

Private Bag 1001, Dargaville

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

**Confirmed Minutes**

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**Minutes: 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**

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

**1.2 In Attendance**

Chief Executive, General Manager Operations, General Manager Policy and Governance, Corporate Services Manager, Policy Analyst (Minutetaker)

**1.3 Apologies**

**Moved Geange/Sutherland**

*That the apologies of Councillor Harding be received.*

**Carried**

**2 Presentation**

**2.1 Mangawhai Tracks Charitable Trust (1.00 - 1.10pm)**

**Mayor**

Representatives of the Mangawhai Tracks Charitable Trust presented to Council. The Group talked about the use of an unformed section of King Road as a walking track and the need to install a footbridge over a stream.

**2.2 New Zealand Citizenship Presentation (3.00)**

Mayor Tiller presented Rahul Patel (India) and Peggy Fisher (United States) with their New Zealand Citizenship certificates before the conclusion of the Council Meeting.

### **3 Declaration of Conflicts of Interest**

#### **3.1 Declaration of Conflicts of Interest**

##### **General Manager Policy and Governance 1902.0**

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

Councillor Sutherland declared a potential Conflict of Interest in Item 6.2 as her husband had submitted a letter to this item.

Confirmed

## Part 1: Public Excluded (Audit and Finance Topics)

The meeting went into the Public Excluded Session at 8:43 am

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

#### Moved McEwing/Blackwell

*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 309 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>

#### **Carried**

#### **Reason for passing this resolution in relation to each matter**

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

**Section 7 (2)(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).

Confirmed

## Open Council A & F Topics : Wednesday 14 December 2011

The meeting came out of the Public Excluded Session at 9:50 am

**Moved Geange/Linton**

*That the resolutions made whilst in Public Excluded, be confirmed in Open Meeting; and  
That the material in Item 4.3 'Mangawhai Community Wastewater Scheme' be moved to open meeting.*

**Carried**

### 4.1 Audit New Zealand: Report to Council on the Audit for Year Ending 30 June 2010

**Chief Executive 2303.16**

**Moved Geange/Sutherland**

- 1 *That Council receives Audit New Zealand's Audit Management Report for the year ending 30 June 2010; and*
- 2 *That Council notes that:*
  - a) *ordinarily management actions would be noted and that progress on addressing any outstanding actions will be reported to Council for continued monitoring; and*
  - b) *this process will commence for the 2011/2012 year once the Annual Report is complete and the Management Letter issued.*
  - c) *that the Management Report with the exception of the confidential areas as determined by the Chief Executive be made available to the public.*

**Carried**

### 4.2 Forecast One: 2011/2012 Annual Plan

**General Manager Policy and Governance 2302.15.05**

A report from the General Manager Policy and Governance was to be circulated, however this report will now be circulated at a Special Council Meeting to be held on Tuesday 20 December 2011 at 1.00 pm.

Councillor Larsen had put his apologies for not being able to attend.

### 4.3 Mangawhai Community Wastewater Scheme

#### **General Manager Policy and Governance 4505.0**

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

At the time the agenda was planned for the 14 December 2011 Council meeting, Council had three reviews relating to the Mangawhai Community Wastewater Scheme.

These reviews were:

- 1 Independent Review of rating issues, that includes the first principles review (commissioned from Jonathan Salter, Simpson Grierson);
- 2 Financial review, that includes costs, financing and funding issues (in-house review in the first instance); and
- 3 Valuation of the Mangawhai Community Wastewater Scheme (commissioned from MWH).

Council expected to be able to complete these reviews over the course of December and to be able to update Councillors on 14 December.

At the time of writing the agenda item, due to other priorities, staff were unable to report back on either the Independent review of rating issues or the financial review.

However, circulated for information was the valuation of the Mangawhai Community Wastewater Scheme that was completed by MWH. This was the valuation that will be included in the Annual Report for 2010/2011. The context for the valuation and comparisons of costs will be included in the Financial review.

At this point, staff expect that the outstanding reviews will be completed for report back to Council in January 2012.

