Far North District Council

AGENDA

COUNCIL ORDINARY MEETING

COUNCIL CHAMBER
MEMORIAL AVENUE
KAIKOHE

THURSDAY 15 FEBRUARY 2018

COMMENCING AT 10:00 AM

Council Membership
His Worship the Mayor John Carter
Deputy Mayor Tania McInnes

Councillors
Ann Court
Colin Kitchen
Felicity Foy
Mate Radich
Dave Hookway
Sally Macauley
John Vujcich

Document number A1966090

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
Hon John Carter QSO	Board Member of the Local Government Protection Programme Carter Family Trust	Board Member of the Local Government Protection Programme		
Felicity Foy	Director - Northland Planning & Development	I am the director of a planning and development consultancy that is based in the Far North and have two employees.		I will abstain from any debate and voting on proposed plan change items for the Far North District Plan. I will declare a conflict of interest with any planning matters that relate to resource consent processing, and the management of the resource consents planning team. I will not enter into any contracts with Council for over $25,000 per year. I have previously contracted to Council to process resource consents as consultant planner.
	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties on Weber Place and Allen Bell Drive.		

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and dwellings are located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight, Tahuna Road/Allen Bell Drive.	
	Foy Farms partnership	Owner and partner in Foy Farms - a farm in three titles on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for 4 dwellings on Church Road, Kaingaroa		
	King Family Trust	This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane.	These trusts own properties in the Far North.	
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
Partner Felicity Foy	Employed by Justaplumber Taipa			
	Friends with some FNDC employees			
Colin Kitchen	No form received			
Tania McInnes	No form received			
Mate Radich	No form received			
John Vujcich	No form received			
Ann Court	Consumer New Zealand	Board Member	None Apparent	Case by case basis
	Warren Pattison Limited	shareholder	Building company. FNDC is a regulator and enforcer	No FNDC Controls
	Kerikeri Irrigation	Supplies my water		No EM intervention in disputes

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
	Top Energy	Supplies my power		No other interest greater than the publics
	Consumer NZ	as disclosed	as disclosed	as disclosed
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policychange which may have a direct impact(positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest		
	Flowers(I get flowers occasionally)	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Consider all staff my friends	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
		My husband is currently building a house for Kelvin Goode and is quoting Dr Dean Myburgh. My daughter works at Makana Café outside of school hours. My son works for Warren Baker.		
Warren Pattinson (Husband)	Warren Pattison Limited	director	Building Company . FNDC is a regulator	Remain at arms length
	Air NZ	shareholder	None	None
	Warren Pattison Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arms length rules

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
	Kurbside Rod and Custom Club (unlikely)	President NZ Hot Rod Association	Potential to be linked to a funding applicant and my wife is on the decision making committee.	unlikely to materialise but would absent myself from any process as would Ann.
	Property on Onekura Road, Waipapa	Owner	any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	would not submit…. Rest on a case by case basis.
	worked with or for Mike Colebrook and Kelvin Goode	Paid employment	N/A	N/A
Sally Macauley	Chairman	Northland Northland District Health Board	Matters pertaining to health issues re Fluroide and freshwater as an example.	Declare a percieved conflict.
	Chairman	Oranga Tamaraki - Ministry of Vulnerable Children- Northland Community Response Forum	Matters pertaining to this ministry	Declare a percieved conflict.
	Judicial Justice of the Peace	Visitations to Ngawha Prison	Matters pertaining to Judicial Issues re Ngawha Prison	Declare a percieved Interest
	The Turner Centre	FNDC Representative	Observer, acknowledging FNDC financial contribution.	Note FNDC partnership
	Trustee	Kaikohe Education Trust	Providing students laptops - possible request for written support to funders	Declare a conflict
	Executive member	Kaikohe Business Association	Matters pertaining to request for written support to funders.	
	Chairman	Bay of Islands Arts Festival Trust	Issues pertaining to the application of support funds	Declare a conflict of interests
	Trustee	Bay of Islands Radio Marine	Issues pertaining to the application of support funds	Declare a conflict of interets
	Secretary/Trustee	Kerkeri International Piano Competition	Issues pertaining to the application of support funds	Declare a conflict of interests
	Trustee/Director	Kaikohe Community and Youth Trust	Possible application of support funding	Declare a conflict of interests
	Commercial Private property of which there would not be any conflict.	Palmer Macauley Offices- Kerikeri and Kaikohe	Infrastructural matters with FNDC	Declare a conflict

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
	Paihia, Kerikeri, Kaikohe			
Peter Macauley (Husband)	Senior Partner	Palmer Macauley		
	Peter Macualey	Barristers and Solicitors- Kerikeri, Kaikohe and Mangonui	Legal matters with FNDC	
	Director/Trustee St John NZ Priory Chapter	St John Priory Chapter	Legal matters with FNDC	Declare a conflict
	Senior Partner	Peter Macauley- Palmer Macauley Barristers and Solicitors Kaikohe, Kerikeri AND Mangonui	Legal matters with FNDC	Declare a conflict
	St John NZ	Priory Trust Board	Writing of policies and legal matters as an example	Note Interests
	Lions Club of Kaikohe	Director	Legal matters etc	Note Interests
	Kaikohe Rugby Club	Patron	Legal Matters	
	Viking Rugby Club, Whangarei	Life Member	Legal Matters	
	Private Property Kerkeri, Paihia - no contents.			
Dave Hookway	Employed as "Health Promotion Advisor- Alcohol and other Drugs" for Northern District Health Board.	A professional understanding of issues relating to drugs and alcohol.	have made personal and professional submissions on council policies	consider policies and proposals as presented in a fair and balanced manner.
	I own my own property at 188b Waipapa West Rd, Waipapa.	Have 3 dogs and 2 cats (and quite a few chickens)	Love my pets.	Consider policies and proposals as presented in a fair and balanced manner.
Mike Edmonds	No form received			

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
Adele Gardner	N/A - FNDC Honararian The Far North 20/20 , ICT Trust Te Ahu Charitable Trust ST Johns Kaitaia Branch I know many FNDC staff members as I was an FNDC staff member from 1994-2008.	Trustee Trustee Trustee/ Committee Member		
Partner of Adele Gardner	N/A as Retired			
Terry Greening	Greening Family Trust Duffus Memorial Trust (Chairman) Bay of Islands Walking Weekend Trust Russell 2000 Trust (Chairman) Russell Centennial Trust (ex-officio trustee) Residence at 14 Kaha Place, Russell	Beneficiary Pensioner cottages with council easements over the land Manages Russell Museum Nil	Potential of seeking funds Potential of seeking funds Seeks funds from council Nil	Highly unlikely to interface with FNDC Step aside from anyrequests or decisions regarding requests Step aside from any requests or decisions regarding requests Trust is about to wind up. Step aside from any requests or decisions regarding requests N/A

COUNCIL - MEMBER'S REGISTER OF INTERESTS				
Name	**Responsibility (i.e. Chairperson etc)**	**Declaration of Interests**	**Nature of Potential Interest**	**Member's Proposed Management Plan**
Terry Greening (Wife)	Greening Family Trust Residence at 14 Kaha Place, Russell	Beneficiary	N/A	N/A

FAR NORTH DISTRICT COUNCIL

ORDINARY COUNCIL MEETING

THURSDAY 15 FEBRUARY 2018 COMMENCING AT 10:00 AM IN THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE

A G E N D A

Item

1.0 PRAYER

2.0 APOLOGIES AND DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Governance Support (preferably before the meeting).

It is noted that while Members can seek advice the final decision as to whether a conflict exists rests with the Member.

3.0 MAYORAL ANNOUNCEMENTS

4.0 DEPUTATION
There were no deputations were scheduled at the time of the agenda going to print.

5.0 CONFIRMATION OF PREVIOUS MINUTES
Document number A1966173

6.0 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP

6.1 Delegation – Northland Transportation Alliance
Document number A1959658

6.2 Kerikeri Plantation Reserve (Redwoods) Revocation of Reserve Status and Sale of Panhandle to Kerikeri Village Trust
Document number A1952098

7.0 STRATEGIC PLANNING AND POLICY GROUP

7.1 Wastewater Drainage Bylaw Consultation
Document number A1964779

7.2 Proposed Rating Relief Policies for Consultation
Document number A1966457

7.3 Revised Significance and Engagement Policy
Document number A1966425

7.4 Building Permits – Māori Land Policy Revocation
Document number A1965583

7.5 Funding for NZ Ocean Swim Series Bay of Islands Classic 2018
Document number A1967653

7.6 Adoption of Draft Fees and Charges for Consultation
Document number A1967652

8.0 CORPORATE SERVICES GROUP

8.1 Pou Herenga Tai – Twin Coast Cycle Trail Trust – Trust Deed and Service Agreement
Document number A1966167

8.2 KPMG Independent Audit of Procurement Practices – FNDC Management Plan
Document number A1947351

9.0 CHIEF EXECUTIVE OFFICER

9.1 Chief Executive Officer's Report - Period: November 2017 to January 2018
Document number A1967746

10.0 PUBLIC EXCLUSION

10.1 Resolution to exclude the public:

a) That the public be excluded from the meeting pursuant to section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of the proceedings would be likely to result in the disclosure of information for which good reason for withholding exists, while the matters listed below are being dealt with for the reason as set out below;

1.0 Confirmation of Previous Minutes

To carry out, without prejudice or disadvantage, commercial activities.

2.1 Lease 9 Homestead Road, Kerikeri

Enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities.

3.1 FNHL Appointment of Director

Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

3.2 FNHL Extended Appointment of Director

Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

3.3 FNHL Number and Appointment of Director

Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including

commercial and industrial negotiations).

3.4 FNHL Remunerations of Directors

Enable any local authority holding the information to carry out, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

b) That Adele Gardner - Chairperson Te Hiku Community Board; Mike Edmonds - Chairperson Kaikohe-Hokianga Community Board; and Terry Greening - Chairperson Bay of Islands-Whangaroa Community Board be permitted to remain at this meeting after the public has been excluded, because of their knowledge of local wards. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to that matter because they advocate for and represent local community views.

11.0 CONFIRMATION OF DECISIONS AND INFORMATION IN OPEN MEETING

Recommendation

That Council confirms that the following

a) information contained in the part of the meeting held with the public excluded be restated in public meeting

b) decisions contained in the part of the meeting held with the public excluded be restated in public meeting..

12.0 CLOSE OF MEETING

Item: 5.0

Meeting: **Council – 15 February 2018**

Name of item: **Confirmation of Previous Minutes**

Author: Kim Hammond - Meetings Administrator

Date of report: 22 January 2018

Document number: A1966173

Purpose of the report

The minutes are attached to allow Council to confirm that the minutes are a true and correct record of the previous meeting.

Recommendation

That Council confirm the minutes of the Council meetings held 07 December 2017 and 13 December 2017 as a true and correct record.

1) Background

Local Government Act 2002 Schedule 7 Section 28A states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) Discussion and options

The minutes of the meetings are attached.

Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meetings.

3) Financial implications and budgetary provision

There are no financial implications or the need for budgetary provision as a result of this report.

Manager: Kate Barnes - Team Leader Governance Support

Attachment 1: Council Unconfirmed Minutes – 07 December 2017 - Document number A1945905

Attachment 2: Council Unconfirmed Minutes – 13 December 2017- Document number A1949718

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Not applicable.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Not applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Not applicable.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	None.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Yes.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

MINUTES OF THE MEETING OF THE FAR NORTH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE ON 07 DECEMBER 2017 COMMENCING AT 10:01 AM

PRESENT

Chairperson
His Worship the Mayor John Carter
Councillors

Tania McInnes	Deputy Mayor
Ann Court	
Felicity Foy	
Dave Hookway	
Colin Kitchen	
John Vujcich	

APOLOGIES

Sally Macauley	Councillor
Mate Radich	Councillor

IN ATTENDANCE

Mike Edmonds	Chairperson Kaikohe-Hokianga Community Board
Terry Greening	Chairperson Bay of Islands-Whangaroa Community Board
Adele Gardner	Chairperson Te Hiku Community Board
Shaun Reilly	Kaikohe-Hokianga Community Board Member
Rachel Smith	Bay of Islands-Whangaroa Community Board Member
Lane Ayr	Bay of Islands-Whangaroa Community Board Member

STAFF PRESENT

Shaun Clarke	Chief Executive Officer
Andy Finch	General Manager Infrastructure and Asset Management Group
Samantha Edmonds	General Manager Corporate Services Group
Dr Dean Myburgh	General Manager District Services Group
Janice Smith	Chief Financial Officer
George Swanepoel	In-House Counsel
Bill Lee	Community Policy and Development Manager
Richard Edmondson	Manager Communications
Jill Coyle	Manager People and Capability
Steve Little	Manager 3 Waters Operations
Sheryl Gavin	Manager Corporate Planning and Engagement
Brigitte de Ronde	Manager Infrastructure Planning
Arthur Boyce	Project Manager 3 Waters
Michelle Sharp	Project Manager Corporate Services
Warren Ure	Procurement Specialist
Andrew Bonica	Business Improvement Advisor
Jaime McSorley	Customer Experience Programme Manager
Carine Andries	Planner Reserves
Beverly Mitchell	Executive Assistant to General Manager Corporate Services
Kate Barnes	Team Leader Governance Support
Melissa Wood	Meetings Administrator

1.0 PRAYER

His Worship the Mayor commenced the meeting with a prayer.

2.0 APOLOGIES AND DECLARATIONS OF INTEREST

Agenda item 2.0 refers

Resolved	His Worship The Mayor/Foy
That the apologies from Councillors Macauley and Radich be accepted.	
Carried	

Councillor Court declared interests in public excluded items PX 5.1 and PX 5.4.

3.0 DEPUTATION

Agenda item 4.0 refers

Rachel Smith - Bay of Islands-Whangaroa Community Board Member spoke to Council in regard to the Young Elected Members Conference she attended in Christchurch on 9-11 November 2017.

Attendance: Councillor Court left the meeting at 10:05 am and returned at 10:07 am.

4.0 MAYORAL ANNOUNCEMENTS

Agenda item 3.0 refers

Various announcements were made by His Worship the Mayor:

- Condolences to Kaikohe-Hokianga Community Board Chairperson Mike Edmonds on the passing of his mother
- Acknowledged anniversary of passing of Councillor Hookway's mother
- Acknowledged Northland's Portia Woodman - Black Ferns - NZ women's national rugby union - awarded Sportswoman of the year and joint Sportsperson of the year at the 2017 Maori Sports Awards in Auckland, and Women's Player of the Year in Monaco
- Te Hiku Community Board Member (THCB) Bronwyn Hunt - appointed Deputy Chair of the Community Boards Executive Committee
- Update on Draft Dog Policy and Bylaw working group - Bay of Islands-Whangaroa Community Board (BWCB) Chair Terry Greening
- Update on Wastewater Bylaw Working party - Councillor Foy
- Update on Kerikeri Pavillion working party - BWCB Member Lane Ayer
- Mangonui Boardwalk barrier update - progressing well
- Riverview School - acknowledged BWCB Member Rachel Smith for her work
- Noted - minor item not on the agenda to be discussed in Public Exclusion in relation to water supply
- Houhora boat ramp / barrier issue - nearly finalised - thanked Land Title Specialist - Mark Lagerstedt for his work
- Road signage placement in Ahipara nearly finalised - thanked Chairperson Gardner for her work
- Waipapa residential/commercial issues community meeting - positive outcomes - acknowledged GM District Services and staff for presentations; acknowledged Councillors Court and Hookway and BWCB members Smith and Ayer

4.1. Appointment of Council representative to Sport Northland

Agenda item 13.2, document number A1932994, pages 403 - 413 refers.

Resolved	Deputy Mayor McInnes/Vujcich
That Councillor Kitchen be appointed as the Far North District Council representative on the board of Sport Northland.	
Carried	

- Agenda item 13.3 will be deferred - further work to be done in this regard with the Cycle Way Trust
- Te Hapua Road matter nearing completion
- Workshop next Tuesday 12 December - Roading issues
- Road safety / traffic accidents update - FNDC and 7 other local authorities will be working with NZTA to implement programmes to address this issue

4.2. Appointment of Councillor to Procurement Board

Reason for the resolution	
A vacancy has arisen for a councillor representative on the Procurement Board due to the resignation of Councillor Hookway from the Board.	
Resolved	His Worship The Mayor/Deputy Mayor McInnes
That Councillor Kitchen be appointed to the Procurement Board.	
Carried	

- Property file digitisation project - good progress being made

5.0 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.0, document number A1928667, pages 1-10 refers.

Resolved	His Worship The Mayor/Kitchen
That Council confirm the minutes of the Council meeting held 26 October 2017 as a true and correct record.	
Carried	

6.0 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD

6.1 Kawakawa Local Purpose (Parking) Reserve – Revocation and Sale Proposal

Agenda item 6.1, document number A1934952, pages 11-31 refers.

Resolved	His Worship The Mayor/Vujcich
That the Far North District Council:	
a) Pursuant to section 24 Reserves Act 1977, in its role as administering body of the reserve, and subject to the consent of the Minister of Conservation, hereby revokes the reservation over the Local Purpose (Parking) reserve being Lot 1 DP 320865 and resolves that following ministerial approval of the revocation the said land will be disposed of to Far North Holdings Limited (FNHL) for $1.00 (plus GST if any) for the purpose of development as part of the proposed Kawakawa Hundertwasser Part Visitor Centre – Te Hononga.	
b) As part of the process of seeking the Minister's consent to this proposal, forwards the attached schedule of objections, including the resolutions of the Council thereon, to the Minister's delegate.	

Carried

Councillor Hookway requested a vote by division

For	Against
Kitchen	Hookway
Court	
Vujcich	
Foy	
Deputy Mayor McInnes	
His Worship The Mayor	

Carried

7.0 TE HIKU COMMUNITY BOARD

7.1. Taipa Sports Ground lease of a part of the recreation reserve to Eastern United Rugby & Sports Club Incorporated

Agenda item 7.1, document number A1928094, pages 33-39 refers.

Resolved — His Worship The Mayor/Foy

That the Far North District Council, in its role as administering body of the reserve, and pursuant to its powers under section 54 Reserves Act 1977, grants a lease of the greater part of the Taipa Sports Ground (Pt Allot 5 Parish of Taipa SO44491 DP978) to the Eastern United Rugby & Sports Club Incorporated, as shown outlined on the attached site plan of the Taipa Sports Ground.

The key terms of the lease shall be;

Term:	**10 years**
Renewal term:	**10 years**
Annual Rental:	**$100 plus GST**

Carried

7.2. Tangonge Domain Reserve - Lease Proposal

Agenda item 7.2, document number A1928096, pages 41-49 refers.

Resolved — His Worship The Mayor/Deputy Mayor McInnes

That the Far North District Council:

a) in its role as administering body of the Tangonge Domain Reserve and in its role as the delegate of the Minister of Conservation, subject to the provisions of the Reserves Act 1977, grants and consents to a lease of the reserve land contained in CFR NA530/132, to the Aupouri Ngatikahu Te Rarawa Trust with the following terms:

Term: 5 years

Rent: $100 plus GST per annum

Right of Renewal: A further 5 years if no alternative need identified.

b) delegates to the General Manager Infrastructure and Asset Management the authority to negotiate further terms and conditions of the lease

Carried

8.0 OPERATIONS COMMITTEE

8.1. Request from Private Businesses to Discharge Wastewater onto Council Local Purpose (Utility) Reserve, Mawson Avenue, Waipapa

Agenda item 8.1, document number A1938369, pages 51 - 141 refers.

Resolved — Deputy Mayor McInnes/Court

That Council agrees:

a) To decline the request from Mr Clement and the GW and BM Barke Family Trust to dispose of wastewater from the SH 10 Takeaway shop and the Moneyshop, as outlined in the Haigh Workman report, Ref 16 237, dated May 2017, onto the Council local purpose (utility) reserve located at Mawson Avenue, Waipapa.

b)To undertake further work to determine a long term solution for wastewater disposal in the wider Waipapa area and include funding for this purpose in the 2018/19 Long Term Plan.

Carried

9.0 STRATEGY COMMITTEE

9.1. Libraries Strategy and Service Delivery Review

Agenda item 9.1, document number A1938681, pages 143 - 219 refers.

Moved — His Worship The Mayor/Kitchen

That Council:

a) adopts the Far North District Libraries Service Delivery Review

b) adopts the Far North District Libraries Strategy

c) includes the financial investment to implement the strategy in the 2018-2028 draft long term plan

Amendment Moved — Foy/Hookway

That, prior to financially investing in a Library Strategy, Council develops a Growth Strategy for all infrastructure in order to make an informed decision about the financial implications and assess the most important projects to have financial investment first.

Lost

The original motion became the substantive motion

Resolved — His Worship The Mayor/Kitchen

That Council:

a) adopts the Far North District Libraries Service Delivery Review

b) adopts the Far North District Libraries Strategy

c) includes the financial investment to implement the strategy in the 2018-2028 draft long term plan

Moved — Foy/Vujcich

That Council develops a Growth Strategy for all infrastructure in order to make informed decisions about the financial implications to assess the priority of financial investments.

Carried

9.2. Inward Investment: China

Agenda item 9.2, document number A1938393, pages 221 - 238 refers.

Resolved	His Worship The Mayor/Vujcich

That Council:

a) adopt the Inward Investment Strategy in principle

b) establish an Inward Investment Strategy Oversight Group consisting of

1. **Mayor**
2. **Far North Holdings CEO**
3. **FNDC CEO**
4. **Deputy Mayor McInnes**
5. **Councillor Macauley**
6. **Councillor Vujcich**

Carried

Councillor Hookway requested a vote by division

For	Against
Kitchen	Hookway
Court	
Vujcich	
Foy	
Deputy Mayor McInnes	
His Worship The Mayor	

Carried

Attendance: Councillor Foy left the meeting at 11:01 am and returned at 11:03 am

9.3. Infrastructure Grant Fund Funding Decisions

Agenda item 9.3, document number A1938395, pages 239 - 250 refers.

Resolved	His Worship The Mayor/Vujcich

That Council funds the following projects

a) $59,950 to the Raiātea Cultural Resource, Education & Archive Centre (Motuti)

b) $21,620 to the Bay of Islands Recreation Centre & Pool (Kawakawa)

c) $13,129 to the Kerikeri Southside River Track (Kerikeri)

Carried

Deputy Mayor McInnes recorded her vote against the motion.

Attendance: Councillor Vujcich left the meeting at 11:17 am and returned at 11:18 am
Deputy Mayor McInnes left the meeting at 11:20 am and returned at 11:22 am

10.0 DISTRICT SERVICES GROUP

10.1. Replacement Deputy Chairperson of the District Licensing Committee

Agenda item 10.1, document number A1927896, pages 251 - 253 refers

Resolved	His Worship The Mayor/Foy
That the report entitled "Replacement Deputy Chairperson of the District Licensing Committee" dated 10 November 2017 be left to lie on the table and expressions of interest for appointment to the position be made to the Mayoral Office.	
Carried	

10.2. Customer Experience Programme Progress Report

Agenda item 10.2, document number A1939631, pages 251 - 253 refers.

Resolved	His Worship The Mayor/Vujcich
That Council notes the report entitled "Customer Experience Programme - Progress Report" dated 07 November 2017.	
Carried	

Attendance: His Worship The Mayor left the meeting at 11:29 am and returned 11:31 am.

Chairperson: Deputy Mayor McInnes took the Chair at 11:29 am until 11:31 am.

11.0 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP

11.1. Opua Domain - Proposed Viewing Tower

Agenda item 11.1, document number A1938004, pages 263 - 288 refers.

Moved	Deputy Mayor McInnes/His Worship The Mayor

That the Far North District Council, in its role as administering body of the recreation reserve legally described as Section 2 Blk VI Town of Opua SO 47978, and pursuant to Section 53(1)(g) of the Reserves Act 1977, enters into an agreement with the Love Opua Charitable Trust to enable the construction, management and ongoing operation of a tree-top viewing tower on the reserve, subject to:

a) terms and conditions to be set by the General Manager Infrastructure and Asset Management, including but not limited to:

- the requirement for the Trust, at its own expense, to obtain a building consent, a resource consent, and public liability insurance, and to provide adequate public health and safety measures;
- the requirement for the Trust to fund the construction, maintenance and ongoing management of the tower and the access track to the tower;
- agreement on an appropriate policy regarding dogs as recommended in the ecological assessment

b) produced by Northland Ecology dated November 2015; the Trust providing an assurance to Mr Arapeta Hamilton and his associate trustees that the Tuakainga Maori Burial Ground will not be compromised by the viewing tower proposal;

c) the Bay of Islands - Whangaroa Community Board, at its meeting on 11 December 2017, uplifting the item that was left to lie on the table at the Board's September meeting and concurring with the Council decision to approve the proposal

Amendment moved Hookway/Vujcich

That the report entitled "Opua Domain - Proposed Viewing Tower" dated be left to lie on the table until the issue is considered by the Bay of Islands-Whangaroa Community Board

Lost

Amendment moved Foy/Deputy Mayor McInnes

That the Far North District Council, in its role as administering body of the recreation reserve legally described as Section 2 Blk VI Town of Opua SO 47978, and pursuant to Section 53(1)(g) of the Reserves Act 1977, enters into an agreement with the Love Opua Charitable Trust to enable the construction, management and ongoing operation of a tree-top viewing tower on the reserve, subject to:

a) terms and conditions to be set by the General Manager Infrastructure and Asset Management, including but not limited to:

- the requirement for the Trust, at its own expense, to obtain a building consent, a resource consent, and public liability insurance, and to provide adequate public health and safety measures;
- the requirement for the Trust to fund the construction, maintenance and ongoing management of the tower and the access track to the tower;
- agreement on an appropriate policy regarding dogs as recommended in the ecological assessment

b) the Bay of Islands - Whangaroa Community Board, at its meeting on 11 December 2017, uplifting the item that was left to lie on the table at the Board's September meeting and concurring with the Council decision to approve the proposal.

The amendment became the substantive motion Foy/Deputy Mayor McInnes

Resolved

That the Far North District Council, in its role as administering body of the recreation reserve legally described as Section 2 Blk VI Town of Opua SO 47978, and pursuant to Section 53(1)(g) of the Reserves Act 1977, enters into an agreement with the Love Opua Charitable Trust to enable the construction, management and ongoing operation of a tree-top viewing tower on the reserve, subject to:

a) terms and conditions to be set by the General Manager Infrastructure and Asset Management, including but not limited to:

- **the requirement for the Trust, at its own expense, to obtain a building consent, a resource consent, and public liability insurance, and to provide adequate public health and safety measures;**
- **the requirement for the Trust to fund the construction, maintenance and ongoing management of the tower and the access track to the tower;**
- **agreement on an appropriate policy regarding dogs as recommended in the ecological assessment**

b) the Bay of Islands - Whangaroa Community Board, at its meeting on 11 December 2017, uplifting the item that was left to lie on the table at the Board's September meeting and concurring with the Council decision to approve the proposal

Carried

Councillor Hookway requested a vote by division

For	Against
Kitchen	Hookway
Court	
Vujcich	
Foy	
Deputy Mayor McInnes	
His Worship The Mayor	

Carried

11.2. Appointing Kaikohe District Sportsville as managers of Lindvart Park

Agenda item 11.2, document number A1936390, pages 289 - 305 refers.

