice on sustainable land management, particularly as a number of Crown Treaty settlements are being finalised within Northland. Given the large area of land that potentially is involved in settlements, staff consider support in developing sustainable land and environmental management plans by these authorities as an important activity. Discussions with the Ministry of Agriculture and Forestry on supporting Maori land ventures are also planned for early August 2009. To date, offers have been made to train iwi authority personnel in land resource inventory and land use capability mapping to enable them to access databases available on the Landcare Research Ltd website.

#### **CoastCare**

The Northland Regional Council CoastCare programme was established in 2005 to promote better understanding of coastal processes and dune function amongst coastal communities. The programme initiates protection and restoration of dune ecosystems through establishment, resourcing, and on-going support of community based CoastCare groups.

Planting days were held at Baylys Beach (Ripiro Beach), Waipapakauri Ramp (Ninety Mile Beach), Rangiputa (Karikari Peninsula) and Taipa during July. These events were attended by CoastCare group members and other local residents.

A CoastCare newsletter, "Northland CoastCare News" is produced bi-annually to promote the programme, acknowledge the work of CoastCare groups, and educate the wider community about coastal dune issues. The winter edition was printed and distributed to CoastCare group members and other contacts on the CoastCare mailing list including consultants and other agency staff. It was also posted on the Northland Regional Council website, and hard copies will be made available at upcoming events and planting days.

#### **Environment Fund**

The Council has received over 100 expressions of interest in new Environment Fund projects for the 2009/10 financial year and 26 applications by late July. In addition 60 successful applicants from previous years are seeking to continue with their work programmes. Over the next three months staff will be undertaking site visits on new projects with decisions on grants made in August, September and October. Decisions on projects under \$20,000 will be made under delegated authority with larger projects presented to the Environmental Management Committee for approval.

The new Worksmart Environment Fund database and project tracking system has gone live and Land Management and Biosecurity staff are being trained to help them understand the new process and changes to work flows. Those administering the Environment Fund have already had their first hands-on sessions while the remainder of staff will be trained in late July 2009.

## **RIVER MANAGEMENT**

### **Awanui**

The 2008/09 works programme is now complete. Good progress has also been made with the annual spray programme with completion to be confirmed via kill rate monitoring.

Work on a resource consent application for maintenance of the lower Whangatane Spillway was commenced. Machine cleaning 500 m seaward of the CMA boundary will improve conveyance of flood flows.

The geotechnical consultants submitted a report outlining a proposal for Bell's Hill slip risk reduction. This report recommends that two additional borings and inclinometers be installed to better understand the slope of the slip plane surface. This information will be important to identify the risk of failure and outline long term risk mitigation options. The consultants have been commissioned to undertake the next phase of work for Bell's Hill which will include a long term feasibility and stabilisation study.

### **Kaeo**

The Kaeo River Whangaroa Catchment Management Liaison Committee meeting was held on 23 July 2009. NRC staff presented the results of the flood hazard mapping and options for flood risk reduction. The managed retreat/relocation option was discussed in some detail as flood hazard mapping shows that Kaeo is not defensible from flood waters. NRC staff will conduct interviews with affected landowners to determine the level of demand for flood proof sections. From these findings staff will further develop funding options.

Following the Liaison Committee meeting Mr Bill Hutchinson, FNDC Civil Defence Coordinator, met with interested parties to help develop a Community Emergency Response Plan.

### **Kaihu River**

The Kaihu River Liaison Committee met on 14 July 2009 to discuss the concept statement for the future of the Kaihu River Flood Management Scheme. The concept statement calls for more equitable distribution of flood water, mainly by the lowering of stopbanks and improved drainage. The Committee supported the concept statement. The concept statement has been placed on the Council's website and a summary sent to each scheme ratepayer seeking feedback on the concept. Feedback will then be analyzed prior to developing the river management plan.

Additional channel survey works at the confluence of the Kaihu and Northern Wairoa Rivers have been completed and a velocity profile for use in assessing benefits of modification to the river outlet has been developed and sent to the consultants for further analysis.

### **Lake Owhareiti**

Staff visited the lake following heavy rain during July and observed that the overflow was active, but has since drained to about 150 mm of freeboard. Staff will continue to monitor this over the winter and in the case of increased erosion will initiate an emergency stabilisation plan.

The land owner has approved the proposed remedial earthworks which will channel overflow to a grassed waterway parallel to the eroding gully. Earthworks associated with this work will be implemented in spring. 700 willow poles have been planted in or near the eroding gully to control erosion and the area will be fenced. Emergency works to stabilise the gully head will only be implemented this winter if there is a major overflow and the gully head erodes close to the access road and lake edge.

### **Priority Rivers Project**

Work is progressing with the development of river management plans for the other 23 rivers or groups of streams. Phase 1 of the project is currently being undertaken and is expected to be completed by July 2009.

The community consultation/information drive series of public meetings commenced on 29 June. A total of 12 meetings were scheduled through the region. The meetings, in general have been well attended with some meetings gathering over 45 persons, with over 350 people attending all meetings. Three additional meetings have been held following interest in Pawarenga, Motatau and Waima. Some valuable data and photos were gathered from the meetings, including diary records from 1826 and rainfall records from the 1930's.

## **BIOSECURITY**

### **COMMUNITY PEST CONTROL AREAS (CPCAs)**

#### **Oneriri Station**

The Oneriri Station CPCA has featured in a segment for the television programme "Rural Delivery" which will be aired in August.

#### **Mainland Buffer Zone Group**

A pest plan has been developed by the Mainland Buffer Zone Group, consisting of the Kiwi Foundation, Guardians of the Bay of Islands, Eastern Bay of Islands Preservation Society (EBOIPS), Rawhiti Enterprise, private landowners and the NRC. The group meets on a monthly basis and has gained increased land owner buy in to prevent the reinvasion of mustelids following the DOC-led aerial baiting of seven islands in the eastern Bay of Islands.

### **FRESHWATER PROJECTS**

#### **Lake Heather – Weed Infestation**

A consultation plan has been developed regarding the introduction of grass carp to this lake for the purpose of eradicating hornwort and egeria. Discussion with interested parties will begin in July.

## **MARINE**

### **Marine Regional Pest Management Strategy (RPMS)**

Staff have analysed the submissions received on the discussion paper released for comment in May 2009. The vast majority of responses were positive and demonstrated strong support for development of a marine pest management strategy. A number of complex issues were raised, and these are being considered in the drafting of the proposed marine RPMS.

#### **Asian paddle crab (*Charybdis japonica*)**

The delimitation survey for *Charybdis* was completed on 3 July. Traps were set at pre-planned locations within four estuaries - Mangawhai, Ruakaka, Pataua and Ngunguru. The traps were set in each estuary for two consecutive nights, and checked each day. No *Charybdis* were caught in any of the estuaries surveyed, and there were no signs to suggest that they were present. The only confirmed population of *Charybdis* in Northland is in the upper Whangarei Harbour. Staff are working with NIIWA scientists to determine how often and where future surveillance for *Charybdis* and other marine pests should take place.

## **PEST PLANTS**

### **Lantana**

Work to prevent the highly invasive pest plant lantana from colonising the Far North continues. Lantana has been prevented from establishing north of Te Kao and work has concentrated on removing approximately 300 scattered plants between Pukenui and Ngataki. There remains two main infestations in this area, one at Ngataki of medium size, and another large population at Pukenui.

Staff conducted a further search of this area during July and discovered a small number of outliers of lantana along the boundary of the Aupouri forest and the Landcorp farm. These sites have been recorded and an operational plan to remove all known populations is being drafted.

### **Compliance with Biosecurity Rules**

#### **Ragwort**

Letters were sent to eight habitually bad ragwort properties, reminding the owners of the regulations, and advising of remedial measures.

#### **Quarry/Metal Companies**

Letters were sent to 27 quarry/metal companies, reminding them of the regulations, asking for spray/pest plans, and informing of visits over the next three months.

### **Recommendation**

That the Chief Executive Officer's report dated 7 August 2009 be received.

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 LTCCP, and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

## Northland Local Government Restructure

Files 161.14 and 100.3

Report from Chairman, Mark Farnsworth, dated 10 August 2009.

The matter of local government restructuring in Northland was discussed at a meeting of the Northland Mayoral Forum on 10 August 2009. The meeting resolved, by majority vote, that Northland should be restructured into three unitary councils based on the three district councils. The Northland Regional Council, while agreeing that a review of the delivery of local government services was required, strongly disagreed with the solution and solution based approach that was being advocated.

We suggested that an independent review should be undertaken to clearly identify the shortcomings of the present system, the potential costs of restructuring, and the possible advantages and disadvantages of any restructuring proposal.

If the Government moves on a proposal by any or all of the three district councils to form three unitary councils within Northland, then the Regional Council will strongly advocate that the region looks seriously at a single unitary council for Northland as an alternative model. (This option is discussed further in the Chief Executive's item to this Council meeting.)

All the Councils did agree that an independent study was required. (The cost effectiveness of this and options for engagement of consultants is covered in the Chief Executive's item to this Council meeting.)

### Recommendation

1. That the report from the Chairman, dated 10 August 2009 on Northland Local Government Restructure be received.
2. That the Council contributes an equal share to the funding of the independent report into the viability of three single unitary authorities within Northland on approval of the draft terms of reference.

Or

3. The Council funds its own independent study of the way local government services are delivered in Northland.

### COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan and as such are in accordance with the Council's decision making process and sections 76 to 82 of the Local Government Act 2002.

## **Regional Governance**

### **File 100.3**

**Report from the Chief Executive Officer, Ken Paterson, dated 5 August 2009.**

#### **INTRODUCTION**

This paper updates Council on the current reform of local government in Auckland, and the Council's input into it. It also asks Council to agree the overall project scope and methodology for its own review of local government in Northland.

#### **UPDATE ON THE REFORM OF LOCAL GOVERNMENT IN AUCKLAND**

The Auckland Governance Legislation Committee (the Committee) has received submissions on the Local Government (Auckland Council) Bill and completed its hearings on them. John Carter, Chairperson of the Committee, has indicated that he expects the Committee to report to Parliament by 4 September 2009.

The Council made a written submission to the Committee and appeared at the hearings (represented by the Chairperson, the Deputy Chairperson and the Chief Executive) in support of it. The Council submission was well received. Since then, the Chairperson of the Committee has approached the Council for follow up advice, which we have given.

#### **Boundary**

The big issue arising from the Bill for this Council is the Northern boundary of the Auckland Council. The Council submitted that the "rural areas to the north and south may not sit comfortably within the new structure" (of the Auckland Council) "and that they should be allocated to neighbouring councils". Rodney District Council's submission to the Committee recommended that Rodney become a unitary Council. Kaipara District Council advocated the status quo. It is not in favour of a unitary authority that covers Rodney and parts of its district. However, if a readjustment was to occur to Kaipara District Council's boundary they support an adjustment that includes some of the Rodney district in their own district. They advocate a Council united around the Kaipara Harbour and also including the Mangawhai Harbour community. Whangarei District Council submitted that their boundary should not change; at least until the review of Northland (that this Council committed to on 24 June 2009) was complete.

The boundary issue will be determined by the Local Government Commission. There is likely to be targeted consultation on the issue before final decisions in April 2010.

#### **Model**

The Council submission also asked the Committee to consider adopting a model for Auckland that could be used elsewhere. It suggested that the Greater London Authority model should be considered for Auckland. (That is, a regional strategic body, supported by local councils.) There is no doubt that the Government is still committed to a unitary authority for Auckland. Recent press and conference speeches support this. The detail of the second level will be very interesting. There seems to be a move away from very limited powers to local boards to an expanded role for them involving services and advocacy. The third Bill will probably be of interest to the Council and potentially again require a submission.

## **REFORM OUTSIDE AUCKLAND?**

At the *Local Government New Zealand* conference both the Prime Minister and the Minister of Local Government stated that there were no current plans to reform local government outside of Auckland, acknowledging that Auckland's issues are unique, and that change should be driven by local communities. While the Minister noted that implications of the review of Auckland for local government generally may be considered "further down the track". If the track is a short one, there will be no opportunity to learn the lessons from the Auckland Council model and there may be difficulties within central government in resourcing further reviews, especially given the Department of Internal Affairs' current focus on Auckland and local government transparency, accountability and fiscal management. If individual reviews were to occur, then it is unlikely that Northland would be first off the blocks.

## **NORTHLAND REVIEW**

### **All options or unitary option?**

While central government is not applying pressure to quickly review local government structures and governance arrangements, it is possible to move quickly on a Northland review if the Council wishes to do so.