#### **Moved Sutherland/Blackwell**

*That the information be received.*

***Carried***

## Part 2: Audit and Finance Topics

### 5 Finance

#### 5.1 Treasury Management

##### General Manager Policy and Governance

A report from the General Manager Policy and Governance dated 7 December 2011 was circulated separately.

Over the past five months, at Council's request, the incoming Management Team had been moving towards improving financial management practices. Key parts of this exercise had been the improving of the monthly financial reporting to Council, preparing the Annual Report, undertaking a reforecast of the 2011/2012 budget and progressing work on the development of the draft Long Term Plan. The Long Term Plan included key financial policies and projections for the 10 years from July 2012/2022 which will be discussed with Council in the new calendar year.

Treasury management was a fundamental component of financial management. The Treasury Policy was one of the tools that will be used to implement the Financial Strategy required by the Long Term Plan and was a key determinant of the level of risk Council operates under. As such it was essential that Council operated in accordance with good practice for local authorities and had the policies, procedures and facilities in place to sustainably manage debt and the associated risks and costs into the future.

Given the specialist nature of Treasury operations Council had appointed Asia Pacific Risk Management (APRM) as its Treasury advisors.

Asia Pacific Risk Management had prepared the circulated Treasury Policy and Treasury Operations Schedule to conform with good practice for local authorities and be consistent with the foundation policies of the new Local Government Funding Agency (LGFA) while at the same time recognising Council's particular circumstances. In particular, the policy recognised and allowed for the need for Council to move to the preferred debt ratios and limits over time. Going forward, it was the Long Term Plan process that will set the levels of expenditure, rates, other revenue and debt and manage the move to a sustainable position.

Key objectives of the Treasury policies were to minimise interest costs and adverse interest rate movements and to reduce the level of projected borrowing over time. It allowed staff flexibility to operate within clearly defined parameters set by Council.

Council's adoption of these policies will enable staff to begin to implement the facilities and procedures required to manage debt and the associated risks in accordance with modern practice.

It was anticipated that implementation will occur over the balance of the financial year with an effective date of 1 July 2012 to coincide with the new Long Term Plan.

**Moved Geange/Sutherland**

***That Council:***

- 1 *Receives the report from the General Manager Policy and Governance, titled 'Treasury Management Policy' dated 7 December 2011; and*
- 2 *Determines that it believes it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with the provisions of section 79 of the Act determines that it does not require further information prior to making a decision on this matter; and*
- 3 *Adopts the Treasury Policy (incorporating the Liability Management and Investment policies required by sections 104 and 105 of the Local Government Act 2002) with effect from 1 July 2012; and*
- 4 *Notes that key elements of the Treasury Policy are subject to consultation as part of the Long Term Plan via the Financial Strategy (required by section 101A of the Local Government Act 2002) and, as a consequence, the Treasury Policy may need to be changed prior to the adoption of the Long Term Plan in June 2012; and*
- 5 *Adopts the Treasury Operation Schedule which sets out reporting lines, roles and responsibilities and delegated authority of Council and management with effect from 1 July 2012; and*
- 6 *Authorises staff to begin to implement the facilities and procedure, (including hedging, increasing interim liquidity facilities, and putting a Debenture Trust Deed in place) required to manage debt and the associated risks in accordance with modern practice with final terms and conditions to be authorised by the Chief Executive.*

***Carried***

**Reason for the decisions**

Council needs robust Treasury policies that meet industry best practices and the associated facilities in order to manage Council's liquidity, borrowing and risk going forward. It is an integral part of the financial management policies that will be consulted on as part of the Long Term Plan.

Sections 76 to 82 of the Local Government Act set out the decision making requirements. The resolution recognises that the decision-making is appropriate to the need.