Moved — His Worship The Mayor/Vujcich

That Council agrees:

a) That Kaikohe and Districts Sportsville Inc is appointed as the management entity of Lindvart Park, with responsibility for the day-to-day operations of the park from 1 March 2018.

b) That a suitable management agreement is prepared between FNDC and Kaikohe and Districts Sportsville Inc formalising the management arrangement

Amendment moved — His Worship The Mayor/Vujcich

a) That Kaikohe and Districts Sportsville Inc is appointed as the management entity of Lindvart Park, with responsibility for the day-to-day operations of the park from 1 March 2018 and that all records and assets (including funds) be handed over by the Lindvart Park Management Committee to Kaikohe and Districts Sportsville on that day.

b) That a suitable management agreement is prepared between FNDC and Kaikohe and Districts Sportsville Inc formalising the management arrangement

c) That the management agreement

i. stipulate that the appointment panel for new board members of Kaikohe and District Sportsville include a member of Kaikohe-Hokianga Community Board

ii. stipulate that a quarterly written report be submitted to the Kaikohe-Hokianga Community Board

d) That the netball fees for 2016/17 be set at $2,000 and that Council decide how that should be paid.

Carried

The amendment became the substantive motion — His Worship The Mayor/Vujcich

Resolved

a) That Kaikohe and Districts Sportsville Inc is appointed as the management entity of Lindvart Park, with responsibility for the day-to-day operations of the park from 1 March 2018 and that all records and assets (including funds) be handed over by the Lindvart Park Management Committee to Kaikohe and Districts Sportsville on that day.

b) That a suitable management agreement is prepared between FNDC and Kaikohe and Districts Sportsville Inc formalising the management arrangement

c) That the management agreement

i. stipulate that the appointment panel for new board members of Kaikohe and District Sportsville include a member of Kaikohe-Hokianga Community Board

ii. stipulate that a quarterly written report be submitted to the Kaikohe-Hokianga Community Board

d) That the netball fees for 2016/17 be set at $2,000 and that Council decide how that should be paid.

Carried

12.0 STRATEGIC PLANNING AND POLICY GROUP

12.1. Crimson Coast Electrical Vehicle Highway Charging Stations for Kaikohe and Kerikeri

Agenda item 12.1, document number A1935956, pages 307 - 322 refers.

Resolved — Deputy Mayor McInnes/Vujcich

That Council:

a) make the two identified, adjoining parking spaces within the Kaikohe Library Square exclusively available for charging electric vehicles using the adjacent medium charge station;

b) make the one identified parking space within the John Butler Centre staff parking exclusively available for charging electric vehicles using the adjacent medium charge station

Carried

Attendance: His Worship The Mayor left the meeting at 12:24 pm and returned at 12:26 pm.

Chair: Deputy Mayor McInnes took the Chair at 12:24 pm until 12:26 pm.

12.2. Elected Members' Allowances and Reimbursements Policy Amendment

Agenda item 12.2, document number A1934429, pages 323 - 394 refers.

Resolved — His Worship The Mayor/Vujcich

That Council adopt the revised Elected Members' Allowances and Reimbursements Policy.

Carried

Councillor Hookway requested a vote by division

For	Against
Kitchen	Hookway
Court	
Vujcich	
Foy	
Deputy Mayor McInnes	
His Worship The Mayor	

Carried

13.0 CORPORATE SERVICES GROUP

13.1. Notification of Local Government Commission decision on Northland reorganisation

Agenda item 13.1, document number A1936364, pages 395 - 401 refers.

Resolved	Deputy Mayor McInnes/Kitchen
That Council receives the report "Notification of Local Government Commission decision on Northland reorganisation".	
Carried	

13.2. Pou Herenga Tai – Twin Coast Cycle Trail Trust - Trust Deed and Service Agreement

Agenda item 13.3, document number A1937617, pages 415 - 462 refers.

This item was withdrawn at the request of the Chief Executive Officer.

13.3. Elected Member Training and Conference Attendance Report

Agenda item 13.4, document number A1937956, pages 463 - 468 refers.

Resolved	Vujcich/Deputy Mayor McInnes
That Council note the report entitled "Report to Council - Road Controlling Authorities Forum" dated 18 November 2017	
Carried	

13.4. Elected Member Information Requests

Agenda item 13.5, document number A1938398, pages 469 - 476 refers.

Moved	His Worship The Mayor/Court
a) that all Councillor requests for information that are made in their capacity as an elected member of the Far North District Council will be made in writing using the Elected Member Request for Information form	
b) that the decision to provide the information will be at the discretion of the Mayor and Chief Executive in the first instance and/or may be referred to the relevant Committee for acceptance or refusal.	
Amendment moved	His Worship The Mayor/Deputy Mayor McInnes
That the report entitled "Elected Member Information Requests" dated 24 November 2017 be left to lie on the table to allow for further work to be presented for consideration at a future meeting of Council.	
Carried	
The amendment became the substantive motion	
Resolved	His Worship The Mayor/Deputy Mayor McInnes
That the report entitled "Elected Member Information Requests" dated 24 November 2017 be left to lie on the table to allow for further work to be presented for consideration at a future meeting of Council.	
Carried	

13.5. Council Code of Conduct

Agenda item 13.6, document number A1922281, pages 477 - 501 refers.

Resolved	Deputy Mayor McInnes/His Worship The Mayor
That Council adopts the proposed amended Code of Conduct which incorporates the five values agreed by the elected members as the set behaviours by which they will represent the district of the Far North.	
Carried	
Councillor Hookway recorded his vote against the motion.	

13.6. Appointment of an Independent Panel to consider Code of Conduct Reports

Agenda item 13.7, document number A1941123, pages 503 - 506 refers.

Moved — Deputy Mayor McInnes/Vujcich

That Council

a) appoints an independent panel of leading civic/community members to consider and rule on code of conduct complaints; delegates full powers to the panel to assess and rule on any complaints referred to it;

b) agrees to be bound by the recommendations of the panel;

c) authorises the Mayor, Deputy Mayor and Chief Executive Officer to constitute and appoint suitable community leaders to the panel;

d) provides any secretarial assistance to the panel and pay any disbursements or costs incurred by the panel

Amendment Moved — Hookway/Foy

That the report entitled "Appointment of an Independent Panel to consider Code of Conduct Reports" dated 24 November 2017 be left to lie on the table to allow time for further discussion.

Lost

Amendment Moved — Court/His Worship The Mayor

That Council

a) appoints an independent panel of leading civic/community members to consider and rule on code of conduct complaints; delegates full powers to the panel to assess and rule on any complaints referred to it;

b) agrees to be bound by the recommendations of the panel;

c) authorises the Mayor and/or Deputy Mayor and Chief Executive Officer to constitute and appoint suitable community leaders to the panel and the panel be chaired by a local government expert.

d) provides any secretarial assistance to the panel and pay any disbursements or costs incurred by the panel

Carried

The amendment became the substantive motion — Court/His Worship The Mayor

Resolved

That Council

a) appoints an independent panel of leading civic/community members to consider and rule on code of conduct complaints; delegates full powers to the panel to assess and rule on any complaints referred to it;

b) agrees to be bound by the recommendations of the panel;

c) authorises the Mayor and/or Deputy Mayor and Chief Executive Officer to constitute and appoint suitable community leaders to the panel and the panel be chaired by a local government expert;

d) provides any secretarial assistance to the panel and pay any disbursements or costs incurred by the panel.

Carried

Councillor Hookway requested a vote by division

For	Against
Kitchen	Hookway
Court	Foy
Vujcich	
Deputy Mayor McInnes	
His Worship The Mayor	

Carried

13.7. Elected Member Report - Chinese Economic Development Visit

Agenda item 13.8, document number 1942905. Under separate Cover

Resolved — Court/Kitchen

That Council note the report entitled "Elected Member Report - Chinese Economic Development" dated 30 November 2017

Carried

The meeting was adjourned at 1:03 pm and reconvened at 1:47 pm.

14.0 TABLED ITEM NOT ON THE AGENDA

Resolved — His Worship The Mayor/McInnes

That the matter of the "Discontinuation of the Provisional Local Alcohol Policy" (PLAP) be considered by Council as a matter for urgent consideration as provided for in Section 46A(7) of the Local Government Official Information and Meetings Act 1987

i) The reason the report is not on the agenda is because Council only received ARLA's decision regarding the unsuccessful strike out of the appeals on 22 November 2017, and after considering the decision it was thought prudent that Council be given the opportunity to consider whether it wished to continue with the PLAP or not.

ii) And the reason it cannot be delayed is that the PLAP appeals hearing is on the 13th of December and an urgent decision needs to be made prior to that date whether Council wishes to continue with the PLAP or discontinue the process which is proving extremely costly to Council.

Carried

Councillor Hookway recorded his vote against the motion

14.1. Discontinuation of the Provisional Local Alcohol Policy - Tabled item

Tabled item, document number A1945815 refers.

Councillor Hookway noted he has removed himself from all professional discussion regarding the Northland District Health Board and decisions for that organisation moving forward on the FNDC Provisional Local Alcohol Policy.

Councillor Court did not participate in the discussions in regard to this item.

Moved	His Worship The Mayor/Deputy Mayor McInnes
That Council: a) discontinues with the adoption of a local Alcohol policy; and b) files with the authority a motion to withdraw the PLAP pursuant to Section 88(1) to the Sale and Supply of Alcohol Act 2012.	
Amendment moved	Vujcich/Foy
That the report entitled "Discontinuation of the Provisional Local Alcohol Policy" dated 05 December 2017 be left to lie on the table.	
Carried	
The amendment became the substantive motion	Vujcich/Foy
Resolved	
That the report entitled "Discontinuation of the Provisional Local Alcohol Policy" dated 05 December 2017 be left to lie on the table.	
Carried	
Councillor Court abstained from voting	

15.0 CHIEF EXECUTIVE OFFICER

15.1. Chief Executive Officer's Report - Period: 01 October to 17 November 2017

Agenda item 14.1, document number A1936622, pages 507 - 533 refers.

Resolved	His Worship The Mayor/Vujcich
That Council notes the report entitled "Chief Executive Officer's Report - Period: 01 October to 17 November 2017" dated 20 November 2017	
Carried	

15.2. Chief Executive Officer's Key Performance Indicators For 2017/18

Agenda item 14.2, document number A1937790, pages 535 - 540 refers.

Moved	Deputy Mayor McInnes/Kitchen
That Council adopts the Chief Executive Officer's Key Performance Indicators for 2017/18.	
Amendment Moved	Hookway/Deputy Mayor McInnes
That Council adopts the Chief Executive Officer's Key Performance Indicators for 2017/18 with the understanding that work will continue on the 2018/2019 Chief Executive Officer's Key Performance Indicators	
The amendment became the substantive motion	Hookway/Deputy Mayor McInnes
Resolved	

That Council adopts the Chief Executive Officer's Key Performance Indicators for 2017/18 with the understanding that work will continue on the 2018/2019 Chief Executive Officer's Key Performance Indicators.

Carried

16.0 PUBLIC EXCLUSION

Agenda item 15.0 refers.

16.1. Resolution to Exclude the Public

Resolved — His Worship The Mayor/Vujcich

a) **That the public be excluded from the meeting pursuant to section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of the proceedings would be likely to result in the disclosure of information for which good reason for withholding exists, while the matters listed below are being dealt with for the reason as set out below;**

1.0 **Confirmation of Previous Minutes**

2.1 **Onewhero Bay - Proposed purchase of access strip and esplanade area**

3.1 **Supplier Recommendation for the Construction of Kerikeri Wastewater Treatment Plan**

4.1 **Taumarere to Opua Cycle Trail – Notice to Vacate and Ramifications**

4.2 **Delegation for Award of Slip Repair Works**

5.1 **All of Government Supply of Electricity Agreements**

5.2 **Extension of Water Supply and Wastewater Operations and maintenance Services Contract 7/02/499 to Broadspectrum Limited**

5.3 **Far North Holdings Limited request for funding for Kerikeri Airport**

5.4 **Ngawha (Energy Park) potential land purchase**

Reason: To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.

5.5 **Independent Audit of Procurement Practices**

Reasons: To 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 information (i) 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; or (ii) would be likely otherwise to damage the public interest;

To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;

To prevent the disclosure or use of official information for improper gain or improper advantage.

a) **That representatives from KPMG - David Sutton, Muhsin M Hilal and Miranda Sum be permitted to remain at this meeting after the public has been excluded, to present their report (5.5) to Council and respond to any questions that may arise in regard to this matter.**

b) **That Adele Gardner - Chairperson Te Hiku Community Board, and Terry Greening - Chairperson Bay of Islands-Whangaroa Community Board be permitted to remain at this meeting after the public has been excluded, because of their knowledge of local wards. This knowledge, which will**

be of assistance in relation to the matters to be discussed, is relevant to that matter because they advocate for and represent local community views.

Carried

At the conclusion of the business of the meeting held with the public excluded the business of Council resumed in open meeting.

17.0 CONFIRMATION OF DECISIONS AND INFORMATION IN OPEN MEETING

Agenda item 16.0 refers.

Resolved — His Worship The Mayor/Foy

That Council confirms that the following

a) information contained in the part of the meeting held with the public excluded be restated in public meeting:

i. Agenda item 5.5 Independent Audit of Procurement Practices

b) decisions contained in the part of the meeting held with the public excluded be restated in public meeting:

i. Agenda item 4.1 Taumarere to Opua Cycle Trail-Notice to Vacate and Ramifications

Resolved — His Worship The Mayor/Vujcich

That Council

a) Acknowledge the notice to vacate the railway corridor, and suggest that the Bay of Islands Vintage Railway Trust and the Far North District Council work together to determine whether any other options exist should Council determine that the cycle trail must end at Taumarere;

Carried

ii. Agenda item 5.2 Extension of Water Supply and Wastewater Operations and maintenance Services Contract 7/02/499 to Broadspectrum Limited

Resolved — Deputy Mayor McInnes/Kitchen

That Council approves Contract 7/02/499 for Water Supply and Wastewater Operations and Maintenance services with Broadspectrum Limited, be extended for a period of three months from 1 July 2018 to 30 September 2018.

Carried

iii. Agenda item 5.5 Independent Audit of Procurement Practices

Resolved — His Worship The Mayor/Deputy Mayor McInnes

That Council receive the report "Independent Audit of Procurement Practices" dated 04 December 2017, inclusive of KPMG's attached reports.

Carried

Carried

18.0 CLOSE OF MEETING

The meeting closed at 4:06 pm

_____

Chairperson

____/____/____

MINUTES OF AN EXTRAORDINARY MEETING OF THE FAR NORTH DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE ON 13 DECEMBER 2017 COMMENCING AT 2:00PM

PRESENT

His Worship the Mayor John Carter Chairperson
Deputy Mayor Tania McInnes
Councillors
Felicity Foy
Colin Kitchen
Sally Macauley
John Vujcich
Community Board Chairs

Mike Edmonds	Chairperson Kaikohe-Hokianga Community Board
Terry Greening	Chairperson Bay of Islands-Whangaroa Community Board
Adele Gardner	Chairperson Te Hiku Community Board

APOLOGIES

Mate Radich
Dave Hookway
Ann Court

STAFF PRESENT

Shaun Clarke	Chief Executive Officer
Andy Finch	General Manager - Infrastructure and Asset Management Group
Kathryn Ross	General Manager – Strategic Planning and Policy
Samantha Edmonds	General Manager - Corporate Services Group
Dr Dean Myburgh	General Manager - District Services Group
Janice Smith	Chief Financial Officer - Corporate Services
Kate Barnes	Team Leader Governance Support
Franz Wagner	Project Manager – Transport and Roading
Wil Pille	Manager - Transport Operations & Capital Works
George Swanepoel	Legal Counsel
Sheryl Gavin	Manager – Corporate Planning and Engagement

1.0 APOLOGIES AND DECLARATIONS OF INTEREST

Reason for the resolution

The Committee may grant leave of absence to a member from a meeting upon application by the member. If a member has not obtained a leave of absence an apology may be tendered on behalf of the member and the apology may be accepted or declined by the Council (Committee/Community Board). Acceptance of the apology shall be deemed to be granting of a leave of absence for that meeting.

Resolved Deputy Mayor McInnes/Foy

That apologies from Councillors Court, Hookway, and Radich be accepted.

Carried

2.0 PUBLIC EXCLUSION

Agenda item 2.0 refers.

2.1. Resolution to Exclude the Public

Resolved His Worship the Mayor/Deputy Mayor McInnes

That the public be excluded from the meeting pursuant to Sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of the proceedings would be likely to result in

the disclosure of information for which good reason for withholding exists, while the matters listed below are being dealt with for the reasons as set out:

1.1 Statement of Proposal – Increasing Council's equity Investment in FNHL for the Economic Development of the Far North District

2.1 Procurement plan and supplier recommendation for the dust seal of Pipiwai and Ngapipito Road.

Reason: To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.

That Adele Gardner - Chairperson Te Hiku Community Board; Mike Edmonds - Chairperson Kaikohe-Hokianga Community Board; and Terry Greening - Chairperson Bay of Islands-Whangaroa Community Board be permitted to remain at this meeting after the public has been excluded, because of their knowledge of local wards. This knowledge, which will be of assistance in relation to the matters to be discussed, is relevant to that matter because they advocate for and represent local community views.

Carried

2.2. Confirmation of Resolutions in Open Meeting

Reason for resolution

The Council has considered matters with the public excluded and has determined that it is not appropriate for the matters and decisions to be restated in public.

Resolved — His Worship the Mayor/Vujcich

That Council confirms that the following decisions contained in the part of the meeting held with the public excluded be restated in public meeting:

2.1 Procurement plan and supplier recommendation for the dust seal of Pipiwai and Ngapipito Road

And that Council confirms that the remaining information and decisions made with the public excluded are not to be restated in public.

Carried

3.0 CLOSE OF MEETING

The meeting closed at 2.30 pm

_____

Chairperson

____/____/____

Item: 6.1

Meeting: **Council – 15 February 2018**

Name of item: **Delegation – Northland Transportation Alliance**

Author: Andy Finch – General Manager, Infrastructure & Asset Management Group

Date of report: 18 December 2017

Document number: A1959658

Purpose of the report

To request approval for a revision to the existing Far North District Council financial delegations to provide a delegation to the Northland Transportation Alliance Manager for budgeted expenditure included within the scope of the Northland Transport Alliance procurement strategy.

Executive summary

- The Far North District Council is a member of the Northland Transportation Alliance (NTA)
- The NTA provides the opportunity for an integrated approach to local government transportation procurement across Northland. The single procurement strategy covering three Local Authorities and the Regional Council was approved by Council on 10 August 2017 and creates the potential to deliver local benefits through wider opportunities and regional coordination.
- The efficiencies arising from the procurement strategy can only be fully realised if the Northland Transport Alliance Manager is given authority to incur expenditure for budgeted work included in the approved procurement strategy
- Three other members of the Alliance have made financial delegations to the Northland Transportation Alliance Manager.

Recommendation

That Council

a) approves a financial delegation of $250,000 to the Northland Transportation Alliance Manager for budgeted expenditure included within the scope of the NTA procurement strategy

b) authorises the Chief Executive Officer to cancel or reduce this delegation at any time at his discretion, by letter to the NTA

1) Background

The Far North District Council is one of the five partner organisations that make up the Northland Transportation Alliance ("NTA"). A business case for the Alliance was produced in 2016. On 21 September 2017 the FNDC's Chief Executive Officer, acting on behalf of and with the approval of the Council, formally endorsed the Northland Transportation Alliance's Transportation Procurement Strategy 2017-2021.

The scope of the procurement strategy is all transportation works including professional services and physical work, across maintenance, operations, renewals and capital projects.

The key aspects of procurement procedures within the strategy are that they:

- Must be designed to obtain best value for money spent.
- Enabling persons to compete fairly for the right to supply outputs.
- Encouraging competitive and efficient markets for the supply of outputs.

The NTA Manager currently has financial delegations from all members of the Alliance except FNDC:

Council	General Manager Delegation	NTA Manager Delegation	NTA Team Leader Delegation
Kaipara DC	$50,000	$50,000	$25,000
Whangarei DC	$250,000	$250,000	$50,000
Northland RC	$100,000	$50,000 (pending approval)	$15,000

The existing budgeted financial delegations for roading within FNDC are:

Position Title	Delegation
General Manager IAM	$250,000
Transport Operations Manager	$50,000

It is now proposed that the FNDC should make a financial delegation to the NTA Manager aligned to existing delegations, to assist with the efficient functioning of the role.

2) Discussion and options

It is proposed that the Council, pursuant to its powers of delegation contained in Schedule 7 of the Local Government Act 2002, makes a financial delegation of $250,000 to the Northland Transportation Alliance Manager. The recommendation has not named the current office-holder, Peter Thomson, as the delegation would apply to whoever currently holds the position.

The other options include making a delegation for a higher or lower figure than that which has been proposed, or making no delegation at all.

Mr Thomson has noted that he is “making key engagements for specialists’ work that is of a priority, although none of it is particularly costly.”

This delegation does not extend to unbudgeted work. The delegation can be cancelled or reduced at any time by the Chief Executive Officer, by letter to the NTA.

Reason for the recommendation

The recommended option of approving a delegation set at $250,000 has been chosen on the basis that it provides sufficient ability to ensure that low cost items of budgeted work can be progressed with due expediency.

3) Financial implications and budgetary provision

Expenditure approved by the Northland Transportation Alliance Manager under this delegation would be exercised within existing NTA budgetary limits and controls, limited to items falling within the business case and procurement strategy.

Manager: Andy Finch – General Manager, Infrastructure and Asset Management Group

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The proposal is relevant to the efficient fulfillment of the Northland Transportation Alliance's Transportation Procurement Strategy
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This issue is of District-wide relevance
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Not applicable
State the financial implications and where budgetary provisions have been made to support this decision.	This report merely proposes a delegation which would be exercised within existing NTA budgetary limits and controls
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

Item: 6.2

Meeting: **Council – 15 February 2018**

Name of item: **Kerikeri Plantation Reserve (Redwoods) Revocation of Reserve Status and Sale of Panhandle to Kerikeri Village Trust**

Author: Kaye Lethbridge – Property Legalisation Officer

Date of report: 18 December 2017

Document number: A1952098

Purpose of the report

The purpose of this report is to provide Council with the sale price options for the transfer of the land contained in CFR 811985, previously the panhandle portion of the Kerikeri Plantation Reserve (Redwoods), to the Kerikeri Village Trust ("KKVT").

Executive summary

- In May 2017 Council resolved to revoke the reserve status from the panhandle and to dispose of the land to the Kerikeri Village Trust (KKVT) on such terms and conditions as the Council shall determine.
- Council staff had recommended to the Bay of Islands-Whangaroa Community Board that prior to the sale of the land the KKVT provide Council with a legally enforceable undertaking that it would create a pedestrian/cycling right of way access.
- The KKVT did not want to provide a right of way access because they considered this would jeopardise the security of the village residents.
- The staff recommendation for access was therefore not included in the Bay of Islands-Whangaroa Community Board's recommendation to Council and likewise was not included in the Council's May 2017 resolution.
- The KKVT would like Council to transfer the panhandle land to them for a token amount. However this involves policy and legal implications.
- It is considered that the legally appropriate course of action is to offer the land to the KKVT at market value.

Recommendation

That the Far North District Council offers to sell the portion of former reserve land known as "the panhandle" and legally described as CFR811985 to the Kerikeri Village Trust at market value i.e. $88,000 plus GST if any.

1) Background

In January 2016 the KKVT wrote to the Council stating that it had purchased the property at 127 Kerikeri Road and wished to build retirement units on that site as part of the expanded village complex. The KKVT noted that its two properties are separated by a narrow strip of plantation reserve land known as "the panhandle" which is part of the "Redwoods" reserve. The KKVT sought to purchase the panhandle.

In October 2016 Council appointed the Bay of Islands-Whangaroa Community Board to hear any submissions and objections and to make a recommendation to Council

in respect of the proposed revocation of the panhandle's reserve status and subsequent sale of the panhandle to the KKVT.

In February 2017 the Community Board received copies of submissions and objections; Vision Kerikeri (supporting the proposal), KKVT (the applicant) and Ms Jane Dawson (who proposed an alternative possible exchange of land).

In April 2017 the Community Board recommended that Council, subject to the consent of the Minister of Conservation, proceed to revoke the reserve status of the panhandle and declare that the land could be disposed of to the KKVT on terms and conditions to be determined by Council; and the Board sought a report on options to retain the unformed road at the cul-de-sac on the southern end of Hawkings Crescent.

On 11 May 2017 the Council, as shown in the following extract from the Council meeting minutes, resolved as follows:

7.0 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD

7.1 Kerikeri Plantation Reserve (Redwoods) Revocation of Reserve Status from Reserve - Panhandle Only and Sale of Panhandle to Kerikeri Village Trust)

Agenda item 6.2, document number A1855001, pages 19-41 refers.

Reason for the resolution

To revoke the reservation of the panhandle and sell the land to the Kerikeri VillageTrust, provided that the KKVT undertakes to grant a pedestrian/cycling right of way through the KKVT's property between Kerikeri Road and the remainder of the plantation reserve in a location to be subject to the approval of the General Manager Infrastructure and Asset Management.

Resolved — Deputy Mayor McInnes/Macauley

***THAT** pursuant to section 24 Reserves Act 1977 and subject to the consent of the Minister of Conservation, the Far North District Council in its role as administering body of the reserve hereby revokes the reservation over the panhandle portion of the Plantation Reserve described in the schedule hereto, and declares that the said land may be disposed of to the Kerikeri Village Trust (KKVT) on such terms and conditions as the Council shall determine;*

***AND THAT** as part of the process of seeking the Minister's consent to this proposal, the attached summary of submissions and objections, showing the extent to which they have been allowed or disallowed, shall be forwarded to the Minister's delegate.*

Schedule

North Auckland Land Registration District

Plantation Reserve Lot 4 DP 79582 1747 square metres NA35D/880

Panhandle portion of Plantation Reserve (the area over which the reservation is proposed to be revoked): 378 square metres (approximately)

***AND THAT** a report be presented to the Bay of Islands-Whangaroa Community Board on options to retain the unformed road at the cul-de-sac on the southern end of Hawking Crescent.*

Carried

In August 2017 the panhandle land was valued and given a market value of $88,000 exclusive of GST (Attachment 1).

On 19 October 2017 the revocation of the reserve status from the panhandle was published in the New Zealand Gazette (Attachment 2).

On 7 November 2017 a new title for the fee simple land (previously the panhandle) was issued in the name of the Far North District Council (CFR811985 Section 1 SO 512209 being 363 square metres more or less). (Attachment 3)

2) Discussion and options

The purpose of the panhandle was to provide public access from the plantation reserve to Kerikeri Road however an historic encroachment prevented the public from using this access. The encroachment has since been removed.

Potential benefits of the transfer, and the question of the sale price

When the KKVT expressed interest in the panhandle they noted that the benefits of purchase would include the following:

- Seamless connection of the KKVT's new property at 127 Kerikeri Road to the KKVTs existing village infrastructure and support services;
- Improved security for the residents of the new development;
- Better functionality of the site at no. 127 without the restrictions of the separation strip (the panhandle);
- The ability to control traffic movements to the new development by making the entrance way via the existing KKVT entrance and exiting only from one of the two access points at no. 127 onto Kerikeri Road. The other access point would be closed.

As part of the revocation process, Council staff identified the panhandle as a potentially viable walking and/or cycling route, which was already owned by Council but would no longer be available if the panhandle was sold. Staff recommended that in return for the proposed purchase of the panhandle the KKVT should be asked to grant Council a right of way across KKVT land from Kerikeri Road to the reserve. The exact location of the right of way could be determined once the KKVT had finalised its development proposal.

However the KKVT advised the Bay of Islands-Whangaroa Community Board that it was opposed to providing public access through the village because this would jeopardise the security of the village residents. The outcome was that neither the Board's resolution passed in April, nor the Council's resolution passed in May, included a requirement for a right of way in return for the sale of the panhandle.

(The Community Board's resolution also sought a report on options to retain the unformed road at the cul-de-sac on the southern end of Hawkings Crescent which provides access to the reserve. This small piece of Council-owned land is reserve land "set aside for road" if such a need should arise. This is a separate matter to the disposal of the panhandle land.)