At the June 2009 Council meeting it was proposed that all options should be considered with the status quo being the basic benchmark. Options generated could potentially run the full spectrum from status quo to unitary authority for all of Northland, with many shades and combinations in between.

However, an analysis on a single option - for example the single unitary authority option for Northland - could be developed quickly and brought to the Working Party in September for initial discussion. If this approach was adopted, a substantial feasibility paper could come to the Council in late September or October (or another Working Party meeting in that period), which would allow Council to decide reasonably soon whether to progress a unitary proposal.

Other activities such as shared services can and will be scoped in the background as part of normal business.

### ***Does Council wish to concentrate on a single option for the September Working Party meeting?***

### **Ensuring cost effectiveness**

If a Northland unitary authority proposal (or any other model) was agreed by all Councils and went forward to the Local Government Commission, it is not certain that it would succeed. (Given the recent rejection of a unitary proposal for the Far North there is a high degree of likelihood that an option involving three unitary authorities for Northland would be rejected.) Therefore, given current economic conditions, the Council will want to ensure that the most cost effective approach to the review is taken. One key area to consider is how much of the work can and should be done in house and how much should be out-sourced? The other, addressed above, is the scope of any review and the number of options to be analysed.

### **How - in house or consultants or a mixture?**

Consultants are usually engaged where organisations

- have no expertise in the area of need
- have not managed to successfully meet the organisation's needs in the past
- the task is short term
- independence is required

- where consensus can not be reached amongst the parties and external facilitation skills are required
- want to lend credibility to a decision that has already been made

There are pros and cons to using internal and external resources for this project. The number one con of using consultants to run the entire review is the cost for no extra value, especially given the expertise and information we have in house. The number one pro is the appearance of independence. It is therefore recommended that a mixed approach to resourcing is taken to maximise value for money and ensure a robust process. The mixed approach would use in house expertise and experience where it exists and consultants for peer review and work where the critical element is the need for independence.

There is information and suitably qualified staff in house to pull together a mock proposal for the September Working Party meeting. (This was recently illustrated by the Council's ability to pull together a very quick but high quality evidence based piece of work on the boundary issue for the Select Committee within 48 hours.)

### **Engaging Consultants**

Under Northland Regional Council policies and procedures contracts to a value in excess of \$20,000 shall be let by public tender. The Chief Executive Officer may dispense with the requirement for public tenders, and instead authorise the inviting of tenders from selected suppliers, (eg for specialised services ...) or where the cost of the tendering process would outweigh the benefits.

### **General information and analysis**

The information necessary to supply as evidence for a change of structure to the Local Government Commission is reasonably well established. As outlined in the June 2009 paper to Council we propose to concentrate our analysis on two main research questions:

- a) What are the weaknesses and strengths of the current local government structures in Northland?
- b) What impact would a unitary authority have on these weaknesses and strengths?

In particular, will a unitary authority:

- Better recognise distinct communities of interest;
- Achieve more effective representation of communities of interest;
- Achieve more effective governance including meeting decision making requirements;
- Facilitate more effective planning for immediate and long-term needs of the community;
- Achieve more efficient and effective service delivery;
- Achieve enhanced financial capacity in the local government arrangements for the area; or

Achieve

- enhanced local government management and organisational capacity.

As part of this analysis the review will consider the exclusion of any area from a local authority and the effects on neighbouring authorities. Information will therefore focus on:

- **Common identity and purpose** (region focus and regional identity).
- **Effectiveness** (maximum value within available resources – cost, quality of service delivery, local democracy, community engagement).
- **Transparency and accountability** (roles must be clear, local v regional decisions)
- **Responsiveness** (respect and accommodate diversity).

The majority of general local government and Northland specific information and analysis should be done in house. Much of it has been identified and some of it has been pulled together by staff already as part of the initial scoping work. This includes, at a high level, information relevant to the territorial authorities, sourced from their Long Term Council Community Plans and publicly available information. (This includes operating and capital expenditure, assets etc.)

Councillors and staff in each of the local authorities are already familiar with the content of their strategies, policies and plans and the functions they perform. Review work is already under way in some key areas, such as One Plan. It is therefore considered cost effective to use in house expertise on matters of organisational strategy and policy, statutory responsibilities, and associated gaps and overlaps, drawing on previous reviews, such as the Morrison and Low Report on infrastructure.

If collaboration between the Councils of Northland can be achieved, a body such as the Northland Transport Executive Group (NORTEG) could be established to move quickly on this evidence gathering and analysis across the region.

#### **Public and stakeholder consultation and engagement**

One of the key elements of the review will be to identify the issues that any reform of Northland governance or local government structure needs to address. It is suggested that Councillors should establish their list of issues at the September Working Party meeting. However, the public and key stakeholders will also need to be consulted.

The Council may consider it appropriate for an external consultant to run the public consultation process. For example when researching information to fill in the gaps in Community Outcome data for the LTCCP, we contracted out the surveying to APR Consultants. Part of the reasoning for this was to ensure the public felt they could be completely open with their responses. However, we used our own in house qualified researcher to draft preliminary questions to keep costs down. We could again take this approach with the public element of our consultation.

Mail and/or telephone surveys can be completed in about six weeks with approximately a month required to facilitate focus groups should they be required. .

For stakeholder engagement there are forums, such as the Northland Intersectoral Forum, the Northland Chamber of Commerce etc, that can be used. Two months should be allowed for this process. We can also use existing feedback, such as the feedback we have had on planning services as part of the One Plan feasibility study. It is suggested that stakeholders are less likely to be slower in coming forward with their views than the public if Council staff run the process. So while Council may wish to consider using independent facilitators, staff have the required skills in this area (and are used by others in this capacity) to do the job.

**Cost effectiveness**

The Council can be assured that we have the necessary skills in house to pull together and analyse the majority of the information necessary to propose a change to the Local Government Commission. The recommendation is that we use consultants to peer review information and analysis by staff and to run any public consultation and engagement exercises.

**PROPOSED WAY FORWARD**

1. Council staff prepare an outline of a single unitary authority proposal for the Working Party's consideration at its September meeting. The proposal will include all the information and analysis available at that point and a plan for acquiring the remainder of the evidence and analysis needed.
2. Council staff convene a NORTEG equivalent to prepare the information and analysis for the review.
3. The Working Party establishes the issues the unitary proposal must address at its September meeting.
4. The Council consults the public and stakeholders, using consultants as appropriate, on the issues the unitary proposal must address and whether they would be in favour of a unitary authority during September and October.
5. The Chief Executive presents a paper (Whether a Northland unitary authority is a better structure to deliver local government services in Northland?) to a Working Party meeting in October for discussion.
6. If the Working Party decides the proposal has merit it will be brought to a Council meeting in October or November for discussion, with any extra information the Working Party required. Public consultation on a specific unitary authority proposal could then proceed.

**BACKGROUND**

The June 2009 Council meeting resolved to

- proceed with a review of Northland governance
- set up a Working Party, including representatives from the Kaipara, Far North and Whangarei District Councils
- ask Councils to nominate their Chief Executive Officers to work with the Working Party and the Northland Regional Council's Chief Executive Officer in the development of the review.

The Far North and Whangarei District Council have agreed to join the Working Party. Kaipara District Council has declined to join but wish to have observer status. The first meeting (of Mayors and Deputy Mayors of Kaipara Far North and Whangarei District Councils and the Chair and Deputy Chair of the Regional Council) is set for 10 am on Friday, 11 September 2009.

**Recommendation**

That the Council:

1. Receives the report from the Chief Executive Officer, Ken Paterson, dated 5 August 2009 on regional governance.
2. Endorses for the September 2009 Working Party meeting:
  - a. a single option – unitary authority – scope for the review of regional government and governance;

OR

- b. an all option scope for the review of regional government and governance.
  3. Endorses:
    - a. the use of in house resources for primary evidence gathering and analysis with the exception of peer review and some public consultation, which may be done by consultants;
- OR
- b. the use of consultants for primary evidence gathering and analysis and public consultation.

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are part of the Council's day to day operations and as such are provided for in the Council's 2009-2019 Long Term Council Community Plan and are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

# Investment Schedule and Performance – Financial Report 31 July 2009

File 350.4

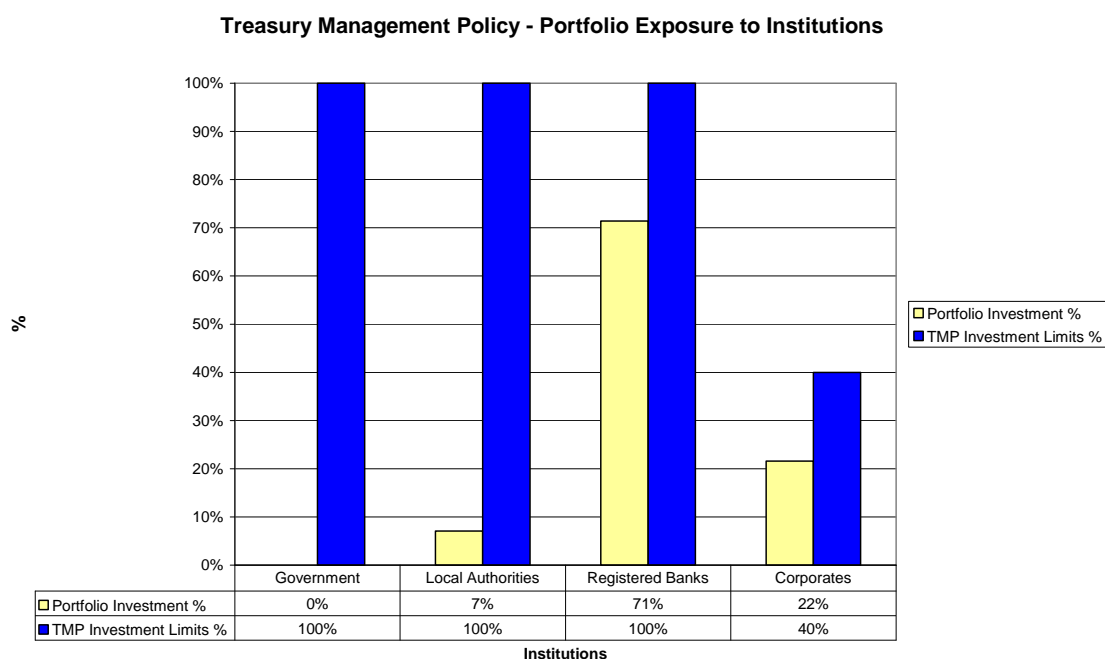
Report from Financial Systems Administrator Kym Ace dated 11 August 2009.

## PURPOSE

This report provides a summary of investment performance for the one month period ending 31 July 2009 and to report compliance against the investment policy. The investment policy is a requirement of section 102(4)(a) of the Local Government Act. The investment policy was adopted as part of the 2009-2019 Long Term Council Community Plan.

## INVESTMENT OF CASH AND STOCK/BONDS

The graph below graphically illustrates Council's investment of cash and stock/bonds against the limits set out in the investment policy. Council's investment complies with the investment policy.



