

Private Bag 1001, Dargaville

Phone 439 3123

Not for Publication until after Commencement of Meeting

Notice Of Ordinary Meeting Of Council

Date 8.30am on Wednesday 14 December 2011

Venue Council Chambers, Station Road, Dargaville

Timetable

8.15 am Cup of Tea/Coffee

8.30 am Commencement of Council Meeting (Audit and Finance Topics)

10.00 am Morning Tea

10.15 am Re-Commencement of Council Meeting (Audit and Finance Topics)

12.15 pm Lunch

1.00 pm Re-Commencement of Council Meeting (General Topics)

The Presentations will take place during Council business, at the time indicated below.

- a) Mangawhai Track Group (1.00 - 1.10pm)
- b) New Zealand Citizenship Presentation (3.00pm)

Item 2.1 refers.

Mayor Neil Tiller will be presenting Rahul Patel (India) and Peggy Fisher (United States) with their New Zealand Citizenship Certificates during the Council meeting in Dargaville on Wednesday 14 December 2011.

3.00 pm New Zealand Citizenship Ceremony

3.15 pm Afternoon Tea (as part of Citizenship presentation)

3.45 pm Recommencement of Council Meeting (General Topics), if required

Ordinary Meeting Of Kaipara District Council In The Council Chambers, Station Road,
Dargaville On Wednesday 14 December 2011 Commencing 8.30am

Recommendations contained in the order paper and reports are NOT Council
decisions but are provided as advice on which the debate can begin.

Please refer to Council minutes for Resolutions.

Contents

1	Opening: Councillor Blackwell	4
1.1	Present	4
1.2	In Attendance	4
1.3	Apologies	4
2	Presentation	4
2.1	Mangawhai Track Group (1.00 - 1.10pm)	4
2.2	New Zealand Citizenship (3.00pm)	4
3	Declaration of Conflicts of Interest	4
3.1	Declaration of Conflicts of Interest	4
Part 1: Public Excluded (Audit and Finance Topics)		5
4	Public Excluded Council (Audit and Finance Topics) Items 14 December 2011	5
Open Meeting Council (Audit and Finance Topics): Wednesday 14 December 2011		6
Part 2: Audit and Finance Topics		7
5	Audit	7
5.1	Audit Engagement and Arrangements for the year ended 30 June 2011	7
5.2	Audit Arrangements for the 2012 Ten Year Plan	7
6	Finance	8
6.1	Treasury Management	8
Part 3: General Topics		9
7	Confirmation of Minutes	9
7.1	Extraordinary Council Meeting: 9 November 2011	9
7.2	Ordinary Council Meeting : 23 November 2011	9
8	Policy	9
8.1	Former Dairy Factory, Whakapirau	9
8.2	Use of Unformed Road: Installation of Footbridge	11
8.3	Mangawhai Foreshore, Alamar Crescent Boat Ramp	12
8.4	Pahi Wastewater: Sanitary Survey	12
8.5	Kaipara Heritage Assistance Fund Allocation 2011/2012	13

8.6	Mangawhai Endowment Fund Committee Recommendations	14
8.7	Smokefree Parks and Playground Policy 2011: Adoption	16
8.8	Proposed Plan Change, Te Arai: Kaipara District Council Submission	17
9	Reports	17
9.1	Mayor's Report	17
9.2	Councillors Reports	18
9.3	Chief Executive's Report: December 2011	18
10	Receipt	18
10.1	Raupo Drainage Committee Confirmed Minutes 18 August 2011	18
11	Information Items	18
11.1	Correspondence Addressed to Mayor and Councillors: 8 November to 29 November 2011	18
11.2	Delegated Authority: Schedule of Decisions	19
11.3	Northland Intersectoral Forum Monthly Briefing Report 21 November 2011	19
11.4	Department of Internal Affairs Conflict of Interest Discussion Document: Kaipara District Council Submission	20
11.5	Proposed District Plan Variation N ^o 1 Update	20
11.6	Proposed District Plan: Appeals Update N ^o 1	21
11.7	Kaiwaka Structure Plan: Final Update, Questionnaire and Maps	21
11.8	Draft Long Term Plan 2012/22 Pre Plan Consultation	22
11.9	Environmental Protection Authority: ERMA Application by LanzaTech New Zealand Limited on Anaerobic Bacterium (Clostridium magnum)	23
11.10	Resource Management Act Survey: Audit of Council Responses	24
11.11	Northland Regional Council Annual Plan 2011/12, Response to Kaipara's Submission	24
11.12	New Zealand Police: Neighbourhood Policing Team Initiative	24
Part 4: Public Excluded General Topics		25
12	Public Excluded Council Items 14 December 2011	25
Open Council General Topics : Wednesday 14 December 2011		26
Closure		26



Order Paper: 14 December 2011

1 Opening: Councillor Blackwell

Councillor Geange to open the Council meeting on 25 January 2012.

