



R E P O R T	TO	MAYOR AND COUNCILLORS
	FROM	MANAGER, PLANNING AND ENVIRONMENTAL SERVICES
	FILE REF	N540687
	DATE	3 FEBRUARY 2010
	SUBJECT	MONTHLY MONITORING REPORT – DECEMBER 2009 AND JANUARY 2010

RECOMMENDATION

THAT the report be received; and

THAT an Extraordinary Council Meeting be approved for the Hearing and consideration of Submissions on the Draft Annual Plan 2010/11 on Wednesday 2nd June 2010, if needed; and

THAT Council approve the deferral of the Youth Policy review until 2011; and;

That Council approve an initial budget of \$20,000 for the Kaiaua project to be funded from the District General Rate.

INTRODUCTION

These past two months has seen more work undertaken on the District Plan Review addressing areas of feedback on the draft Plan as a result of earlier public consultation. The Discovery Centre Resource Consent decision has now been issued. Preparation has commenced for the Council Draft Annual Plan 2010/11. Work is now underway on the Kaiaua Auckland Governance issue and how this will impact on this Council; including Council's submission on the Auckland Law Reform Bill. The Regional Policy Statement Working Draft was also reviewed over this period and there are a number of Council Policies that are in the review process.

DISTRICT PLAN

District Plan Review

District Plan Committee meetings were held on 2nd, 9th and 17th December 2009 and 25 January and 11 February 2010. Agenda items that were addressed at these meetings involved reviewing the feedback from the public and addressing issues related to Significant Natural Areas, proposed growth at Waikino; defining proposed Coastal zones; Iwi consultation; subdivision rules around Smythe's quarry and consideration of the feedback from NZ Transport Authority.

The Committee then reported its decision on the feedback on the proposed growth in Waikino back to the interested parties of the Waikino community. Further technical review field visits were undertaken by officers of the Significant Natural Areas (SNA); where property owners required verification of their SNA boundaries. Work is continuing to establish floor levels for habitable buildings in flood risk/ponding areas of Hauraki Plains and in Paeroa. The Whiritoa Erosion Hazard Lines are also being reviewed. The draft text is being worked on in preparation to come back to the Committee prior to public notification.

Further meetings are planned with Federated Farmers, Marutuahu Confederation and Ngati Hako as part of the consultation process on the draft District Plan.

NEWMONT WAIHI GOLD

South Wall Stability Cutback – Martha Pit – November/December 2009

A total of 99,756 BCM (bank cubic metres) was excavated during the two months. The total excavated from the South Wall Stability Cutback as at 31 December, 2009 was 4.19 million BCM's. This means the project is now 94% complete.

While the project is slightly behind schedule due to the closure over the Christmas period the South Wall Stability Cutback is expected to be completed in April/May 2010.

Monitoring Reports

The following monitoring reports have been received from Newmont Waihi Gold

- 6 monthly complaints report – July 2009 to December 2009
- Quarterly Vibration Monitoring report – October 2009 to December 2009
- Quarterly Noise Monitoring report – October 2009 to December 2009

Type	Martha	Favona	Total
Noise	2	2	4
Vibration	7	28	35
Dust	-	-	-
Smoke	1		1
Sight	1	-	1
Working Hours	1	-	1
	12	30	42

There are no ongoing concerns arising from any of the complaints received and it is pleasing to note the continuing drop in the number of complaints being made.

For vibration 100% compliance was achieved at the Martha Pit during the fourth quarter and the twelve month rolling average for compliance was 99.5%.

99.2% compliance was achieved at the Favona Mine during the fourth quarter and the twelve month rolling average for compliance was 98.7%.

Only one noise complaint was received from the Martha and Favona operations.

Consents

Insurance Variation

Some time ago a consent application was received in relation to the insurance conditions within the Martha Consent.

Further information was requested from the company in relation to the financial sureties it proposed would be substituted for the insurance requirements in the consent

This information has now been received and the consent is being processed. Because of the complex nature of financial securities, expert assistance is being sought from appropriately qualified people.

A verbal update on projects may be made at the meeting.

STRATEGIC PLANNING

Variation 6 to the Regional Plan – Water Takes

Council considered a report in November from its consultant Mr Dave Burton of AECOM in which he detailed the proposal for the settling of the Council's Appeal to this Variation decision. At that meeting Council gave the Chief Executive authority to agree to any proposed settlement that was generally in line with the proposals as detailed in Mr Burton's report.

I can now advise that a time has been set for negotiations with the other parties to the Appeal to discuss whether the proposals are generally acceptable to those other parties.