## CREDIT RATING OF INVESTMENT COUNTERPARTIES

Under Council's Treasury Management Policy (TMP) section 5.3 allows investments to be made in accordance with the following counterparty/issuer:

Counterparty/Issuer	Minimum long term / short term credit rating – stated and possible	Investments maximum per counterparty (\$m)	Interest rate risk management instrument maximum per counterparty (\$m)	Total maximum per counterparty (\$m)
NZ Government	N/A	unlimited	none	Unlimited
NZD Registered Supranationals	AAA	20.0	none	20.0
State Owned Enterprises [name]	A-/ A2	5.0	none	5.0

NZ Registered Bank [name]	A-/ A2	20.0	10.0	30.0
Corporate Bonds/ CP [names]*	A-/ A2	2.0	none	2.0
Local Government Stock/ Bonds/ FRN/ CP [name]**	A-/ A2 (if rated) Unrated	20.0 5.0	none none	20.0 5.0
<ul style="list-style-type: none"> <li>*Subject to a maximum exposure no greater than 20% of the NFIP being invested in corporate debt securities at any one point in time.</li> <li>** Subject to a maximum exposure no greater than 60% of the NFIP being invested in Local Government debt at any one point in time</li> </ul> <p>This summary list will be expanded on a counterparty named basis which will be authorised by the CEO</p>				

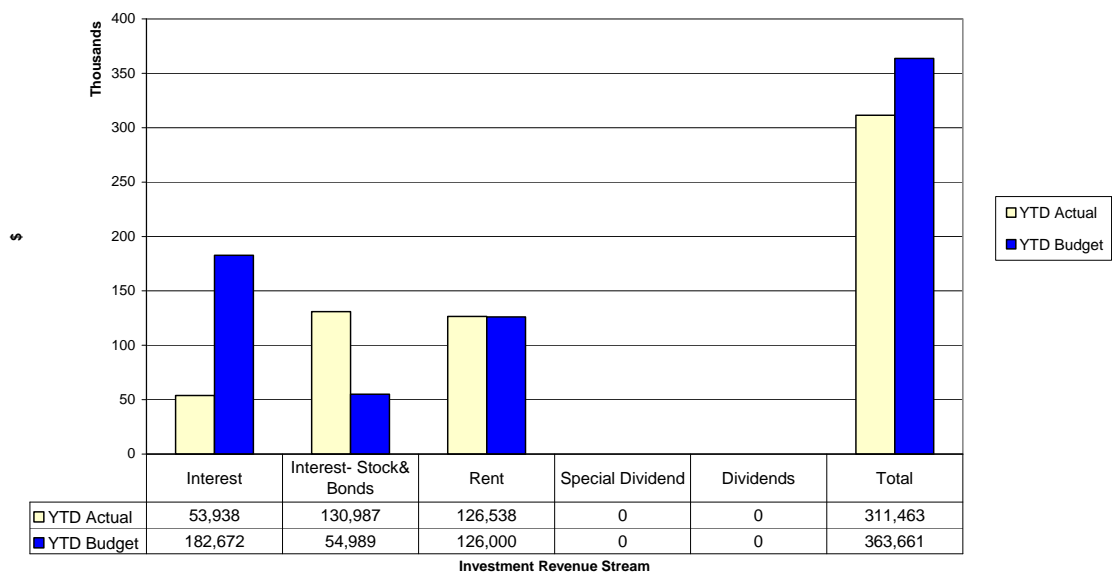
Council currently holds three investments with the same counterparty which are not provided with a credit rating. Council is maintaining a watching brief over these investments and intends to hold these investments to maturity.

**FINANCIAL YEAR TO DATE PERFORMANCE**

Year to date, the investment portfolio has made a return of \$311,463 against a budgeted return of \$363,661. On call funds are currently earning a return of 3.15% and short term deposits between 4.27 and 5.00%.

The breakdown of the year to date return by investment revenue stream is as follows:

**Fund Performance against Budget**



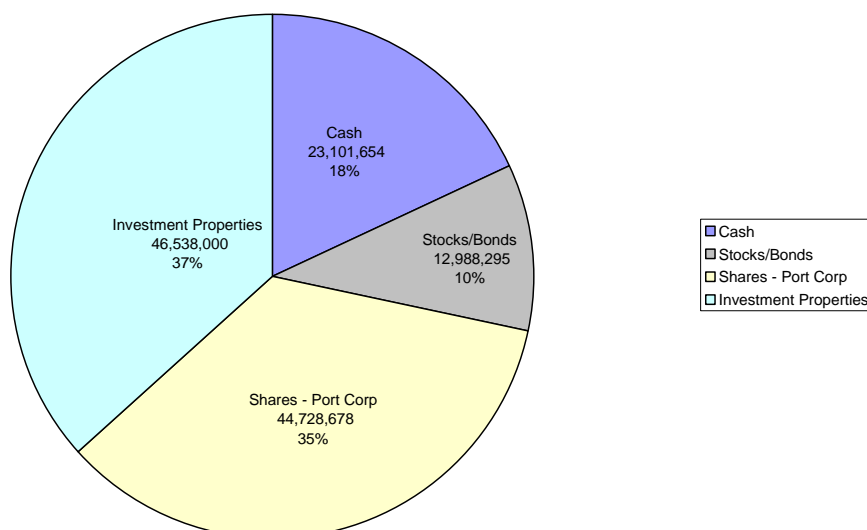
**PORTFOLIO OF TOTAL FUNDS**

The total value of the investment portfolio as at 31 July is \$127,356,627 and is comprised of:

- Cash \$ 23,101,654
- Stocks/bonds \$ 12,988,295
- Shares – Port Corp\* \$ 44,728,678
- Investment Properties \$ 46,538,000

\* Northland Regional Council holds 22,142,910 shares in Northland Port Corporation (NZ) Limited. The cost value of these shares is \$7,827,563. As at 30 June 2009, the market price of these shares was \$2.12. As at 31 July 2009, the market price is \$2.02.

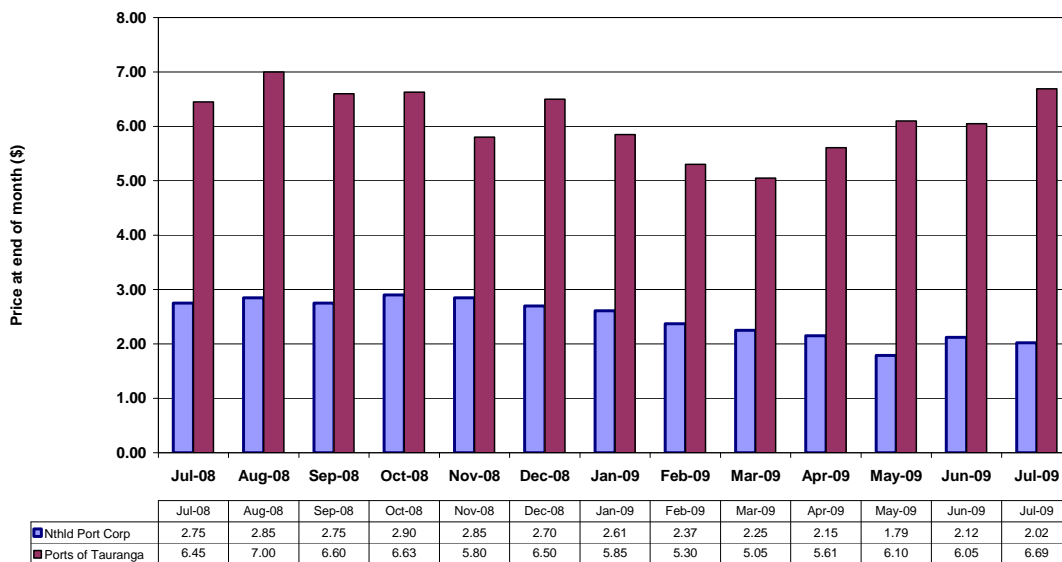
**Portfolio of Total Funds**



### NORTHLAND PORT CORPORATION SHARE PRICE MOVEMENT

The graph below graphically illustrates the movement in the Northland Port Corporation's share price in the current financial year. Share price data for the Ports of Tauranga has been provided for comparative or benchmarking purposes.

Northland Port Corporation Share Price Movement compared to Ports of Tauranga



2008/2009

#### Recommendation

That the Investment Schedule and Performance Report to 31 July 2009 be received.

#### COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are in accordance with the Council's Treasury Management Policy which was adopted in compliance with the decision-making requirements of sections 76-82 of the Local Government Act 2002.

## Paid Accounts for Approval

File 350.9

Report from Payments Officer, Rachel Hills dated 31 July 2009.

Set out below is the summary of expenditure that was approved and paid during July 2009.

### Northland Regional Council General Account

Direct Debits	vouchers 101113 - 101127	\$3,125,892.77
Computer Cheques	vouchers 19841 - 19874	\$57,479.12
Direct Credits	vouchers 1022868 - 1023231	\$2,285,101.34
Payroll Transactions		\$765,632.13
<b>Total</b>		<b>\$6,234,105.36</b>

### Analyses of Expenditure Classes

Labour costs	\$765,632.13
Operating costs	\$2,641,793.54
Capital Expenditure	\$87,679.69
Call/Term deposits/Investments	\$2,739,000.00
<b>Total</b>	<b>\$6,234,105.36</b>

The vouchers are available for inspection if required.

This report is tabled in terms of the Council's delegation policy made pursuant to the Public Bodies Contracts Act 1959.

#### Recommendation

That the report from the Payments Officer Rachel Hills dated 31 July 2009 be received and the payments for July 2009 be confirmed.

#### COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Northland Community Plan 2009-2019, and as such are in accordance with the Council's decision making process and Sections 76-82 of the Local Government Act 2002, and the requirements of the Public Bodies Contracts Act 1959.

## Schedule of Credit Notes for Approval

### File 340.4

Report from Trish Wells, Accounts Receivable Officer dated 5 August 2009.

All credit notes have been authorised by the appropriate managers or officers and reviewed by the Finance and Information Services Manager who has been delegated power to write off rates, penalties and sundry debtors to a limit of \$600 for any one account (Council resolution 20 November 2002). The following credit amounts are higher than that delegation and are therefore listed for the Council's ratification:

### JULY 2009

Credit Note No.	Credit Amount inc. GST	Original Amount inc. GST	Customer/Reason
7401471	2,250.00	2,250.00	<b>Zodiac Holdings Limited &amp; R J Nathan</b> This consent will expire 30 June 2010 and no water will be taken up to 30 June 2010, therefore the annual charge for the period 1 July 2009 to 30 June 2010 is to be waived. Consent 4611 – water take from Poroti Springs for water bottling purposes.

### Recommendation

That the issue of credit notes as detailed in the report from the Accounts Receivable Officer dated 5 August 2009 be ratified.

### COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's Long Term Council Community Plan 2009-2019 and as such are in accordance with the Council's decision making process and Sections 76-82 of the Local Government Act 2002.

## **Resolving Appeals on Plan Change 2 (Animal Effluent Discharges) to the Regional Water and Soil Plan**

**File: 990.5.7**

**Report from Policy Specialist Jonathan Gibbard, dated 3 August 2009.**

### **PURPOSE**

This report summarises two appeals that the Council has received on Plan Change 2 (Animal Effluent Discharges) to the Regional Water and Soil Plan for Northland and seeks approval for the establishment of a subcommittee to resolve these appeals.

### **BACKGROUND**

The Council decisions on Plan Change 2 (Animal Effluent Discharges) to the Regional Water and Soil Plan for Northland were notified on 30 May 2009. Two appeals were received. No further parties had attached to any of the appeals (under section 274 of the Resource Management Act) at the time of writing this report.

A reply to the Environment Court was sent by the Director of Strategy & Planning on 3 August 2009. The reply outlined the Council's response to the two appeals. The reply generally maintained the Council's decision.

The next step will be to enter into negotiation with the two appellants in an effort to reach agreements (Consent Orders) that resolve the appeals without needing a formal Environment Court hearing.

### **THE APPEALS**

The two appeals are from Federated Farmers of New Zealand (ENV-2009-AKL-000300) and Fonterra Co-operative Group Limited (ENV-2009-AKL-000303). Both appeals concentrate on proposed permitted activity rule 16.01.01, which provides for the discharge of animal effluent to land. Both appeals seek a similar relief and are therefore jointly summarised below:

- Amendments to provide for the accidental discharge of animal effluent from vehicles transporting animals on roads and roadside reserves as a permitted activity;
- Amendments to remove the requirement for person(s) undertaking permitted activity discharges of animal effluent to provide evidence of continued compliance with the permitted activity rule;
- Deletion of the requirement to have contingency measures in place to ensure compliance with other criteria of the permitted activity rule;
- Deletion of the requirement that the location of effluent treatment and storage facilities comply with the setback distances specified in the proposed rule; and
- Clarification of the definition of 'Animal Effluent' to make it clear that it does not apply to individual animals.

Neither of the appeals challenge the general approach adopted by Plan Change 2. It is anticipated that resolution of these appeals can be reached through negotiation without the need for a formal Environment Court hearing.

### **ESTABLISHING A COUNCIL SUBCOMMITTEE**

It is recommended that a Council subcommittee be established and delegated with the necessary powers to agree to the contents of any Consent Order that may be drafted to resolve these two appeals.

It is considered important to maintain momentum with the negotiations which is aided by being able to make timely decisions. Presently, the Council meeting timetable and the administrative process for putting items to the full Council can take considerable time. Due to the narrow scope of the appeals, and the fact that there is no challenge to the general approach adopted by Plan Change 2, it is considered appropriate that a subcommittee be established to resolve appeals.

Accordingly, it is recommended that a subcommittee be established and that it consist of the same councilors that made up the Hearing Committee for Plan Change 2, namely Crs Brown, Carr, and Hill.

### **NEXT STEPS**

The Environment Court has directed that the Council report back to it by 18 September 2009 with proposals for the resolution of appeals. Therefore, staff intend to hold discussions with the two appellants before this date to clarify the issues of concern and explore the potential for a negotiated agreement.