## **6 Audit**

### **6.1 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 were circulated.

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

#### **Moved Geange/Linton**

##### *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.*

#### **Carried**

### **6.2 Audit Arrangements for the 2012 Ten Year Plan**

#### **Chief Executive 2302.16**

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

#### **Moved Geange/Sutherland**

##### *That Council:*

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

#### **Carried**

## Part 4: Public Excluded General Topics

### 7 Public Excluded Council Items 14 December 2011

The meeting went into the Public Excluded Session at 11:50am

#### **Moved Sutherland/Blackwell**

*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>

#### **Carried**

#### **Reason for passing this resolution in relation to each matter**

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

**Section 7(2)(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.

**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.

## Open Council General Topics : Wednesday 14 December 2011

The meeting came out of the Public Excluded Session at 12:30 pm

**Moved Sutherland/McEwing**

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

**Carried**

### 7.1 Potential Claims Against Council

**General Manager Operations 3810.0**

**Moved Linton/Blackwell**

*That the information be received.*

**Carried**

### 7.2 Mangawhai St John Ambulance Service: Proposed Alternative Site Consultation

**General Manager Operations 5105.09**

[Note: This item had been placed in 'Public Excluded' to protect the privacy of the authors of the emails and letters that had been circulated with the General Manager Operations report.]

**Moved Linton/Blackwell**

*That Council receives the community consultation feedback from Council officers and Mangawhai St John Ambulance Service's consultation with the Mangawhai community regarding the Mangawhai St John Ambulance Service lease site in Mangawhai Park, Mangawhai; and*

*That following recent consultation with the community, Council approves in principle the proposed 5,000 square metre lease site for St John Ambulance Service, situated next to the Mangawhai Historical Society on Molesworth Drive, Mangawhai Park, Mangawhai.*

*That Mangawhai St John Ambulance Service submits to Council for its approval, prior to the lodging of building or resource consent, an overall concept plan including building and landscape design.*

**Carried**

**Reason for the decision**

Consultation from the community feedback shows that St John Ambulance is a much needed service and Council approving the Molesworth Drive lease site will help this organisation better serve the needs of those that live in Mangawhai and visitors to the area. The overall response has been positive of the proposal.

**7.1 Dargaville Community Cinema Charitable Trust (DCCCT) Additional Funding Request**

**General Manager Operations**                      **2105.51**

This item was discussed and was adjourned at 12:30pm for lunch.

This item was discussed further (see item 13.1) at the conclusion of the public Open Council Meeting.

Confirmed

## Part 3: General Topics

### 8 Confirmation of Minutes

#### 8.1 Extraordinary Council Meeting: 9 November 2011

##### **General Manager Policy and Governance 1601.16**

A copy of the unconfirmed minutes was circulated.

##### **Moved Geange/Blackwell**

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

**Carried**

#### 8.2 Ordinary Council Meeting : 23 November 2011

##### **General Manager Policy and Governance 1601.16**

A copy of the minutes was circulated.

##### **Moved Sutherland/Geange**

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

**Carried**

### 9 Policy

#### 9.1 Use of Unformed Road: Installation of Footbridge

##### **General Manager Operations 4102.20**

A report by the General Manager Operations dated 30 November 2011 was circulated.

Mangawhai Tracks Charitable Trust had 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 was 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 had been designed for a minimum 50 year life span and will be constructed out of high quality materials. Council's engineering consultants had reviewed and approved the bridge design.

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

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

**Moved Sutherland/Geange**

*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.*

**Carried**

**Reason for the decision**

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.

**9.2 Former Dairy Factory, Whakapirau**

**General Manager Operations 4702.28**

A report from the General Manager Operations dated 25 November 2011 was circulated.

At Council's 25 May 2011 meeting a report was circulated regarding the former Dairy Factory at Whakapirau. This building was 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 had 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 was sitting on.

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

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

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

### **Moved Geange/Linton**

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

*That Council makes a grant to Mr 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.*

### **Carried**

### **Reason for the decision**

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.

## **9.3 Mangawhai Foreshore, Alamar Crescent Boat Ramp**

### **General Manager Operations**

**4702.13**

A report by the General Manager Operations dated 30 November 2011 was circulated.

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 had discussed this matter informally at a Portfolio Holder meeting in August 2011.

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

**Moved Sutherland/Blackwell**

- 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.*

**Carried**

**Reason for the decision**

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

**9.4 Pahi Wastewater: Sanitary Survey**

**General Manager Policy and Governance**

**4511.0**

A report from the General Manager Policy and Governance dated 29 November 2011 was circulated regarding a test undertaken at Pahi under the Recreational Swimming Water Quality Programme, which was 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 was 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 was safe to swim. The objective of the programme was 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 had 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 had 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.