Auckland Governance – Kaipua Coastline

As previously advised by the Chief Executive, a staff project team has been established to deal with the many processes and procedures that are involved in the Local Government reorganisation process that will be caused by the break up of Franklin District into the Auckland Council, Environment Waikato and Hauraki and Waikato district Councils.

Franklin will cease to exist on 31 October, 2010 and Hauraki District will incorporate part of Franklin from 1 November, 2010.

The project team met with Franklin District Council on Tuesday 16 February 2010 and an update on that can be given at the meeting. Further meetings are programmed with Waikato District Council (the other authority on the southern boundary due to receive part of the ex-Franklin District Council) and the Audit Office.

The Local Government Commission is due to release its decision on transitional arrangements and final boundaries on 1 March, 2010. The third part of the legislation is currently before the Select Committee where submissions are being considered. This is addressed further on in this report.

The final legislation will not be known until early May. As a result a number of processes will have to be commenced on the assumption that the changes we have sought will be included in the legislation. The most urgent of these relate to the Annual Plan, the LTCCP and the election process.

If, as expected, the Kaipua area is to be amalgamated into the Hauraki District then a number of immediate priorities need to be considered;

- Annual Plan and the incorporation of the Kaipua areas Annual Plan details for the period 1 November 2010 to 30 June 2011 (8 months).
- Electoral Issues including inclusion of residents onto the Hauraki District Council roll.
- Transfer of information including financial and rating data for the last 7 years
- Transfer of Asset Data
- Rating for 2nd and 3rd instalments and who will collect monies
- Current contracts and service delivery

- Plan Change Appeals to the FDC District Plan that will need to be finalised by Hauraki District Council
- Development of a common District Plan
- By-laws, delegations, insurances
- Legal actions under way
- Hazards and other contingent liabilities

There are many other issues and the working party will need to come up to speed quickly to identify and address these.

No budget provision has been made for this work. An interim budget of \$20,000 is recommended to allow for initial works to be commenced (this will include software development for the transfer of data, consulting assistance, legal fees etc). This will be a charge against the District General rate and will be funded by the end of year balance.

Submission to Auckland Governance Select Committee

Attached is a copy of the submission to the Select Committee considering the third Bill for the Auckland Governance changes.

Submissions closed on 12 February and the submissions focus is on having the same legal and administrative provisions apply to Hauraki and Waikato Districts that apply to the Auckland Councils. This is particularly important for processes such as the Annual Plan and Report, amalgamation of by-laws, adoption of a common set of Financial Policies under section 102 of the LGA, developing a combined District Plan etc.

The law drafters appeared to have concentrated on the current Auckland Councils transition provisions without realizing similar provisions are needed for Hauraki and Waikato.

I believe the Council will have to assume that the changes we are seeking will be included in the new Act. This is because the provisions will not be known until early May and a considerable amount of work (Annual Plan, Elections, etc) will need to be commenced before that date.

Regional Policy Statements

The joint Council working party consisting of elected members from the three (3) members (Hauraki, Matamata-Piako and South Waikato District Councils) met with eight (8) elected members from Environment Waikato and the Project Manager for the Regional Policy Statement Project in Te Aroha on Friday 5 February 2010.

The first agenda item was a discussion between the three constituent authorities in relation to a draft submission that had been prepared by the technical staff for the authorities. The officers briefed the working party on the reasons behind the proposed submissions and answered questions in relation to RPS issues that may arise during the meeting with Environment Waikato.

Following that discussion the meeting with Environment Waikato was commenced and working party members briefed the Environment Waikato Councillors on the draft working party submission.

Following this briefing a general discussion was held in which each of the parties was able to ask questions and seek clarification.

As a result of this meeting further discussions have been occurring both at the political and staff level in relation to the next step towards the further development of the Regional Policy Statements. A further meeting between the joint working party and Environment Waikato councillors has been programmed to further progress the discussions.

A verbal report on that meeting can be given.

Right Debate Focus Group

As referred to in the Policy section (below) a draft Sustainability Policy has been written and is awaiting comments by the focus group. No additional updates are available until this group has met, which will be after the meeting of Council on the 24th.

Domestic Violence and Liquor Campaign Pilot - Waihi

A governance group and working party has been set up consisting of members from Waikato DHB, Council and the Police, along with the Hauraki Domestic Violence Intervention Network and the Waihi Resource Centre to look into the increasing problem of alcohol and domestic violence. The focus of this working party is to increase public awareness of the effects that liquor is having on the levels of domestic violence in the District, specifically the effects on the youth.

Council met with the working party, and a delegate from the National 'It's Not OK!' team in February, and through a collaborative partnership approach has secured additional funding of \$10,000 from the National campaign, and support in expertise to put towards the pilot project. This support is vital to the project not only through the additional funding, but through the technical expertise that the national campaign co-ordinators can bring to our local campaign.