### **Recommendation**

1. That the report prepared by the Policy Specialist, dated 1 August 2009, titled Resolving Appeals on Plan Change 2 (Animal Effluent Discharges) to the Regional Water and Soil Plan, be received.
2. That a subcommittee, consisting of Crs Brown, Carr, and Hill be established with delegated authority to resolve the appeals on Plan Change 2 (Animal Effluent Discharges) to the Regional Water and Soil Plan for Northland.

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The decisions detailed in this report are part of a formal Regional Water and Soil Plan for Northland plan change, which is being progressed in accordance with the processes set out in the First Schedule of the Resource Management Act 1991. Pursuant to section 76(5) of the Local Government Act 2002, the requirements of the Resource Management Act 1991 take precedence.

## Consents Decisions and Applications in Process

File: 430.1

Report from Acting Consents Senior Programme Manager, Allan Richards, dated 1 August 2009.

The Acting Consents Senior Programme Manager's report on resource consent decisions made since 1 July 2009 is circulated to Councillors under separate cover. Progress on notified applications is as set out in the following table:

### NOTIFIED APPLICATIONS

#### Publicly Notified

Applicant	Proposal	Notification Period	Comment
Whangarei District Council CON20031137501	Replacement consents for Hikurangi Swamp flood control drainage scheme	12 December 2006 to 1 March 2007	Fifty submissions received; 28 against, 16 for, 35 wish to be heard. Applicant has submitted revised application that limits works to original scheme. This has been sent to external consultant for peer review prior to re-notification.
Far North District Council CON20070283501 CON20070283601 CON20071912101	Kaitaia Public Water Supply	9 August 2007 to 7 September 2007	Processing placed on hold at the Applicant's request to allow further consultation and for a draft recommendation to be formulated for circulation to submitters, with a view to informal resolution of issues.
Far North District Council CON20080257701	Replacement consents for Rawene WWTP	13 August 2008 to 9 September 2008	Number of submissions received: 54 Heard; 69 Not heard; eight Not indicating; and four Late "not heard". The Applicant has requested more time to undertake an investigation, in conjunction with the local community, into alternative treatment and disposal options.
Whangarei District Council CON20010752101 CON20080752102	Replacement consent for sewage overflows from Okara Park Pump station. New application for sewage overflow into Waiarohia Stream	28 October 2008 to 25 November 2008	Total of 602 submissions received: Heard 121; Not heard 413; Not indicating 47; Others 5; Late Not Heard 13; Late Not Indicating 3. Four submissions attached petitions carrying with 52, 108, 383, and 4252 signatures respectively. A hearing was proposed for March 2009. The Applicant has subsequently been granted an extension until the end of February 2010 to allow for an amended application for a longer term proposal, and revised assessment of environmental effects.

Applicant	Proposal	Notification Period	Comment
Kerikeri Falls Investment Limited CON20071928901	Sewage, stormwater, and earthworks associated with proposed Country Club complex, Rainbow Falls Road, Kerikeri	9 October 2008 to 10 November 2008 Jointly notified with FNDC as lead agency	Five submissions received, two wishing to be heard. Applicant has requested processing to be placed on hold until the Environment Court has made a decision on its appeal against the FNDC decision to not accept private plan change application. Court hearing 2 March 2009, decision still awaited.
Borneo Investments Limited CON20082022101	Sewage associated with proposed 54 residential unit development, including clubhouse and recreational building, Cobham Road, Kerikeri	9 October 2008 to 10 November 2008 Jointly notified with FNDC as lead agency	Six submissions received all wishing to be heard. Applicant has requested processing to be placed on hold until the Environment Court has made a decision on its appeal against the FNDC decision to not accept private plan change application. Court hearing 2 March 2009, decision still awaited.
Golden Bay Cement Limited CON20080505901	Replacement consents for various water takes, stormwater and contaminant discharges at the Portland site	12 January 2009 to 11 February 2009	No submissions received. Draft conditions sent to applicant for their consideration. Discussion on final conditions likely prior to delegated decision.
Kaipara District Council 20090110201	Wastewater treatment and disposal system servicing Te Kopuru	26 February 2009 to 25 March 2009	Three submissions received: two against and wishing to be heard. The Applicant is attempting to resolve issues raised by submitters. Applicant has subsequently requested that draft recommendations are circulated to submitters with a view to informal resolution of issues.
New Zealand Transport Agency CON20082147401	SH 1 upgrade at Bulls Gorge, Kerikeri	22 July 2009 to 20 August 2009	Jointly notified with FNDC for Notice of Requirement for an alteration to a designation.

#### Limited Notified

Applicant	Proposal	Notification Period	Comment
Kaipara District Council CON20010218701	Take groundwater from the Ruawai aquifer for public water supply	5 December 2008 to 23 January 2009	Two submissions received in support. Time extension given to enable the Applicant to install the new production bore and assess water quality and yield. New bore has been installed and pump testing is now being undertaken.

Applicant	Proposal	Notification Period	Comment
Fonterra Co-op Ltd CON20060437319	Condensate discharges from Kauri site to Wairua River	4 October 2007 to 7 November 2007	One submission received against proposal. Applicant given a time extension to attempt resolution of issues raised and investigate re-use of condensate. Results of investigation expected by December 2009.
Houhora Bay Marine Farms Limited CON20090629701	Replacement consent for existing mussel farm at Houhora Bay	28 April 2009 to 27 May 2009	One neutral submission, and one from Te Taumata Kaumata o Ngati Kuri Research Unit, against, wishing to be heard. Discussions continue with the opposing submittor.
Westpac Mussels Distributors Limited CON20090722801	Replacement consent for existing mussel farm at Houhora Bay	28 April 2009 to 27 May 2009	One neutral submission, and one from Te Taumata Kaumata o Ngati Kuri Research Unit, against, continue with the opposing submittor.
Apatu Aqua Enterprises Limited CON20092329401	Air discharge from fish smoker at Coopers Beach	29 April 2009 to 27 May 2009	Only one submission, in support, decision will now be issued by delegated authority.
Doubtless Bay Water Supply Co Limited CON20000890801	Take groundwater from a bore at Protea Drive, Coopers Beach/Cable Bay	30 June 2009 to 30 July 2009	Submissions received and currently being processed.
Doubtless Bay Water Supply Co Limited CON20010379601	Take groundwater from a bore at Taipa	30 June 2009 to 30 July 2009	Submissions received and currently being processed.
Doubtless Bay Water Supply Co Limited CON20080421301	Take groundwater from a bore at Wrathall Road, Mangonui	30 June 2009 to 30 July 2009	Submissions received and currently being processed.
Fonterra Co-op Ltd 20090437315	Change to conditions to allow a discharge of treated wastewater to the Wairua River at lower flows	17 July 2009 to 14 August 2009	

### PRE-HEARING MEETINGS

Applicant	Proposal	Held	Outcome
Whangarei District Council CON20060257601	Replacement Ngunguru sewerage discharge consents	Pre-hearing held 13 December 2006	Applicant has requested that the application be placed on hold until 31 May 2009 to allow the performance of upgraded plant to be assessed over a period of a year. Applicant has forwarded a report assessing the performance of upgraded plant and proposed conditions of consent based on this performance for the Council's consideration.

<b>Applicant</b>	<b>Proposal</b>	<b>Held</b>	<b>Outcome</b>
Explore NZ (2004) Limited CON20071904701	Proposed jetty in Hahangarua Bay, Moturua Island	31 October 2007	Applicant commissioning Historic Values Assessment and conducting further discussions with Ngati Kuta hapu.
AFFCO Moerewa CON20070738112	Activities resulting from inclusion of a proposed milk powder plant at Moerewa	4 February 2009	A subsequent meeting was held with the Applicant. The Applicant has agreed to supply additional detail on the proposal. Once this has been received, another pre-hearing meeting will be held to present this to submitters, with a view to informal resolution. The Council is currently drafting conditions for circulation to the submitters.
Whangarei District Council – Wastes & Drainage Division CON20080450901	Waipu Wastewater Treatment Plant (upgrade to and extension of disposal system)	13 November 2008	Draft recommendations circulated to submitters for comment – expectation of withdrawal of their wish to be heard at a formal hearing.
North Holdings Limited CON20082038401	Construction and operation of a wastewater treatment wetland, Ruakaka	22 January 2009	No agreement reached with submitters. Draft recommendations to be sent to the submitters for comment. Hearing date set for 27–29 October 2009.
Whangarei District Council CON20092330601	Rock revetment at Helena Bay	28 July 2009	Discussions continuing post pre-hearing between Applicant and the one opposing submitter wishing to be heard.

## HEARINGS

<b>Applicant</b>	<b>Proposal</b>	<b>Date of Hearing</b>	<b>Decision Issued/Comment</b>
J C W Robinson CON20060788201	Section 128 Review of quarrying consent conditions	Postponed to allow Consent Holder to review technical report	Confirmation of purchase of affected property received. Staff re-assessing the need for review of conditions.
Far North District Council CON200404369 (01-02) CON200407356 (01-08)	Consents associated with water supply for Omapere/Opononi. Existing water takes from Waitemarama Stream and dam on Waiarohia Stream.	24 and 25 September 2007 – adjourned	Adjourned to allow the Applicant to provide the results of consultation with Iwi. Have made recent requests for update on progress but no response yet. A reconvened hearing date now set for 13 August 2009.

<b>Applicant</b>	<b>Proposal</b>	<b>Date of Hearing</b>	<b>Decision Issued/Comment</b>
Far North District Council CON20092244601	Authorisation of a seawall and associated roadwork reclamations at Kohukohu	27 May 2009	Minister of Conservation's decision issued 13 July 2009.
Marine Farms transferred under Aquaculture Reform Act 2004 (ARA)	Review of consent conditions under Sections 10 and 20 of the ARA	6 April 2009 – reconvened on 13 July 2009 and 30 July 2009	Hearing adjourned for Committee's determination of adequacy of information.
Orange Centre Limited CON20071987601	Visitor centre, including accommodation and service station, SH 10 Kerikeri		Hearing postponed.
Ontrack – New Zealand Railways Corporation CON20071988401	Oakleigh to Marsden Point rail link	1 September 2009	

### APPEALS/OBJECTIONS

<b>Applicant</b>	<b>Proposal</b>	<b>Progress</b>
Advance Developments Ltd CON20061540301	Subdivision earthworks at Tutukaka	Consent Orders for Court approval now being prepared.
Far North District Council CON20070757701	Renewal of consent to take groundwater for public water supply at Kaikohe	Objection to consent condition, met by postponing hearing to coincide with renewal applications for other public groundwater takes at Kaikohe.
Pouto Farms Limited CON2008215801	Flood protection works at Kaihu River	Objection to decision to return application documents as incomplete but the Applicant still seeking stay of hearing, pending receipt of flood model data to enable completion of application detail.
Goldpine Limited CON20061698001	Roundwood production and treatment plant, Flygers Road, Mata	The Applicant has advised the Court that application is being withdrawn as project to no longer proceed. Still awaiting withdrawal of applications made to the Regional Council.
O B Holdings Ltd CON20041213701	Earthworks for 4.5 km access road for 44 lot subdivision at Cove Road, Langs Beach	Resolution achieved between Councils and Applicant, but Section 274 parties unable to agree. Court hearing likely later this year.
Crest Energy Kaipara Limited CON20061607601	Proposed tidal power generation in Kaipara Harbour entrance	Environment Court hearing 8 June to 18 June 2009. Further directions of Court now being addressed.
Far North District Council Bay of Islands Community Wastewater Scheme CON20060110804	Expansion of Paihia WWTP to receive and treat additional wastewater from Kerikeri, Waipapa, Waitangi, and Russell if necessary	Two appeals received, from applicant and downstream neighbour. Four Section 274 party interests lodged; three from within the Russell area, and the Department of Conservation. Informal mediation meetings have been held between applicant respondent and appellant. Formal mediation by Court scheduled for 12 August 2009.