From the commencement of the revocation process, staff reports referred to the proposed sale of the land although no estimate of the proceeds was provided. It was thought that the purchase price for the KKVT to acquire the panhandle would be determined at market value and then reduced, if not entirely offset, by the value of the right of way that might have been granted to Council.

The KKVT has stated that "it expected a token amount would be required to effect the change of ownership". The expression "token amount" by definition refers to a nominal amount such as the traditional "peppercorn" or $1.00. No doubt this proposal reflects an altruistic and benevolent appreciation of the KKVT's not-for-profit charitable status. With an ageing population and property close to services being highly sought after, and valued as such, there is an argument that the transfer of the land for a "token amount" would have a longer term benefit to a sizeable proportion

of Kerikeri residents. However sale for a nominal $1.00 rather than for market value could result in the complications discussed below.

Legislation and policy

The following policy and legislation is relevant to the question of whether – given that the KKVT will not be granting the Council a right of way – the KKVT should pay market value for the panhandle ($88,000 plus GST if any) or pay a nominal $1.00.

Asset Disposal Policy

Council's Asset Disposal Policy # 2119, recognises that the Council should be properly compensated when it disposes of assets. According to the policy:

"The primary consideration for any disposals of property, plant and equipment is to achieve for Council, and its ratepayers, the best possible value. This should be done in a manner which is consistent with best practice for the management of public assets."

"Any procedures followed in disposing of items should thus be transparent and able to withstand scrutiny by Council's auditors or any other appropriately authorised person, or persons."

Reserves Act 1977

The Reserves Act 1977 requires that the proceeds from the sale of reserve land are applied in purchasing, taking on lease, managing, maintaining, improving, and developing the Council's other reserves, and for no other purpose. There appears to be no authority for a reserve, following revocation, to be sold for a nominal $1.

Local Government Act 2002 – the prudential requirement

The Council is required to comply with section 101(1) of the Local Government Act 2002, which states, in relation to "Financial Management", that "A local authority must manage its revenues, expenses, assets, liabilities, investments, and general financial dealings prudently and in a manner that promotes the current and future interests of the community." This "prudent" approach could be seen as requiring appropriate compensation for the sale of assets.

Local Government Act 2002 – report by Auditor-General on loss incurred

Under sections 44 and 46 of the Local Government Act 2002, the Auditor-General could take action in respect of any loss caused by a Council decision to dispose of an asset without being "fully compensated" by the purchaser. The result could be that the loss would be recoverable as a debt due from each member of the Council jointly and severally. The Crown could commence proceedings to recover the loss. Individual councillors would have a defence against the proceedings if the record shows that they voted against the proposal that resulted in the loss.

The Hundertwasser Park transfer of revoked reserve for a nominal price

The Council recently resolved, subject to ministerial consent, to revoke the reservation over a local purpose (parking) reserve in Kawakawa and to dispose of the land to Far North Holdings Limited for $1.00 (plus GST if any) for the purpose of development as part of the proposed Kawakawa Hundertwasser Park Visitor Centre.

However this transaction is not regarded as a precedent that would justify transferring the panhandle to the KKVT for a nominal $1.00. The differences are that the Kawakawa land will be transferred to FNHL which is a Council-controlled organisation, and the land will form part of the Kawakawa Hundertwasser Park Visitor Centre which will be open to the general public. The panhandle proposal by

contrast involves the loss of the former reserve land to a private sector organisation, albeit one with charitable objectives.

Options

Option 1 (the recommended option): that the panhandle land legally described as CFR811985 be offered to the Kerikeri Village Trust at market value

It is recommended that the panhandle land now legally described as CFR811985 be offered to the KKVT at market value ($88,000 plus GST if any). This approach is in accordance with Council policy and relevant legislation and recognises that the sale will result in added value to the KKVT's property. The sale proceeds could be put towards the development of other reserves in the Kerikeri area.

This option complies with the policy and legislative provisions summarised above.

Option 2 (the KKVT's preferred option): that the panhandle land legally described as CFR811985 is transferred to the Kerikeri Village Trust for $1.00

It is the KKVT's preference that the panhandle land is transferred for a token amount. This may be seen as an appealing option which reflects an altruistic and benevolent appreciation of the KKVT's not-for-profit charitable status.

However sale for a nominal $1 rather than for market value could contravene the policy and legislative provisions summarised above and result in a report by the Auditor-General holding members responsible for the loss incurred.

Option 3 – that the panhandle land legally described as CFR811985 be offered to the Kerikeri Village Trust at market value, and that Council considers the possibility of making a grant to the KKVT

Under this option, the panhandle land would be offered to the KKVT for full market value ($88,000 plus GST if any), but the Council would consider making a grant to the KKVT which, depending on the amount, would have the effect of partly or fully offsetting the purchase price. This would be a transparent approach to the disposal of the property to the KKVT. There is no provision for making a grant in the Long Term Plan (LTP) or any current policy.

However in accordance with the provisions of the Local Government Act 2002, if Council considers that making a grant to the KKVT is justified and within the broad purpose and discretion as set out in sections 10 and 12 LGA02, the Council can (by resolution) choose to make a grant even though it isn't currently provided for in the LTP or any policy. Council would have to note that there is no provision in the LTP or any existing policy, and it would have to state the reasons for deciding to make the payment, and state whether any adjustment will be required to accommodate the decision (e.g. will it impact on any other budgeted expenditure).

Reason for the recommendation

Council has previously decided that the KKVT will not be required to grant Council a right of way over the KKVT's land. Consequently the transfer of the panhandle to the Trust for a discounted price such as a nominal $1.00 would not be equitable. It is therefore recommended that the panhandle land is offered to the KKVT for full market value, to compensate ratepayers for the loss of public land.

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3) Financial implications and budgetary provision

Under the recommended option the panhandle land would be offered to the KKVT for market value i.e. $88,000 plus GST if any.

Aside from staff time, the Council has incurred the following costs: Department of Conservation (DOC) processing fees $1,748.00, Schwartz consultancy fees $465.75, Moir McBain valuation $1,892.50, public notification costs $789.81 and Council's fee for reserve revocation $306.67. In the normal course of events costs would be met by the applicant.

Manager: Andy Finch, General Manager, Infrastructure & Asset Management Group

Attachment 1: Moir McBain Valuation - Document number A1952099

Attachment 2: Notice published in NZ Gazette – Document number A1952101

Attachment 3: Title CFR 811985 – Document number A1962102

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low – the proposal does not meet the thresholds for a matter of high significance. The reserve revocation has already been through a consultation process.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Council has already resolved to transfer land to the KKVT. This report merely addresses the question of the sale price. Policy # 2119 and relevant legislation is summarised within the report.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The Community Board has supported the proposed disposal of the land to the KKVT on terms and conditions as determined by Council.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	The implications for Maori are no greater than for the general populace. The general public, including Maori, were consulted when the proposed revocation of the panhandle reserve was notified.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	The views of the KKVT have been described. The potential impact on the ratepayers of the proposed sale of land has also been set out within the report.
State the financial implications and where budgetary provisions have been made to support this decision.	Issues relating to possible income from disposal of land have been addressed within the report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

MARKET VALUATION

NATIONAL BANK BUILDING
90 KERIKERI ROAD

P.O. BOX 254
Kerikeri 0245

TELEPHONE 0-9-407 8500
EMAIL office@mmv.co.nz
www.moirmcbainvaluations.co.nz

Address of property: **Kerikeri Road, Kerikeri**

Client: **Far North District Council**
Date: **3rd August 2017**

MOIR • MCBAIN • VALUATIONS
REGISTERED PROPERTY VALUERS

Our Ref.17147 mm
3rd August 2017

NATIONAL BANK BUILDING
90 KERIKERI ROAD

P.O. BOX 254
Kerikeri 0245

TELEPHONE 0-9-407 8500
EMAIL office@mmv.co.nz
www.moirmcbainvaluations.co.nz

The Manager
Far North District Council
Private Bag 752
Kaikohe

Attention: Kaye Lethbridge
Email: Kaye.Lethbridge@fndc.govt.nz

MOIR • MCBAIN • VALUATIONS
REGISTERED PROPERTY VALUERS

RE: **VALUATION – SECTION 1 LT 512209 – KERIKERI ROAD, KERIKERI PROPERTY**

Further to instructions received from Kaye Lethbridge on behalf of the Far North District Council we have inspected the above mentioned property on Kerikeri Road, Kerikeri for the purpose of assessing its market value. The property was inspected on the 3rd August 2017 this being the effective date of valuation.

We have provided an Executive Summary which precedes our full valuation report. The Executive Summary details the main characteristics of the property and summarises our valuation conclusions.

Our Executive Summary must be read in conjunction with our full formal report and with Moir McBain Valuations Limited Statement of Valuation Policies.

This report has been prepared solely for the purpose stated and solely for the benefit of the Far North District Council.

Yours faithfully
MOIR McBAIN VALUATIONS

MALCOLM K. McBAIN
Registered Valuer MNZPI
Director

Email: mal@mmv.co.nz

EXECUTIVE SUMMARY

Property Address:	**Kerikeri Road, Kerikeri**
Instructions:	Market Value
Instructing Party:	Kaye Lethbridge on behalf of the Far North District Council
Client:	**Far North District Council**
Inspection Date:	20th July 2017
Valuation Date:	20th July 2017
Interest Valued:	The land is legally described as containing 378 m^2 more or less being Section 1 LT 512209, which we assume will either be a Freehold Title with amalgamation conditions or purely as a boundary adjustment.
Basis of Valuation:	Market Value
Brief Description:	The property is an access strip of more or less 5 metres in width running off the eastern side of Kerikeri Road giving access to the Redwoods plantation reserve at the rear.
Methodology:	The market value has been established as added value to either the plantation reserve or an adjoining owner established by direct market comparison.
Valuation:	**$88,000-00 – (EIGHTY EIGHT THOUSAND DOLLARS)** exclusive of GST.
Conditions of Valuation:	The valuation is assessed under the condition that the property is a boundary adjustment or a separate title with an amalgamation condition.
Property Risk Profile:	As the property is of a unique nature and is not saleable to the general public but to an adjoining owner only we consider it has a medium risk profile.
Valuer:	**MALCOLM K. McBAIN** Registered Valuer MNZPI Director

FULL REPORT

SCOPE OF WORK:

The Valuer:

The valuation has been undertaken by Malcolm McBain, Registered Valuer who provides this objective and unbiased valuation. The valuer has no material connection with the instructing party and has the appropriate qualifications and experience to undertake the valuation.

The Client:

This valuation has been prepared on specific instructions from Kaye Lethbridge on behalf of the Far North District Council to assess the Market Value. The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold our consent or to review the contents of this report in the event that our consent is sought.

Extent of Investigations:

We have carried out an inspection of exposed and readily accessible areas of the improvements. However, the Valuer is not a building construction or structural expert and is therefore unable to certify the structural soundness of the improvements. Readers of this report should make their own enquiries.

This report has been prepared for valuation purposes only and is not a geotechnical or environmental survey. If any defect is found, including structural defects, this information could impact on the value of the property.

No allowances are made in our valuations for any expenses of realisation, or to reflect the balance of any outstanding mortgages either in respect of capital or interest accrued thereon.

We have not conducted a land survey of the subject property and assume all improvements lie within the title boundaries.

Nature and Source Of Information Relied Upon:

In preparing our valuation we have relied upon information, as is relevant, contained in the following documents:

Name of Document	Source of Document
Cadastral Plan	Property Guru

Reporting Format:

We have been instructed to provide a formal valuation report meeting all the appropriate standards.

Valuation Standards:

Our valuation has been prepared in accordance with International Valuation Standards 2013 and Australia and New Zealand Valuation Guidance Notes including:

+	IVS	-	Framework
+	IVS 101	-	Scope of Work
+	IVS 102	-	Implementation
+	IVS 103	-	Reporting
+	IVS 230	-	Real Property Interests
+	IVS 310	-	Valuation of Real Property Interests for Secured Lending
+	ANZVGN 1	-	Valuation Procedures - Real Property
+	ANZVGN 2	-	Valuations for Mortgage and Loan Security Purposes
+	ANZRPGN 1	-	Disclaimer Clauses and Qualification Statements
+	ANZRPGN 4	-	Methods of Measurement

VALUATION

We assess the market value of the property at **$88,000-00 (EIGHTY EIGHT THOUSAND DOLLARS)**.

The above valuation is exclusive of GST.

The writer certifies that he is a Registered Valuer and that in completing this valuation has had regard to and has fully complied with the New Zealand Institute of Valuer's and Property Institute of New Zealand Code of Ethics and its valuation standards as set from time to time. The writer holds a current annual practising certificate and as at the date of this valuation there is in force and effect Professional Indemnity Insurance for an amount not less than the amount of this valuation. We further certify that we have acted independently of any vendor or owner of this property.

BASIS OF VALUATION

Market Value is defined in International Valuation Standards 2013 as:

"The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties have each acted knowledgeably, prudently, and without compulsion".

LEGAL DESCRIPTION

The land is legally described as containing 378 m^2 more or less being Section 1 LT 512209.

There is no Certificate of Title at this time with the valuation based on either a Freehold Title being issued with amalgamation conditions or being amalgamated directly with an adjoining property.

A copy of the Cadastral Plan showing the area is included as an appendix to this report.

LOCALITY/SALEABILITY

The property is situated off the south eastern side of Kerikeri Road on the northern side of the Kerikeri town centre in the Bay of Islands. As such it is well located with properties popular in this vicinity for their frontage to Kerikeri Road.

The immediately surrounding properties comprise of a mixture of commercial properties, residential properties and the Kerikeri Retirement Village.

The real estate market in the Kerikeri Township saw a significant increase in activity through 2016 with a higher number of sales taking place on a monthly basis than over the last few years. This lead to value increases in most property categories although this has plateaued through 2017 to date. We consider that as a boundary adjustment or added value an adjoining title the property has reasonable saleability. Further comment on sales is made later in the report.

PROPERTY DESCRIPTION

Land

The land is an access strip of long and narrow shape with an area of more or less 378 m^2.

It runs off the eastern side of Kerikeri Road in an easterly direction to a stand of Redwoods being a plantation reserve at the rear adjoining an offshoot of Hawkings Crescent. The land is of flat contour throughout with a slight fall from the south through to the west.

The area does not appear to be utilised for access purposes as the plantation reserve has frontage to Hawkings Crescent at the eastern extremity thereby negating the requirement for access through Section 1.

We note the Kerikeri Retirement Village is the adjoining owner to both sides of the strip with this being the obvious purchasers of the property enhancing access between the two land areas.

Various photographs are attached with this report giving an overall impression of the property.

RISK ASSESSMENT

PROPERTY RISK RATING	**1**	**2**	**3**	**4**	**5**
Location & Neighbourhood	1				
Land – including planning and title		2			
Environmental issues	1				
Improvements	n/a				

MARKET RISK	**1**	**2**	**3**	**4**	**5**
Recent market direction	1				
Market volatility		2			
Local economy		2			
Market segment conditions		2			

Risk Ratings

1. Low	No readily identifiable adverse issues
2. Low to Medium	Minor adverse issue only not warranting comment
3. Medium	There is an adverse issue for the lender/client to note
4. Medium to High	There is an important adverse issue in the Report for the lender/client to consider before relying upon the report
5. High	There is an extremely important/urgent adverse issue in the report that could have a major impact on the current value and/or marketability of the subject property

Note: Our observations within the Risk Assessment and the body of this report provide our opinion of the property as at the date of the valuation. This opinion has been based on many factors including our research data, and knowledge of the property market, and reflects the nature and standard of the property, inherent characteristics and current market conditions. The Risk Assessment herein forms part of the full valuation report and must not be relied upon in isolation.

VALUATION DETAILS

The standard valuation procedure for reserve land comprises assessing a market value for the land area with reductions made for the chance of uplifting the designation. In the case of the subject Section 1 this approach is not pertinent as we assume that any revocation of the designation will occur if an agreement is in place. Therefore we have valued the proposed Section 1 as a separate title value with value to adjoining owners or as land area directly amalgamated within an adjoining title.

We note the following sales utilised to assess a rate per m^2:

1. The adjoining property to the north comprising the former Enz of the Earth premises sold to the Kerikeri Retirement Village in June 2015 for $670,000-00. The site required clearing to gain a vacant with this estimated at more or less $30,000-00 although we are aware that

there were some contamination costs which pushed the price upwards. The vacant land value equates to more or less $232-00 per m^2 overall.

2. Situated on the corner of Kerikeri Road and Ranui Ave a short distance to the south a 1480 m^2 corner site sold in April 2016 for $375,000-00 plus GST. The property is a corner site in a residential area with the sale analysing to more or less $253-00 per m^2.

3. Situated across the road from the Kerikeri BP on the corner of Kerikeri Road and Kilountain Place a 2903 m^2 site sold for $870,000-00. The property has good frontage to Kerikeri Road with the land being of flat to gently sloping contour with an analysed land sale price of $300-00 per m^2.

On a comparison we have assessed the value of the subject property excluding an inducement allowance for adjoining owner influence at $290-00 per m^2 with our calculations thus as follows:

Land Area – 378 m^2 @ $232-00 per m^2	=	$87,696-00
Say – MARKET VALUE		**$88,000-00**

(EIGHTY EIGHT THOUSAND DOLLARS)

This valuation is exclusive of GST.

STATEMENT OF VALUATION POLICIES

a. This valuation and all valuation services are provided by Moir McBain Valuations solely for the use of the client to whom the report is addressed and to that client only. Moir McBain Valuations do not and shall not assume any responsibility to any person other than the client for any reason what so ever including breach of contract, negligence (including negligent misstatement), or wilful act or default of itself or others by reason of or arising out of the provision of this valuation or valuation services. Any person, other than the client, who uses or relies on this valuation does so at their own risk.

b. This valuation has been completed for the specific purpose stated in this report. No responsibility is accepted in the event of this report being used for any other purpose.

c. This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

d. Without limiting the generality of comment c. above, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of three months from the date of the valuation, or such earlier date if you become aware of any factors that have any affect on the valuation.

e. Neither the whole nor any part of any valuation report or any reference to the same may be included in any published document, circular or statement without our written approval as to the form and context in which it may appear.

f. Substances such as asbestos, other chemicals, toxic wastes or other potential hazardous materials, could, if present, adversely affect the value of the property. The stated value estimate is on the assumption that there is no material on or in the property that would cause loss in value. No responsibility is assumed for any such conditions and the recipient of this report is advised that the Valuer is not qualified to detect such substances, quantify the impact on values or estimate the remedial cost.

g. It has been assumed that all improvements on the property comply with the terms and conditions of all relevant legislation and the requirements of territorial authorities.

h. This report does not purport to be a structural, site or boundary survey and is confined to being a valuation of the property with a general description of the land and improvements thereon.

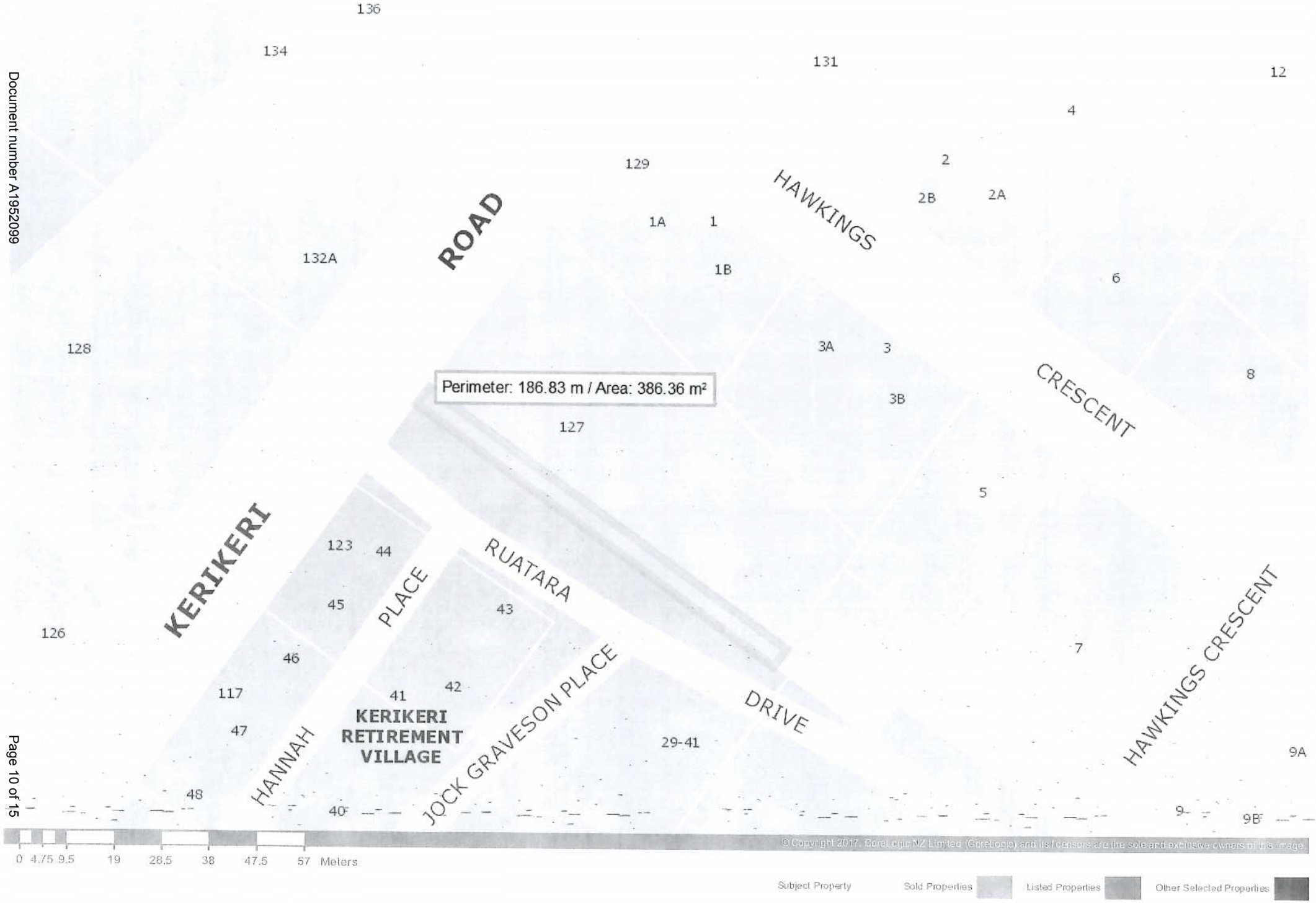
i. Where it is stated in the valuation report that information has been supplied to us by another party, including the party to whom the valuation is addressed, this information is believed to be reliable but Moir McBain Valuations accepts no responsibility for the accuracy, reliability or otherwise of the information.

Further details are retained on file if any other information is required.

Yours faithfully
MOIR McBAIN VALUATIONS

MALCOLM K. McBAIN
Registered Valuer MPINZ

Document number A1952099

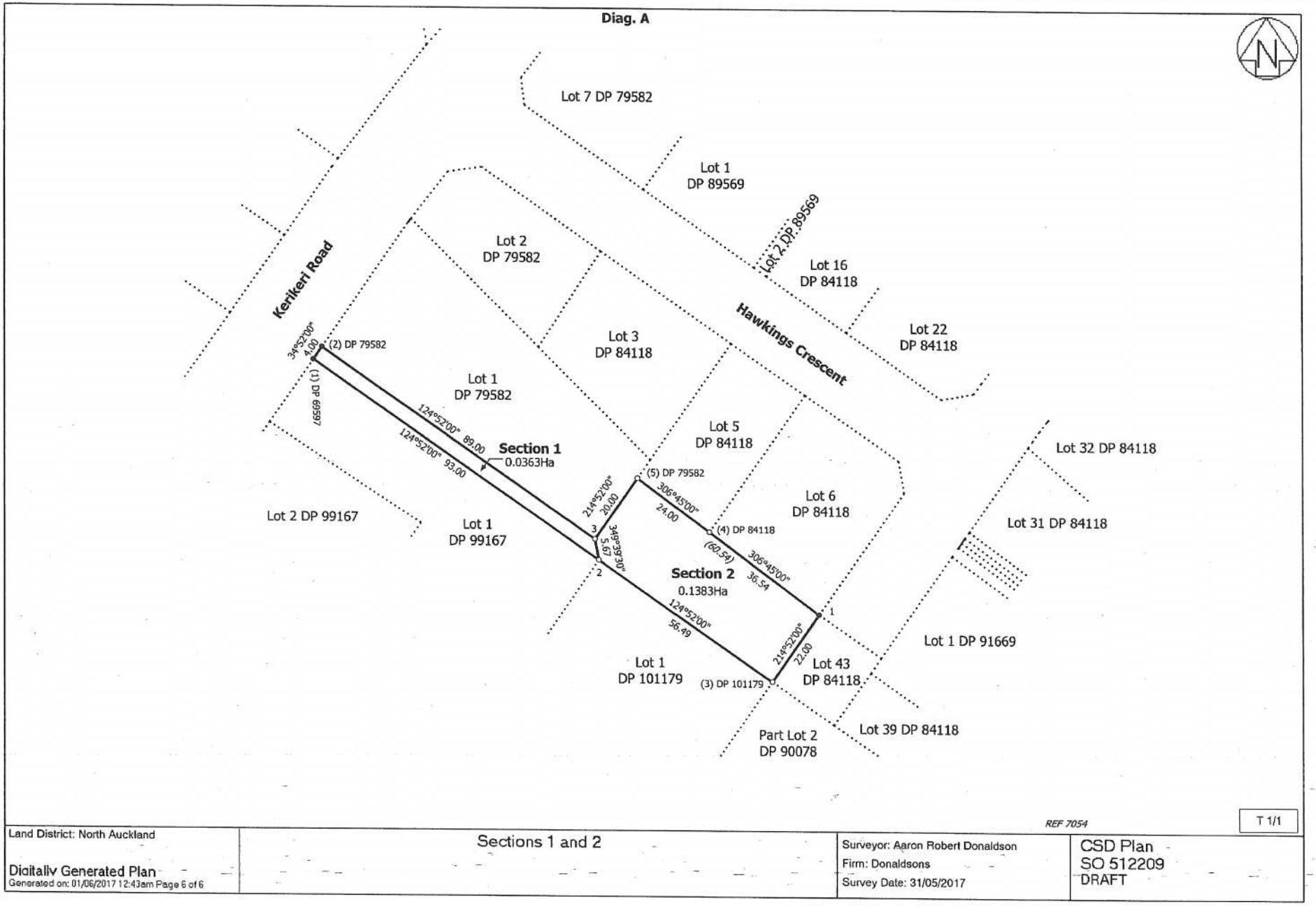


The land and plantings

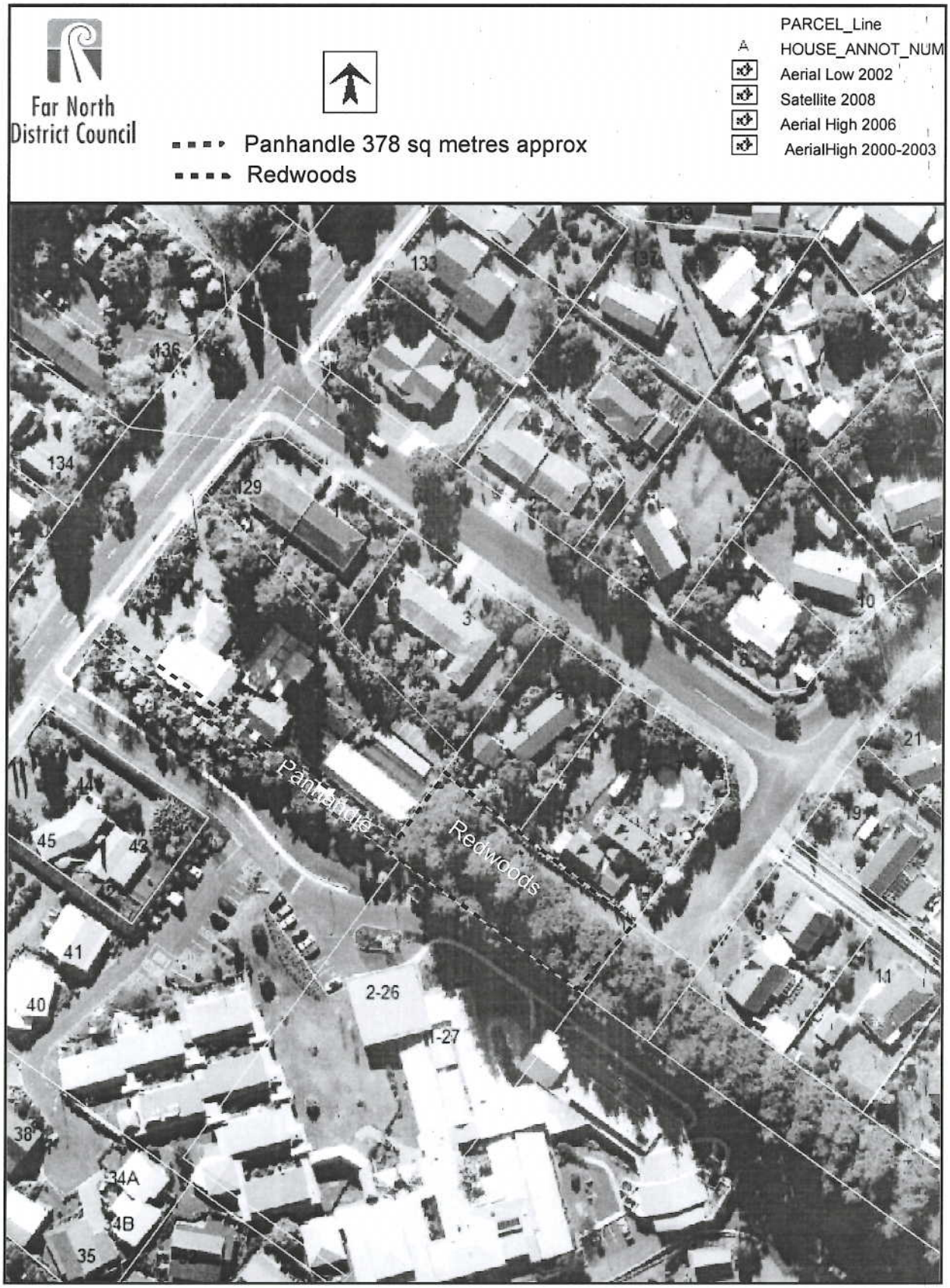
The land and plantings

The land and plantings

Document number A1952099



Plantation Reserve - NA 35D/880 Lot 4 DP 79582



This map has been provided in good faith and for information purposes only. The Far North District Council is not liable for any errors or omissions. Any persons considering purchasing property are advised to have all boundaries confirmed by a licensed Cadastral Surveyor.