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

1.1 Present

1.2 In Attendance

1.3 Apologies

At the close of the Agenda no apologies had been received.

2 Presentation

2.1 Mangawhai Track Group (1.00 - 1.10pm)

Mayor

Representatives of the Mangawhai Track Group will be present to speak to Council.

2.2 New Zealand Citizenship (3.00pm)

Corporate Services Manager 1401.0 2011

Mayor Neil Tiller will be presenting Rahul Patel (India) and Peggy Fisher (United States) with their New Zealand Citizenship Certificates during the Council meeting in Dargaville on Wednesday 14 December 2011.

3 Declaration of Conflicts of Interest

3.1 Declaration of Conflicts of Interest

General Manager Policy and Governance 1902.0

Audit has asked that this item be included on Council's Agenda each month. People's personal situations change and Audit believes it is appropriate that both Councillors and Managers give regular consideration as to whether or not they have a potential conflict of interest in respect of anything before Council.

Part 1: Public Excluded (Audit and Finance Topics)

4 Public Excluded Council (Audit and Finance Topics) Items 14 December 2011

Recommended

That the public be excluded from the following part of the proceedings of this meeting. The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:

<i>Subject matter to be considered:</i>	<i>Ground(s) under Section 48 (1) for the passing this resolution:</i>
<i>Audit New Zealand. Report to Council on the Audit for year ending 30 June 2010</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(c)(i)</i>
<i>Forecast for 2011/2012</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(a), Section 7 (2)(f)(i), Section 7(2)(i)</i>
<i>Mangawhai Community Wastewater Scheme</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(a), Section 7(2)(f)(i), Section 7(2)(i)</i>

Reason for passing this resolution in relation to each matter

This resolution is made in reliance of Section 48 (1)(a) of the Local Authority Official Information and Meetings Act and the particular interest or interests protected by Section 7 of that Act Section 7 of the Official Information Act 1982, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Section 7 (2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

Section 7(2)(a) withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons

Section 7(2)(f)(i) withholding of the information is necessary to Maintain the effective conduct of public affairs through The free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) of this Act applies, in the course of their duty.

Section 7 (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).

Open Meeting Council (Audit and Finance Topics): Wednesday
14 December 2011

Recommended

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

Part 2: Audit and Finance Topics

Business Papers for this section are circulated in Part 2 Green Bound book

5 Audit

5.1 Audit Engagement and Arrangements for the year ended 30 June 2011

Chief Executive 2302.02, 2303.17

A report from the Chief Executive dated 30 November 2011 and its associated letters from Audit New Zealand dated 31 August 2011 are attached.

Council is required to have its Annual Report audited under the Local Government Act 2002. Under the Public Audit Act 2001 the Auditor-General is appointed as the statutory auditor for the Council. This report presents the Audit engagement and arrangements letters for completion of the 2010/11 Annual Report to Council for their information.

Recommended

That Council:

- 1 *Receives the report 'Audit Engagement and Arrangements for the year ended 30 June 2011' from the Chief Executive dated 30 November 2011; and*
- 2 *Notes that work is continuing with finalising the Annual Report and that it will be presented to Council in the near future.*

5.2 Audit Arrangements for the 2012 Ten Year Plan

Chief Executive 2302.16

The Local Government Act 2002 requires that draft and adopted Ten Year Plans (Long Term Plan) contain a report from the local authority's auditor. This report outlines the arrangements for the audit of the Council's 2012/22 Ten Year Plan (or LTP) by Audit New Zealand.

Recommended

That Council:

- 1 Receives the Audit Proposal and Arrangements Letter for the Long-term Plan for the period commencing 1 July 2012.*
- 2 Notes that the Arrangements letter has previously been approved by the Chief Executive and Mayor.*

6 Finance

6.1 Treasury Management

General Manager Policy and Governance

A report from the General Manager Policy and Governance will be circulated separately.

Part 3: General Topics

Business Papers for this section are circulated in Part 3 Blue Bound book

7 Confirmation of Minutes

P1 7.1 Extraordinary Council Meeting: 9 November 2011

General Manager Policy and Governance 1601.16

A copy of the unconfirmed minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council 9 November 2011 as circulated, be confirmed as a true and correct record.