<b>Applicant</b>	<b>Proposal</b>	<b>Progress</b>
Far North District Council CON20070266701	Replacement consents for Omapere/Opononi WWTP discharges	Two appeals received from local Iwi. Court appointed mediation held on 22 July 2009. One appeal resolved via agreed changes to conditions, other has not since it relates to Acts other than the RMA.
Westpac Mussels Distributors Limited CON20090722801	Application for replacement consent for mussel farm at Houhora Bay	Objection on process: resolution currently under discussion with Applicant.
Houhora Bay Marine Farms Limited CON20090629701	Application for replacement consent for mussel farm at Houhora Bay	Objection on process: resolution currently being under discussion with Applicant.
Northland Regional Council – Land Operations CON20082141201	Stream mouth clearing in Far North and Whangarei Districts	Appeal against decision by New Zealand Historic Places Trust. Informal resolution currently being investigated with Appellant.
Neil Construction Limited CON20082200401	Proposed 179 lot residential subdivision, Kapiro and Redcliff Roads, Kerikeri	Appeal from applicant relating to minor changes to a couple of consent conditions and a new condition relating to the lapsing of the consents. Consent staff have no issue with proposed amendments and recommend appeal is resolved via consent order.
Carter Holt Harvey Ltd CON20082102301	12 lot subdivision at Tinopai	Status of the only appeal is under review by the Environment Court.
Kaipara District Council CON20092284101	Construction of new floodgate across Makaka Creek, Te Kopuru	Not heard submitter appealing on grounds that floodgate will have more than minor effects on the environment. Informal mediation to be held to initially attempt to resolve appeal.

### **Recommendation**

That the report from the Acting Consents Senior Programme Manager, Allan Richards, dated 1 August 2009, on resource consent decisions and applications in process, be received.

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009/2019 LTCCP, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

# Report on Environmental Monitoring for the period 1 July 2009 to 31 July 2009

Files 400.2 and 505.2

Report from Monitoring Senior Programme Manager Riaan Elliot dated 5 August 2009.

With the changed format providing a graphical view of monitoring results, for incidents and consent monitoring, only significant non compliances or incidents resulting in moderate to significant effects are reported in the tables below. This report is for the period 1-31 July 2009 and contains tables summarising the RC compliance monitoring events, state of the environment monitoring events and environmental and maritime incidents reported by the public and staff.

## ABBREVIATIONS KEY:

<b>WDC</b>	Whangarei District Council	<b>FNDC</b>	Far North District Council	<b>KDC</b>	Kaipara District Council
<b>DOC</b>	Department of Conservation	<b>NPC</b>	Northland Port Corporation	<b>NZRC</b>	NZ Refining Company
<b>NRC</b>	Northland Regional Council	<b>FNHL</b>	Far North Holdings Ltd	<b>CH</b>	Consent Holder
<b>STS</b>	Sewage Treatment System	<b>POD</b>	Point of Discharge	<b>PA</b>	Permitted Activity
<b>ESCP</b>	Erosion and Sediment Control Plan	<b>RAQP</b>	Regional Air Quality Plan	<b>RWSPN</b>	Regional Water and Soil Plan for Northland
<b>RC</b>	Resource Consent	<b>CMA</b>	Coastal Marine Area		

## COMPLIANCE CODE KEY:

<b>SNC1</b>	Repeated Minor Non-Compliance or Significant Non-Compliance Resulting in Minor to Moderate Effects	<b>SNC2</b>	Significant Non-Compliance with Significant Effects	<b>FUS</b>	Follow up significant non compliance.
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## CODE DESCRIPTION:

This code indicates:

- the degree of environmental **Impact**
- the **Response** taken, or to be taken, by staff
- the **Status** of the situation

## Environmental Incidents

### Impact on the Environment

<b>S</b>	<b>Significant Impact</b>
<b>M</b>	<b>Moderate Impact</b>

## Maritime Incident Response Codes

### Response

<b>N</b>	<b>No Response Required</b>
<b>F</b>	<b>Further Investigation Required</b>
<b>I</b>	<b>Information or Advice</b>
<b>R</b>	<b>Repaired/Replaced/Removed</b>
<b>W</b>	<b>Written warning issued to offender (offence notice, abatement notice)</b>
<b>P</b>	<b>Prosecution action pending</b>
<b>O</b>	<b>Other Agency</b>

**Status**

R	<b>Resolved</b>	Party has fully complied with Regional Council's requests and there is no unacceptable impact to the environment, natural event that the Regional Council cannot realistically influence, no response required or warranted.
P	<b>Pending Inspection</b>	Prevention or mitigation measures have been reported to the Regional Council, as being in place but this has not yet been confirmed by re-inspection.
U	<b>Unresolved</b>	Regional Council requests to prevent or mitigate environmental impacts have not yet been met. The situation has not yet been investigated thoroughly enough to determine environmental impact. The time given for requested or required mitigation measures to be put in place have not elapsed.
M	<b>Routine Monitoring</b>	Routine Monitoring.

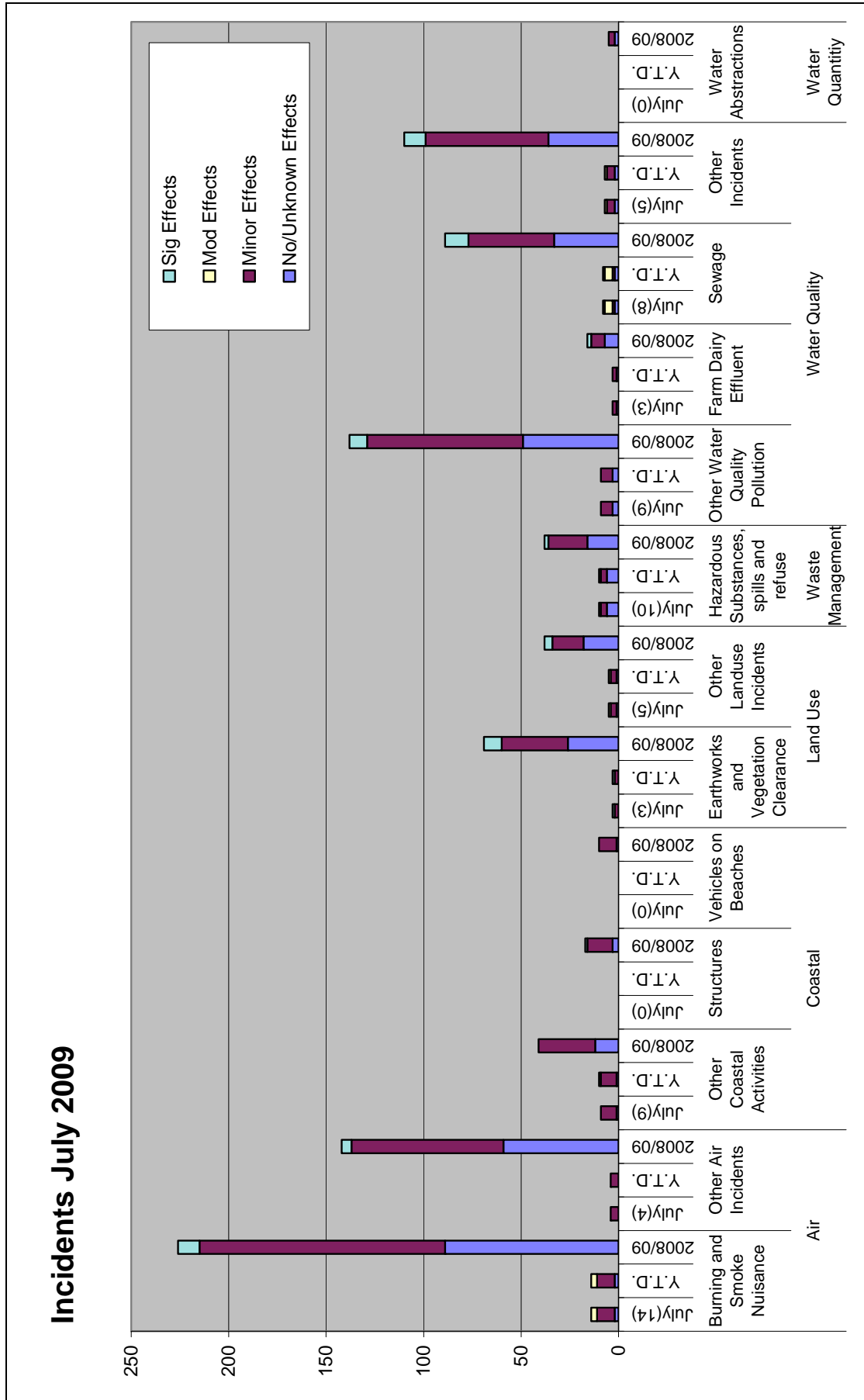


Figure 1: Environmental Incidents July 2009

Due to July being the first month of the new financial year the July figures are the same as those of year to date (YTD) this comment also applies to the Resource Consent Compliance data.

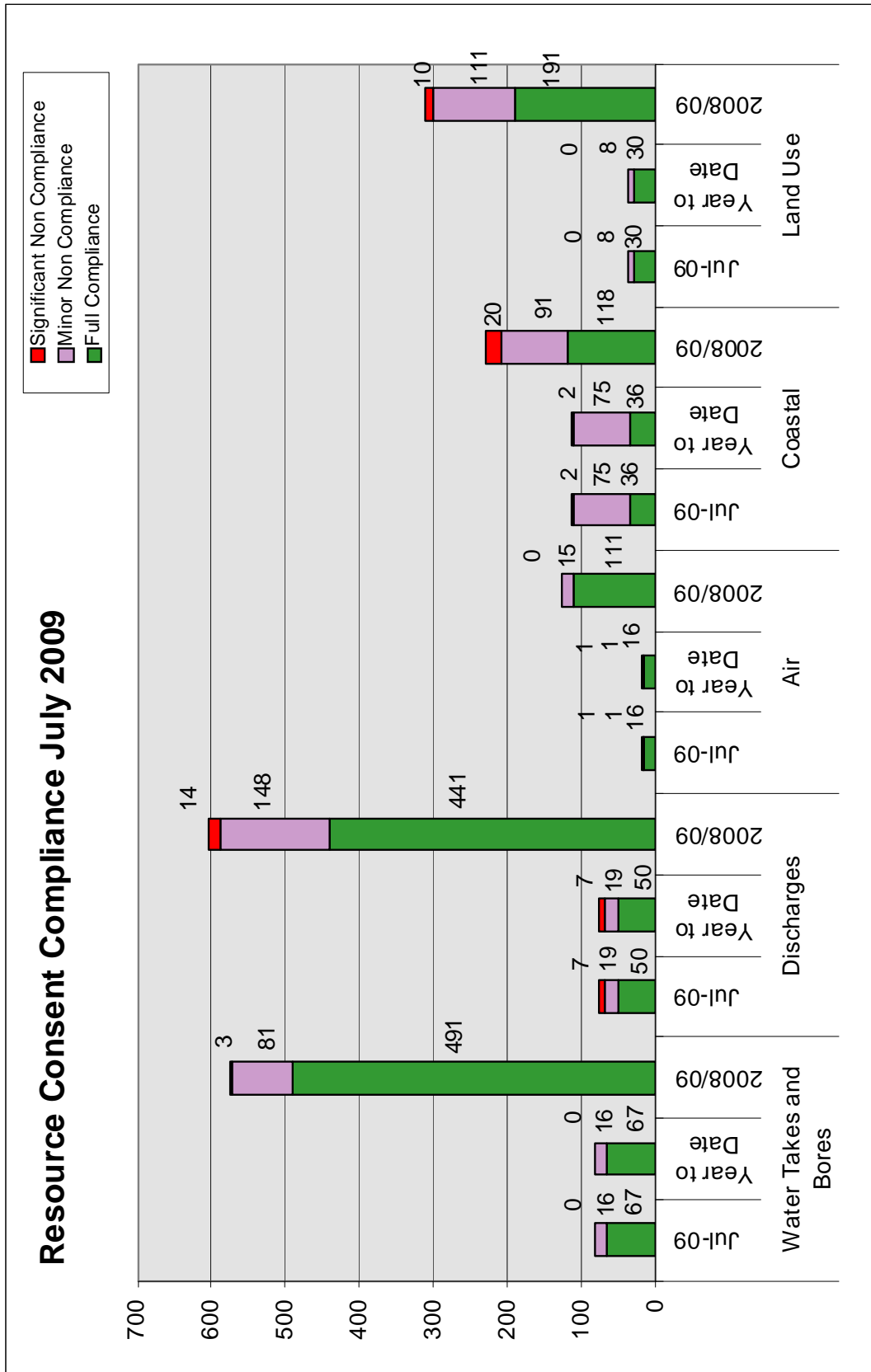


Figure 2: Compliance Monitoring July 2009

**DISCHARGES TO AIR**

Date	Consent	Details	Location	Comment	Code	Comp
16-Jul-09	864301	Waipapa Sandblasting & Spraypainting Limited: Discharge contaminants to air.	Waipapa	Site visit confirmed non-compliance with consent conditions. CH did not take any action as advised and agreed during previous site inspection.	2EP	SNC1

**COASTAL ACTIVITIES**

Date	Consent	Details	Location	Comment	Code	Comp
07-Jul-09	563001	Ballance Agri-Nutrients: Jetty.	Hatea River, Whangarei Harbour	Structure in poor condition. Bearers are structurally unsound, bearers and decking appears to be under stress, significant rot visible which may lead to structural failure. Request CH to comply.	2RM	SNC2
16-Jul-09	830401	WDC: Ramp with pontoon.	SE corner of Limestone Island, Whangarei Harbour	Structure needs urgent maintenance, CH requested to comply.	1RM	SNC1

**LAND USE CONSENT**

No significant non-compliant events were recorded during July.