Produced by the Far North District Council 17:10 26/05/2015

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Kerikeri Retirement Village

Revocation of the Reservation Over a Reserve and Specifying the Manner of Disposal

Pursuant to the Reserves Act 1977, and to a delegation from the Minister of Conservation, the Operations Manager, Department of Conservation, Bay of Islands District, revokes the reservation as a local purpose (plantation) reserve over the land described in the Schedule and declares that the land may be disposed of by the Far North District Council in such manner and on terms and conditions as the Council determines.

North Auckland Land District—Far North District

Schedule

Area m^2	Description
363	Part Lot 4 DP 79582; shown as Section 1 on SO 512209 (part Computer Freehold Register NA35D/880).

Dated at Kerikeri this 3rd day of October 2017.

ROLIEN ELLIOT, Operations Manager, Department of Conservation, Bay of Islands District.

(DOC PAD-00-02-07 - DOC-3973972)

2017-ln5242

GN 10950032.1 Gazett
Cpy – 01/04, Pgs – 002, 06/11/17, 12:23
DocID: 517956534

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**811985**
Land Registration District	**North Auckland**
Date Issued	07 November 2017

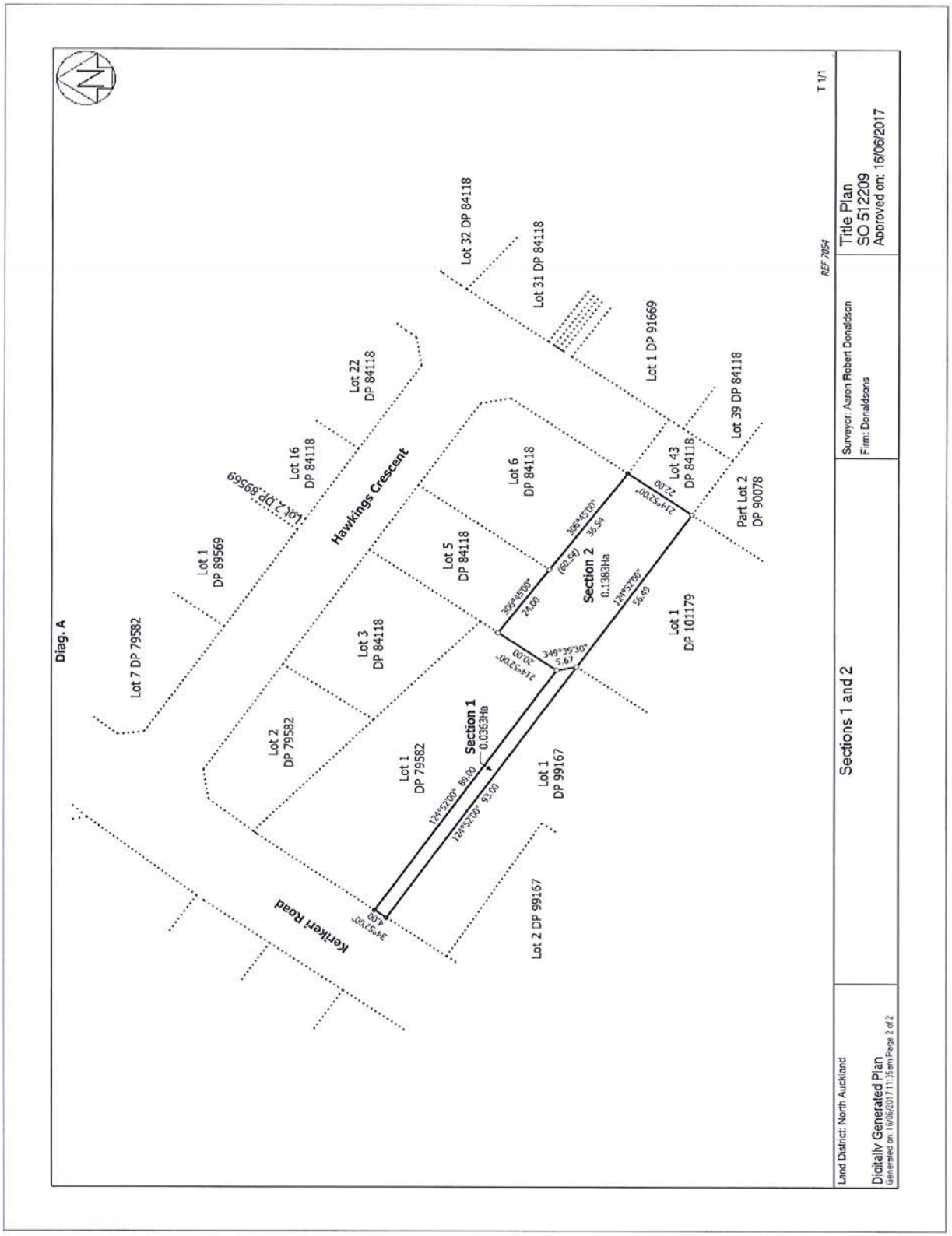
Prior References
NA35D/880

Estate	Fee Simple
Area	363 square metres more or less
Legal Description	Section 1 Survey Office Plan 512209

Proprietors
Far North District Council

Interests

Identifier **811985**



Item: 7.1

Meeting: **Council - 15 February 2018**

Name of item: **Wastewater Drainage Bylaw Consultation**

Author: Leslie Trussler - Policy Advisor

Date of report: 24 January 2018

Document number: A1964779

Purpose of the report

The purpose of the report is to recommend further consultation on an amended Statement of Proposal for the Wastewater Drainage Bylaw.

Executive summary

The purpose of the Wastewater Drainage Bylaw is to control wastewater discharges from properties into the public sewer system, protect the public sewer system from damage, misuse and interference and protect the environment and the health of people in the district.

"Wastewater" as defined in the Bylaw means *"water or other liquid, including waste matter in solution or suspension, discharged from a premise to a sewer"*.

The Bylaw applies to wastewater discharges into the Council's public wastewater network and to the Council's wastewater infrastructure.

Council adopted the Statement of Proposal for a Wastewater Drainage Bylaw on 30 March 2017, and consultation ran from 26 June – 26 July 2017, with two submitters making formal submissions to the consultation and both requesting to speak at the hearing. Following the 11 October 2017 Strategy Committee meeting, a working party was established to help determine the direction of the Bylaw.

This report summarises the submissions to date, provides staff comment in response to submitter concerns, and provides a recommendation that an amended Statement of Proposal for the Wastewater Drainage Bylaw be adopted for further consultation based on submissions received in the first round of consultation.

Recommendation

That Council adopt an updated Statement of Proposal for the Wastewater Drainage Bylaw for further consultation.

1) Background

The Far North District Council Wastewater Bylaw came into force on 01 December 2009. The Bylaw applies to the discharge of wastewater into Council's public wastewater network.

The purpose of the Bylaw is to control wastewater discharges into the public sewerage network, protect the public sewerage network from damage, and protect the environment and the health of people in the district.

On 5 May 2016 it was resolved by Council:

"*THAT a Wastewater Bylaw is the most appropriate way of addressing the problem of wastewater discharges to the wastewater networks;*

AND THAT Council consult on a revised Wastewater Bylaw."

On 30 March 2017, it was resolved:

"That Council adopt the Statement of Proposal for a Wastewater Bylaw for public consultation."

Public consultation under the Special Consultative Procedure opened on 26 June 2017 and closed on 21 July 2017. Hearings for the Wastewater Drainage Bylaw took place on 21 September 2017.

On 11 October 2017 the Strategy Committee resolved:

"That the report entitled "Proposed Trade Waste Bylaw Consultation" be left to lie on the table.

And that Council staff organise workshop (s) with elected members and community representatives.

And that a subsequent report be brought back to the Strategy Committee."

A working party was established, consisting of elected members, community representatives and staff. The working party agreed that the Bylaw be put back up to Council following some minor changes based on the first round of consultation.

This report presents the submissions received from the community to date on the proposed Wastewater Drainage Bylaw and recommends that an updated Statement of Proposal for the Wastewater Drainage Bylaw based on these submissions be adopted for extended consultation.

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2) Discussion and options

Consultation and decision-making process

The Wastewater Drainage Bylaw is assessed as significant under the Council's Significance and Engagement Policy. It has a high impact upon properties that discharge into the wastewater system. The LGA 2002 s 156 states that a Special Consultative Process (SCP) is required to amend a bylaw.

Two submissions (Attachment 2) were received during the first round of consultation, and both submitters requested to speak at the hearings.

Issues with Consultation

While the consultation undertaken met the minimum statutory requirements for a Special Consultative Procedure, concern was expressed by elected members and the public that stakeholders had not been appropriately engaged.

As a result of this concern, the report recommending the adoption of an updated Statement of Proposal for consultation was left to lie on the table, pending the formation of a working group to address these issues. The working group was nominated by His Worship the Mayor, and consisted of elected members, staff and representatives of the public.

The working group met on 6 December 2017 to discuss the Bylaw. The group agreed to amend the proposed Bylaw based on submitter feedback and recommend that further consultation be carried out on the amended Statement of Proposal.

This further consultation would include:

- Clear identification of stakeholders and advance notification of this consultation to these stakeholders.
- Engagement with tangata whenua.
- The sending of mass emails to those who have indicated previously that they wanted to be notified of any upcoming consultations.

The following amendments (Attachment 4) are recommended to the Statement of Proposal for the Wastewater Drainage Bylaw based on the first round of feedback:

Amendment	**Rationale**
Removal of the undefined "structure" and replacement with the defined "building".	The Bylaw uses the term "buildings or structures", which suggests that a "structure" is intended to have a different meaning to a "building". However, the definition of "building" already encompasses all types of structures intended to be restricted by those provisions, and so for the sake of clarity, the term "building" should be used instead of "structure".
The amendment of the definition of "building" so that it refers to the Building Act 2004.	The definition of "building" has been amended so that it is consistent with the primary legislation (Building Act 2004) and does not need to be amended every time the Act is amended. .
The amendment of the definition of "drain" to extend beyond the scope of private drains.	The current definition of drain paraphrases the definition of "private drain" without adding anything further to that definition. As it is used in a wider context than just a private drain in the Bylaw, the definition has been amended to mean "wastewater drain or stormwater drain; and drainage has a corresponding meaning".
Replacement of access clauses 3.4, 3.4.1 and 3.4.2 with a single clause 3.4 that points to powers of entry as defined by the Local Government Act 2002.	These clauses were enacted by the Local Government Act 1974, which has since been repealed and replaced by similar though different clauses in the LGA 2002. It is recommended that the Bylaw point to the LGA regarding powers of entry so that it is not necessary to update the Bylaw as legislation changes.
Amendment of the definition of "Point of Discharge" for clarity and readability.	The definition in the proposal was repetitive and unclear; it has been changed to improve clarity and readability.
The amendment of clauses 5.1 and 5.2 to specify that building on or around a public sewer may occur with written Council approval and subject to any conditions of that approval; and	It has been noted that certain buildings, such as boundary fences, would not be considered "exceptional circumstances". Amendments to clauses 5.1 and 5.2 and the removal of 5.4 mean that the Bylaw imposes

the removal of clause 5.4, which specifies that application may only be made in exceptional circumstances.	restrictions on building on or around public sewers rather than prohibitions.
Amendment of some headings for the sake of readability.	Some headings were unclear and did not clearly identify the topic being discussed, and so were amended for accuracy.

Fees and Charges

Council already charges a wastewater connection fee as per the Schedule of Fees and Charges. As part of the 2018-2028 Long Term Plan process, wastewater connection fees will be reviewed and put out for consultation.

Option 1 – Recommend adoption of an updated Statement of Proposal for the Wastewater Drainage Bylaw for further consultation.

To ensure that the community is given an adequate opportunity to submit on the Bylaw, further consultation, including the identification and notification of potential stakeholders, is recommended.

Suggested amendments to the Statement of Proposal along with a rationale for each are listed above under "Amendments to the Statement of Proposal". These suggested amendments are based on feedback received in the first round of consultation.

Incorporation of these amendments in the Statement of Proposal would help to ensure that new submissions do not repeat concerns already identified.

Option 2 – Recommend further consultation on the existing Statement of Proposal.

Further consultation would be undertaken on the existing Statement of Proposal to ensure that the affected stakeholders are identified and notified and given adequate opportunities to submit on the Bylaw

Amendments based on submissions from the first round of consultation would not be incorporated in the draft Bylaw, which means that submissions might repeat concerns already identified by earlier consultation.

Option 3 – Adopt the proposed Wastewater Drainage Bylaw based on the first round of consultation.

This means that no further consultation would be undertaken and the proposed Bylaw would be adopted.

Council, as part of decision-making and based on consultation and hearings, would be able to make amendments to the Bylaw before adoption. Amendments would need to be clearly identified and a clear rationale provided for each.

Option 4 - Status quo

No further consultation would be undertaken, and the current Bylaw would remain in place. The contents of the existing Bylaw would remain valid as it was reviewed in 2016. It would be renamed as the Wastewater Drainage Bylaw 2017.

Option 1 is the preferred option

Reason for the recommendation

To allow adequate opportunity for the affected community to engage on the development of the Bylaw.

3) Financial implications and budgetary provision

The costs associated with further consultation have been budgeted for. Wastewater connection charges will be considered as part of a comprehensive review of fees and charges during the 2018-2028 Long Term Plan process.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy

Attachment 1: Updated Statement of Proposal for Wastewater Drainage Bylaw - Document number A1964780

Attachment 2: Updated Statement of Proposal with Tracked Changes - Document number A1964783

Attachment 3: First round of Wastewater Drainage Submissions - Document number A1964781

Attachment 4: Current Wastewater Drainage Bylaw - Document number A1964782

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	The issue of Wastewater Drainage is of high significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The LGA 2002 s 156 states that a Special Consultative Process (SCP) is required to amend a bylaw. Wastewater impacts upon the community outcomes: *Safe, healthy, resilient places and people;* *Our environment is protected, enhanced and wisely managed;* *Sustainable development of our local economy through partnerships, innovation, quality infrastructure and planning;* *Sustainable, affordable, equitable infrastructure that contributes to the economic progress and social wellbeing of the district.*
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The matter has District-wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Wastewater Drainage may impact upon the Mauri of receiving waters (i.e. harbours and rivers).

Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Those whose properties connect to the sewerage network. A Special Consultative Procedure has been undertaken as per the LGA 2002 to engage the community on this issue.
State the financial implications and where budgetary provisions have been made to support this decision.	The costs associated with further consultation have been budgeted for. Wastewater connection charges will be considered as part of a comprehensive review of fees and charges during the 2018-2028 Long Term Plan process.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Far North District Council

Te Kaunihera o Tai Tokerau ki te Raki

WASTEWATER DRAINAGE BYLAW

2018

Pursuant to Section 145 of the Local Government Act 2002 and every other enabling power and authority.

To come into force:	TBC
For the purpose of:	a) Controlling wastewater discharges into the public sewer; b) Protecting the public sewer from damage, misuse and interference; and c) Protecting the environment and the health of people in the District.
To be reviewed by:	2027
Document Number:	A1964780

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1 Interpretation

For the purposes of this Bylaw the following definitions shall apply:

ACCEPTABLE DISCHARGE means wastewater with physical and chemical characteristics which does not require a trade waste consent under the Trade Waste Bylaw.

APPROVAL means approved in writing by the Far North District Council, either by resolution of the Council or by an officer of the Far North District Council authorised for that purpose.

BUILDING has the same meaning as in the Building Act 2004.

BURIED SERVICES means all public sewers, rising mains, trunk sewers, and other underground utilities under the responsibility of the Far North District Council.

CERTIFICATE OF TITLE means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

COUNCIL means the Far North District Council, including its authorised agents responsible for the collection, treatment, and disposal of wastewater.

CUSTOMER means a person who either discharges or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the Far North District Council.

DISCONNECTION means the physical cutting and sealing of the drain from a premise.

DOMESTIC WASTEWATER means either wastewater which is discharged from premises used solely for residential activities or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 3.1.

DRAIN means wastewater drain or stormwater drain; and drainage has a corresponding meaning.

HAZARDOUS SUBSTANCES means, unless expressly provided otherwise by regulations, any substance with 1 or more of the following intrinsic properties:

a) explosiveness;
b) flammability;
c) a capacity to oxidise;
d) corrosiveness;

e) toxicity (including chronic toxicity);

f) radioactivity; or

g) ecotoxicity, with or without bioaccumulation;

or which, on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generates a substance with any 1 or more of the properties specified above.

INFILTRATION means water entering a public sewer or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

INFLOW means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gullytraps.

PERSON includes a corporation sole and also a body of persons whether corporate or incorporate.

POINT OF DISCHARGE means either:

a) The connection to the public sewer; or

b) The point where the wastewater pipe exits the particular private property (see Schedule 2 for examples).

PREMISES means either:

a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or

b) A building that has been defined as an individual unit by a cross-lease, unit title, or company lease and for which a certificate of title is available; or

c) Land held in public ownership (e.g. reserve) for a particular purpose; or

d) Individual units in buildings which are separately leased or separately occupied.

PRIVATE DRAIN means that section of drain between the Premises and the point of discharge. Private Drains are owned and maintained by the property owner.

PUBLIC SEWER means the main public sewer pipe, lateral connections, and associated structures that carry wastewater away from the point of discharge. The public sewer is owned and maintained by the Far North District Council.

RISING MAIN means a sewer through which wastewater is pumped.

SERVICE OPENING means a manhole or similar means for gaining access for inspection, cleaning, or maintenance of a public sewer.

SEWER means the same as Public Sewer.

STORMWATER means all surface water run-off resulting from rainfall.

TRADE PREMISES means:

a) Any Premises used or intended to be used for any industrial or trade purpose; or

b) Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or

c) Any other Premises from which a contaminant, as defined by the Resource Management Act, is discharged in connection with any industrial or trade process; or

d) Any other Premises discharging other than Domestic Sewage; and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater, or domestic wastewater. Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

TRADE WASTE BYLAW means the bylaw of the Far North District Council regulating wastewater discharges from trade premises to a sewer.

TRUNK MAIN means a sewer, generally greater than 150mm nominal diameter, which forms a part of the Council's wastewater drainage system.

UNACCEPTABLE DISCHARGE means any discharge or waste likely to interfere with the free flow of wastewater in the public sewer or damage any part of the public sewer, and includes wet wipes, dental floss, feminine hygiene products, nappies, cotton buds, condoms, clothing, toys, towels, and cloths.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premise to a sewer.

ZONE OF INFLUENCE means a section of ground surrounding a public sewer where activities are restricted. Refer to Schedule 1 for schematic diagrams showing the extent of the zone of influence.

2 Approval to Connect

2.1 No person other than the authorised agents of the Council shall, without approval, make any connection to or otherwise interfere with any part of the Council's wastewater drainage system.

2.2 The acceptance of trade wastes is the subject of the Trade Waste Bylaw.

3 Premises and Flow

3.1 The maximum instantaneous flow rate discharged from a domestic premise, including swimming pools, spa pools, and the like, shall not exceed 2.0 litres/sec.

3.2 The maximum daily flow rate discharged from a domestic premise shall not exceed 2m^3/day without prior approval of the Council.

3.3 No person shall allow unacceptable discharge to enter the public sewer.

3.4 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

3.5 Stormwater shall be excluded from a sewerage system by ensuring that:

a) There is no connection of any stormwater pipe or drain to the sewerage system;

b) Gully trap surrounds are set above stormwater ponding levels, or secondary overland flow path flood levels; and

c) Inspection covers are in place and are appropriately sealed.

3.1 For trade premises where stormwater cannot be separated from wastewater, refer to the Trade Waste Bylaw.

3.2 Authorisation for entry to premises is given under the Local Government Act 2002 and entry shall be in compliance with the health and safety policies of that particular site.

3 Disconnection

3.3 A customer shall give 7 working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the Council.

3.4 A customer shall give 2 working days notice in writing to the Council of his or her requirement for disconnection of the lateral connections if relaying of the private drain is required.

4 Building, Loading and Excavation around Public Sewers

4.1 No building shall be constructed over a public sewer, whether on public or private land, without the prior written approval of Council and subject to any conditions of that approval.

4.2 No building shall be constructed within the zone of influence without the prior written approval of Council and subject to any conditions of that approval.

4.3 Subject to written approval, a building developer may divert the public sewer (including any manholes) in accordance with Council standards and shall meet the cost of doing so

4.4 Unless otherwise approved, no person shall:

a) Cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus an HN-HO-72 wheel or axle load (as defined by New Zealand Transport Agency Bridge Manual 3rd edition 2013).

b) Place any additional material over or near a public sewer;

c) Change the elevation of the land above a public sewer ;

d) Cover service openings in any way. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

4.5 No person shall excavate or carry out piling or similar work closer than:

a) 5 metres from the centre line of any rising main or trunk sewer; or

b) 2 metres from the centre line of any public sewer;

without approval and subject to any conditions associated with that approval.

5 Storage of Hazardous Substances

5.1 No person shall store raw material, products, or wastes containing hazardous substances or any material which, when mixed with the wastewater stream, is likely to generate hazardous substances, or any other material likely to be deleterious to the Council wastewater system or the health and safety of Council staff and the public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage, or other mishap.

6 Emergency

6.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council which disrupt the ability of Council to receive wastewater via the public sewer will be deemed an emergency.

6.2 During an emergency, Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by Council or the officer of Council authorised for that purpose.

7 Offences

7.1 Every person who breaches this Bylaw commits an offence under section 239 of the *Local Government Act 2002* and is liable on summary conviction to a fine not exceeding $20,000.00 under section 242(2) of the *Local Government Act 2002*.

7.2 The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.

Schedule 1 – Zone of Influence

The zone of Influence is that section of the ground along the alignment of a buried pipeline, extending both horizontally and vertically where:

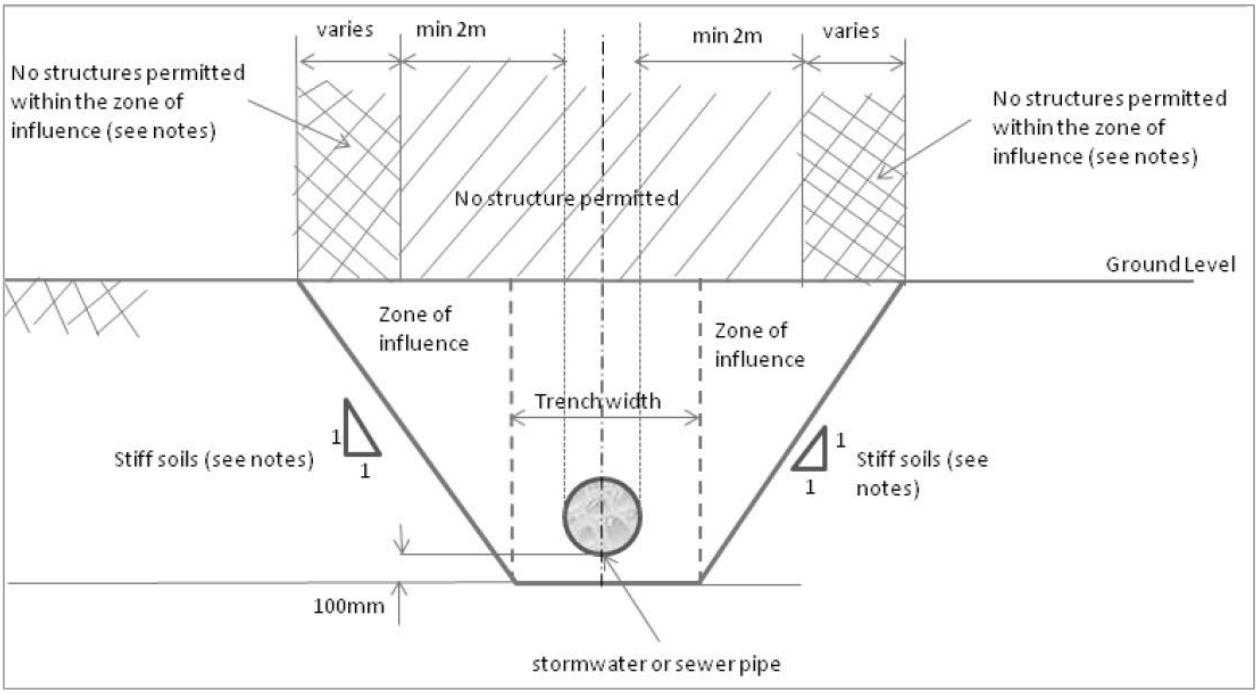
1. Settlement or disturbance of the ground surrounding the pipe may cause damage to buildings on the surface above.
2. Loads from buildings on the surface could be transmitted to the sewer.

The boundary of the Zone of Influence coincides with the angle of repose of the soil encountered. The zone of influence is a minimum of 2m from the outside of a pipe and varies depending on the depth of the pipe and soils surrounding the pipe.