**Moved Sutherland/Linton**

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

**Carried**

**Reason for the decision**

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.

**9.5 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 was circulated, the purpose of which was to recommend to Council to approve the allocation of the funds following assessment of the received applications.

The Kaipara Heritage Assistance Fund Allocation Committee recommended 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 was 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 met the criteria for the Fund had collectively requested \$22,914.10.

**Moved Sutherland/Wade**

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

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

### **Carried**

### **Reason for the decision**

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

## **9.6 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 was circulated, and the associated Mangawhai Endowment Fund Committee minutes of 16 November 2011.

The report provided background information about the Mangawhai Endowment Fund to assist Council in making decisions on the recommendations from the Endowment Fund Committee. These included 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 was guided by the Mangawhai Lands Empowering Act 1966, and the policy guideline which had 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 were assessed by the Mangawhai Endowment Fund Committee, which then recommended to Council how the available funds should be disbursed.

The Committee had assessed this year's applications, and had made its recommendations for Council to endorse, as shown in the resolution below. In addition, it had considered two further but related matters. Firstly, after considering information

about options available for improving investment returns, it recommended continuing with the arrangement of using the Fund capital for internal borrowing by the Council. Secondly, it sought approval from Council for the Committee to meet with the Mangawhai Harbour Restoration Society to review funding arrangements and discuss future plans.

**Moved 1 (Grants) Sutherland/Linton**

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

**Carried**

**Reason for Decision 1**

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

**Moved 2 (Investment) Linton/Sutherland**

*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.*

**Carried**

**Reason for Decision 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.

### **Moved 3 (Mangawhai Harbour Restoration Society) Geange/Sutherland**

*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.*

**Carried**

#### **Reason for Decision 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.

## **9.7 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 were circulated.

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

The options were 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 was to extend the practice of providing "Smokefree" signage in playgrounds to include all Council-owned Parks, and support this with a policy. Parks included Council's sports fields, swimming pools and other Council-owned passive recreation areas. This was the preferred option.

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

Extending smokefree areas was 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 was based on the philosophy that if people saw the behaviour every day, they were more likely to pick it up, and conversely less likely to pick up behaviours less frequently observed.

**Moved Geange/Sutherland**

*That Council adopts the Smokefree Parks and Playgrounds Policy 2011 with the deletion of "and other Council-owned passive recreation areas". This is to be deleted from the first paragraph of the policy.*

A Division was called:

For: Mayor Tiller, Councillors Blackwell, Geange, Larsen, Sutherland, Wade.

Against: Councillors Linton and McEwing.

**Carried****Reason for the decision**

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.

**9.8 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 referred.

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 was thought to be appropriate this time. The closing date for submissions was 19 December 2011.

The circulated draft submission had been prepared to this end. It identified Kaipara's concerns about the possible impacts the future development could have on this Council's infrastructure, particularly roading. It signalled 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 was the appropriate stage for conditions to be imposed which could mitigate the impacts of the development on Kaipara.

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

**Moved Blackwell/Sutherland**

*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.*

**Carried****Reason for the decision**

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

**10 Reports****10.1 Mayor's Report**

**Mayor 1701.02.03**

The Mayor verbally reported, for information, on matters of interest.

**10.2 Councillors Reports**

**Councillors 1904 (various)**

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

Councillor Geange	√ - Excerpts from NRC Minutes
Councillor McEwing	√

**10.3 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.

## **11 Receipt**

### **11.1 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 was circulated.

**Moved Blackwell/McEwing**

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

**Carried**

## **12 Information Items**

### **12.1 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.

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

### **12.2 Delegated Authority: Schedule of Decisions**

**General Manager Operations 3803.0**

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

**Moved McEwing/Sutherland**

*That the Delegated Authority Schedule of Decisions be received.*

**Carried**

**12.3 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 was circulated for information.

The Northland Intersectoral Forum had an overarching view on social monitoring, community renewal, engaging the community in learning, helping with the environment and the promoting and highlighting of the economic 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 Minute item).