**DISCHARGES TO WATER OR LAND**

Date	Consent	Details	Location	Comment	Code	Comp
08-Jun-09	272401	Ota Point Effluent Society Inc: Discharge treated communal sewage to coastal waters.	Ota Point, Whangaroa	Sampling of the discharge from the plant after UV indicated that the UV efficiency was working within the effective levels, however the faecal coliform level exceeded RC limits. Work has been completed to improve the quality of effluent before the UV treatment. Further sampling is scheduled.	1RU	SNC1
09-Jun-09	998401	Matapouri Park Ltd - Discharge treated wastewater to ground on Lot 49	Matapouri Rd	System not installed as per consent. To be rectified or application for consent change required.	1IU	SNC1
10-Jun-09	110801	FNDC: Discharge treated municipal sewage.	Paihia STS, Waitangi Forest	The water sample results from the downstream marsh indicated elevated ammonia levels in non-compliance with the RC limits. The proposed upgrade to the system had not been done.	2FM	SNC1
18-Jun-09	272401	Ota Point Effluent Society Inc: Discharge treated communal sewage to coastal waters.	Ota Point, Whangaroa	Further sampling of the discharge from the plant indicated that the faecal coliform level still exceeded RC limits.	1RU	SNC1

25-Jun-09	2083001	Simple Waste Water Solutions Ltd: Domestic on-site treatment system trial.	Browns Rd, Kaiwaka	Potential discharge from system to water. Remediation works required.	1IU	SNC1
09-Jul-09	482401	Brynderwyn Tearooms & Service Station: Discharge treated wastewater to land	SH 1, Brynderwyn	Drainage field overgrown with dead plants and downstream faecal coliform counts high. Maintenance required.	1WM	SNC1

**MONITORED CONSENTS - FARM DAIRY EFFLUENT**

Date	Consent	Details	Location	Comment	Code	Comp
09-Jul-09	946801	Preston Farms Partnership: FDE 4470	Mitchell Road, Ruawai	Gross over-application at irrigator. Dead stock dumped in drain.	2IU	SNC1

**WATER TAKES**

No significant non-compliant events were recorded during July.

**SOE MONITORING - Air, Lakes and Water**

Date	MNC	Project	Location	Comment
07-Jul-09	700080	Whangaroa Harbour Contributing Streams	Whangaroa Harbour	Monthly water quality run completed.
09-Jul-09	801128	Otiria/Orauta Stream Investigation	Otiria, Moerewa	Monthly water quality run completed.
15-Jul-09	801302	Regional Water Quality Monitoring Network - Far North		Routine monthly water quality monitoring carried out on the Mangamuka, Victoria, Awanui, Kaeo and Oruru Rivers.
15-Jul-09	801303	Regional Water Quality Monitoring Network - Western		Monthly water quality sampling of Kaihu, Waipoua, Waimamaku, Punakitere, Utakura, Mangakahia and Opouteke Rivers. Water clarity poor at all sites. Waimamaku, Punakitere and Utakura in flood. River levels very high at Kaihu and Waipoua. Levels high at Mangakahia and Opouteke.
15-Jul-09	801338	Regional Water Quality Monitoring Network - Eastern		Monthly water quality sampling of Waitangi, Waipapa, Kerikeri, Waiharakeke, Waiotu, Ngunguru, Hatea and Whakapara Rivers and two sites on Mangahahuru Stream. All water levels were high but the sites at Moerewa and above were a lot higher than the more southern sites.
15-Jul-09	801314	Regional Water Quality Monitoring Network - Southern		Routine water quality monitoring of Ruakaka, Hakaru, Manganui, Mangere and Waipao Rivers, Paparoa Stream and two sites on the Waitarohia Stream. The water levels are high at all of the sites, and the Manganui River site was flooded.
20-Jul-09	700115	Waipu Catchment Water Quality Project	Waipu	Routine water quality monitoring of the Waipu catchment.

27-Jul-09	802739	Mangere Stream Water Quality Investigation	Mangere	Routine water quality sampling of six sites in the Mangere catchment to investigate poor water quality.	
<b>ENVIRONMENTAL INCIDENTS</b>					
<b>Date</b>	<b>ICE No.</b>	<b>Description</b>	<b>Location</b>	<b>Comment</b>	<b>Code</b>
3-Jun-09	418601	Whangarei Harbour	Sewage discharge from vessel.	The owners of the vessel have been contacted and are in the process of installing a holding tank. They have been made aware of the Marine Pollution Regulations.	M
9-Jun-09	418616	Fraser St, Whangarei	Smoke nuisance.	Smoke was not causing nuisance at or beyond the property boundary but open burning of waste material in industrial premises does not comply with rules under the RAQP. Site manager was verbally warned and not to repeat similar burning.	M
12-Jun-09	418654	Solomons Point, Whangarei Harbour	Sewage spill.	An overflow of raw sewage from a pumpstation occurred due to a heavy rain event and power outage.	M
13-Jun-09	418619	Turner St, Kaeo	Sewage discharge from manhole.	A discharge of untreated sewage from a manhole occurred due to the heavy rain event. The discharge mainly consisted of stormwater and occurred over a short period of time.	M
13-Jun-09	418618	Whangarei	Whangarei WWTP sewage overflow.	Sewage pump stations were overflowing due to heavy rain event. Water samples were taken from the receiving environment to assess environmental effects.	M
14-Jun-09	418629	Russell	Overflow of WWTP pond.	An overflow from the treatment plant occurred due to the heavy rain event breaching a pond bund wall. The wall was sand bagged to prevent the overflow.	M
15-Jun-09	418647	Kerikeri River, Kerikeri	Large length of river bank cleared of mangroves.	The mangroves were cut nearby previously cut mangroves. Determining the culprit is hampered by the lack of witnesses.	M
20-Jun-09	418650	William Jones Dr, Whangarei	Sewer discharge entering watercourse.	A discharge of raw sewage to a nearby watercourse occurred due to a blockage in the line. Water sampling was undertaken to determine environmental impact.	S
24-Jun-09	418681	Houhora Heads Rd, Houhora	Wetland clearance.	Site visit established that part of the works for the formation of a community sports field had taken place in a significant indigenous wetland and were in breach of RWSP rules. Investigation continuing.	S
27-Jun-09	418686	Kioreroa Rd, Whangarei	Burning & smoke nuisance.	Smoke and odour was not causing nuisance at or beyond the property boundary during the site visit but open burning of paper on industrial and trade premises does not comply with rules under the RAQP. Site manager was	M

30-Jun-09	418698	Omapere Rd, Kaiakohe	Sheep carcasses dumped in waterway.	asked to extinguish the fire. The intestines/stomach and lungs of about 4 sheep were dumped in a stream from a road bridge. Clean-up was undertaken by a local contractor. Much illegal dumping occurs at the location.	M
30-Jun-09	418697	Kioreroa Rd, Whangarei	Smoke nuisance.	Site visit confirmed smoke nuisance at or beyond the property boundary. Site manager was verbally warned and asked not to repeat a similar burning. Also advised rules on burning under the RAQP and asked to extinguish the fire, which he agreed to do.	M

**MARITIME INCIDENTS**

Date	ICE	Description	Location	Comments	Code
10-Jun-09	3186	Concern that vessel tied to pile mooring was slowly disintegrating.	Taipa River	Owner has secured vessel and has made arrangements to haul out.	RR
01-Jul-09	3178	Anchored boat dragging and at risk of grounding.	McLeod Bay	Vessel recovered and secured by local resident.	RU
01-Jul-09	3179	H11 Beacon missing.	Hatea river.	Starboard buoy laid to replace beacon.	RR
01-Jul-09	3180	Illegal moorings were located near Pine Island.	Opua	Further investigation required to identify owners.	FU
02-Jul-09	3181	Export log from the port found on the shore.	Little Munro Bay	Log recovered by stevedores.	RR
06-Jul-09	3182	Vessels too close on their moorings.	Okiato Point	Advice provided to mooring owner.	IR
06-Jul-09	3183	Light reported extinguished.	Okiato Point	Light unit replaced.	RR
06-Jul-09	3184	Vessel experienced engine problems during departure.	Marsden Point	Pilot applied standard operating procedures and vessel left the harbour safely.	IR
06-Jul-09	3185	Report of crab pots causing a navigation hazard.	Woolshed Bay	Crab pots have been removed from bay by owner.	RR
10-Jul-09	3189	Onoke buoy reported adrift again.	Hokianga	Buoy cleaned and repositioned.	RR
11-Jul-09	3204	Boat appeared to be drifting into channel between McDonalds Bank and the mainland.	McLeods Bay, Whangarei Harbour	Vessel recovered by its owner.	RR
12-Jul-09	3191	Launch on the rocks at eastern end of McLeods Bay.	McLeods Bay, Whangarei Harbour	Vessel recovered from rocks by owner.	RR
12-Jul-09	3192	Boat adrift at Pohe Island.	Town Basin, Whangarei	Vessel recovered and secured by members of the	RR

			Harbour	public.	
12-Jul-09	3193	28ft yacht appeared to be losing its mast.	Kaiwaka Point	Yacht's mast had been deliberately lowered and was lashed down.	IR
12-Jul-09	3196	Sail had unfurled on moored yacht.	Parua Bay	Very minor incident which did not require a response.	NR
12-Jul-09	3197	Several vessels got into trouble after their moorings failed during storms.	Bay of Islands	Deputy Harbourmaster liaising with vessel owners and insurers towards recovery of vessels.	IU
12-Jul-09	3198	Launch sank at its mooring.	Parua Bay	Vessel was refloated and salvaged by its owner and insurer.	RR
13-Jul-09	3194	Pakatahi light is gone, washed up on Moturua Is.	Pakutahi Island, BOI	Temporary buoy laid to replace beacon.	RR
13-Jul-09	3195	Three vessels went aground after their moorings broke during a storm.	Houhora Harbour	The vessels were recovered by their owners.	RR
13-Jul-09	3201	Application for engine immobilisation.	Northport	Permission granted.	IR
13-Jul-09	3202	Application for engine immobilisation.	Northport	Permission granted.	IR
13-Jul-09	3203	Pile mooring had broken off, owner needed to check security of vessel.	Opua-Kawakawa River	Mooring owner contacted and to arrange for new pile to be installed.	RR
14-Jul-09	3205	Semi submerged oyster pontoon a navigation hazard.	Tapeka Point	Pontoon towed to Tapeka beach, broken up and disposed of at local landfill.	RR
14-Jul-09	3206	Vessel on next mooring too big and has cut buoy off his mooring.	Appletree Bay, Kerikeri	Mooring owner discussing problem with owner of the other mooring.	FU
14-Jul-09	3207	Tree has become lodged under jetty.	Waipu River	Extremely large macrocarpa log partially lodged under jetty but also laying across private boatramp. Log was cut up by maritime staff and stockpiled for removal by the local Lions Club.	RR
15-Jul-09	3208	Large pontoon washed up on beach.	Te Haumi, Bay of Islands.	Debris removed from the beach and disposed of at landfill.	RR
18-Jul-09	3209	Large pontoon broke free and grounded on sand bank.	Port Whangarei	Pontoon recovered to shore by its owner.	IR
19-Jul-09	3210	Launch sank at its mooring.	Opito Bay	Launch refloated and safely removed from the harbour by its owner.	IR
19-Jul-09	3211	Isolated danger beacon damaged.	Taurikura Bay	Beacon is to be straightened shortly.	IU