P8 7.2 Ordinary Council Meeting : 23 November 2011

General Manager Policy and Governance 1601.16

A copy of the minutes is attached.

Recommended

That the minutes of the Ordinary Meeting of Council on 23 November 2011 as circulated, be confirmed as a true and correct record.

8 Policy

P32 8.1 Former Dairy Factory, Whakapirau

General Manager Operations 4702.28

A report from the General Manager Operations dated 25 November 2011 is attached.

At Council's 25 May 2011 meeting a report was circulated regarding the former Dairy Factory at Whakapirau. This building is on esplanade reserve vested in Council and legal research concluded that this building is owned by Council. At Council's May 2011 meeting Council requested Mr Brett Taylor to work with Council staff to find solutions to the ownership issue and present these to Council for its consideration.

Mr Taylor has asked that Council consider transferring the ownership of the building back to him and that consideration be given to a ground lease for the footprint of the land the building is sitting on.

This is a complex issue that does not provide a simple answer. The options discussed will provide traction but cannot decide the outcome and this is because the ownership issue is only one factor. Once ownership is decided, in order for Mr Taylor to carry out the activities he has outlined for the building, public consultation may need to be undertaken. The outcome from any consultation is unknown and Mr Taylor will need to carry that risk.

Council has two main options. The first option provides a comprehensive answer to the ownership/use situation. The problem for Mr Taylor is that there are several statutory processes to be followed with considerable costs attached and the added risk of an undetermined outcome. It is well to remember these are statutory processes Mr Taylor would have had to have undertaken whether ownership was an issue or not. The second option is to decline Mr Taylor's request so that the status quo continues and appoint a caretaker.

This report has been sent to the Portfolio Holder Councillor Geange for her information and comment.

Option 1 Recommendation

That Council agrees to transfer the ownership of the former Dairy Factory building at Whakapirau to Mr Taylor; and

That Council makes a grant to Mr Brett Taylor at purchase price of the Dairy Factory building at Whakapirau; and

That Council enters into a conditional agreement with Mr Brett Taylor that he works with Council to make necessary changes to the reserve status of Lot 4 DP 43663 and Lot 2 DP 47660 (currently Esplanade Reserve at Whakapirau) to enable the footprint of the land the former Dairy Factory building sits on to be leased to him. This is on the understanding that there will be no change to public access rights to the reserve and that such agreement does not commit Council to grant any resource consent which may be required for use of the property, and that Mr Taylor agrees to meet all Council's related costs, regardless of the outcome.

Or alternative option:

Option 2 Recommendation

That Council allows no change to the current status of the building on land status Lot 4 DP 43663 and Lot 2 DP 47660 (currently Esplanade Reserve at Whakapirau) and appoints a caretaker and grants the caretaker rights of occupation in accordance with that role.

Reason for the recommendation

It is not in Council's interest to retain this building. Council needs a way forward with this issue and needs a solution that protects the public access rights to the Whakapirau foreshore. Both options provide for that.

P38 8.2 Use of Unformed Road: Installation of Footbridge

General Manager Operations 4102.20

A report by the General Manager Operations dated 30 November 2011 is attached.

Mangawhai Tracks Charitable Trust has made an application to install a footbridge on an unformed section of King Road, Mangawhai. In order to facilitate access to people of all fitness levels it is necessary to bridge a stream. This proposal will enhance access to one of the District's special character environments. It should encourage additional visitors to the District therefore supporting a sustainable economy. The structure has been designed for a minimum 50 year life span and will be constructed out of high quality materials. Council's engineering consultants have reviewed and approved the bridge design.

As an asset vested in Council, there will be an ongoing maintenance cost.

This report has been sent to the Portfolio Holder Councillor Linton and Otamatea Councillors Larsen and Sutherland for their information and comment.

Recommended

That Council approves the construction of a footbridge on an unformed section of King Road, Mangawhai, which will provide enhanced access to the Brynderwyn Hills Scenic Reserve; and

That Council accepts ongoing maintenance of the footbridge once the applicant has constructed it to Council's satisfaction.

Reason for the recommendation

The installation of a footbridge will provide enhanced access to the Brynderwyn Hills Scenic Reserve. The bridge design is an approved engineering solution, which will not require much maintenance for many decades.

P47 8.3 Mangawhai Foreshore, Alamar Crescent Boat Ramp

General Manager Operations 4702.13

A report by the General Manager Operations dated 30 November 2011 is attached.