The pilot project involves the installation of a TV monitors in Waihi liquor outlets, showing a silent movie in the form of a montage. This movie will be developed with the help of the National 'It's Not Ok!' campaign marketing team and aims to increase awareness of the relatively significant issue that Waihi Police and domestic violence co-ordinators are reporting to Council.

Draft Annual Plan 2010/11

In preparation for the Annual Plan 2010/11, estimates have been considered by the Ward committees and the Council. The plan is now being prepared based on the directions provided by Elected Members during the estimates process.

In terms of the timetable for the Draft Annual Plan 2010/11, recent discussions between staff of Hauraki, Waikato and Franklin District Councils have highlighted there may be a need to extend the current dates of our proposed consultation programme to ensure Hauraki District Council complies with the legislative requirements resulting from the changes to the Auckland and Waikato Regions boundaries.

As at the writing of this report it was unclear what these legislative requirements will be on Hauraki District Council, however a meeting is to be held between key staff of the three authorities on Tuesday 16th February 2010, therefore is expected a verbal update will be able to be given at the Council meeting on the 24th February 2010.

Based on the expected changes that are coming to Hauraki District from Franklin District concerning Kaiaua on the 1st April 2010, the dates originally planned for the Draft Annual Plan consultative process may need to be postponed by a couple of weeks. If this is the case, the dates for consultation are proposed to be:

- Consultation opens – 20th April 2010
- Consultation closes – 20th May 2010
- Preparation of staff responses to submissions 21st May – 27th May 2010
- Hand delivery to Elected Members Agenda for Extraordinary Council meeting – 28th May 2010

- Extraordinary Council meeting – Hearing and consideration of submissions – 2nd June 2010
- Staff follow up on decisions following Hearing of submissions – 3rd-8th June 2010
- Agenda for Council meeting – for any submissions that need to be followed up prior to Annual Plan consideration – 9th June 2010
- Council meeting – to discuss any submissions that need following up – 16th June 2010
- Agenda to adopt Annual Plan - 23rd June 2010
- Council meeting to adopt Annual Plan – 30th June 2010

However, if there is less of a need to incorporate information from Franklin District Council into our Annual Plan (or via and LTCCP amendment), then the timetabling will remain as already approved with consultation beginning end March, closing end April, with submissions being considered on the 12th May and the plan being adopted on the 16th June 2010.

Labour Market Strategy

Assistance continues to be provided to the Hauraki Labour Market Forum advisory group on a process for the review of the Hauraki Coromandel Labour Market Strategy. Council staff facilitated two workshops with key agencies involved in the Hauraki Labour Market Forum and is currently assisting in its collation towards its finalisation in March 2010. This strategy once approved by the Hauraki Labour Market Forum advisory group will be presented to the Wider Labour Market Forum (of which the relevant portfolio holders in Council will be invited too).

Hauraki Community Plan 2009-19

Attached to the agenda as a separate report is an update for elected members on the progress of resolutions passed following the consideration of submissions on the Hauraki Community Plan 2009-19.

Policy and Policy Reviews

The following policy/strategy are currently being written or reviewed in conjunction with our Policy Analyst:

- Local Governance Statement
 - The Local Governance statement is currently being reviewed for the last time before Council's triennial election. This review is programmed every six months to allow for a current a up to date statement to be available throughout the years between the triennial election. This review is done internally and approved by the Chief Executive once completed, then updated on Council website and intranet. It is not expected that there will be any changes recommended from this review.
- Earthquake Prone and Insanitary Buildings Policy - Russell Bierre
 - A report was submitted to the Senior Management meeting on the 16th February 2010. The meeting highlighted several issues that required clarification prior to submitting the revised policy document to Council. It is anticipated that Council will workshop this Policy on the 17th March.
- Contestable Social Fund Policy – John Mclver
 - The review of this policy is complete, and Council will be likely to have a draft copy to adopt for consultation on the meeting of the 17th March.
- Positive Aging Strategy – John Mclver
 - John Mclver and Katy Hurd attended a grey power meeting on the 8th February in Paeroa to initiate pre-consultation on the positive ageing strategy. Initial feedback from this meeting centred around town planning and access to services, in addition a discussion was held around retirement villages with the consensus being that they would be utilised if they were not too far away from town centre services.