20-Jul-09	3212	Disused mooring was a navigation hazard.	Macs Bay, BOI	Disused mooring was removed by Maritime team.	RR
20-Jul-09	3214	Large log caught underneath moored vessel.	Opua-Kawakawa River	Log removed by NRC staff.	RR
21-Jul-09	3215	Application to immobilise ship's engine.	Marsden Point	Permission granted by Harbourmaster.	IR
22-Jul-09	3216	Application to immobilise ship's main engine.	Marsden Point	Permission granted by Harbourmaster.	IR
22-Jul-09	3217	Lights on Brampton buoy, Ti point Waitangi and Micky rocks all reported extinguished.	Bay of Islands	Erroneous report, all three lights checked and working correctly.	RR
22-Jul-09	3218	Concern that vessel on pile mooring is too large and has potential to damage adjacent vessels.	Kerikeri	Maritime staff to assess situation shortly.	FU
23-Jul-09	3219	Report of several beacon lights extinguished.	Upper Whangarei Harbour	All beacon lights replaced with new self contained light units.	RR
23-Jul-09	3220	Small boat aground on sand bank and holed.	Port Whangarei	Vessel was salvaged in pieces and disposed of at landfill.	RR
23-Jul-09	3221	Fishing pots and buoys obstructing the harbour entrance channel.	Tutukaka Harbour Entrance	Commercial crayfish pots are not impeding safe navigation.	NR
23-Jul-09	3223	Starboard hand light with 5 knot sign attached reported as extinguished.	Waitangi	Site visit confirmed light operational, no action required by Council.	RR
27-Jul-09	3224	Sunken log creating navigation hazard.	Waipapa Landing	Staff to follow up with a site visit.	FU
27-Jul-09	3225	Report of vessel at anchor for extended period.	Tapu Pt	Letter left on board advising breach of Regional Coastal Plan.	WU
27-Jul-09	3226	Report of vessel too long for pile mooring, and incorrectly moored.	Kerikeri inlet	Staff to assess on next visit to the area.	FU
27-Jul-09	3227	Logs washed ashore.	Kissing Point, Whangarei Harbour	Unable to trace debris, no further reports.	NR
27-Jul-09	3228	Vessel on the rocks at Coked Hat, leaking diesel.	Kerikeri Inlet	Vessel refloated by owner and removed.	NR
28-Jul-09	3229	Log fell overboard during loading of ship.	Marsden Point	Log recovered from the harbour by stevedore.	OR

29-Jul-09	3230	Large log 1m in diameter floating in the water a navigation hazard.	Bay of Islands	No staff available to respond, navigation warning issued, no further sightings reported.	IR
29-Jul-09	3231	Mooring may have shifted too close to another mooring resulting in damage to vessel.	Opuwa-Kawakawa River	Issue being discussed between mooring owners.	IU
29-Jul-09	3232	Log lost overboard.	Whangarei Harbour	Log recovered from harbour by stevedore.	OR
30-Jul-09	3233	Application to immobilise "Royal Klipper" main engine.	Marsden Point berth 3	Application approved by Harbourmaster.	IR
30-Jul-09	3234	Application to immobilise "Captain T" main engine.	Marsden Point Berth 2	Application approved by Harbourmaster.	IR
30-Jul-09	3235	Vessel has been at anchor for more than 14 days.	Hatea River	Warning letter left aboard vessel.	WU
30-Jul-09	3236	Vessel reported broken off mooring.	Wharf Road mooring area	Vessel recovered by contractor.	RR
13-Jul-09	3200	Spillage of diesel at fuel dock.	Opuwa, BOI	Fuel dock repaired, small diesel spill left to disperse naturally.	1N
19-Jul-09	3213	Risk of oil pollution from launch that sank at its mooring.	Opito Bay	Vessel removed from the harbour with oil still contained on board.	0N
23-Jul-09	3222	Small diesel slick around moored vessels.	Awanui River	Slick left to disperse naturally. Source of spill unknown.	1N

### Recommendation

1. That the report from the Monitoring Senior Programme Manager Riaan Elliot dated 5 August 2009 be received.
2. That the follow-up action taken by staff resulting from monitoring of environmental/maritime incidents during July 2009 be supported.

### COMPLIANCE WITH DECISION MAKING PROCESS

The activities detailed in this report are provided for in the Council's 2009/2019 Long Term Council Community Plan, and as such are in accordance with the Council's decision-making process and Sections 76-82 of the Local Government Act 2002.

## Taipa and Coopers Beach - Navigation Safety Plan

File 715.12

Report from Maritime Senior Programme Manager Ian Niblock dated 4 August 2009.

### INTRODUCTION

The purpose of this report is to ask Council if it wishes to make the decision (itself or by subcommittee) to adopt the Navigation Safety Plan for Taipa and Coopers Beach.

### BACKGROUND

There were a number of navigation and safety complaints from local harbour users during the 2008/09 summer regarding safety concerns related to conflicting water activities. The Council's Maritime team consulted (verbally) and visited a number of sites at Taipa and Coopers Beach to obtain a better understanding of the nature of the complaints.

### DRAFT NAVIGATION SAFETY PLAN

As a result of investigations, a draft Navigation Safety Plan for Taipa and Coopers Beach was prepared. It proposed the following changes to the existing situation:

- The ski lane at the eastern end of Coopers Beach be removed;
- The ski lane at the western end of Coopers Beach be retained;
- A swimming area be established immediately above the bridge at Taipa; and
- A ski area above the swimming area be established and marked.

Full details of the proposal are attached as Appendix 1 - Taipa and Coopers Beach – Ski lane and swimming areas adjustment proposal.

These changes would be given effect through the Navigation Safety Bylaw 2007.

### PUBLIC CONSULTATION

The proposed changes to the Taipa and Coopers Beach areas were released for public consultation in early July 2009. The Council has received a pleasing number of submissions to date. Inevitably a number of conflicting views are emerging. Submissions close on 11 August 2009. Depending on the outcome of this process staff would like to effect any changes that are to be made in time for the 2009/10 summer.

### STATUTORY AUTHORITY

The powers of the Harbourmaster, under Part 39A Navigation of the Local Government Act 2002, allow for him to give directions (for the purpose of ensuring navigation safety) on the uses (and restrictions) for Taipa and Coopers Beach areas. However, the preferred approach is to seek Council's approval for the way forward in accordance with its powers to establish Reserved Areas under the Navigation Safety Bylaw 2007. It is therefore appropriate that Council endorses the final content of the Navigation Safety Plan and therefore the specific restrictions and uses for Taipa and Coopers Beach given the issues arising from the community consultation.

Council may wish to make the final decision (or delegate that responsibility to a subcommittee) based on the Harbourmaster's analysis of the submissions and recommendations for the Council's (subcommittee's) consideration and ultimate decision. The Harbourmaster would then ensure that the Council's decision was given effect.

**CONCLUSION**

While the Harbourmaster can, under the Local Government Act 2002, implement any changes to the current situation at Taipa and Coopers Beach, it is more appropriate for Council to debate and make the final decision on what changes should occur in accordance with its powers to establish Reserved Areas under the Navigation Safety Bylaw 2007.

**Recommendation**

1. That the Maritime Senior Programme Manager's report dated 4 August 2009 on the Taipa and Coopers Beach - Navigation Safety Plan is received.
2. That the Council will determine the final content of the Navigation Safety Plan for Taipa and Coopers Beach itself.

OR

2. That a subcommittee comprising of ....., ..... will determine the final content of the Navigation Safety Plan for Taipa and Coopers Beach

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the LGA 2002.

## **APPENDIX 1 TAIPA AND COOPERS BEACH – SKI LANE AND SWIMMING AREAS ADJUSTMENT PROPOSAL**

### **BACKGROUND**

In recent years in the Doubtless Bay area there have been a number of incidents caused by the conflicting use of areas between water-skiers, jet skiers, swimmers and other beach users. The areas of concern are Coopers Beach and Taipa estuary above the Bridge. The Northland Regional Council has been approached by members of the public, including local residents, with suggestions to improve safety. The following proposal is based on the submissions received, as well as a site assessment by our maritime staff.

### **THE PROBLEM**

#### **Coopers Beach**

At present there are two official ski lanes. One is located at the eastern end of Coopers Beach which has road access from Kotare Drive. There is also a ski lane at the western end of Coopers Beach which is accessed from SH10 and the parking area by Kanekane Stream.

The Ski lane at the Eastern end of Coopers Beach is the one of greatest concern, as it is where many families with small children prefer to swim as it is considered the safest area in the bay. The presence of the ski lane compromises the safety of the swimmers there. The tendency is for powered vessels to congregate in the area, and carry out other activities involving sea biscuits and similar towed items further occupying the beach area.

The ski lane at the Western end of Coopers Beach has not been the subject of any incidents that we are aware of and it is proposed to retain this to allow water skiing etc at this end of the beach.

#### **Taipa**

Historically there was also a ski area above the Taipa bridge. It started above the old boat ramp in a line across to the point at the Quarry and then extended up the river.

At present this area is unmarked and not gazetted but is still used. Recently there have been issues with water and jet skiers still using this area and coming into conflict with other water users who wish to use the area for swimming or dinghy practice for small children.

This area is only available for use above half tide when the water depth is sufficient to operate, and is often calm which is desirable for skiing.

## **PROPOSED SOLUTION**

Due to the safety issues raised by both the incidents, and the submissions made to Council, the proposal is as follows:

### **Coopers Beach**

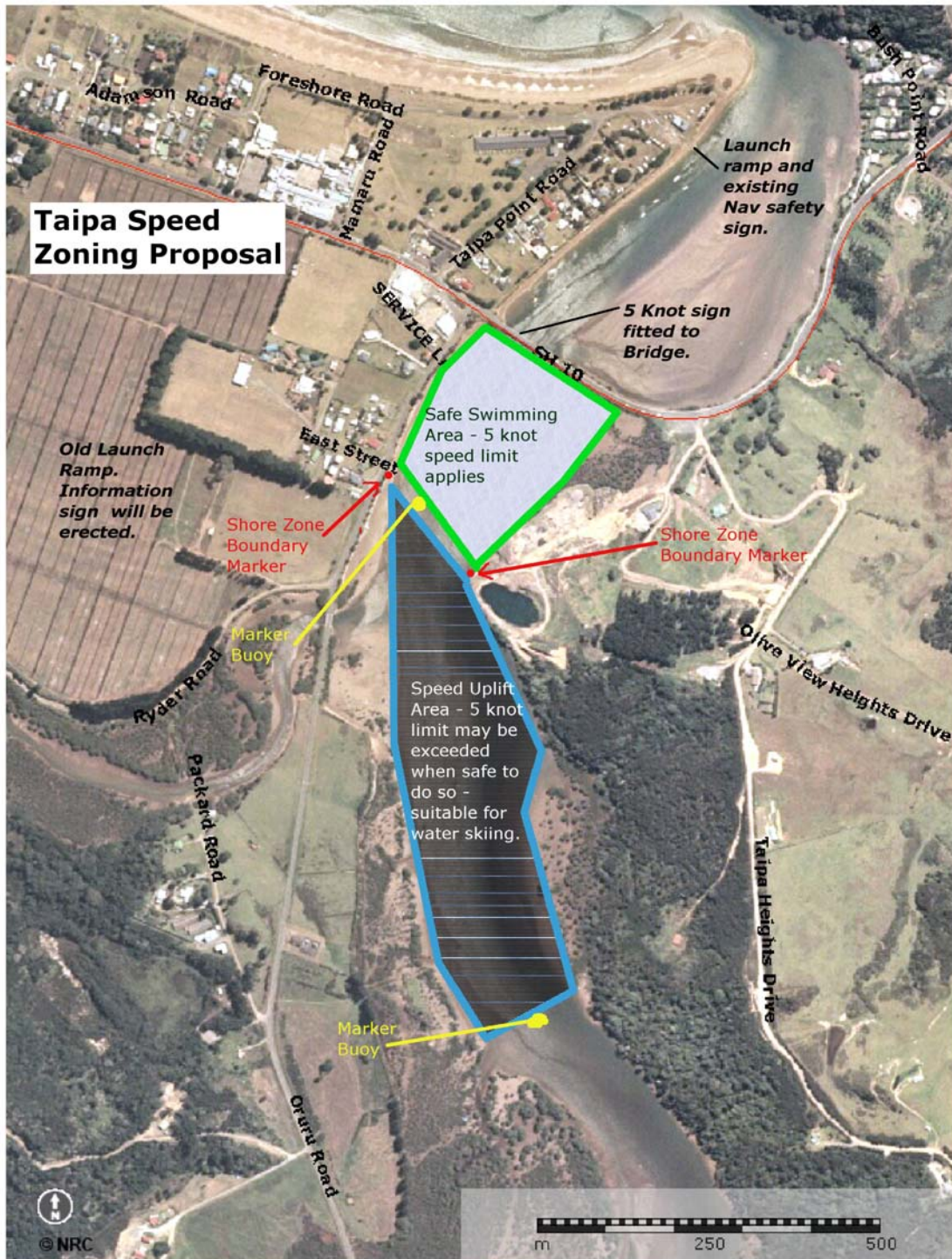
- The ski lane at the eastern end of Coopers Beach is removed.
- The ski lane at the western end of Coopers Beach is retained as this will provide a place for high speed access to a beach for skiers when tide conditions are not suitable at Taipa.
- The speed limit within 200 metres of the beach outside of the ski lane is 5 knots as per the Navigation Safety Bylaw 2007.