The Council had a workshop and site inspection on Wednesday 7 June 2011 to discuss the future of the Mangawhai Foreshore, Alamar Crescent Boat Ramp and the Mangawhai Camp Ground. The purpose of the meeting was to consider future directions. The matter had been made more pressing by the proposal to modify the boat ramp from the Mangawhai Boating and Fishing Club.

A site inspection was held for familiarisation and wide-ranging discussions were held which resulted in the conclusions identified in the recommendations below.

Since the site visit Council has discussed this matter informally at a Portfolio Holder meeting in August 2011.

The report has been sent to Councillors Larsen, Sutherland and Wade for their information and comment.

Recommended

- 1 **That** Council approves in principle the proposal to modify the Alamar Crescent boat ramp to enable the Mangawhai Boating and Fishing club to apply for Resource consent from Northland Regional Council; and
- 2 **That** this approval is on the basis that the construction of the boat ramp cannot commence until after the end of the 2011/2012 camping season. All work would need to be undertaken in the six months following the end of the camping season.

Reason for the recommendation

The recommendations reflect the discussions by Council at its workshops, and provide the applicants the certainty to proceed with a resource consent application.

P51 8.4 Pahi Wastewater: Sanitary Survey

General Manager Policy and Governance 4511.0

A report from the General Manager Policy and Governance dated 29 November 2011 is attached regarding a test undertaken at Pahi under the Recreational Swimming Water Quality Programme, which is a joint project, administered by the Northland Regional Council, in partnership with the Northland District Health Board and the Far North District Council, Whangarei District Council and Kaipara District Council.

The aim of the programme is to provide information on water quality at popular freshwater and coastal swimming sites in Northland, to allow the public to make an informed decision about where is safe to swim. The objective of the programme is to facilitate 'safer' swimming in Northland by identifying problem sites and informing the public of the implications of recreational contact with contaminated water. Once problem sites have been identified, the Regional and District Councils can also work together to identify the source of contamination and work towards improving water quality at these sites.

Faecal source tracking work undertaken by the Northland Regional Council at Pahi in 2010 has returned positive for human source of faecal contamination. A sanitary survey of septic tanks within the catchment area of the Pahi reserve would aid in identifying the contamination source.

Recommended

That Council approves a sanitary survey to be undertaken of septic tanks within the catchment area of the Pahi reserve.

Reason for the recommendation

Northland Regional Council has requested that Council undertake a sanitary survey of Pahi to determine whether septic tank systems that may be faulty or failing. It is Council's legal obligation under the Resource Management Act, Health Act 1956 and Building Act 2004. Council has a duty of care to promote and protect public health within its District.

P58 8.5 Kaipara Heritage Assistance Fund Allocation 2011/2012

General Manager Policy and Governance 3839.02.06

A report from the General Manager Policy and Governance dated 24 November 2011 is attached, the purpose of which is to recommend to Council to approve the allocation of the funds following assessment of the received applications.

The Kaipara Heritage Assistance Fund Allocation Committee is recommending the allocation of the funds following assessment of the received applications to the Kaipara Heritage Assistance Fund. As part of this year's Annual Plan, Council set aside \$15,000 for a contestable Kaipara Heritage Assistance Fund. The aim of the Fund is to help and encourage people to protect and preserve resources of heritage value within Kaipara. It was considered that such a fund would help contribute to the 'strong communities' and 'special character' of Kaipara's Community Outcomes.

Seven applications from individuals and groups across the District were received by Council. The seven applications which meet the criteria for the Fund have collectively requested \$22,914.10.

Recommended

That Council funds the 2011/2012 applications to the Kaipara Heritage Assistance Fund as follows:

Applicant	Heritage Resource	Funding
<i>Anglican Church, Paparoa Parish</i>	<i>Historic Church at Whakapirau</i>	<i>\$ 1,066.00</i>
<i>Owen and Mary Stevens</i>	<i>Haigh House</i>	<i>\$ 4,398.50</i>
<i>The Kauri Museum</i>	<i>Pioneer Church roof and toilets</i>	<i>\$ 2,425.00</i>
<i>Dargaville Lions</i>	<i>Replacement of rotten windows</i>	<i>\$ 1,332.00</i>
<i>Friends of Paparoa Brickworks</i>	<i>Brick kiln</i>	<i>\$ 2,460.00</i>
<i>Kaiwaka War Memorial Hall</i>	<i>Photographic display of WWI and WWII</i>	<i>\$ 448.50</i>
<i>Marija Vuletic</i>	<i>Former Dargaville Post Office</i>	<i>\$ 2,870.00</i>
Total		\$ 15,000.00

Reason for the recommendation

The allocation of the Kaipara Heritage Assistance Fund will help contribute to the 'strong communities' and 'special character' of Kaipara's Community Outcomes.