Common practice shows that the angle of repose in stiff soils (clay etc.) is 1 horizontal:1 vertical. The angle of repose in sand, filled ground, loam, etc. is 2 horizontal:1 vertical.

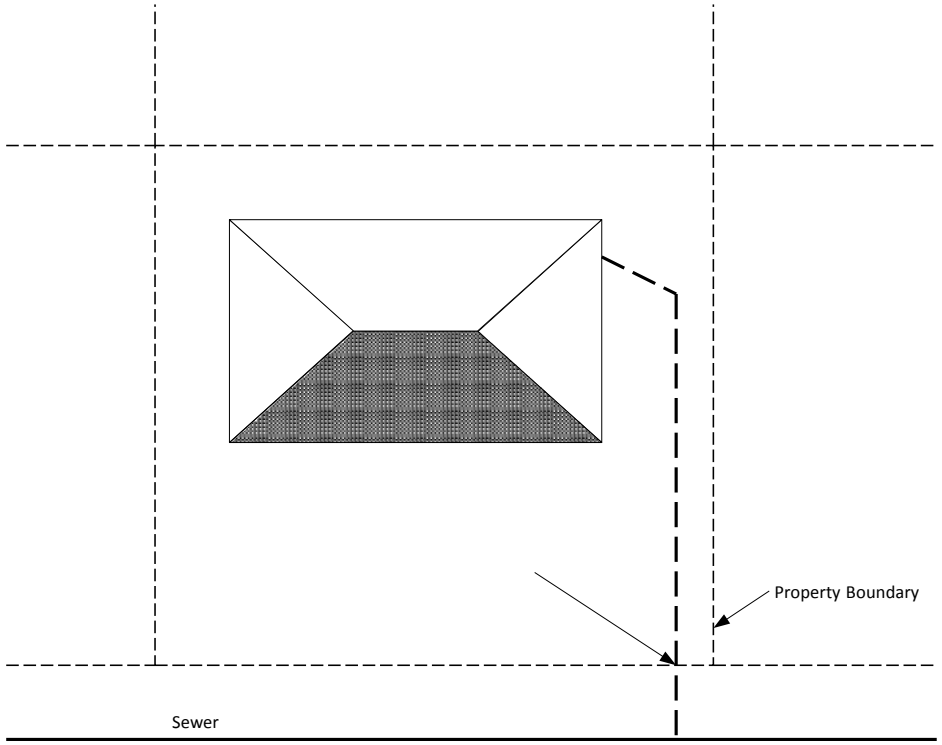
The zone of influence shall be determined by extending a line at an angle of repose to the surface, starting from a point 100mm below the invert of the pipe and half of the trench width measured horizontally from the pipes centreline (see below).

Figure 1 - Zone of influence around the public sewer



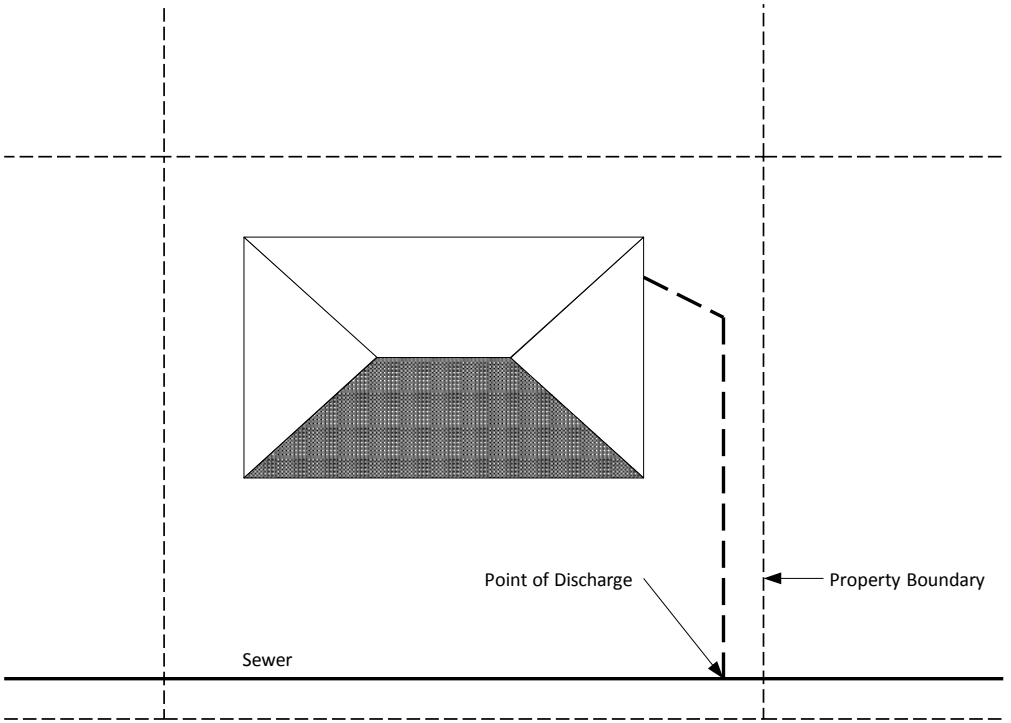
Schedule 2 - Point Of Discharge Locations

Traditional Gravity Sewer



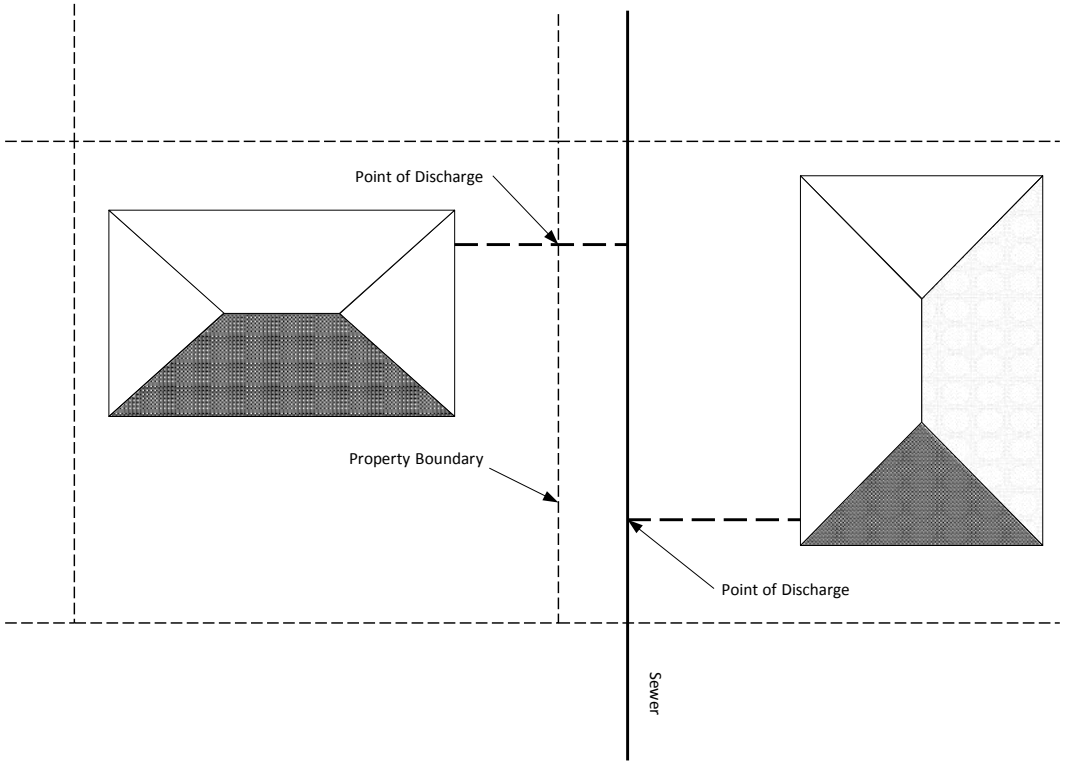
Single Dwelling with Road Frontage

Figure 2 - Point of Discharge for a Single Dwelling with Road Frontage



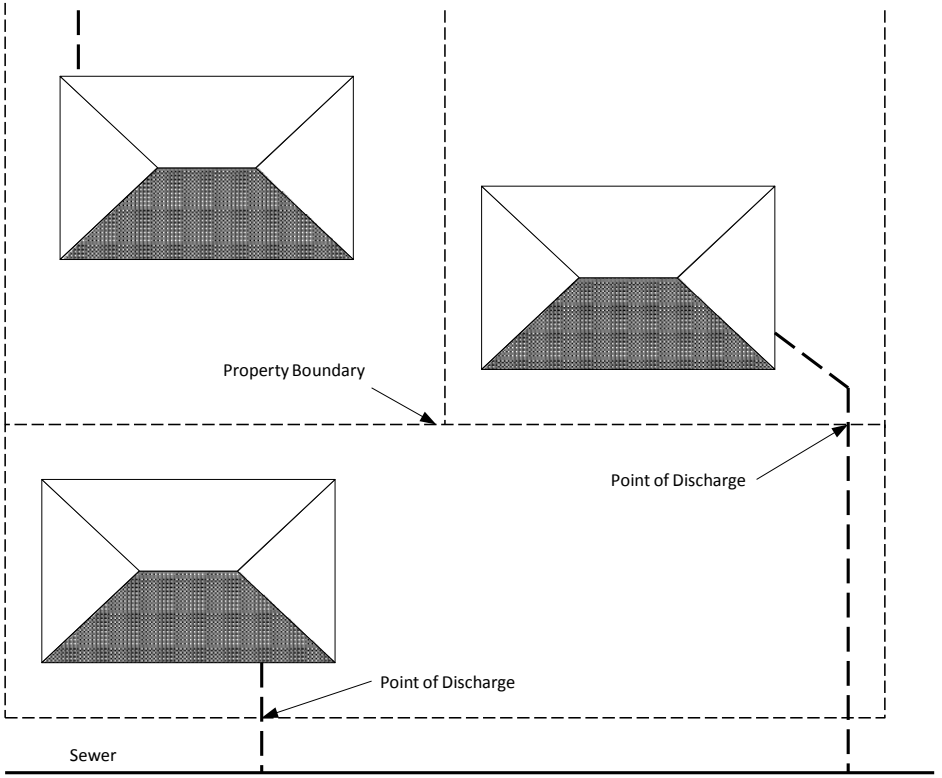
Sewer on Private Land

Figure 3 - Point of Discharge for a Single Dwelling with a Sewer on their Private Land



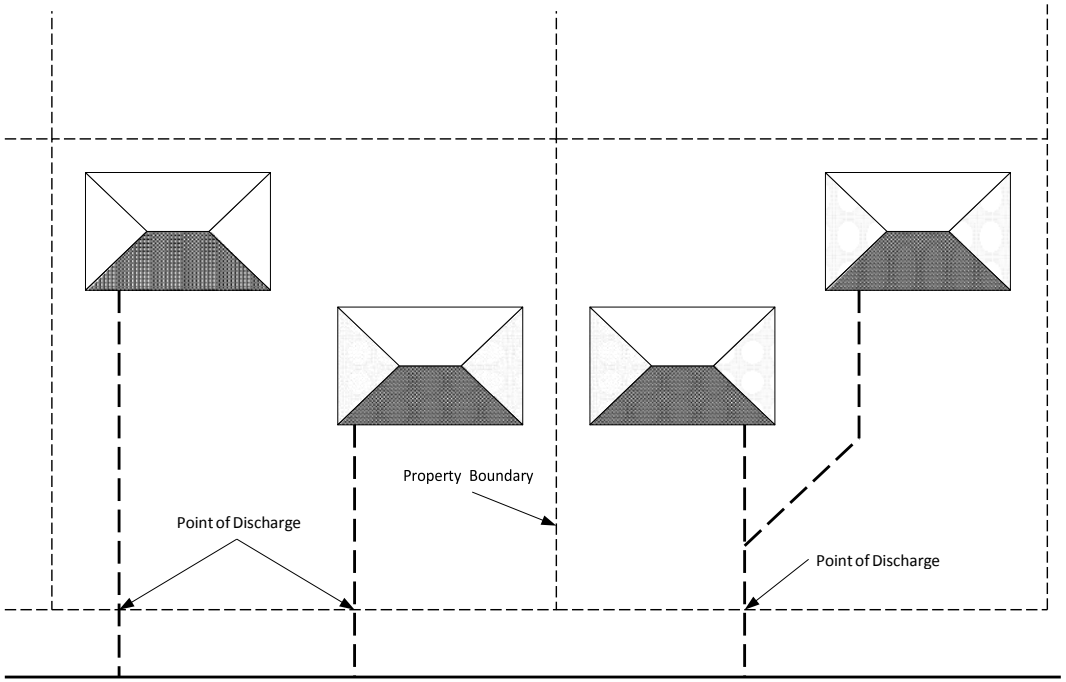
Sewer on Private Land

Figure 4 - Point of Discharge for a Dwelling with the Sewer on Neighbouring Private Land



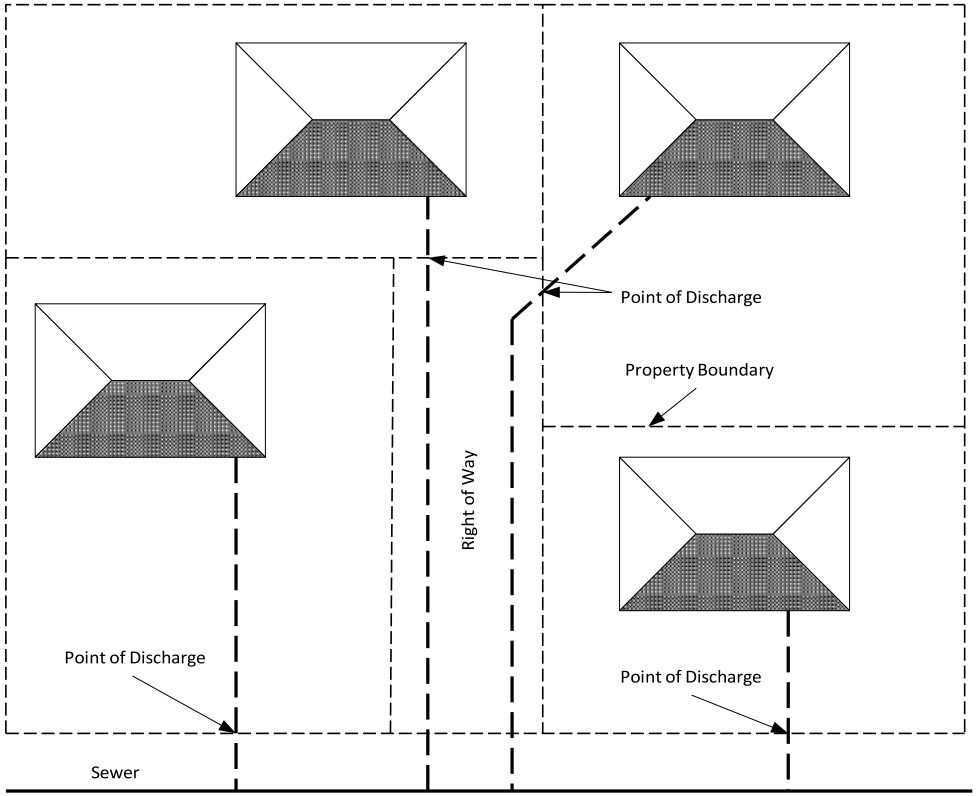
Lateral on Private Land

Figure 5 - Point of Discharge for a Lateral Crossing Neighbouring Private Land



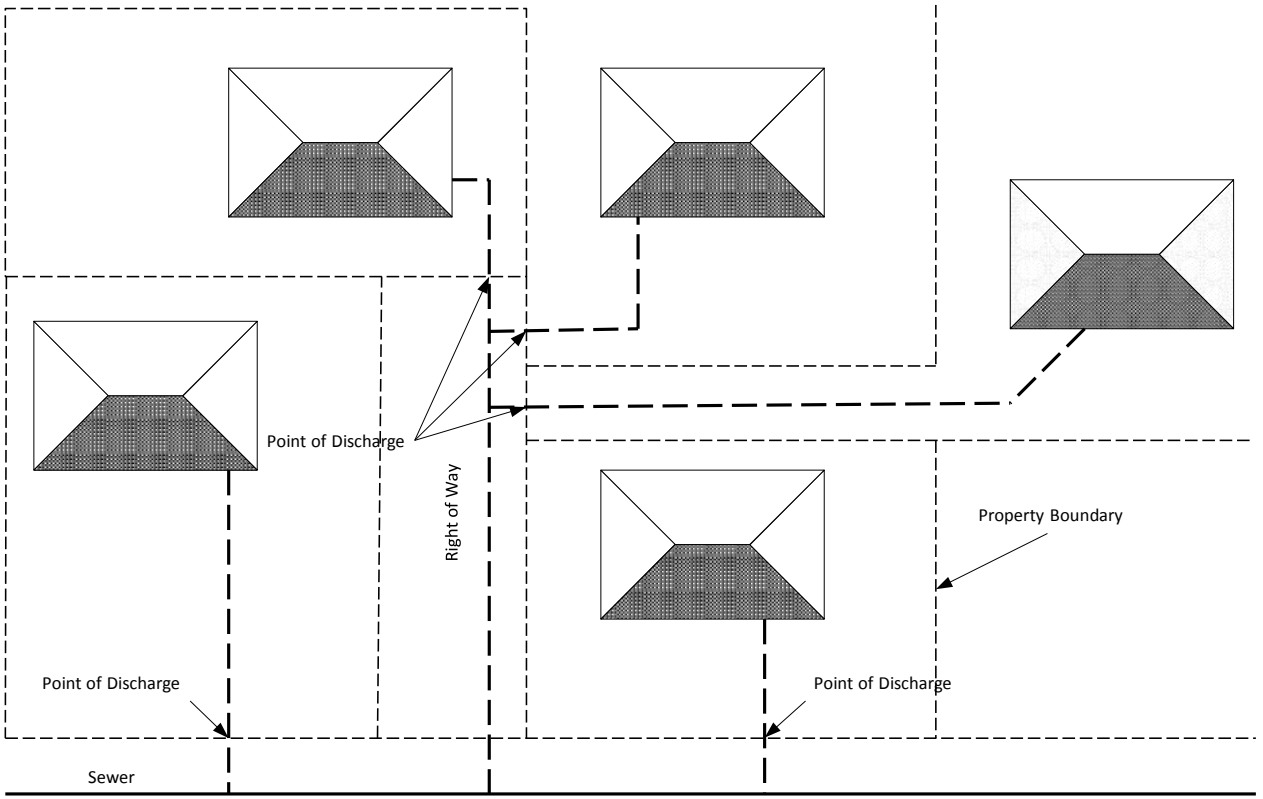
Cross-Lease or Unit Title

Figure 6 - Point of Discharge for Cross Lease or Unit Title



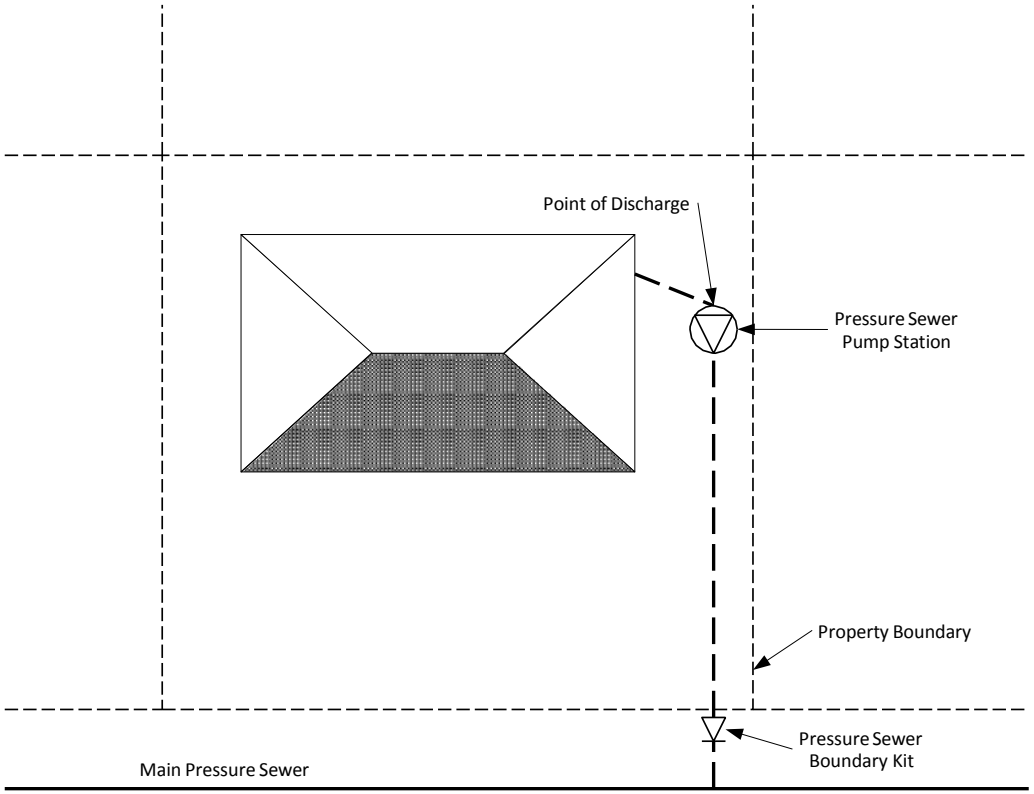
Rear Lots on a Right of Way

Figure 7 - Point of Discharge for Rear Lots of a Right of Way (1)



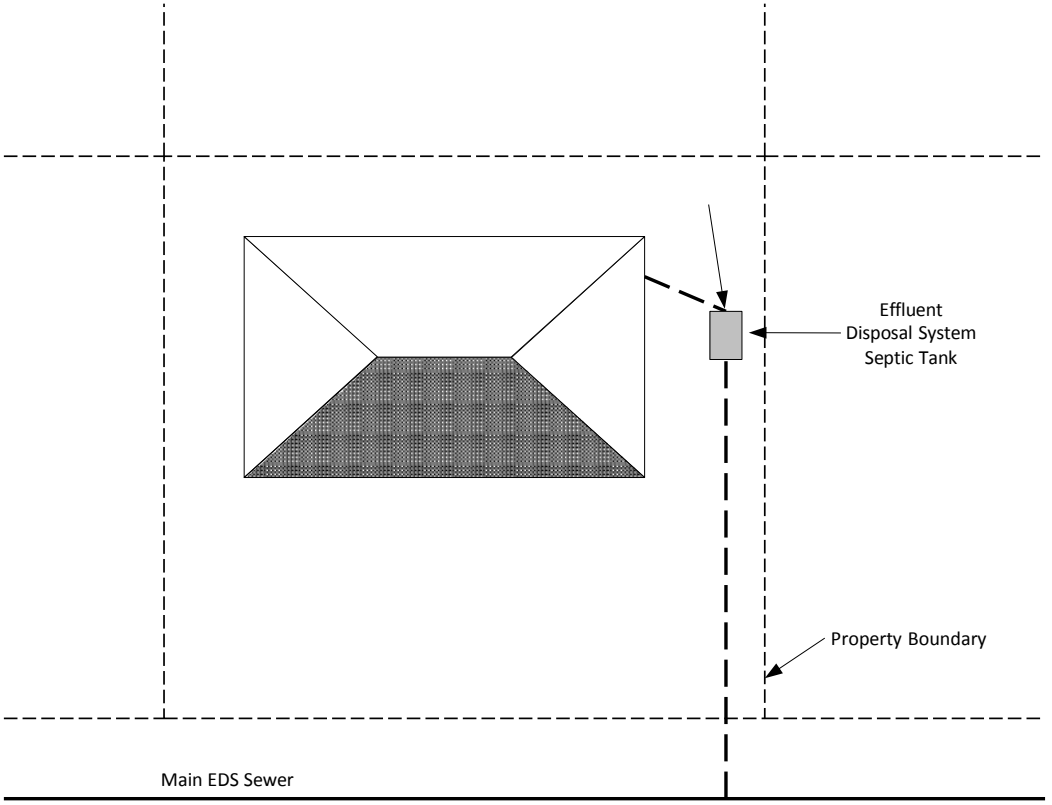
Rear Lots on a Right of Way

Figure 8 - Point of Discharge for Rear Lots of a Right of Way (2)



Pressure Sewer

Figure 9 - Point of Discharge for Property Serviced by Council's Low Pressure Sewer Network



Effluent Disposal System (EDS) Sewer

Figure 10 - Point of Discharge for a Property Serviced by Council's Effluent Disposal System (EDS) Sewer Network

Schedule 3 - Layout at Point of Discharge

Traditional Gravity Sewer

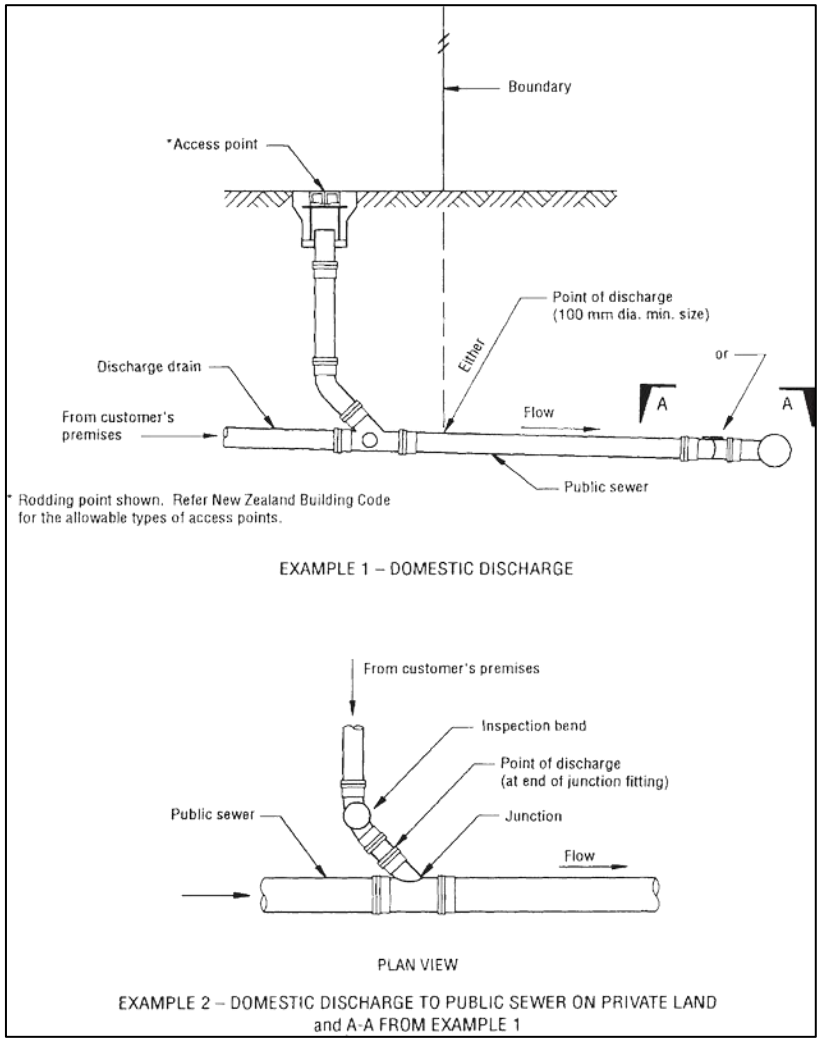


Figure 11 – Layout at Point of Discharge for a Traditional Gravity Sewer

Low Pressure Sewer

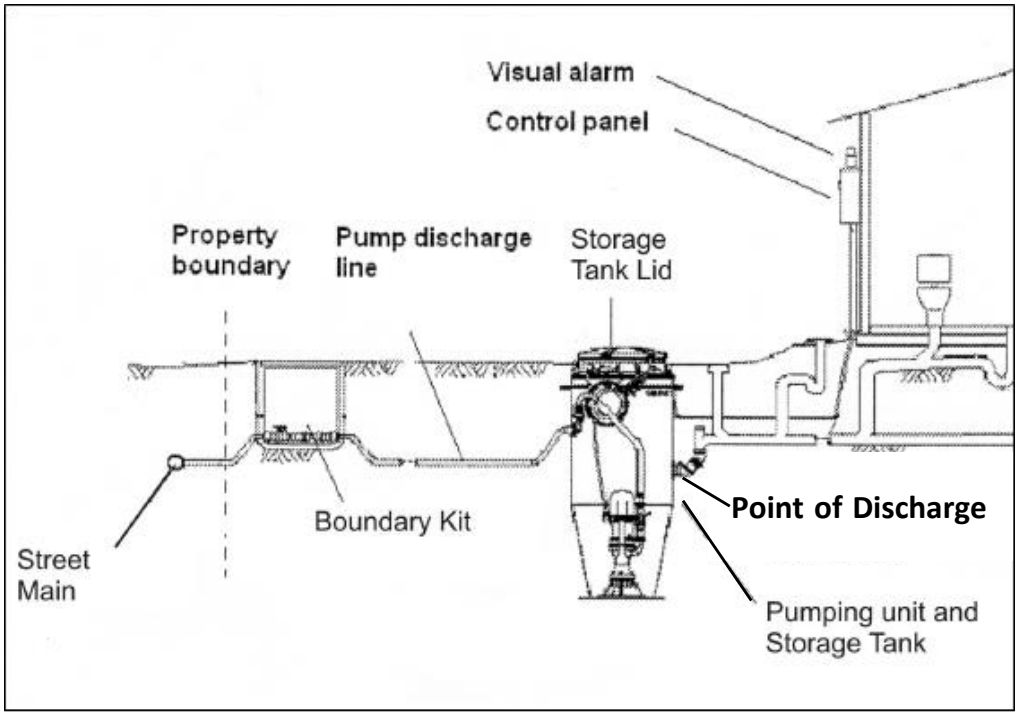


Figure 12 – Layout at Point of Discharge for a Property Serviced by Council

FAR NORTH DISTRICT COUNCIL

WASTEWATER DRAINAGE BYLAW 2017

Pursuant to Section 145 of the Local Government Act 2002 and every other enabling power and authority.