### **Taipa**

- A swimming area is delineated immediately above the bridge,
- The Taipa ski area be reinstated above the swimming area, and appropriately marked. (As per attached chart let.)

### **Marking of the areas**

- Buoys will be used to mark the upper edge of the ski area, and the border between the ski area and the swimming area.
- Boundary markers will also be placed on the shore each side of the border between the swimming and ski area.
- An information safety sign will be erected by the launch ramp near East Street detailing the marked areas.
- 5 knot signs will be placed where they can best mark the safe swimming area.



**Coopers beach ski lane adjustment proposal. (See also Taipa speed zoning proposal.)**



## Regional Land Transport Programme 2009-2012

File 955.1.6

Report from the Infrastructure Senior Project Manager, Vaughan Cooper, and Transport Operations Senior Programme Manager, Chris Powell, dated 3 August 2009.

### PURPOSE

To update the Northland Regional Council (NRC) of the amendments recommended to the Northland Regional Land Transport Programme 2009-2012 (RLTP) by the Regional Transport Committee (RTC) and to recommend that these amendments to the RLTP be formally considered following the release of the National Land Transport Programme.

### STATUTORY REQUIREMENT

Section 18B (6) of the Land Transport Management Act 2003 (LTMA) stipulates that:

*If a regional council receives an amended regional land transport programme, or a regional land transport programme with additional information, under subsection (4), it must—*

- (a) *approve the programme or amended programme and forward it to the agency; or*
- (b) *forward the programme or amended programme to the agency stating that it is not approved along with a statement of its reasons.*

### BACKGROUND

At the June 2009 meeting of this Committee the following was resolved:

*That the Council approve the Regional Land Transport Programme 2009-2012 and that it be submitted to the New Zealand Transport Agency, subject to the Lower Hatea Bridge project's change to a ranking of 3 being validated by the agreed process, confirmation that the project is funded nationally and that this will not impact on the priority ranking of other projects.*

The agreed process (meetings of the Northland Technical Experts Group, NORTEG) was not able to validate the ranking of 3 (HMM). NORTEG noted that it did not have sufficient information in regard to the economic benefits of the Lower Hatea River Bridge Project (the bridge project) to properly assess it against the strategic fit criteria from the new Government Policy Statement (GPSII).

Subsequently, an extraordinary meeting of the RTC was held to discuss the bridge project and its affect on other projects such as seal extensions. The Chief Executive commissioned an economic assessment of the project focussing on assessing the benefits of the bridge project in accordance with the strategic fit criteria from GPSII.

This report was completed and reached the conclusion that the bridge project warranted a ranking of 3 (HMM) under the GPSII criteria.

**RTC RECOMMENDATION**

At the extraordinary meeting of the RTC on 15 July 2009 the following was resolved:

*That the Council approve the project for inclusion in the Regional Land Transport Programme 2009-2012 with a priority ranking of HMM and that this further information be submitted to the New Zealand Transport Agency.*

*That all projects from the Far North District Council and Kaipara District Council with a ranking of MMM be changed to HMM.*

Note: In the first resolution the project being referred to is the Lower Hatea River Bridge Crossing.

It is fair to say that there has been considerable debate in regard to the Lower Hatea River Bridge Crossing project and its perceived affect on other projects within the RLTP. Much of the debate has been caused by the significant shift in focus of the Government from the first Government Policy Statement to the second Government Policy Statement.

**NATIONAL LAND TRANSPORT PROGRAMME**

The NZTA required that all regions submitted their programmes online by 1 July 2009 and that the final list of priorities in a hard copy be submitted by 15 July 2009. This was in order to allow the NZTA Board to start compiling the National Land Transport Programme.

Northland submitted the programme electronically on 1 July 2009 with the Lower Hatea River Bridge Project having no ranking. This process was accepted by senior officials at NZTA as their priority was getting an indication of the full size of the programme and the final priority ranking of individual projects could be provided later, by 15 July 2009.

However, as the RTC made other significant amendments to the programme at its extraordinary meeting on 15 July 2009 which require presentation to a full meeting of the NRC, no further information has been submitted to the NZTA.

**RECOMMENDATION**

The National Land Transport Programme is due to be released in the last week of August.

The release of this National Land Transport Programme will provide a definitive answer on the Government's priorities and how it wishes to rank projects such as rural seal extensions compared to projects that contribute to major urban traffic congestion, freight, or tourism routes.

Given the imminent release of the National Land Transport Programme it is recommended that consideration of the amendments being proposed by the RTC be undertaken at the September meeting of the full Council so that an informed decision can be made without needing to second guess the Government's intentions.

**Recommendation**

1. That the report from the Infrastructure Senior Project Manager and Transport Operations Senior Programme Manager dated 3 August 2009, on the Regional Land Transport Programme 2009-2012, be received.
2. That the amendments recommended by the Regional Transport Committee to the Northland Regional Land Transport Programme 2009-2012 be formally considered at the September meeting of this Committee.

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are part of the Council's day to day operations and are provided for in the Council's 2009-2019 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

**NORTHLAND REGIONAL COUNCIL**  
**AUDIT AND FINANCE COMMITTEE**

**Minutes of a Meeting of the Audit and Finance Committee  
held in the Council Chambers, 36 Water Street, Whangarei,  
on Wednesday, 22 July 2009 commencing at 1.00pm**

**File 110.11**

**PRESENT:** Cr Jensen, Chairman  
Cr J Bain  
Cr B Rossiter  
Cr M Farnsworth (ex-officio)

**IN ATTENDANCE:** **Full Meeting**  
Chief Executive Officer  
Deputy CEO/Operations Manager  
Strategy and Planning Manager  
Community Relations Manager  
Local Government Senior Programme Manager  
Communications Senior Programme Manager  
Council Administration Programme Manager

**DECLARATION OF CONFLICTS OF INTERESTS:**

The Chairman gave members the opportunity to declare an interest on any item of business on the agenda for the meeting. No declarations were made.

**1. MINUTES OF AUDIT AND FINANCE COMMITTEE MEETING HELD  
24 JUNE 2009**  
**File 100.1**

**Resolved:** That the minutes of the meeting of the Audit and Finance Committee held on 24 June 2009 be confirmed.

Cr Rossiter : Cr Bain

**2. LONG TERM COUNCIL COMMUNITY PLAN 2006-2016 – LEVELS OF  
SERVICE PROGRESS REPORT**  
**File 318.2**

**Report from General Manager Finance and IT, Lisa Aubrey dated 13 July 2009.**

**Resolved:** That the progress report on levels of service for each group of activities dated 13 July 2009 be received.

Cr Rossiter : Cr Jensen

**Further Resolved:** That Council staff be recognised for their work in achieving such high levels of service.

Cr Bain : Cr Rossiter

**COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are provided for in the Council's 2009-2019 Long Term Council Community Plan, and as such are in accordance with the Council's decision-making process and sections 76-82 of the Local Government Act 2002.

**BUSINESS WITH THE PUBLIC EXCLUDED**

**Resolved:** That pursuant to the provisions of the Local Government Official Information and Meetings Act 1987 (LGOIMA), the Committee resolves to exclude the public from the meeting to discuss property matters. The reason for excluding the public is that public conduct of the proceedings would be likely to result in disclosure of information, the withholding of which is necessary to allow the Committee to conduct, without prejudice or disadvantage, commercial negotiations, pursuant to Section 7(2)(h) of the said Act.

Cr Bain : Cr Rossiter

**OPEN MEETING**

The Committee resumed in open meeting at 1.55pm.

**CONCLUSION**

The meeting closed at 1.55pm.

## **Minutes – Regional Transport Committee**

**File 110.6**

### **EXTRAORDINARY REGIONAL TRANSPORT COMMITTEE MEETING – 15 JULY 2009**

The attached Minutes of the Extraordinary Regional Transport Committee meeting held on 15 July 2009 are for **receipt** only.

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**NORTHLAND REGIONAL COUNCIL  
REGIONAL TRANSPORT COMMITTEE**

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MINUTES OF THE EXTRAORDINARY MEETING HELD IN THE COUNCIL  
CHAMBER, 36 WATER STREET, WHANGAREI, ON WEDNESDAY, 15 JULY 2009  
COMMENCING AT 4.00 PM

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**PRESENT:****Northland Regional Council**

Cr J Bain, Chairman

Cr J Carr

Cr M Farnsworth (ex-officio)

**Whangarei District Council**

Mr M Simpson

**Far North District Council**

Mr D Edmunds

**Kaipara District Council**

Mr R Alspach

**Economic Development**

Ms J Douglas

**Access and Mobility**

Mr J Williamson

**ALSO PRESENT:**

Mr J Devine, Whangarei District Council

**IN ATTENDANCE:**

Chief Executive Officer

Strategy and Planning Director

Infrastructure Senior Project Manager

Transport Operations Senior Programme Manager

Council Administration Programme Manager

**LEAVE OF ABSENCE**

Mr Westgate was granted leave of absence for the June 2009 – October 2009 Regional Transport Committee meetings.

**APOLOGIES**

**Resolved:** That apology from Ms Stewart for non-attendance be received.

Cr Bain

:

Cr Farnsworth

**DECLARATION OF CONFLICTS OF INTEREST****File 100.1.2**

The Chairman gave members the opportunity to declare an interest on any item of business on the agenda for the meeting.

## **1. LOWER HATEA RIVER BRIDGE PROJECT**

### **File 955.1.6**

#### **Report from Chief Executive Officer, Ken Paterson, dated 14 July 2009.**

Mr Devine gave a brief presentation on the background of the project as part of an integrated network approach to Whangarei's roading needs and Ms Douglas outlined the economic analysis, especially in relation to tourism. A lengthy and vigorous debate took place on the ranking of the bridge project.

Moved by Cr Bain, seconded by Mr Simpson

1. That the report from the Chief Executive Officer, Ken Paterson, dated 14 July 2009, on the Lower Hatea River Bridge Project, be received.
2. That the Council approve the project for inclusion in the Regional Land Transport Programme 2009-2012 with a priority ranking of HMM and that this further information be submitted to the New Zealand Transport Agency.

On being put, the voting was three for and three against. The motion therefore failed.

Moved by Mr Simpson, seconded by Cr Bain

1. That the report from the Chief Executive Officer, Ken Paterson, dated 14 July 2009, on the Lower Hatea River Bridge Project, be received.
2. That the Council approve the project for inclusion in the Regional Land Transport Programme 2009-2012 with a priority ranking of HMM and that this further information be submitted to the New Zealand Transport Agency.
3. That all projects from the Far North District Council and Kaipara District Council with a ranking of MMM be changed to HMM.

On being put the motion was carried with five voting for and one abstention from Mr McDonald.

### **COMPLIANCE WITH DECISION MAKING PROCESS**

The activities detailed in this report are part of the Council's day to day operations and are provided for in the Council's 2009-2019 Long Term Council Community Plan, and as such are in accordance with the Council's decision making process and sections 76-82 of the Local Government Act 2002.

Mr Alspach requested that the Committee invite the Chief Executive of the Northland Regional Council to advise on an objective way in which to introduce economic analysis to the regional roading programme ranking process.

The meeting closed at 5.28pm.

## **Minutes – Regional Transport Committee**

**File 110.6**

### **REGIONAL TRANSPORT COMMITTEE MEETING – 18 AUGUST 2009**

The Minutes of the Regional Transport Committee meeting to be held on 18 August 2009 at 10 am will be tabled at the Council meeting for receipt and adoption of the Committee's recommendations.

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## **Business with the Public Excluded**

### **File 105.2**

#### **Recommendation**

That pursuant to the Local Government Official Information and Meetings Act 1987, the public be excluded from the remainder of the meeting to consider:

1. Confirmation of confidential section of the Minutes of the Council Meeting held on 15 July 2009.
2. Confirmation of the confidential section of the Minutes of the Audit and Finance Committee Meeting held on 22 July 2009.

The reason for excluding the public in relation to items 1 and 2 is as stated in the Minutes of those meetings.