- Additional pre-consultation is now being sought before the re-draft of the current strategy is undertaken.
- Sustainability Policy – Katy Hurd
 - A draft policy has been written and the ‘Right Debate Focus Group’ are to discuss this at its next meeting. Once a draft has been approved by the focus group this will then be presented to Council for adoption. Upon adoption it will be recommended that the policy go out to full consultation through a special consultative process. A timeframe for this has yet to be agreed.
- Water Backflow Prevention Policy – Mike Charteris
 - Strategic Planning staff have been asked to look at the consultation requirements of a draft Backflow Prevention Policy. A draft policy was written by Opus and delivered to the engineering department before Christmas. Currently the draft policy is being analysed by the Utilities Engineer and Asset Administration Manager in order to evaluate its costings and implications. This policy has been budgeted for in the 2009/10 financial year, and will compliment Council’s backflow prevention bylaw.
- Walking and Cycling Strategy – Gene Thomsen
 - Council’s strategic planning team will be involved with the consultation of the walking and cycling strategy once finalised. Council resolved to consult on this through targeted consultation and not using the full special consultative procedure due to funding decisions having already been made through the LTCCP.

Deferral of Youth Policy Review (John McIver)

After reviewing the policy development and policy review programme and having spoken with the Mayor, strategic planning are recommending that the review of the Youth Policy be rescheduled to occur in the New Year. This will take the pressure off an already full policy review programme.

Triennial Residents Survey

Attached is a separate report for elected member highlighting the options and rationale for its 2010 triennial survey.

Programmed Works

Over the next 3 months the major issues being dealt with in terms of strategic planning will relate to:

- Regional Policy Statements
- Development of the Community Outcomes Monitoring Report
- Development of the Annual Plan 2010/11
- Franklin working party
- Development and adoption of Council Communication Strategy including
 - anticipation of audience information
 - corporate branding
 - media strategy
 - emergency response communication plan
 - style guide
- Updating Council’s Delegation Manual
- Hauraki District Council’s articles in the Hauraki Herald and the Waihi Leader
- Further work on TAFM proposals
- Local Government reorganisation issues.

Documents

Human Rights Commission Annual Report 2009

Cawthron Institute Annual Report 2009

DEVELOPMENT

Development Table – to 31 January 2010

Consents Issued	2007/08	2008/09	2009/10	Year to date
Building Consents	293	298	207	70%
Subdivisions	81	58	30	52%
Land Use	20	27	21	78%
Designations	2	7	4	57%
Variations	23	9	11	122%
	126	101	66	65%
LIMs	182	114	129	113%

The trend in the above table indicates development figures for consents issued continues to reflect the current economic climate with Building and Resource Consents issued for this period less than for the same period for the previous year; except with Resource Consent Variations and LIMs, which have increased by 22% and 13% respectively.

PLANNING IMPLEMENTATION

Processing

So far for this financial year all the resource consents applications were processed within the statutory timeframe of 20 working days, with an average processing time of 17 working days.

Discovery Centre

Mr Peter Crawford, the Independent Commissioner who considered the Discovery Centre Resource Consent application, issued his decision on 2 February, 2010 granting consent to the proposal. Some minor amendments were made to the Planners recommendations.

This is a significant step towards the realisation of the Discovery Centre and I would like to note the assistance received from the Project Manager, Mark Buttimore and Council's consultant planner, Maxine Day and Council staff in relation to the processing of this consent.

REGULATORY SERVICES TEAM

BUILDING ACT

Processing

Council received 35 Building Consent applications in December/January, with 7 new dwellings and all were processed within the statutory time frame, with an average processing time of 11 working days.

GENERAL

Dog Registrations

The months of December/January continued with the focus on reducing the number of unregistered dogs by undertaking property checks for unregistered dogs. The dog control officers have completed around 50% of the urban area of Paeroa finding 20 unregistered dogs, which have now been registered. Over the Christmas period at Whiritoa there were no dog infringement notices issued as there was an improved compliance with the Council Dog Control Bylaws from the Dog Owners.

CUSTOMER SERVICES TEAM

The Customer Service team have had two quieter months, with average call volumes being down by around 9.5% on equivalent months in the previous year. 3205 calls were managed in December, with a Service Level of 93% and an abandonment rate of just 2.6%, and in January 2774 calls were offered, with a service level of 86% and an abandonment rate of 3.5%.

Over the holiday period most customer service staff have had time away with their families, and have returned refreshed for the year to come.

Congratulations to Lynda Muller who has achieved her National Certificate in Contact Centre Operations, Level Three. Three other staff members are currently working towards this qualification also. Lynda Muller and Colleen Williams have also achieved their Workplace Assessment qualification (Unit Standard 4098).

Over these two months all Council brochures have been reviewed by the relevant business owner, sent back to the CSA team for revision as appropriate, and then reprinted/stocks replenished.