To come into force:	~~01 October 2017~~TBC
For the purpose of:	a) Controlling wastewater discharges into the public sewer; b) Protecting the public sewer from damage, misuse and interference; and c) Protecting the environment and the health of people in the District.
To be reviewed by:	30 June 2027

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Clause

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|	Schedule 2~~B~~	Point of Discharge Locations
|	Schedule 3~~C~~	Layout at Point of Discharge

1 Interpretation

For the purposes of this bylaw the following definitions shall apply:

ACCEPTABLE DISCHARGE means wastewater with physical and chemical characteristics which does not require a trade waste consent under the Trade Waste Bylaw.

APPROVAL means approved in writing by the Far North District Council, either by resolution of the Council or by an officer of the Far North District Council authorised for that purpose.

BUILDING has the same meaning as in the Building Act 2004. ~~means any man-made structure and includes fences, garden sheds, carports, decks, verandas, garages, dwellings, sleepouts, offices, or commercial developments.~~

BURIED SERVICES means all public sewers, rising mains, trunk sewers, and other underground utilities under the responsibility of the Far North District Council.

CERTIFICATE OF TITLE means a certificate registering the freehold ownership of land available to any owner(s) under the Land Transfer Act 1952.

COUNCIL means the Far North District Council, including its authorised agents responsible for the collection, treatment, and disposal of wastewater.

CUSTOMER means a person who either discharges or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the Far North District Council.

DISCONNECTION means the physical cutting and sealing of the drain from a premise.

DOMESTIC WASTEWATER means either wastewater which is discharged from premises used solely for residential activities or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 3.1.

DRAIN means means wastewater drain or stormwater drain; and drainage has a corresponding meaning.~~that section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).~~

HAZARDOUS SUBSTANCES means, unless expressly provided otherwise by regulations, any substance with 1 or more of the following intrinsic properties:

i. explosiveness;
ii. flammability;
iii. a capacity to oxidise;
iv. corrosiveness;
v. toxicity (including chronic toxicity);
vi. radioactivity; or
vii. ecotoxicity, with or without bioaccumulation;

or which, on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generates a substance with any 1 or more of the properties specified above.

INFILTRATION means water entering a public sewer or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

INFLOW means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gullytraps.

PERSON includes a corporation sole and also a body of persons whether corporate or incorporate.

POINT OF DISCHARGE means either:
a) The connection to the public sewer; or
b) The point where the wastewater pipe exits the particular private property (See Schedule 2 for examples).

~~**POINT OF DISCHARGE** means the boundary between the public sewer and a private drain. The point of discharge for wastewater is the closest of the latter to the building on the property (as determined by the Council):~~

~~a) The connection to the public sewer, or~~
~~b) The point where the wastewater pipe exits the particular private property.~~

~~All equipment and fittings downstream of this point are owned by the Council and are considered part of the public sewer. Refer to Schedule B for schematic diagrams showing the point of discharge for various property scenarios.~~

PREMISES means either:

a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
b) A building that has been defined as an individual unit by a cross-lease, unit title, or company lease and for which a certificate of title is available; or
c) Land held in public ownership (e.g. reserve) for a particular purpose; or
d) Individual units in buildings which are separately leased or separately occupied.

PRIVATE DRAIN means that section of drain between the Premises and the point of discharge. Private Drains are owned and maintained by the property owner.

PUBLIC SEWER means the main public sewer pipe, lateral connections, and associated structures that carry wastewater away from the point of discharge. The public sewer is owned and maintained by the Far North District Council.

RISING MAIN means a sewer through which wastewater is pumped.

SERVICE OPENING means a manhole or similar means for gaining access for inspection, cleaning, or maintenance of a public sewer.

SEWER means the same as Public Sewer.

STORMWATER means all surface water run-off resulting from rainfall.

TRADE PREMISES means:

a) Any Premises used or intended to be used for any industrial or trade purpose; or
b) Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
c) Any other Premises from which a contaminant, as defined by the Resource Management

Act, is discharged in connection with any industrial or trade process; or

d) Any other Premises discharging other than Domestic Sewage;

and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater, or domestic wastewater. Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

TRADE WASTE BYLAW means the bylaw of the Far North District Council regulating wastewater discharges from trade premises to a sewer.

TRUNK MAIN means a sewer, generally greater than 150mm nominal diameter, which forms a part of the Council's wastewater drainage system.

UNACCEPTABLE DISCHARGE means any discharge or waste likely to interfere with the free flow of wastewater in the public sewer or damage any part of the public sewer, and includes wet wipes, dental floss, feminine hygiene products, nappies, cotton buds, condoms, clothing, toys, towels, and cloths.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premise to a sewer.

ZONE OF INFLUENCE means a section of ground surrounding a public sewer where activities are restricted. Refer to Schedule 1~~A~~ for schematic diagrams showing the extent of the zone of influence.

2 Approval to Connect

2.1 No person other than the authorised agents of the Council shall, without approval, make any connection to or otherwise interfere with any part of the Council's wastewater drainage system.

2.2 The acceptance of trade wastes is the subject of the Trade Waste Bylaw.

3 Premises and Flow

~~**FLOWRATE**~~

3.1 The maximum instantaneous flow rate discharged from a domestic premise, including swimming pools, spa pools, and the like, shall not exceed 2.0 litres/sec.

~~**FLOWVOLUME**~~

3.2 The maximum daily flow rate discharged from a domestic premise shall not exceed $2m^3$/day without prior approval of the Council.

~~**UNACCEPTABLE DISCHARGE**~~

3.3 No person shall allow unacceptable discharge to enter the public sewer.

~~ACCESS~~

~~3.42.1 Authorisation for entry to premises is given under the Local Government Act 2002 and entry shall be in compliance with the health and safety policies of that particular site. The customer shall allow the Council or its agents access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day. The Council shall give 24 hours previous notice to the customer of the intended entry for planned work, unless clause 3.4.1 applies.~~

~~3.5~~

~~3.6 When the Council considers there is a risk to public health, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the Council free access to and about the point of discharge at any hour.~~

~~3.7~~

~~3.8 The customer shall allow the Council access to any area of the premises with any necessary equipment for the purposes of ascertaining whether non-complying connections have been made.~~

~~PREVENTION OF INFLOW AND INFILTRATION~~

~~3.9~~3.4 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

~~3.9.1~~3.4.1 Stormwater shall be excluded from a sewerage system by ensuring that:

a) There is no connection of any stormwater pipe or drain to the sewerage system;
b) Gully trap surrounds are set above stormwater ponding levels, or secondary overland flow path flood levels; and
c) Inspection covers are in place and are appropriately sealed.

3.4~~3.9.2~~3.4.2 For trade premises where stormwater cannot be separated from wastewater, refer to the Trade Waste Bylaw.

3.5 Authorisation for entry to premises is given under the Local Government Act 2002 and entry shall be in compliance with the health and safety policies of that particular site. ~~The customer shall allow the Council or its agents access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between 7.30 am and 6 pm on any day. The Council shall give 24 hours previous notice to the customer of the intended entry for planned work, unless clause 3.4.1 applies.~~

4 Disconnection

4.1 A customer shall give 7 working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the Council.

4.2 A customer shall give 2 working days notice in writing to the Council of his or her requirement for disconnection of the lateral connections if relaying of the private drain is required.

5 ~~Public Drainage system~~Building, Loading and Excavation around Public Sewers

~~BUILDING OVER BURIED SERVICES~~

5.1 No ~~structure~~ building shall be ~~built~~ constructed over a public sewer, whether on public or private land, without the prior written approval of Council and subject to any conditions of that approval.

5.2 No ~~structure~~ building shall be ~~built~~ constructed within the zone of influence without the prior written approval of Council and subject to any conditions of that approval.

5.3 Subject to written approval, a building developer may divert the public sewer (including any manholes) in accordance with Council standards and shall meet the cost of doing so.

5.4~~Under exceptional circumstances, an application to build near or over a public sewer can be made and will be considered. No building may commence without written Council approval.~~

~~LOADING OR MATERIAL OVER BURIED SERVICES~~

~~5.5~~5.4 Unless otherwise approved, no person shall:

a) Cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus an HN-HO-72 wheel or axle load (as defined by New Zealand Transport Agency Bridge Manual 3rd edition 2013).
b) Place any additional material over or near a public sewer;
c) Change the elevation of the land above a public sewer ;
d) Cover service openings in any way. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

~~EXCAVATION NEAR PUBLIC SEWERS~~

~~5.6~~5.5 No person shall excavate or carry out piling or similar work closer than:

a) 5 metres from the centre line of any rising main or trunk sewer; or
b) 2 metres from the centre line of any public sewer,

without approval and subject to any conditions associated with that approval.

6 Storage of Hazardous Substances

6.1 No person shall store raw material, products, or wastes containing hazardous substances or any material which, when mixed with the wastewater stream, is likely to generate hazardous substances, or any other material likely to be deleterious to the Council wastewater system or the health and safety of Council staff and the public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage, or other mishap.

7 Emergency

7.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of Council which disrupt the ability of Council to receive wastewater via the public sewer will be deemed an emergency.

7.2 During an emergency, Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by Council or the officer of Council authorised for that purpose.

8 Offences

8.1 Every person who breaches this Bylaw commits an offence under section 239 of the *Local Government Act 2002* and is liable on summary conviction to a fine not exceeding $20,000.00 under section 242(2) of the *Local Government Act 2002*.

8.2 The Council may apply to the District Court under section 162 of the *Local Government Act 2002* for an injunction restraining a person from committing a breach of this Bylaw.

Schedule 1~~A~~ – Zone of Influence

The zone of Influence is that section of the ground along the alignment of a buried pipeline, extending both horizontally and vertically where:

1. Settlement or disturbance of the ground surrounding the pipe may cause damage to buildings ~~or structures~~ on the surface above.
2. Loads from buildings ~~or structures~~ on the surface could be transmitted to the sewer.

The boundary of the Zone of Influence coincides with the angle of repose of the soil encountered. The zone of influence is a minimum of 2m from the outside of a pipe and varies depending on the depth of the pipe and soils surrounding the pipe.

Common practice shows that the angle of repose in stiff soils (clay etc.) is 1 horizontal:1 vertical. The angle of repose in sand, filled ground, loam, etc. is 2 horizontal:1 vertical.

The zone of influence shall be determined by extending a line at an angle of repose to the surface, starting from a point 100mm below the invert of the pipe and half of the trench width measured horizontally from the pipes centreline (see below).

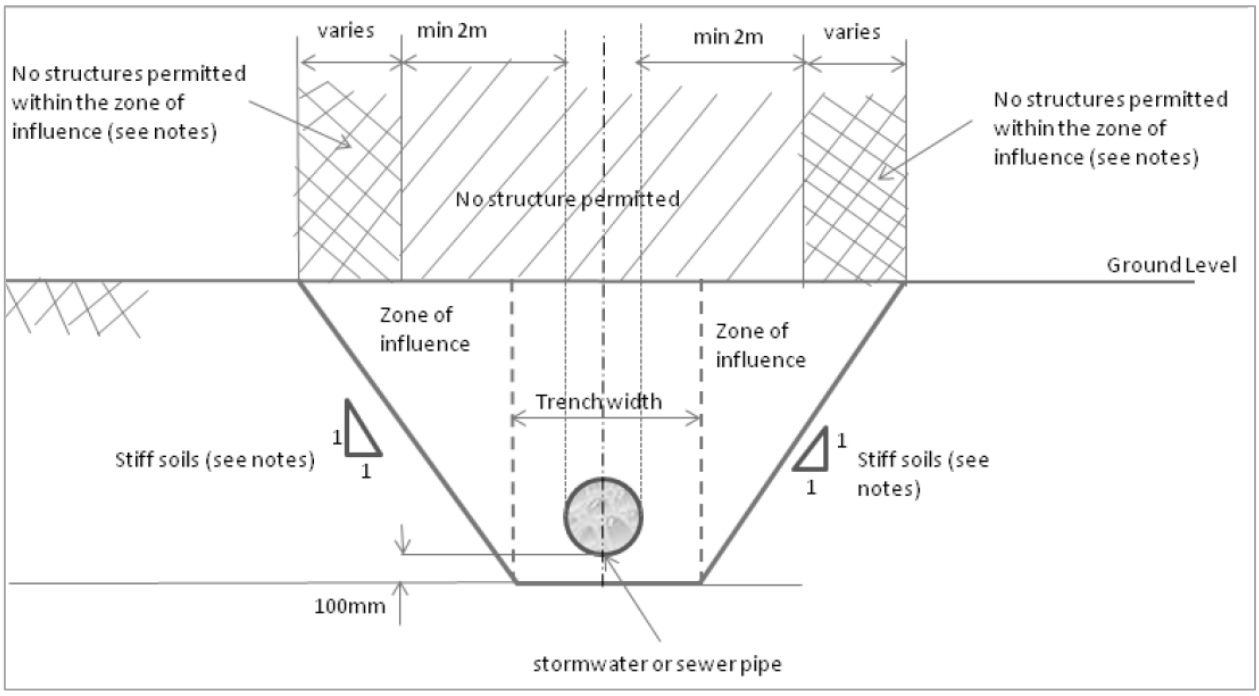
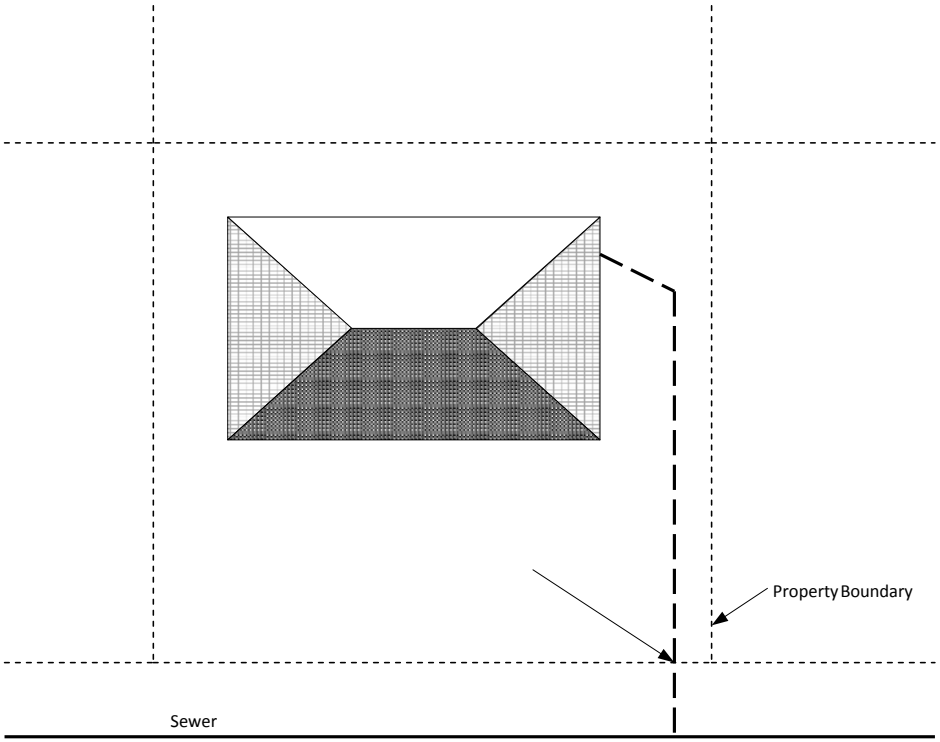


Figure 1 - Zone of influence around the public sewer

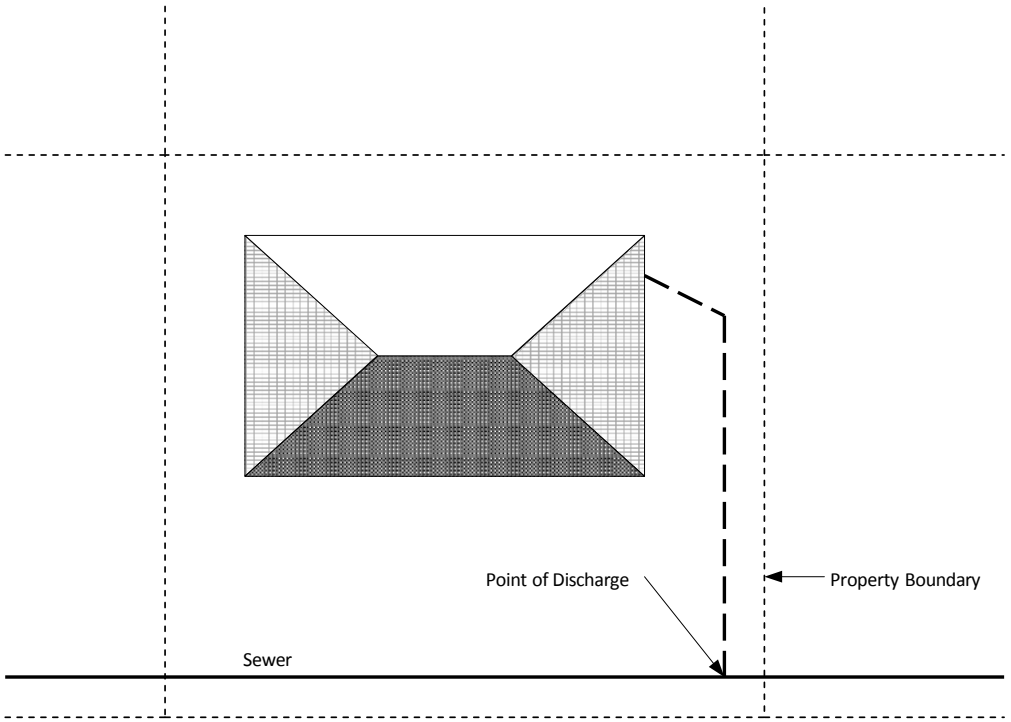
Schedule ~~B~~2 - Point Of Discharge Locations

Traditional Gravity Sewer



Single Dwelling with Road Frontage

Figure 2 - Point of Discharge for a Single Dwelling with Road Frontage



Sewer on Private Land

Figure 3 - Point of Discharge for a Single Dwelling with a Sewer on their Private Land

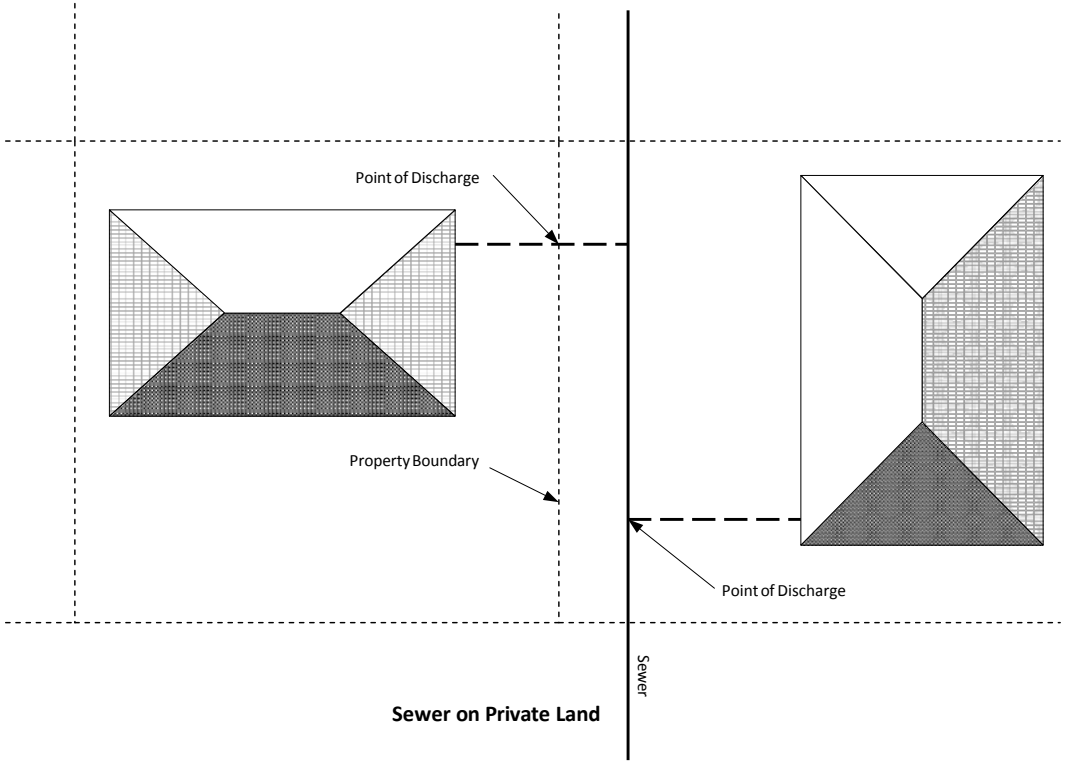


Figure 4 - Point of Discharge for a Dwelling with the Sewer on Neighbouring Private Land

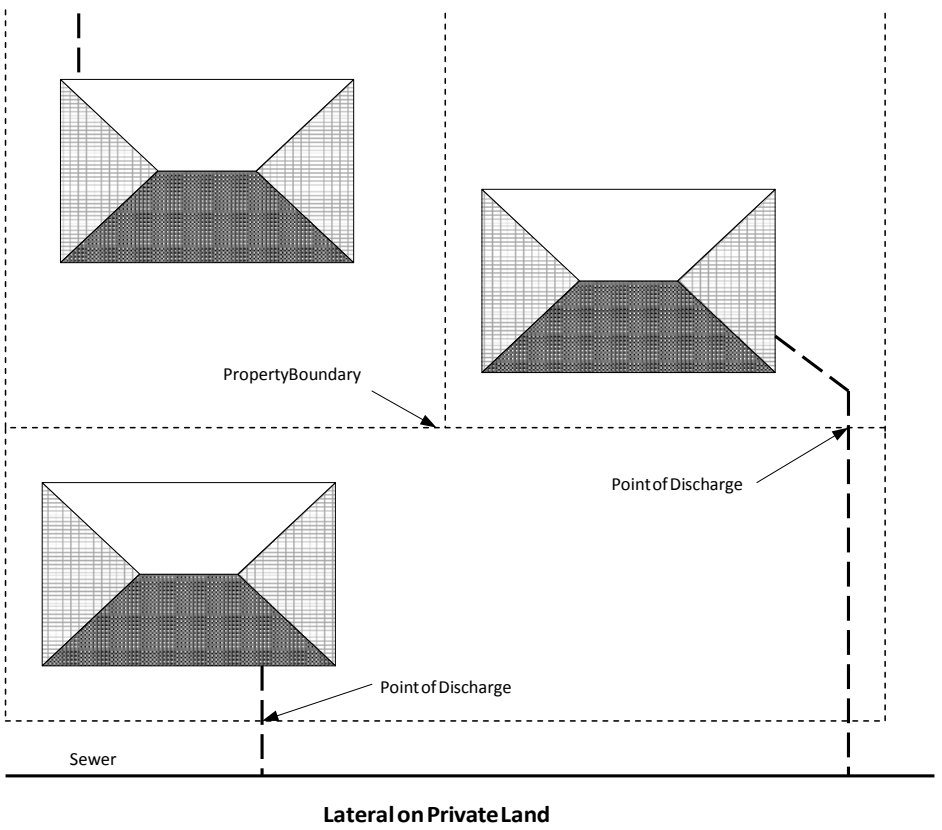


Figure 5 - Point of Discharge for a Lateral Crossing Neighbouring Private Land

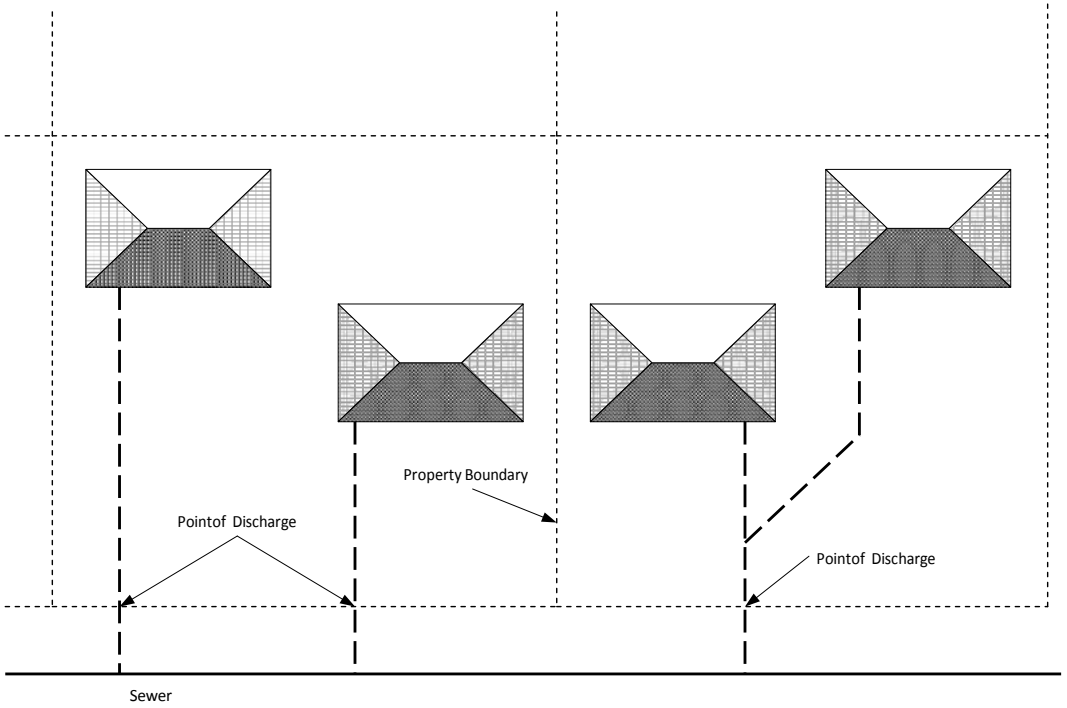


Figure 6 - Point of Discharge for Cross Lease or Unit Title

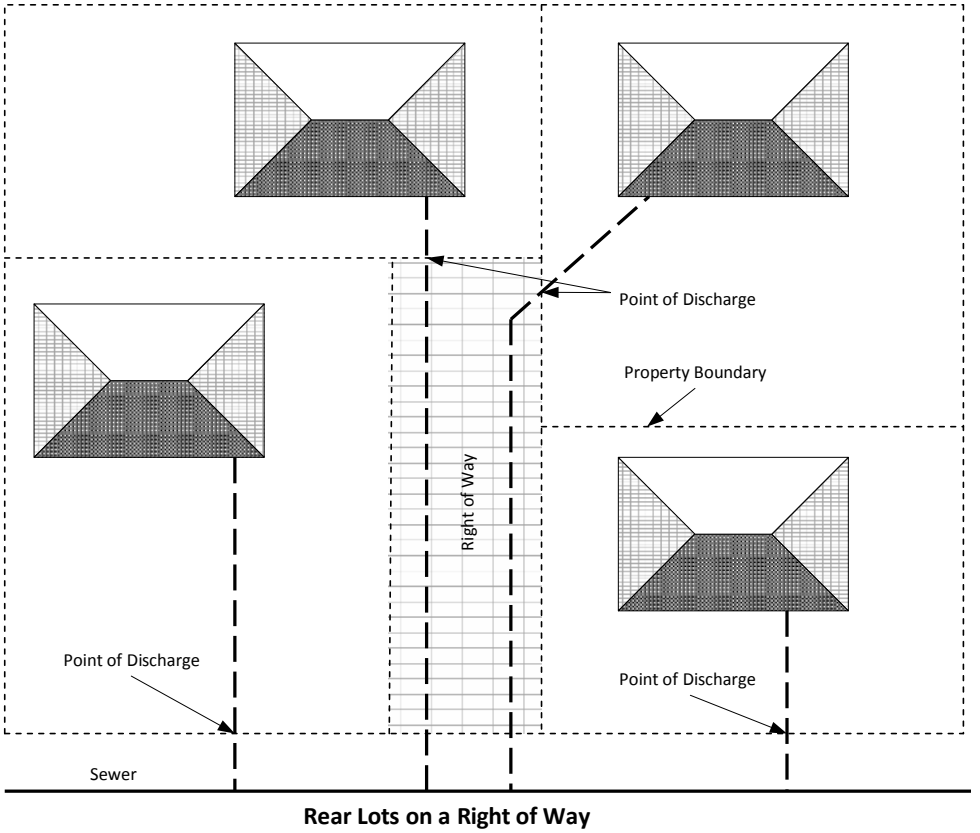


Figure 7 - Point of Discharge for Rear Lots of a Right of Way (1)