P61 8.6 Mangawhai Endowment Fund Committee Recommendations

General Manager Policy and Governance 2308.05

A report from the General Manager Policy and Governance dated 30 November 2011 is attached, and the associated Mangawhai Endowment Fund Committee minutes of 16 November 2011.

The report provides background information about the Mangawhai Endowment Fund to assist Council in making decisions on the recommendations from the Endowment Fund Committee. These include recommended grants as well as the use of the Fund by Council as an internal borrowing resource, and funding arrangements with the Mangawhai Harbour Restoration Society. The Committee is guided by the Mangawhai Lands Empowering Act 1966, and the policy guideline which has been developed over the years to provide direction in assessing requests.

The Mangawhai Endowment Fund was created from the disestablishment of the Mangawhai Harbour Board, which held extensive residential lands at Mangawhai. Council calls for applications for grants from the Fund each year, and these are assessed by the Mangawhai Endowment Fund Committee, which then recommends to Council how the available funds should be disbursed.

The Committee has assessed this year's applications, and has made its recommendations for Council to endorse as shown below. In addition, it has considered two further but related matters. Firstly, after considering information about options available for improving investment returns, it recommends continuing with the arrangement of using the Fund capital for internal borrowing by the Council. Secondly, it seeks approval from Council for the Committee to meet with the Mangawhai Harbour Restoration Society to review funding arrangements and discuss future plans.

Recommendation 1 (Grants)

That Council confirms the Mangawhai Endowment Fund Committee's 16 November 2011 resolution for the following grants for the 2010/2011 funding:

<i>Mangawhai Historical Society</i>	<i>\$50,000</i>
<i>Mangawhai Library Hall Committee</i>	<i>\$5,412</i>
<i>Mangawhai Activity Zone</i>	<i>\$15,510</i>
<i>Mangawhai Boating and Fishing Club</i>	<i>\$12,027</i>
<i>Mangawhai Community Garden</i>	<i>\$500</i>
<i>Hakaru Pony Club</i>	<i>\$586</i>
<i>Mangawhai Harbour Restoration Society</i>	<i>\$30,066</i>

Reason for Recommendation 1

Council has the responsibility to approve grants from the Mangawhai Endowment Fund based on the Committee's recommendations.

Recommendation 2 (Investment)

That Council endorses the use of the Mangawhai Endowment Funds for internal borrowing and attracting interest which is set at the average cost of borrowing.

Reason for Recommendation 2

This is advantageous and beneficial to both the Council and the Fund. It allows Council to internally borrow the amount, while still maintaining a competitive interest rate for the fund on its investment, and is consistent with the Council's Treasury Policies.

Recommendation 3 (Mangawhai Harbour Restoration Society)

That Council delegates to the Mangawhai Endowment Fund Committee the authority to meet with and discuss past benefits and future intentions regarding use of financial assistance from the Fund with the Mangawhai Harbour Restoration Society.

Reason for Recommendation 3

In accordance with the October 2006 resolution Council and the Mangawhai Harbour Restoration Society need to meet and review the annual funding arrangement. This meeting is to take place once the Society's audited annual reports have been received by Council.

P70 8.7 Smokefree Parks and Playground Policy 2011: Adoption

General Manager Policy and Governance 4702.04

A report from the General Manager Policy and Governance dated 1 December 2011 and the Smokefree Parks and Playgrounds Policy 2011 are attached.

Council has been approached by the Northland District Health Board for consideration of an educative Smokefree Parks and Playgrounds Policy. The Northland District Health Board has offered to supply signage at no cost to Council at parks and playgrounds, if the Policy is adopted. This report has considered the impact of adopting an educative smokefree policy within the Kaipara at all Council-owned parks and playgrounds.

The options are to either do nothing to reduce smoking behaviour, which would be a reversal of Council's current approach, or to remain with the status quo of signage at playgrounds only. The third option is to extend the practice of providing "Smokefree" signage in playgrounds to include all Council-owned Parks, and support this with a policy. Parks include Council's sports fields, swimming pools and other Council-owned passive recreation areas. This is the preferred option.

An educational approach rather than an enforcement approach is proposed and is to be achieved through appropriate signage and community education based publicity to encourage people to refrain from smoking in these areas.