As required Sue Larkan (our casual staff member) has come in and has been working with the team to cover staff shortages caused by multiple leave absences. This ensures that the Customer experience is not compromised.

Peter Thom
Manager: Planning and Environmental Services

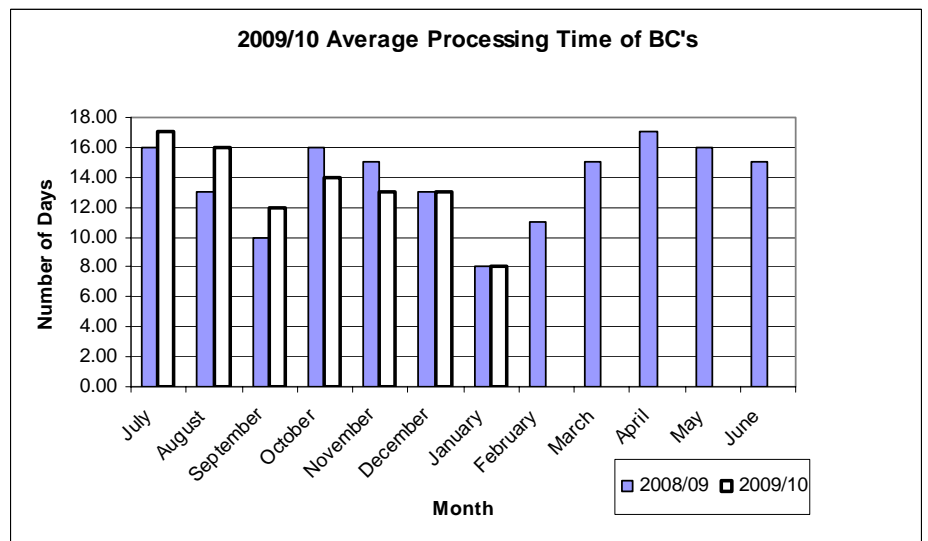
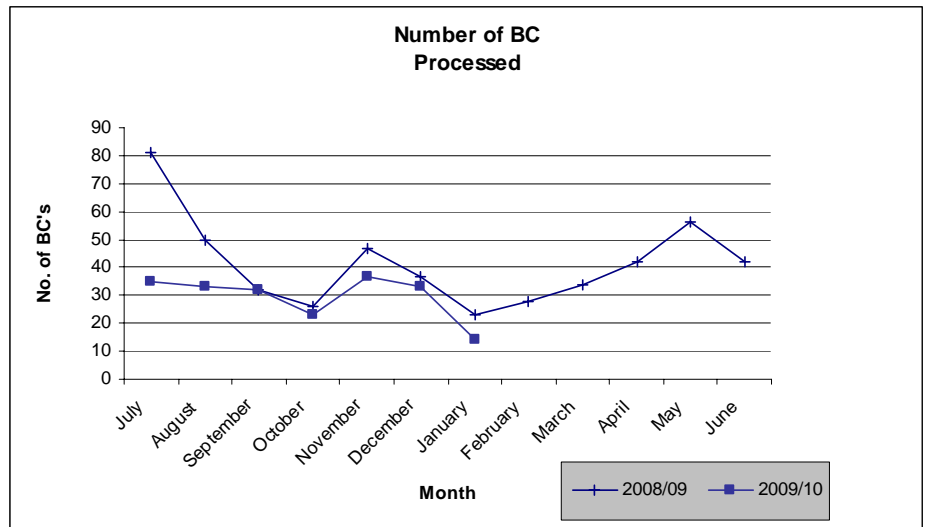
MONITORING REPORT