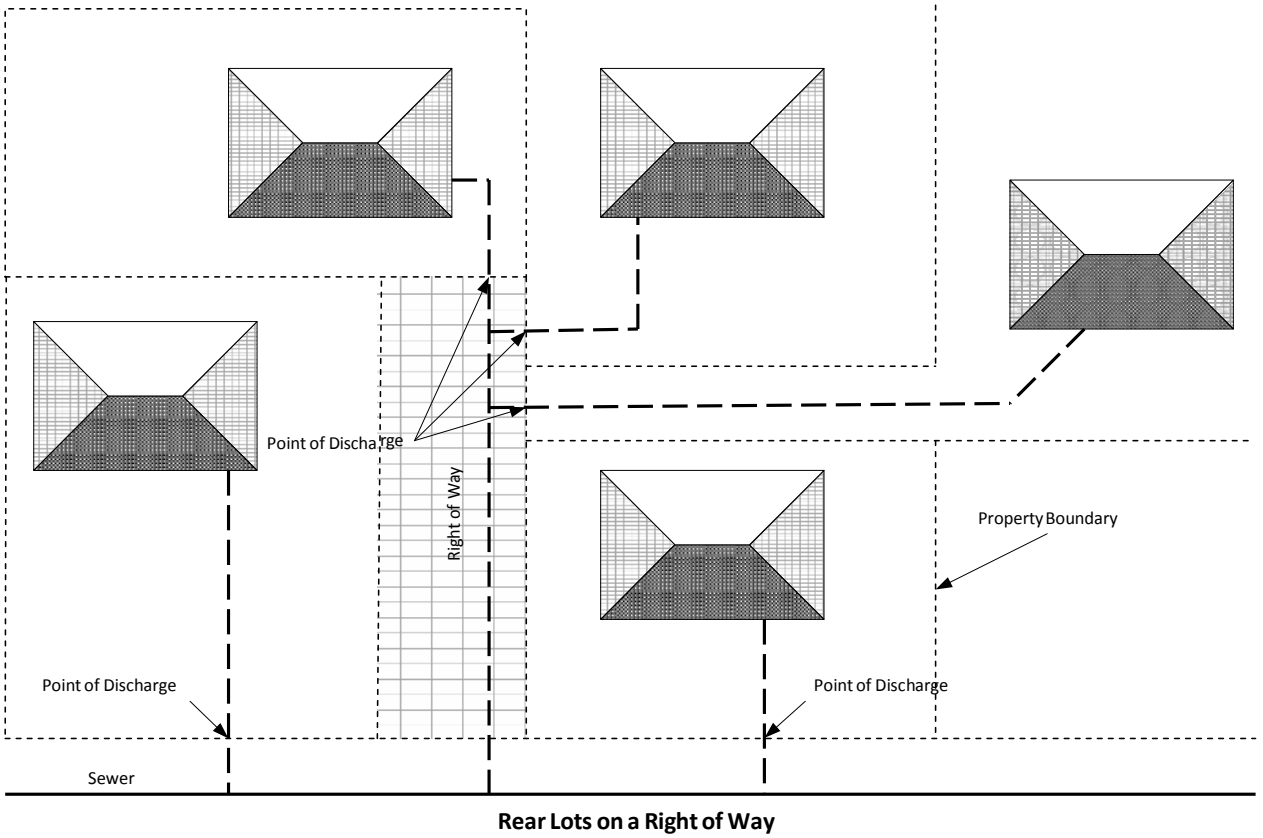


Figure 8 - Point of Discharge for Rear Lots of a Right of Way (2)

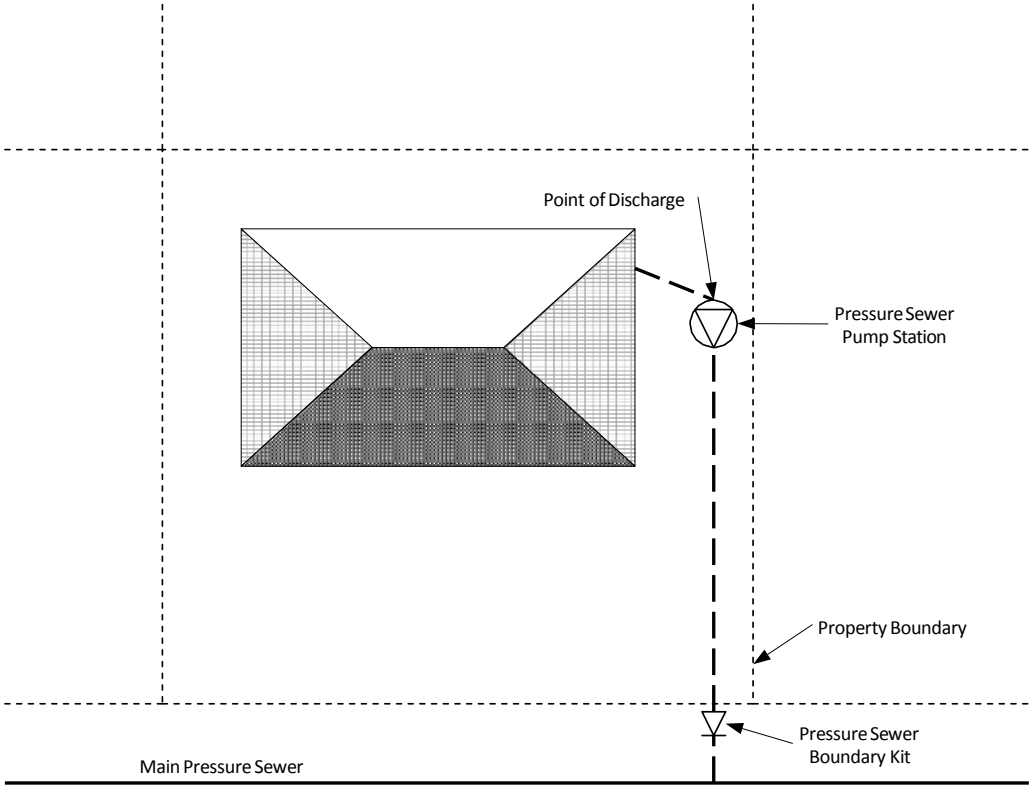


Figure 9 - Point of Discharge for Property Serviced by Council's Low Pressure Sewer Network

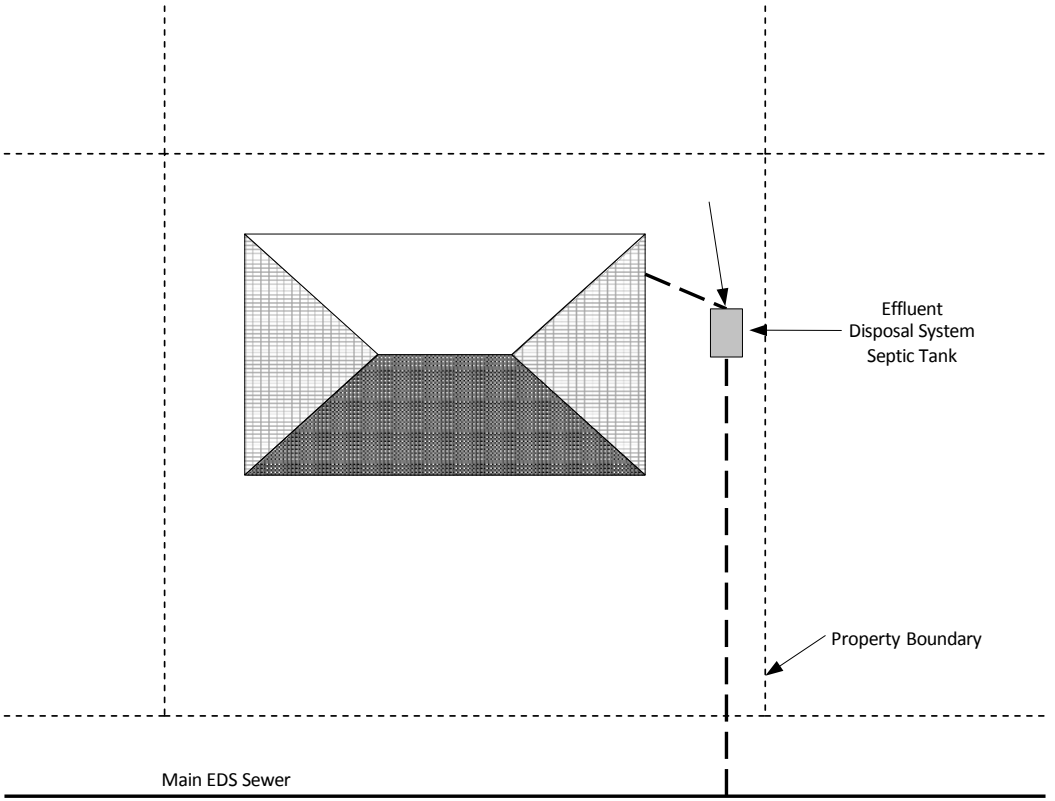


Figure 10 - Point of Discharge for a Property Serviced by Council's Effluent Disposal System (EDS) Sewer Network

Schedule ~~C~~3 - Layout at Point of Discharge

Traditional Gravity Sewer

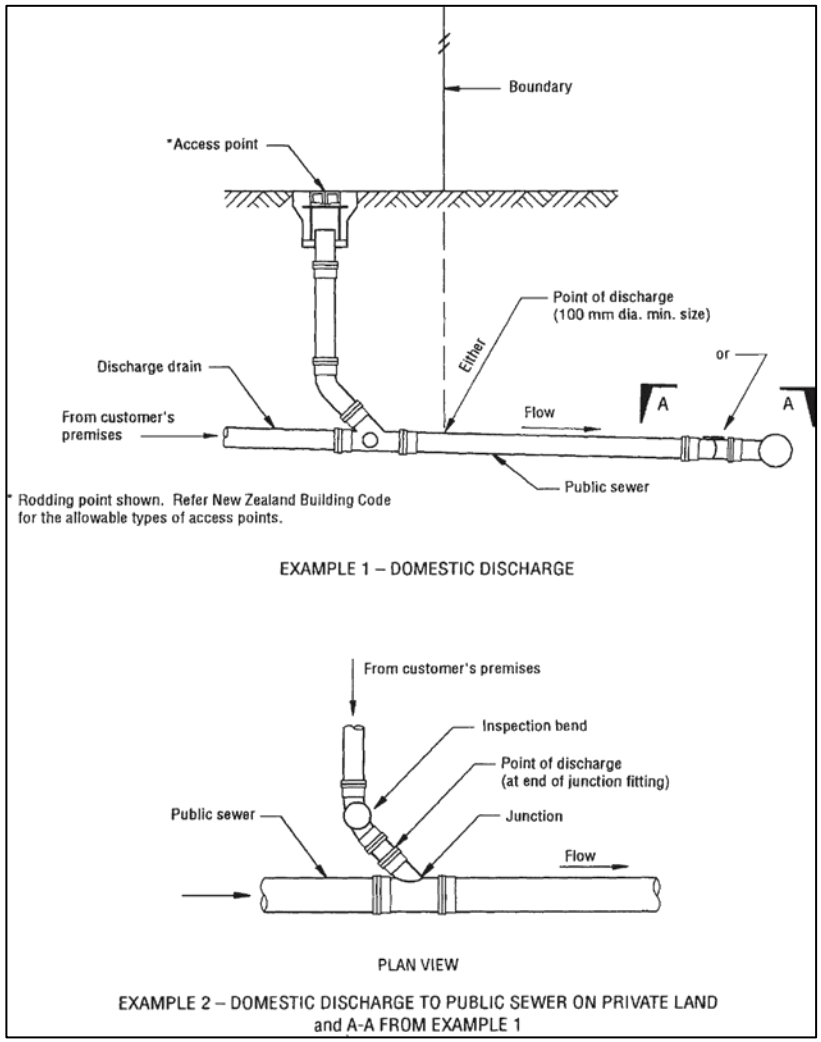


Figure 11 – Layout at Point of Discharge for a Traditional Gravity Sewer

Low Pressure Sewer

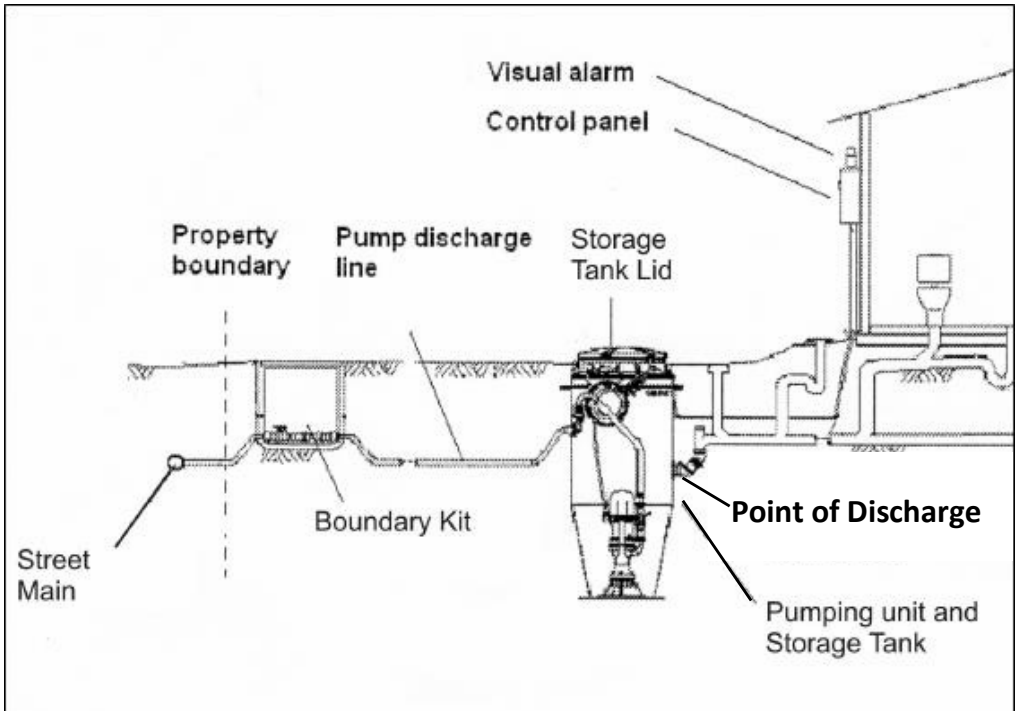


Figure 12 – Layout at Point of Discharge for a Property Serviced by Council

Wastewater Drainage Bylaw
Hearings - Thursday 21 September 2017

Time	ID	Name	Organisation	Support	Reason
1.30 pm	WDB17/1	Alec Cox		No	A detailed submission has been provided by this submitter. Having clearly prohibited any structures over or near a public sewer in clauses 5.1 and 5.2 we reach 5.4 which attempts to provide an exception "under exceptional circumstances". I do not believe boundary fences can be considered exceptional. Why not amend 5.1 and 5.2 to the lines of 5.6 "without approval and subject to any conditions associated with that approval." I would like to see changes to give effect to the following: Clarify the current confusion between building (defined) and structure (undefined). Restrict the prohibitions in clause 5 to the area of the easement granted to council. If a wider area is necessary then make any restriction outside the area of the easement subject to approval.
1.40 pm	WDB17/2	Jane Johnston	Kerikeri Ratepayers Asstn and the Paihia and District Residents and Ratepayers Asstn	No	Section 5 - Public Drainage System seeks to protect the public sewer by restricting activities near to any public sewer line. However, where the public sewer is on private land, it requires an easement which would normally be some 2 meters wide, perhaps more for a main sewer line. Under the proposed bylaw, Council seeks to impose restrictions on private land that would be outside the 'easement' area. While this might - arguably - be acceptable for future developments, it should have NO LEGAL STANDING for existing rights. And, in relation to future developments, the extent of the zone of influence might be excessive, should it severely limit the ability of a private property to be developed to best effect for the full range of requirements of the landowner, occupant or household (in addition to adequate access to the public sewer system serving the property). With a shift to 'low pressure systems', consider the following situations - which we consider throw light on difficulties for the proposed bylaw. We seek amendments to accommodate sufficient latitude or flexibility to enable property developments to be designed to meet all the needs of the owner, occupant or household. Section 1 - "Point of Discharge" definition - reference this definition, and then reference Figure 12 (Schedule A). Reference to the definition and to Figure 12 (relating to low pressure systems clearly identifies the public sewer as starting on private land, before connection to the pumping unit and storage tank. At that point, the zone of influence is based on the tank of 700mm diameter and 3 metre deep placed in a hole of 1 metre diameter (trench) and sandy soil. Figure 1 would provide a zone of influence extending 4.5 metres from the centre of the storage tank in some soils. Contrast this with the current bylaw S18.2.2 b) II calculation of 1.9 metres. Also consider the situation shown in Figures 7 & 8 regarding "rear lots". The sewer line under the right of way is a public sewer as it is after the point of discharge. In all cases, the zone of influence extends over 2 meters each side of the pipe. Obviously a deep pipeline in sandy soil would increase this figure. Unless it is installed under the roadway, the zone of influence could impact onto the properties on the front sections which have no connection with the rear lots. That would very likely be a problem to the owner or occupants of the front property. Is it preferable to have the sewer line under the roadway or under the unsealed shoulder? Clause 5 prohibits any structure being build in the zone of influence. No definition of a structure is provided, so one must ask is a fence a structure? If so, fences would be prohibited in the zone of influence, and thus the bylaw would prevent a householder from fencing their property near where the public sewer exists. This would not only apply on the boundary, but anywhere on the property in the vicinity of where the sewer passes. It could therefore restrict the construction of fencing required to contain a dog with the rear section of the property, or for that matter fencing to contain small children, or indeed high needs adults (e.g. including residents with dementia). This scenario could easily arise on a sloping section where it is necessary for a pump station to be situated below the house for gravity feed from the house and the main sewer is located in a roadway higher than the house. We request that you reconsider the necessity for such an extensive "zone of influence" - beyond that typically required of an easement. And, we suggest you provide a definition of 'structure' to exclude temporary structures, such as fences, playgrounds, and accessories - such as relocatable sheds, garages, decks, etc.

FAR NORTH DISTRICT COUNCIL
BYLAWS

WASTEWATER DRAINAGE

To come into force: 1st December 2009

For the purpose of: Ensuring that all wastewater connections to the Far North District Council public wastewater network are carried out in a controlled manner. This bylaw also regulates applications to connect, disconnect, discharge domestic trade waste and to excavate or develop close to the public waste water network.

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Introduction

1.1 In exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 the Far North District Council (FNDC) makes this Bylaw to control wastewater discharges.

1.2 This bylaw shall apply to:

1.2.1 Wastewater drainage from domestic and trade premises into Far North District Council's public wastewater network. The quality and quantity limits that separate domestic wastewater from trade waste are to be found in the Far North District Council Trade Waste Bylaw.

1.2.2 All types of onsite wastewater treatment and land application systems

1.3 This bylaw comes into force on 1st December 2009

1.4 The bylaw provides for the application for consent to:

a) Connect to or disconnect from the public wastewater network;

b) Discharge domestic wastewater and trade waste into the public wastewater network;

c) Excavate or develop close to and in some cases (with the written consent of the Council) over the public wastewater network.

1.5 Nothing in this bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996, the Local Government Act 2002 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

2 Definitions

2.1 For the purposes of this bylaw the following definitions shall apply:

THE ACT means the Local Government Act 2002

ADWF means average dry weather flow

ACCEPTABLE DISCHARGE means a wastewater with physical and chemical characteristics which comply with the requirements of the wastewater authority as scheduled in the Trade Waste Bylaw.

APPROVAL means approved in writing by the wastewater authority, either by resolution of the Council or by an officer of the wastewater authority authorized for that purpose.

APPROVED PWC PRODUCT means a PWC system which meets the performance standards and has the guarantees set out in the Council's current Standards and Guidelines.

APPROVED PWC INSTALLER means a suitably qualified PWC installer and maintenance technician approved by the Council

AREA OF BENEFIT means the area or part thereof of the territorial authority for which the Council may provide a drainage system, including, with the consent of the territorial authority, any area within that district.

AUTHORISED AGENTS means an employee of the Council's Operations and Maintenance Alliance or a Registered Drain layer or an Approved PWC Installer.

BOUNDARY KIT means the connection apparatus on a PWC that is located at the boundary of the customers property.

BURIED SERVICES means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the wastewater authority.

CERTIFICATE OF TITLE means a certificate registering the ownership of land available to any owner(s) under the Land Transfer Act 1952.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste referred to in the Trade Waste Bylaw.

COUNCIL means the Far North District Council and any officer authorised to exercise the authority of the Council.

CUSTOMER means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the wastewater authority.

DEED OF COVENANT means an agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.

DISCONNECTION means the physical cutting and sealing of the drain from a premises.

DOMESTIC WASTEWATER means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to 9.1.

DRAIN means that section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain is owned and maintained by the customer (or group of customers).

INFILTRATION means water entering a public sewer or private drain from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include inflow.

INFLOW means water discharged into a private drain from non-complying connections or other drainlaying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

LEVEL OF SERVICE means the measurable performance standards on which the wastewater authority undertakes to receive wastewater from its customers.

PERSON includes a corporation sole and also a body of persons whether corporate or incorporate.

POINT OF DISCHARGE means the boundary between the public sewer and a private drain.

PREMISES mean either:

a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or

b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or

c) Land held in public ownership (e.g. reserve) for a particular purpose.

PROHIBITED CHARACTERISTICS means a wastewater which shall not be discharged into the wastewater authority system, as scheduled in the Trade Waste Bylaw.

PUBLIC SEWER means a sewer owned and operated by Far North District Council

PUBLICLY NOTIFIED means published on at least one occasion in a newspaper circulating in the Far North District, or, under emergency conditions, by the most practical means available at that time.

PWC means an approved pressure wastewater collection & disposal system using grinder pumps, for the purpose of delivering domestic wastewater from individual properties to the wastewater network.

RISING MAIN means a sewer through which wastewater is pumped.

SCHEDULE OF RATES AND CHARGES means the list of items, terms and prices for services associated with the discharge of wastewater as approved by the wastewater authority.

SERVICE OPENING means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

SEWER means the main public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned and maintained by the wastewater authority.

STORMWATER means all surface water run-off resulting from precipitation.

TRADE PREMISES means any premises used or intended to be used for carrying on any trade or industry, and include any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE means any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature, but does not include condensing water, stormwater or domestic wastewater. Condensing or cooling waters and stormwater which cannot practically be separated from wastewater may be included subject to specific approval.

TRADE WASTE BYLAW means the bylaw of the wastewater authority regulating wastewater discharges from trade premises to a sewer.

TRUNK SEWER means a sewer, generally greater than 150mm in diameter, which forms a part of the principal drainage network of the wastewater authority's wastewater drainage system.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from a premises to a sewer.

WASTEWATER AUTHORITY (WWA) means the unit of Far North District Council responsible for the collection, treatment and disposal of wastewater.

3 Domestic wastewater

3.1 No domestic wastewaters shall:

a) Exceed the substance limits scheduled in the Far North District Council Trade Waste Bylaw

b) Contain the substances prohibited in the Far North District Council Trade Waste Bylaw.

3.2 Where apart of a domestic premises is used as an office or other trade related activity from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce a wastewater shall be treated as being from trade premises.

4 Point of Discharge

4.1 The point of discharge from a customer's premises shall be the point on the public sewer which marks the boundary of responsibility between the customer and the WWA, irrespective of property boundaries.

4.2 Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

4.3 Single ownership

4.3.1 For single dwelling units the point of discharge shall be located at the boundary as shown in **Appendix A** or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the WWA and recorded on the drainage plan. The point of discharge shall be terminated at a rodding eye.

4.3.2 Where a private drain discharges into a public sewer on that same private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

4.4 Multiple ownership

4.4.1 The point of discharge for the different forms of multiple ownership of premises and/or land shall be as shown in **Appendix B** or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. The approval of other positions must be by the WWA and recorded on the drainage plan.

4.4.2 For company share/block scheme (body corporate)–as for single ownership.

4.4.3 For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate). Where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the WWA. If not

practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

4.4.4 Each owner's point of discharge must be approved by the Council and recorded on the applicable drainage plan with any other arrangements only to be considered where there are advantages to the Council.

4.4.5 Where each owner's private drain discharges into a public sewer on private property, the point of discharge shall be the upstream end of the pipe fitting which forms the junction with the public sewer.

4.5 Common private drains

4.5.1 Common private drains shall serve a maximum of five (5) single dwelling units, and may also have one point of discharge only (in common), provided that such common drains shall be covered by a certificate from the WWA recording the rights of each party which is registered against the certificate of title for each such dwelling unit.