Extending smokefree areas is a way in which smoking can be de-normalised, by reducing visibility of smoking behaviour, promoting healthy smokefree lifestyles and providing positive role models for children. It is based on the philosophy that if people see the behaviour every day, they are more likely to pick it up, and conversely less likely to pick up behaviours less frequently observed.

Recommended

That Council adopts the Smokefree Parks and Playgrounds Policy 2011.

Reason for the recommendation

The Smokefree Parks and Playgrounds Policy gives greater effect to Kaipara's Community Outcomes, promoting healthy lifestyles and making Kaipara a better place to live in.

- P79 8.8 Proposed Plan Change, Te Arai: Kaipara District Council Submission
 General Manager Policy and Governance 3832.04, 3842.0

Item 7.6 Council minutes 23 November 2011 refers.

Council received information about the proposal to rezone land at Te Arai, just south of Mangawhai, at its November 2011 meeting. It was resolved that staff were to report back on whether Council had made a submission on previous versions of the proposed Te Arai development, and whether it would be in Council's interest to again make a submission to the current proposal due to the likely impact on our infrastructure around Mangawhai. It can be confirmed that this Council did not make a submission to previous proposed plan changes for the land, but it is thought to be appropriate this time. The closing date for submissions is 19 December 2011.

The attached draft submission has been prepared to this end. It identifies Kaipara's concerns about the possible impacts the future development could have on this Council's infrastructure, particularly roading. It signals to Auckland Council that Kaipara District Council will regard itself as an affected party in any future subdivision development which would follow on from the rezoning. That is the appropriate stage for conditions to be imposed which could mitigate the impacts of the development on Kaipara.

The draft submission has been discussed with Councillors Sutherland and Blackwell, who are in agreement with the approach taken.

Recommended

That Council lodges a submission to Auckland Council's Proposed Plan Change 166 (Te Arai) in accordance with the draft submission contained in the 14 December 2011 agenda.

Reason for the recommendation

The submission identifies Kaipara's concerns about the possible impacts the future development could have on this Council's infrastructure, particularly roading.

9 Reports

9.1 Mayor's Report

Mayor 1701.02.03

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

9.2 Councillors Reports

Councillors 1904 (various)

This is an opportunity for Councillors to inform Council of activities they have undertaken on behalf of Council. Written reports are preferred as these are then attached to the Minutes. Verbal reports are not recorded in accordance with Section 3.17.2 of Standing Orders.

9.3 Chief Executive's Report: December 2011

Chief Executive 2002.02.10

The Chief Executive's report for December 2011 will be combined with the January 2012 report and come before Council at its January 2012 meeting.

10 Receipt

P83 10.1 Raupo Drainage Committee Confirmed Minutes 18 August 2011

General Manager Operations 1603.15

A copy of the confirmed Raupo Drainage Committee minutes of 18 August 2011 is attached.

Recommended

That the Raupo Drainage Committee confirmed minutes of 18 August 2011, as circulated, be received.

11 Information Items

P86 11.1 Correspondence Addressed to Mayor and Councillors: 8 November to 29 November 2011

General Manager Policy and Governance 1701.01

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

Note the agenda timetable necessitated this information to be collated two weeks prior to the meeting. Correspondence received after that date would be reported to the next meeting along with responses which had been sent after the cut-off date.

Recommended

That the information be received.

P108 11.2 Delegated Authority: Schedule of Decisions

General Manager Operations 3803.0

A schedule of decisions that has been made under delegated authority is attached. The purpose of this is not for Council to review the detail of these decisions as they have already been made under delegated authority, but rather to give an indication of the nature and scale of developments taking place within the District in a reasonably concise way.

Recommended

That the Delegated Authority Schedule of Decisions be received.

P148 11.3 Northland Intersectoral Forum Monthly Briefing Report 21 November 2011

General Manager Policy and Governance 1908.01.04

The Northland Intersectoral Forum Monthly Briefing Report for 21 November 2011 is attached for information.

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

The Police provided a briefing on the rollout of the Neighbourhood Policing Teams initiative in Northland (see separate agenda item).

Recommended

That the information be received.

P151 11.4 Department of Internal Affairs Conflict of Interest Discussion Document:
Kaipara District Council Submission

General Manager Governance and Policy

1902.0

The Council's final response to the Department of Internal Affairs Discussion Document on Conflict of Interest has now been completed. Councillor Sutherland was delegated authority to review and subsequently approve the final version to which she has done.

Council has now forwarded it's submission dated 15 November 2011 on to Local Government New Zealand as stated in the Discussion Document. The submission is attached for Council's information.

Recommended

That the information be received.