<p>Publication of the Annual Report <i>That the Annual Report is completed, audited and adopted by Council by 31st October, each year.</i></p>	<p>The Annual Report for 2008/09 was for adopted on 28th October, 2009</p>																																																								
<p>Publication of the 2008/09 Annual Plan <i>That the Annual Plan is adopted by 30 June, 2009</i></p>	<p>The Plan was adopted on 24 June, 2009 which included amendment to the 2009 – 19 LTCCP.</p>																																																								
<p>Special Consultative Procedure <i>That all issues subject to a special consultative procedure meet the requirements of the Local Government Act, 2002.</i></p>																																																									
	<p>Resource Consents & LIMs</p>																																																								
<p>Target</p>	<p>Progress towards success</p>																																																								
<p>All notified resource consents applications are decided and issued within statutory timeframes. <i>99% of all notified resource consent applications are decided and issued within 70 working days.</i></p>	<p>1 Jul 2009 to 31 January 2010</p> <p>Notified Consents to the end of November 2009.</p> <p>In time 2 Out of time 2</p>																																																								
<p>All non-notified resource consent applications are decided and issued within statutory timeframes. <i>All non-notified consent decisions, not requiring a hearing, are issued within 20 working days.</i></p>	<p>1 Jul 2009 to 31 January 2010.</p> <table border="0" style="width: 100%;"> <tr> <td>Total</td> <td style="text-align: right;">51</td> <td>In Time</td> <td style="text-align: right;">51</td> <td>100%</td> <td>Out of time</td> <td style="text-align: right;">0</td> <td>-%</td> </tr> <tr> <td>Land Use</td> <td style="text-align: right;">21</td> <td>In Time</td> <td style="text-align: right;">21</td> <td>100%</td> <td>Out of time</td> <td style="text-align: right;">0</td> <td>-%</td> </tr> <tr> <td>Subdivision</td> <td style="text-align: right;">30</td> <td>In Time</td> <td style="text-align: right;">30</td> <td>100%</td> <td>Out of time</td> <td style="text-align: right;">0</td> <td>-%</td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Misc/Desig</td> <td style="text-align: right;">4</td> <td>In Time</td> <td style="text-align: right;">4</td> <td>100%</td> <td>Out of time</td> <td style="text-align: right;">0</td> <td>-%</td> </tr> <tr> <td>Variations</td> <td style="text-align: right;">11</td> <td>In Time</td> <td style="text-align: right;">11</td> <td>100%</td> <td>Out of time</td> <td style="text-align: right;">0</td> <td>-%</td> </tr> <tr> <td>Objections</td> <td style="text-align: right;">3</td> <td>In Time</td> <td style="text-align: right;">3</td> <td>100%</td> <td>Out of time</td> <td style="text-align: right;">0</td> <td>-%</td> </tr> </table>	Total	51	In Time	51	100%	Out of time	0	-%	Land Use	21	In Time	21	100%	Out of time	0	-%	Subdivision	30	In Time	30	100%	Out of time	0	-%	Other								Misc/Desig	4	In Time	4	100%	Out of time	0	-%	Variations	11	In Time	11	100%	Out of time	0	-%	Objections	3	In Time	3	100%	Out of time	0	-%
Total	51	In Time	51	100%	Out of time	0	-%																																																		
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Variations	11	In Time	11	100%	Out of time	0	-%																																																		
Objections	3	In Time	3	100%	Out of time	0	-%																																																		

Issue building consents within statutory timeframes.

- 100% of all building consents are issued within statutory timeframes
- 20 working days

	Dec 08 to Jan-09		Dec 09 to Jan-10	
	YTD 2008/09	YTD 200910	YTD 200910	YTD 200910
No. of Consents	60	298	47	207
% in time	100%		100%	
New Houses				
Paeroa		11		9
Waihi		42		33
Plains		12		8
TOTAL		65		50

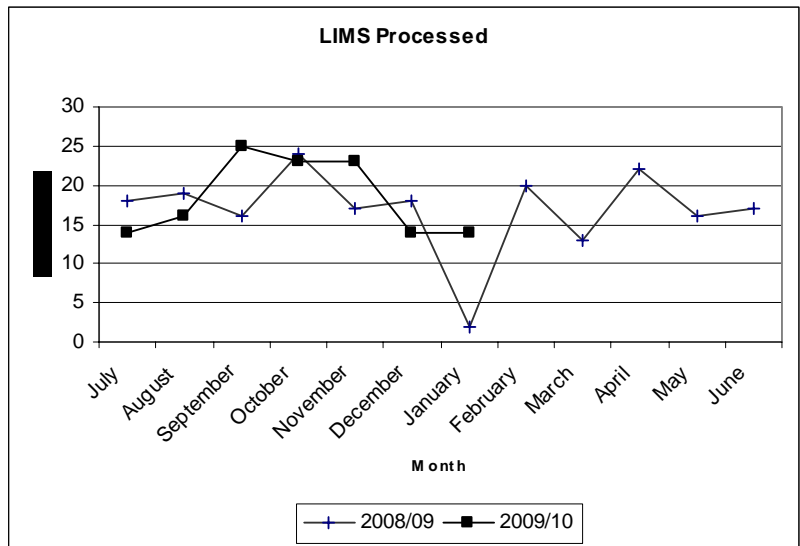


All LIMs are issued within statutory timeframes

All LIMs are issued within 10 working days.