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

**12.4 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 had now been completed. Councillor Sutherland was delegated authority to review and subsequently approve the final version to which she had done.

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

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

## 12.5 Proposed District Plan Variation N°1 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°1 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 were scheduled for completion on Thursday 8 December 2011.

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

### **Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

## 12.6 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 was circulated

Council needed 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 was 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 was capable of being dealt with on a “Standard Track” or a “Complex Track” depending on what it saw 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 endeavoured to see all matters brought before it were resolved without the need for a hearing if at all possible.

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

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

## **12.7 Kaiwaka Structure Plan: Final Update, Questionnaire and Maps**

**General Manager Policy and Planning 3802.01**

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

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

## **12.8 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 was that Council needed 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 was 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 outlined 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 had taken the time to comment will receive a tailored response appropriate to the comments they had submitted.

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

## **12.9 Environmental Protection Authority: ERMA Application by LanzaTech New Zealand Limited on Anaerobic Bacterium (*Clostridium magnum*)**

**General Manager Policy and Governance**

**3841.0**

Council had received notification of an application to the Environmental Protection Authority under the Hazardous Substances and New Organisms Act, which was circulated for information. The application had 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 had provided the following information about the bacterium that they propose to use. The bacterium that was being used is strictly anaerobic; that was it lived 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 considered 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 had already carried out the Hazardous Substances and New Organisms Act-approved, contained laboratory-scale research. In the next stage it wanted to scale up to a pilot plant in New Zealand, which necessitated this application for organisms to be released. Once the larger scale process was proven, LanzaTech intended 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 did not state where they intend to carry out field trials. If Council wished to make a submission, submissions close on 19 December 2011.

**Moved McEwing/Sutherland**

*That the information be received.*

## **12.10 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 were nine randomly selected councils who will participate in this year's audit. Kaipara District Council had 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 was not surprising. This was 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 was estimated to not exceed one day, will be conducted before 13 January 2012.

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

**12.11 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 was circulated. A copy of the submission sent dated 6 May 2011 by this Council was also circulated to assist with interpretation.

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

**12.12 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 was circulated, advising of a new 'prevention first' approach to policing in the community. While the two new teams for Northland were not located in Kaipara, it will be of interest to learn how successful this initiative became for the selected communities, and whether it had the potential to be extended.

**Moved McEwing/Sutherland**

*That the information be received.*

**Carried**

## Part 4: Public Excluded General Topics

The meeting went into the Public Excluded Session at 2:36pm

### 13 Public Excluded Council Items 14 December 2011

**Moved McEwing/Geange**

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

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

*Subject matter to be considered:*

*Ground(s) under Section 48 (1) for the passing this resolution:*

*Dargaville Community Cinema Charitable Trust Additional Funding (continued from morning session)*

*Section 48 (1)(a), Section 7, Section 7 (2)(f)(i)*

**Carried**

**Reason for passing this resolution in relation to each matter**

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

**Section 7(2)(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.

## Open Council General Topics : Wednesday 14 December 2011

The meeting came out of the Public Excluded Session at 3:02.pm

**Moved Geange/Linton**

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

**Carried**

### 13.1 Dargaville Community Cinema Charitable Trust (DCCCT) Additional Funding Request

**General Manager Operations 2105.51**

**Moved McEwing/Geange**

*That Council approves the additional \$57,212; and*

*That Council authorises the Chief Executive to release these funds once the Trust has substantially raised sufficient funds to cover the completion of their part of the project and can provide supporting documentation to this effect; and*

*That Council assists the Dargaville Community Cinema Charitable Trust to seek charitable grants for all additional funding, over \$200,000 required to complete the construction, fit out and equipment for the cinema.*

**Carried**

**Against: Councillors Linton and Wade**

#### **Reason for the decision**

That Council has made a commitment to the Trust, and this additional grant will benefit the project. Council can work with the Trust to seek further charitable grants through the likes of the Lotteries Commission and the ASB Trust.

## Closure

The meeting closed at 3:11pm