P157 11.5 Proposed District Plan Variation N^o1 Update

General Manager Policy and Governance

3807.05.01.02

The Proposed District Plan was originally notified in 2009 without a section providing for the protection of Outstanding Landscapes. This was challenged in the Environment Court, and as a consequence Council was required to produce a "Landscapes" chapter for the Plan. This chapter was publicly notified as Variation N^o1 on 2 December last year.

Notification yielded 554 submissions, which then attracted an additional 56 'Further Submissions' (supporting or opposing an initial submission). Just over fifty of these requested to be heard in support of their Submission or Further Submission.

Council delegated the task of hearing and determining the submissions to Messrs Les Simmons and Greg Hill as commissioners under the Resource Management Act. Mr Simmons had chaired the Hearings Panel for the original Proposed District Plan hearings. The hearings commenced on Tuesday 29 November 2011 and are scheduled for completion on Thursday 8 December 2011.

It is expected that the commissioners will take several months to deliberate on their decisions before reporting back to Council.

Recommended

That the information be received.

P158 11.6 Proposed District Plan: Appeals Update N°1

General Manager Policy and Governance

3807.06.04

A report from the General Manager Policy and Governance dated 1 December 2011 is attached

Council needs to be kept informed about the progress in finalising the Proposed District Plan, following the notification of the decisions on Submissions on 5 October 2011. At the end of the appeals period, 18 appeals had been received, several of these being lodged jointly. There is a further period of 15 working days after the close of the appeals period for parties who consider themselves affected by an appeal, to apply to the Environment Court to join the proceedings. This period will have ended two days before Council's December 2011 meeting.

The Environment Court is assessing each appeal and deciding if it is capable of being dealt with on a "Standard Track" or a "Complex Track" depending on what it sees as the potential for resolution. This will guide the Council team (the Appeals Panel assisted by staff and advisers) in the approach to be taken in response. The Court endeavours to see all matters brought before it is resolved without the need for a hearing if at all possible.

In the meantime, staff are preparing a plan for managing the appeals process.

Recommended

That the information be received.

P160 11.7 Kaiwaka Structure Plan: Final Update, Questionnaire and Maps

General Manager Policy and Planning

3802.01

The Kaiwaka Structure Plan questionnaire has been revised and updated with help from Councillor Sutherland. This advice was very helpful and the questionnaire is now ready for distribution to the targeted area. The refined questionnaire and maps are attached for Council's information.

Recommended

That the information be received.

P167 11.8 Draft Long Term Plan 2012/22 Pre Plan Consultation

Corporate Services Manager 2302.16.04

As part of the pre plan consultation strategy for the 2012/22 Draft Long Term Plan the 'Get Involved Now' marketing campaign sought comments on what people would like to see included in the upcoming Draft Long Term Plan.

In an attempt to encourage involvement from the wider Kaipara communities the following methods were used to promote the campaign.

- Regular newspaper advertisements in local newspapers,
- Website and facebook publicity,
- Posters, displays and comment forms in Council offices,
- Posters, displays and comment forms in Dargaville and District libraries,
- All Council frontline staff actively promoting campaign,
- November 2011 Mayor's Newsletter dedicated solely to the promotion of the 'Get Involved Now' campaign.

Last year the pre plan consultation was considered successful with a total of 30 comment forms received. This year a total of 157 have been received many of which, include a number of issues or ideas.

The Mayor's Newsletter asked specific questions including what Council should do about its current financial situation. Up to a quarter of the issues raised were concerning how Council should address its debt. The general theme of these responses is that Council needs to reduce its debt, stop or minimise spending to essential items and prepare a financial plan forward. Rates was also a 'hot' topic with a relatively even split for and against increasing rates to reduce debt. Half the responses believed there is no choice but to increase rates but it should be on a user pays basis. The other half did not want any more increases and also preferring user pays system.

A number of other suggestions were received including selling off Council owned land to reduce debt, reduce or eliminate the use of consultants preferring in house or local expertise. At least 10% of the comments requested better communication and transparency.

All the issues will be collated into a spreadsheet which outlines the topics, issues and actions and a copy of this along with a copy of the comment forms will be circulated separately.

Each person who has taken the time to comment will receive a tailored response appropriate to the comments they have submitted.

Recommended

That the information be received.

- P168 11.9 Environmental Protection Authority: ERMA Application by LanzaTech New Zealand Limited on Anaerobic Bacterium (*Clostridium magnum*)
 General Manager Policy and Governance 3841.0

Council has received notification of an application to the Environmental Protection Authority under the Hazardous Substances and New Organisms Act, which is attached for information. The application has been made by a company called LanzaTech, who would like to carry out use of an anaerobic bacterium, *Clostridium magnum* to convert carbon-based gases to acetic acid.