	Dec 08 to		Dec 08 to	
	Jan-09	YTD 2008/09	Jan-10	YTD 2009/10
No. of LIMs	20	114	28	129
% in time	100%			100%
LIMs by Ward				
Paeroa		44		36
Waihi		39		66
Plains		31		27
TOTAL		114		129

	# LIMs	%in time	Avg	# LIMs	%in time	%	Avg
	2008/09	2008/09	Processing	2009/10	2009/10	Overtime	Processing
July	18	78%	8	14	100%	0%	6.1
August	19	79%	8.5	16	100%	0%	6.4
September	16	100%	6.94	25	100%	0%	4.8
October	24	98%	8.63	23	100%	0%	7.7
November	17	77%	6.06	23	100%	0%	6.7
December	18	94%	6.94	14	100%	0%	3.5
January	2	100%	5.5	14	100%	0%	3.8
February	20	100%	4				
March	13	100%	6.7				
April	22	100%	3				
May	16	100%	6				
June	17	100%	6.1				
TOTAL	202	93%	6.70	129	100%	0%	5.60



ANIMAL CONTROL STATISTICS – JANUARY 2010

NO. OF DOGS REGISTERED AS AT 31/01/2010	4000
NO. OF DOGS UNREGISTERED AS AT 31/01/2010..	17
INFRINGEMENTS ISSUED (01/01/10 – 31/01/10):	35
Cancelled	10
In Progress (Status Issued)	25
Paid in Full	
INFRINGEMENTS LODGED TO COURT: (JAN 2010)	31
COMPLAINTS RECEIVED (01/01/10 – 31/01/10) (** Including Stock)	39
DOGS IMPOUNDED (01/01/10 – 31/01/10) (FDN: 376836)	17
DANGEROUS DOGS (currently active) - as at 31/01/10	11
Complying	10
Non-complying	1
** Classified in Month of: January -	0
(FDN: 396637)	
MENACING DOGS (currently active) – as at 31/01/10	80
Complying	63
Non-complying	17
** Classified in Month of: January -	4
(FDN: 457044)	
PROBATIONARY OWNERS (Current)	16
** Classified in Month of: January -	0
(FDN: 458516)	
DISQUALIFIED OWNERS (Current)	0
** Classified in Month of: January -	0
NO. OF OWNERS WITHOUT D.O.B DETAILS	2

Hauraki District Council Submission on the Local Government

(Auckland Law Reform) Bill

To: Committee Secretariat
Auckland Governance Legislation
Parliament Buildings
Wellington

Submission on: Local Government (Auckland Law Reform) Bill

Name: Hauraki District Council

Address: Hauraki District Council
P O Box 17
Paeroa
Attn: Langley Cavers

1 Hauraki District Council makes the following general submission:

This submission has been prepared on the assumption that the part of Franklin District Council identified by the Local Government Commission (or similar) in its Proposal as being amalgamated into Hauraki District will be endorsed when the Commission releases its findings on 1 March.

The Hauraki District Council generally supports the reorganisation proposal. Its submission is based on the administrative issues relating to incorporation of part of Franklin District into Hauraki District. The Council notes that neither Hauraki District Council nor Waikato District Council have been considered in the detailed transitional provisions developed to date or in the current Bill. We are seeking recognition of the need for certain transitional, administrative issues to be addressed as part of the legislation.

The legislation has made full provision for clarification and simplification of administrative processes and procedures for the 'existing Councils' but generally has not addressed the exact same issues with the two Councils (Hauraki and Waikato) that will need to follow many of the same procedures and processes even though they will continue to exist, albeit with additional area and population.

2 Long Term Council Community Plans and Annual Plans

While the legislation has made allowances for transitional Long Term Council Community Plans and Annual Plans for the existing Councils (as defined in the legislation) and the Auckland Council, no allowance has been made for similar provisions to apply to the Hauraki and Waikato District Councils.

The legislation results in the need for the Hauraki District Council to include in its Annual Plan the 8 month period (1 November 2010 – 30 June 2011) the data to be supplied by Franklin for that area of Franklin District to be incorporated into Hauraki District.

Franklin District will therefore have already consulted on its Draft Annual Plan through the special consultative procedure prior to giving the data to Hauraki District.

Council seeks that provision be made to allow that Annual Plan information to be incorporated

into the Hauraki District 2010/11 Annual Plan without the need for a further public consultation process as the statutory timetable for our consultation on the 2010/11 Draft Annual Plan will need to be commenced prior to receiving the details from Franklin District.

If a further consultation process is required Hauraki District will not be able to meet the statutory timeframes for its Annual Plan and it will be in a technical breach of its requirements under the LGA that it would be unable to remedy.

Council requests that a simple and pragmatic change be made that would allow the Annual Plan information from Franklin to be deemed to be part of the adopted Hauraki Annual Plan for 2010/11.

Similar issues arise from the incorporation of that part of Franklin Districts 2009-19 Long Term Council Community Plan into the 2009-19 Hauraki District Long Term Council Community Plan.

We recommend that the relevant parts of the two documents are deemed to be incorporated together as at 1 November 2010 and that any amendments to the Policies that exist in either plan (including Financial Policies under Section 102 and other policies as required elsewhere within the Act) can be amended using the Special Consultative Procedure outside the Annual Plan/Long Term Amendment Procedures.

The current legislation would require a substantial amendment to the Hauraki Long Term Council Community Plan to incorporate the Franklin data. We could not achieve this in the statutory timeframes allowed and we would be in breach of those provisions without any remedy being available. Nor would we have the necessary information to allow this to occur in the required timeframes.

The Council believes that a pragmatic solution is required and requests that the process of developing a new Hauraki Long Term Council Community Plan with common policies to apply across the extended area would best be undertaken for the 2012 – 22 Long Term Council Community Plan.

3 Existing Contracts for Service

The Council requests that the Legislation makes provision for ongoing service level provision for existing contracts of service until alternative arrangements can be made by the Hauraki District Council.

There will be a number of services provided to the current Franklin District Council where contracts will need to run their natural term or where the contract may need to be renegotiated. The period for these contracts currently extends beyond 1 November 2010.

4 Operative and Proposed District Plans

The Council recommends that the same provisions in the Bill relating to District Plans should also apply to the Hauraki and Waikato District Councils.

That is, that the Franklin District Operative District Plan on 31 October 2010 is deemed to be part of the Operative District Plan of the Hauraki District Council from 1 November 2010 and will continue to apply to that portion of Franklin that has transferred to Hauraki District.

The Resource Management Act then allows for the process for the development of a single, unified District Plan.

5 Bylaws

Council requests that suitable legislative provisions are made for existing Bylaws made by the Franklin District Council to remain in force in the area to be transferred to the Hauraki District Council. This will ensure that there is no disruption to the bylaw regulatory framework .

Council will then need to follow the current provisions in the Local Government Act, 2002 to incorporate, amend or revoke those bylaws over time.

6 Elections

The current legislation allows the Auckland Council Electoral Officer to act under the Local Electoral Act, 2001 as if the new Councils were Operative.

The same provision will need to be made for Hauraki and Waikato District Councils to ensure that the necessary preparations can be made under the Local Electoral Act.

7 Development Contributions Policy

The Bill makes certain provisions relating to amending Development Contributions Policies to omit all provisions for water and waste water infrastructure by 1 July, 2011.

We understand that there are no water or wastewater infrastructure assets in the area to be transferred to Hauraki District. Until we can confirm this the proposed provision should not apply to the Hauraki District.

8 Staff

At this stage the Council does not expect there to be any staff movements arising from the incorporation of part of Franklin District into Hauraki District. However, negotiations are ongoing in relation to staff, assets, liabilities etc and the outcome of these negotiations may see a change in this view.

Accordingly, any provisions made in the current legislation for the Bill that could affect these transitional arrangements should be amended to ensure that they apply to the Hauraki and Waikato District Councils as well.

9 Consequential Re-organisation Proposals

Council notes the prohibition on re-organisation of Auckland until after the 2013 Triennial General elections.

Council supports this proposal but notes the final boundaries released by the Commission are likely to have a small part of Waikato District Council bisecting what will probably be the new boundaries of the Hauraki District Council.

The Hauraki District Council would like to ensure that it and the Waikato District Council retain the statutory rights in current legislation to address this potential anomaly by way of a jointly supported re-organisation/boundary adjustment in due course.

Until such an adjustment is made, the Council will negotiate with Waikato District Council for the provision of services in this area to achieve the best value for money approach possible.

10 Annual Plan for Franklin District – Four Month Period – Potential Imbalance

Council notes that the provisions within the legislation means that the Hauraki District Council will need to include the eight (8) month period of the Franklin 2010/11 Annual Plan (1 November 2010 – 30 June 2011) into its Annual Plan for 2010/11.

If there is a shortfall Council will have to fund any imbalance arising out of the Hauraki District Council expenditure exceeding the rating income for that area of Franklin District Council to be transferred to Hauraki District.

Council requests that provision be made for the funding of imbalances that may arise as a result of these provisions.

11 General Provisions Relating to Process

The Council requests that where consideration of transitional processes and procedures has been allowed for, for the existing Councils and the Auckland Council that consideration be given as to whether those same allowances should be made for the Hauraki and Waikato District Councils.

These areas could include vesting of assets, transfer of liabilities, titles to land, vesting of administration of Crown Land in Council.

Signed:

Langley D Cavers
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Hauraki District Council

Date:

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