LanzaTech has provided the following information about the bacterium that they propose to use. The bacterium that is being used is strictly anaerobic; that is it lives without oxygen. Once the bacterium leaves an anaerobic environment (environment without oxygen) to an aerobic environment (environment with oxygen) it will die. It has been in culture for many generations, which means that the ability to sporulate (reproduce), has been lost through continuous culturing. The bacterium does not have any known affinities with other organisms in New Zealand. It has not known to cause disease in humans, animals, plants or fungi. It is a natural isolate of mud, sourced from outside New Zealand.

LanzaTech considers it highly improbable that the bacterium would move from an anaerobic environment to a suitable anaerobic environment to form a self population. In the highly improbable event that a self-sustaining population was to form, they consider it unlikely that it would be able to be eradicated. However they also consider it highly unlikely that adverse effects would occur should a self-sustaining population form.

The company has already carried out the Hazardous Substances and New Organisms Act-approved, contained laboratory-scale research. In the next stage it wants to scale up to a pilot plant in New Zealand, which necessitates this application for organisms to be released. Once the larger scale process is proven, LanzaTech intends the technology to be commercialised. This would create wide-ranging employment opportunities, including securing and retaining further international class scientific talent for LanzaTech's Research and Development facilities in New Zealand, and delivering the country significant foreign exchange earnings.

Please note that the application does not state where they intend to carry out field trials. If Council wishes to make a submission, submissions close on 19 December 2011.

Recommended

That the information be received.

P180 11.10 Resource Management Act Survey: Audit of Council Responses

General Manager Operations 3825.0

An audit of Council responses to the 2010/11 Resource Management Act survey will be conducted on behalf of the Ministry for the Environment. There are nine randomly selected councils who will participate in this year's audit. Kaipara District Council has been selected to represent rural district councils in the North Island.

Given the Minister's concern about Council's regular use of section 37 Resource Management Act to extend processing times, our selection for this audit is not surprising. This is an opportunity for Council to demonstrate the improvements to its resource consent processing as well as to receive some pointers towards further improvements. The Council visit, which is estimated to not exceed one day, will be conducted before 13 January 2012.

Recommended

That the information be received.

P181 11.11 Northland Regional Council Annual Plan 2011/12, Response to Kaipara's Submission

General Manager Policy and Governance 2117.01

A response dated 21 July 2011 received from the Northland Regional Council to Kaipara District Council's submission to their draft Annual Plan for the current financial year is attached. A copy of the submission sent dated 6 May 2011 by this Council is also attached to assist with interpretation.

Recommended

That the information be received.

P186 11.12 New Zealand Police: Neighbourhood Policing Team Initiative

General Manager Policy and Governance 2110.16

A letter from the Northland Relieving District Police Commander dated 20 October 2011 is attached, advising of a new 'prevention first' approach to policing in the community. While the two new teams for Northland are not located in Kaipara, it will be of interest to learn how successful this initiative becomes for the selected communities, and whether it has the potential to be extended.

Recommended

That the information be received.

Part 4: Public Excluded General Topics

Business Papers for this section are circulated in Part 4 Blue Bound book

12 Public Excluded Council Items 14 December 2011

Recommended

***That** the public be excluded from the following part of the proceedings of this meeting.*

The general subject matter of each matter to be considered while the public is excluded, the reasons for passing this resolution in relation to each matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act, 1987 for the passing of this resolution are as follows:

<i>Subject matter to be considered:</i>	<i>Ground(s) under Section 48 (1) for the passing this resolution:</i>
<i>Potential Claims against Council</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(g)</i>
<i>Mangawhai St John Ambulance Service proposed alternative site consultation</i>	<i>Section 48 (1)(a), Section 7, Section 7(2)(a)</i>
<i>Dargaville Community Cinema Charitable Trust Additional Funding</i>	<i>Section 48 (1)(a), Section 7, Section 7 (2)(f)(i)</i>

Reason for passing this resolution in relation to each matter

This resolution is made in reliance of Section 48 (1)(a) of the Local Authority Official Information and Meetings Act and the particular interest or interests protected by Section 7 of that Act Section 7 of the Official Information Act 1982, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public.

Section 7(2)(a) withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons

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

Open Council General Topics : Wednesday 14 December 2011

Recommended

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

Closure

Kaipara District Council

Dargaville