5 Acceptance of wastewater

5.1 Every domestic premise shall be entitled to have its wastewater accepted by the WWA subject to:

a) The premises lying within an area of benefit if such an area has been designated by the WWA under the Local Government Act 2002 (LGA); and

b) The premises lying within an area which is served by public sewers; and

c) Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular;

d) Fulfilment of the requirements of this bylaw; and

e) The availability of capacity in the public sewer network.

5.2 Where a premise is within an area of benefit, no person shall discharge any wastewater from any premises except into the wastewater network, unless otherwise approved by the WWA.

5.3 The acceptance of trade wastes is the subject the Far North District Council Trade Waste Bylaw.

6 Approval to connect

6.1 No person other than the authorised agents of the WWA, shall, without approval, make any connection to or otherwise interfere with any part of the WWA's wastewater drainage system.

6.2 No person, other than an Approved PWC Installer, shall install, maintain, repair or renew a PWC system or otherwise make any connection to or interfere with any part of the Council's pressure wastewater reticulation:

6.3 Domestic Wastewater Application

6.3.1 Every application for a wastewater service connection shall be made in writing on the form provided in **Appendix C** together with the prescribed charges. The

applicant shall provide all the details required by the WWA. An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

6.4 Domestic Wastewater Application requiring Public Sewer Extension

6.4.1 Where an application has been accepted by the WWA which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such charges as fixed by the WWA for this work. The WWA shall supply and install the public sewer up to the point of discharge except as provided for in 7.1.

6.5 A Council officer may approve an application for a new wastewater discharge point provided the following conditions are met:

a) The premises is located within an area of benefit served by a sewer; and

b) Adequate capacity is available in the sewer network to service the premises; and

c) All applicable fees, charges, rates and / or contributions payable to or levied by the Council have been paid in full.

6.6 For connections to Council's gravity reticulation an as-built plan showing the connection shall be provided to the Council seven [7] days after construction showing the connection.

7 Subdivision

7.1 Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to the approval of the design and construction of the works, in accordance with the subdivision process and / or in accordance with any applicable rules in the District Plan.

7.2 New Development of Existing Lots/Titles

7.2.1 All new Lots/Titles in existing areas of benefit shall be individually serviced unless otherwise approved by the WWA.

7.2.2 Dispensation

7.2.2.1 The WWA may at its discretion permit a Private Common Drain in an existing Lot/Title, subject to any or all of the following conditions:

a) That written application for dispensation be submitted to the WWA;

b) That proof of operational soundness, capacity, location and integrity of the proposed Private Common Drain is submitted to the WWA;

c) That proof of adequate maintenance cost share provisions between parties to the proposed Common Private Drain; or registration of appropriate private easement over the proposed Common Private Drain be submitted to the WWA;

d) Any other conditions that the WWA determines appropriate.

8 Continuity of discharge

8.1 The WWA does not guarantee to receive wastewater without interruption, however the WWA will use all reasonable endeavours to ensure that any disruption is kept to

a minimum.

9 Premises

9.1 Flow rate

9.1.1 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. and shall not exceed $3m^3$ per day without prior approval of the WWA.

9.2 Prohibited Characteristics

9.2.1 No wastewater with prohibited characteristics (as scheduled in the Far North District Council Trade Waste Bylaw) shall be discharged into the WWA system.

9.3 Waste minimization

9.3.1 In order to meet the principles of sustainable management as promoted by the Resource Management Act 1991 (RMA), the WWA recommends a customer fits the devices contained in Table 1 on all new installations.

Table 1

Device	Value	
Dual Flush toilet cistern	Flush 1 Flush 2	6 litres 3 litres
Low flow shower heads	Maximum	9 litres per minute
Urinal flushing control	Timed	

9.4 As a customer's drainage system is governed by the current Building Act inside the building to the point of discharge the WWA may not unreasonably impose anything on the customer, which is more onerous than is contained in the New Zealand Building Code.

9.5 A customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies, as a minimum with Council's current Environmental Engineering Standards (as shall be set from time to time), the Building Act 2004 and the New Zealand Building Code

9.6 Drainage from any premises constructed, or for which construction was commenced, prior to the coming into force of the Building Act 2004, does not need to be upgraded to meet the requirements of the New Zealand Building Code. If however any work is required on the customer's drainage system, arising from:

a) The issuing of a defect notice; and/or

b) Alteration to the premises; and/or

c) Change of use of the premises;

Then any such work shall meet the requirements of the New Zealand Building Code.

9.7 New Customers with discharges from premises not covered by the Building Act 2004 and the New Zealand Building Code shall nevertheless have a drainage system which complies with the Building Act 2004 and the New Zealand Building Code.

10 Private Pumping Stations

10.1 No person shall install or operate a private wastewater pumping station in an area of benefit and being able to be connected to gravity reticulation unless:

a) there are no other reasonable practical alternatives to a gravity discharge to the network; and

b) the occupier meets the provisions of the NZ Building Code and the relevant Standards for Engineering Design and Construction; and

c) the private wastewater pumping station complies with the operation and maintenance conditions prescribed by Council.

11 PWC Reticulated Areas

11.1 Council will maximise the benefits of new technology to restrict the quantity of stormwater entering the public wastewater system and to minimise the risk of wastewater overflows discharging to the environment. Pressure wastewater collection systems (PWC) will be installed in environmentally sensitive areas and where new gravity systems are impractical or will potentially overload the existing infrastructure.

11.2 Pressure wastewater reticulation means that part of the wastewater network designed to receive and convey wastewater through a pressurised system of pumps and infrastructure. These areas are generally shown on the Pressure Wastewater Reticulation Area Plans, which may be amended from time to time by the Council, as geographical areas become serviced by pressure wastewater reticulation. Note: decisions on which areas to provide with wastewater services, and the type of reticulation to receive and convey wastewater (pressure or gravity), are made by Council in accordance with the decision making provisions of the Act and will comply with its statutory consultation requirements.

11.3 In areas serviced by or able to be connected to pressure wastewater reticulation, owners and occupiers shall:

a) Engage only an Approved PWC Installer, who shall be a registered drainlayer, to carry out any work on the PWC main; and

b) Not engage any person to undertake an activity which is in breach of this Bylaw or any other law; and

c) Meet all provision and installation costs of the PWC system on the property up to but not including the boundary kit connecting to the network; and

d) Install the PWC in accordance with Councils Standards and Guidelines; and

e) Install only Approved PWC Products in accordance with Councils guidelines for PWC products in the designated area as shown on the Councils GIS systems; and

f) Provide a certificate from the installers to confirm the PWC system has been fully commissioned in accordance with the manufacturers specification; and

g) Provide an easement in favour of the Council over the route of the pipeline and PWC pump station, and

h) Arrange for the PWC system to be vested to Council on completion of the works.

11.4 In areas serviced by, or able to be connected to, pressure wastewater reticulation, the Council shall:

a) Provide the connection to the PWC main, interconnecting pipework to the boundary kit and the boundary kit. The costs of these works will be borne by the customer.

12 Approval of PWC Installers

12.1 Any person may apply to become an Approved PWC Installer by completing the standard Council application form and payment of the required fee.

12.2 In assessing any application Council may require such further information as is reasonably needed to determine whether to grant the application. No approval may be given until all information requested has been received.

12.3 In considering an application Council shall consider the following matters:

a) the relevant experience of the person; and

b) be a registered Drainlayer

c) the relevant training of the person, any breaches by the person of this (or other) Council bylaws and whether there is an Approved PWC Product that the person is licensed to install; and

d) whether the person has adequate insurance; and

e) any other relevant matter needing to be taken into account under the provisions of the Act's decision making process.

12.4 Council may revoke any person's Approved PWC Installer status for good cause or on the following events:

a) receipt of information of a material error in the Approved PWC Installer status application; or

b) a breach of any of Council's Wastewater Services Bylaws; or

c) cessation of work by an Approved PWC Installer for a continuous period of 6 months or more.

13 Access

13.1 Access for inspection

13.1.1 The customer shall allow the WWA, or its agents, access to and about the point of discharge for the purposes of monitoring, testing, and maintenance work between

7.30 am and 6 pm on any day. The WWA shall give 24 hours previous notice to the customer of the intended entry.

13.1.2 Under emergency conditions, or for the purpose of ascertaining whether the drains are being misused, the customer shall allow the WWA free access to and about the point of discharge at any hour.

13.1.3 Non-complying connections

13.1.4 The customer shall allow the WWA with any necessary equipment, access to any area of the premises for the purposes of ascertaining whether non-complying connections have been made.

14 Prevention of inflow and infiltration

14.1 The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

14.2 Stormwater shall be excluded from a sewerage system by ensuring that:

a) There is no connection of any stormwater pipe or drain to the sewerage system; and

b) Gully trap surrounds are set above stormwater ponding levels, or secondary overland flow path flood levels; and

c) Inspection covers are in place and are appropriately sealed.

14.3 Private drains shall be kept and maintained in a state, which is free from cracks and other defects, which may allow infiltration.

14.4 For trade premises where stormwater cannot be separated from wastewater refer to the Far North District Council Trade Waste Bylaw.

14.5 Stormwater which is contaminated may be accepted as a trade waste discharge in accordance with the Trade Waste Bylaw.

15 Maintenance and Repair

15.1 Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.

16 Blockages

16.1 A customer, whose gully trap is overflowing or has other reasons to suspect a drain blockage, shall promptly advise the WWA or its authorised agents. The customer will arrange to clear and remove any blockage on the private drainage, and clean up all affected areas.

16.2 If a blockage is found to be within the public sewer, then provided that the blockage has not been forced downstream into the public sewer in an act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, and an authorised agent can confirm that the blockage at

the time was caused by a problem in the public sewer network then the WWA shall cover all costs incurred in the unblocking work. If otherwise, the WWA shall recover the costs of the unblocking work from the customer.

17 Disconnection

17.1 A customer shall give 7 working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the property has been disconnected from the sewer by the WWA.

17.2 A customer shall give 2 working days notice in writing to the WWA of his or her requirement for disconnection of the discharge connections if re-laying of the private drain is required.

18 Public drainage system

18.1 General

18.1.1 With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in 18.2 to 18.4 shall apply. Other restrictions may be applied by the WWA for the protection of the public drainage system after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

18.2 Building over buried services

18.2.1 No building shall be built over a public rising main or trunk sewer, or closer than the greater of:

a) 1.5 meters from the centre of any main or sewer; or

b) The depth of the centre line of the sewer, plus the diameter of the sewer, plus 0.2 meters from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

18.2.2 Other public sewers

a) No building shall be built over a public sewer, whether on public or private land;

b) No building shall be built closer than the greater of:

I. 1.5 metres from the centre of any public sewer; or

II. the depth of the centreline of the sewer, plus the diameter of the sewer, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604.

c) Subject to approval, a building developer may meet the cost of diverting the public sewer (including any manholes) in accordance with WWA standards.

18.2.2.1 Where (a) (b) and (c) in 18.2.2 above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These may include the provision of CCTV inspections before and after construction works, access manholes, pipe strengthening, ducting, additional support of the building's foundations and re-locatable construction.

18.3 Loading or material over public sewers

18.3.1 No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual).

18.3.2 No person shall place any additional material over or near a public sewer without approval.

18.3.3 Service openings shall not be covered in any way unless approved. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

18.4 Excavation near public sewers

18.4.1 The Council shall keep and maintain drainage plans of the location of its buried services. This information shall be available for inspection during normal business hours at no cost to the user. Reasonable charges may be levied to cover the costs of making copies available.

18.4.2 Any person proposing to carry out excavation work shall view the as-built information to establish whether or not the Council or other utility services are located in the vicinity. At least three (3) days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Liability for accurate location of Council services rests entirely with the person proposing to excavate.

18.4.3 When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roads is also subject to the permit process of the appropriate roading authority.

18.4.4 Any damage which occurs to a Council service shall be reported to the Council immediately. Repair costs may be recovered from the person responsible.

18.4.5 No person shall excavate, or carry out piling or similar work closer than:

a) 5 metres from the centre line of any rising main or trunk sewer; or

b) 2 metres from the centre line of any public sewer

without approval from the WWA. Such approval may impose conditions on the carrying out of any work near the sewer.

18.5 Storage of hazardous materials

18.5.1 The occupier shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the WWA wastewater system or the health and safety of WWA staff and the public, without taking all reasonable steps to prevent entry into the WWA sewer from leakage, spillage or other mishap.

18.5.2 The occupier shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.

19 Breaches and remedies

19.1 Defect notices

19.1.1 In the event of a breach of statutory or other legal requirements, the WWA may serve a defect notice on the customer advising its nature and the steps to be taken within a specified period, to remedy it. If, after the specified period, the customer has not remedied the breach, the WWA may charge a re-inspection fee.

19.1.2 If however the breach is such that public health, or safety considerations, or risk of consequential damage to WWA assets is such that delay would create unacceptable results, the WWA may take immediate action to rectify the defect, and recover all reasonable costs as set out in 20.1

20 Remedial work

20.1 At any time after the specified period of 19.1.1 has elapsed, the WWA may carry out any remedial work required in order to make good the breach, and to recover from the person committing the breach all reasonable costs incurred in connection with the remedial work.

21 Emergency

21.1 Natural hazards (such as floods or earthquakes) or accidents beyond the control of the WWA, which disrupt the ability of the WWA to receive wastewater, will be deemed an emergency.

21.2 During an emergency the Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required by the officer of the Council authorized for that purpose, subject to subsequent Council ratification.

21.3 In the event of 3rd Party (contractors) damage to any public sewer the Council may take immediate action to rectify the defect, and recover all reasonable costs from the 3rd Party.

22 Payment

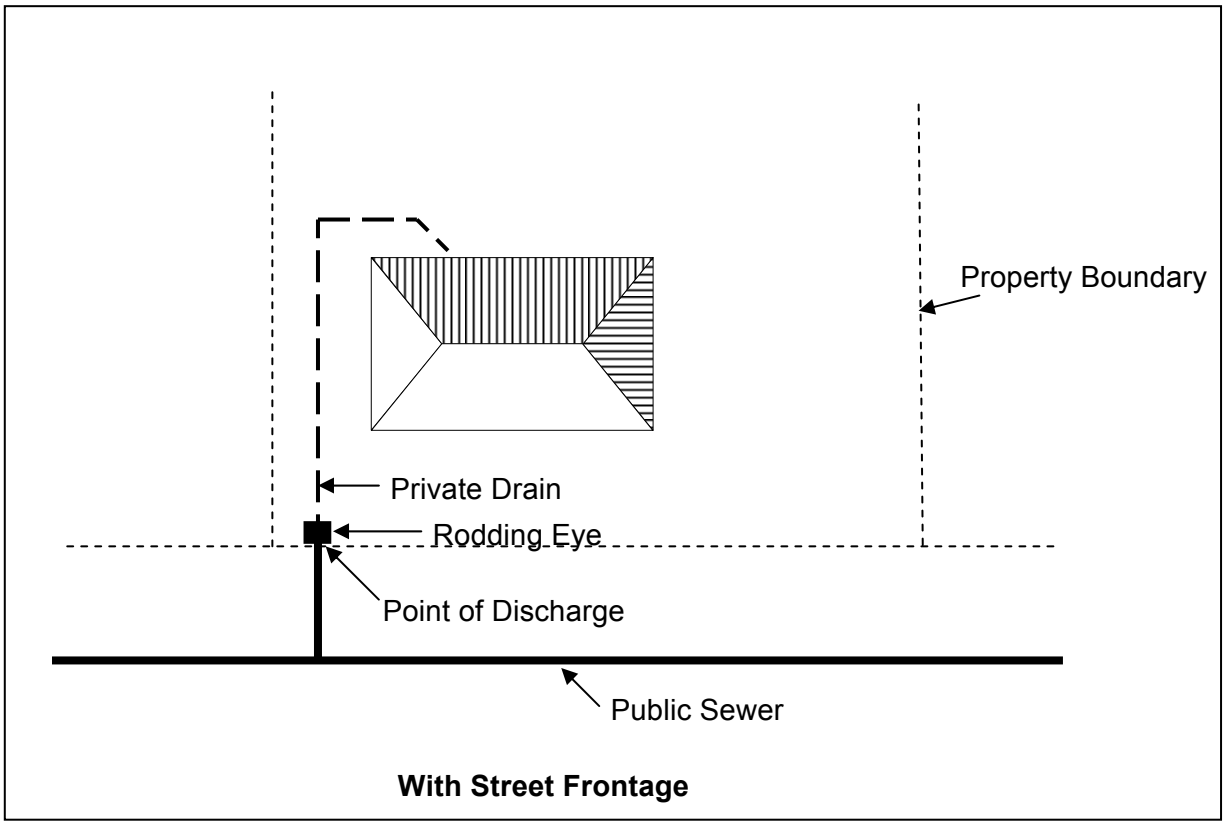
22.1 Payment for the discharge of wastewater and related services shall be in accordance with the WWA schedule of rates and charges.

22.2 Because of the procedures involved in setting charges as part of a bylaw, the items included in the schedule of rates and charges, and the terms on which they will be charged shall not be prescribed in the bylaw but shall be made by resolution of the Council from time to time. Refer to Appendix D for an example list of payment items and terms.

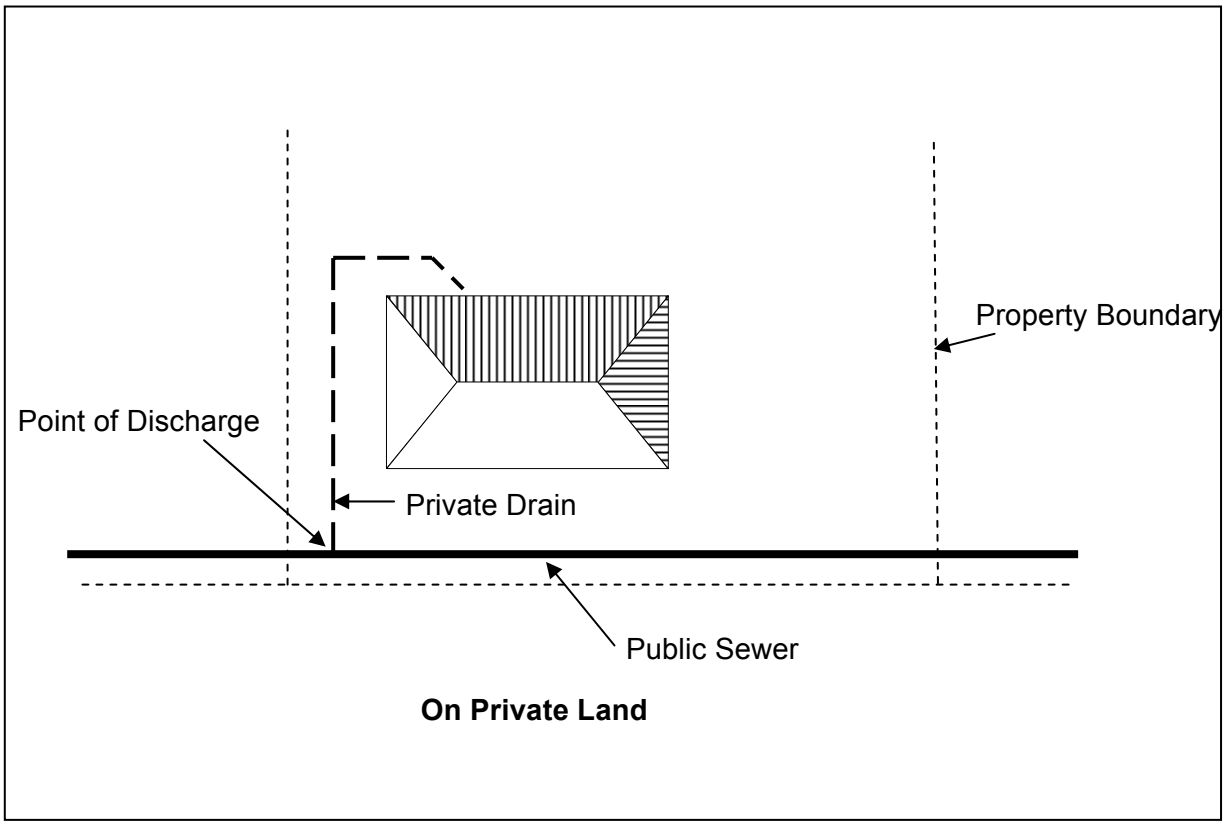
23 Change of ownership

23.1 In the event of domestic premises changing ownership, the new owner shall automatically become the new customer of that premise.

APPENDIX A
SINGLE DWELLINGS

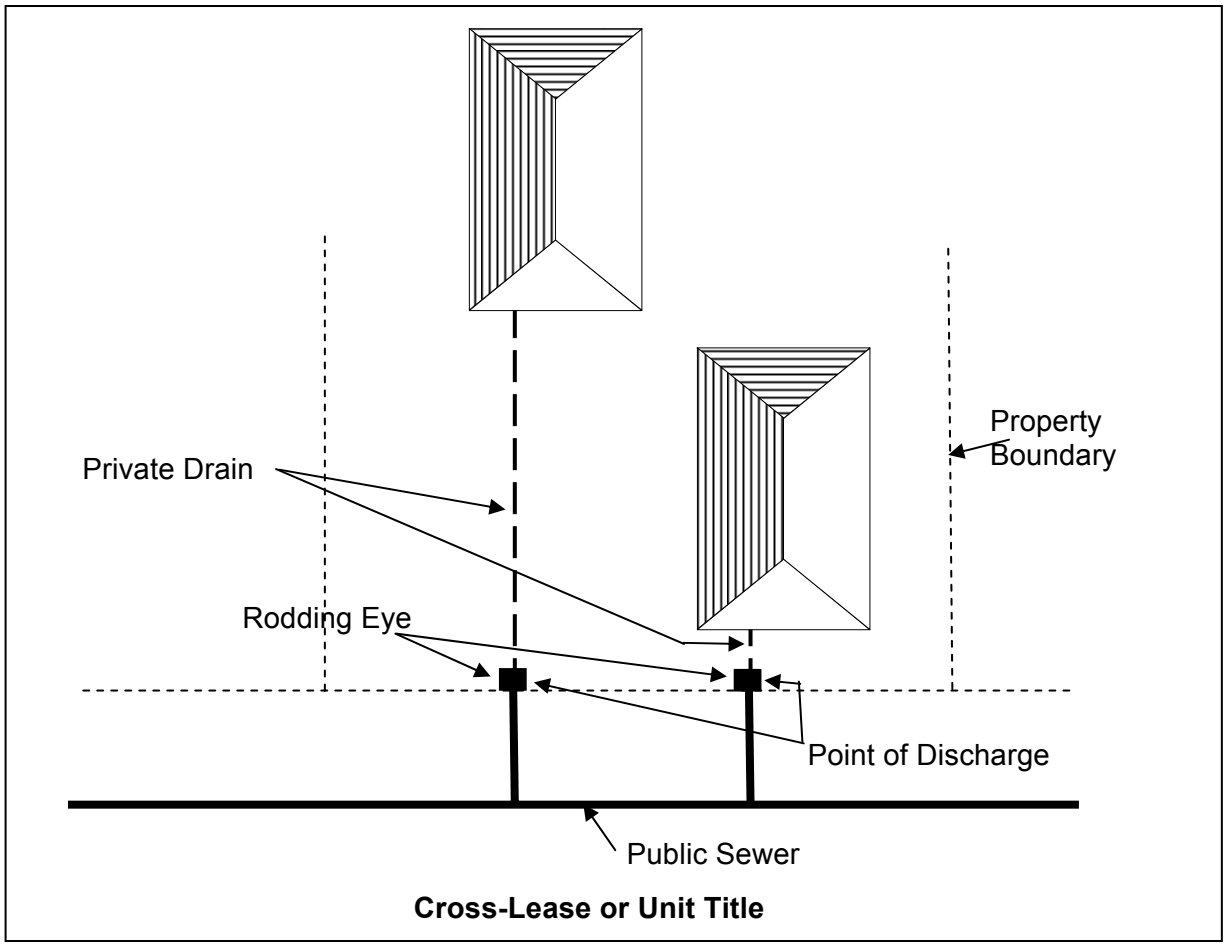


With Street Frontage

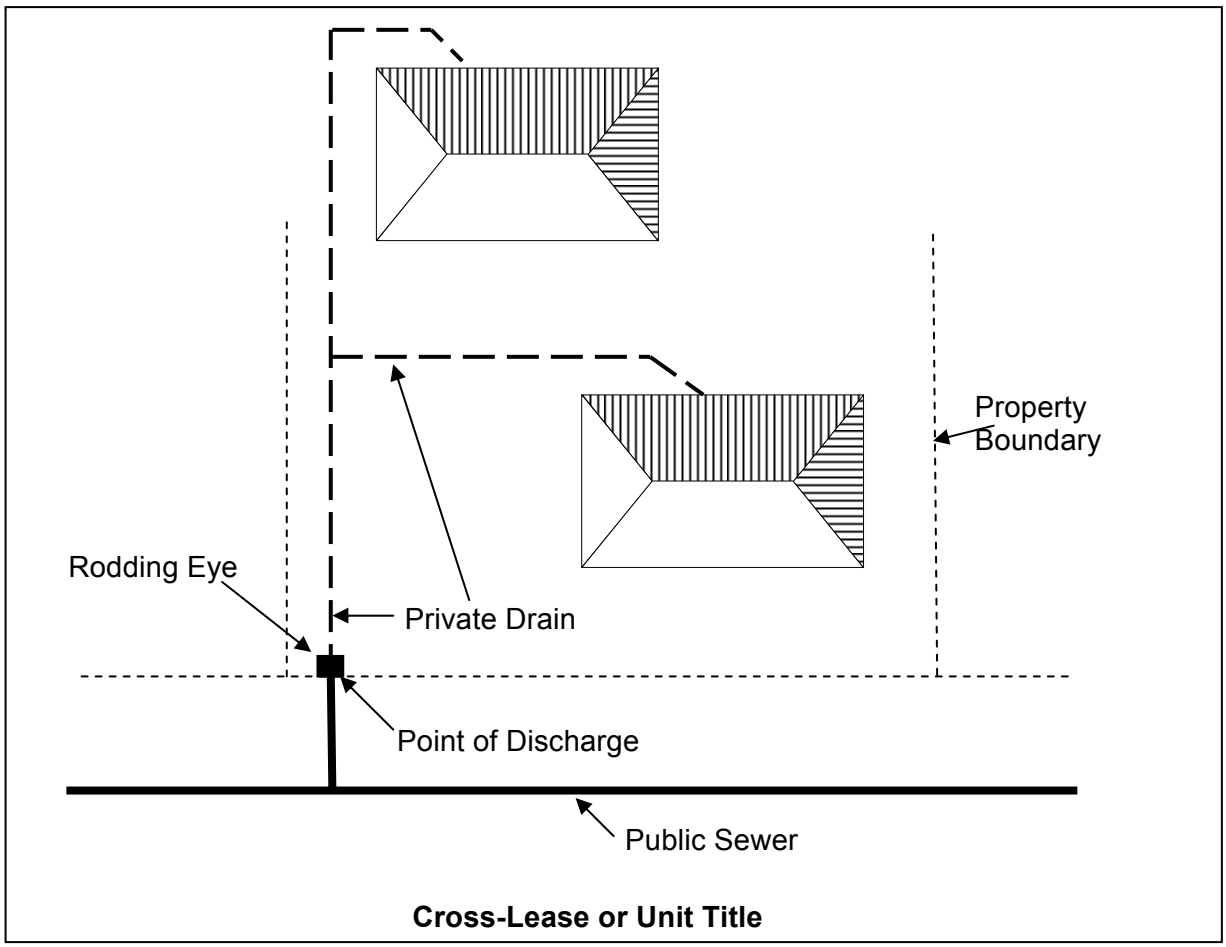


On Private Land

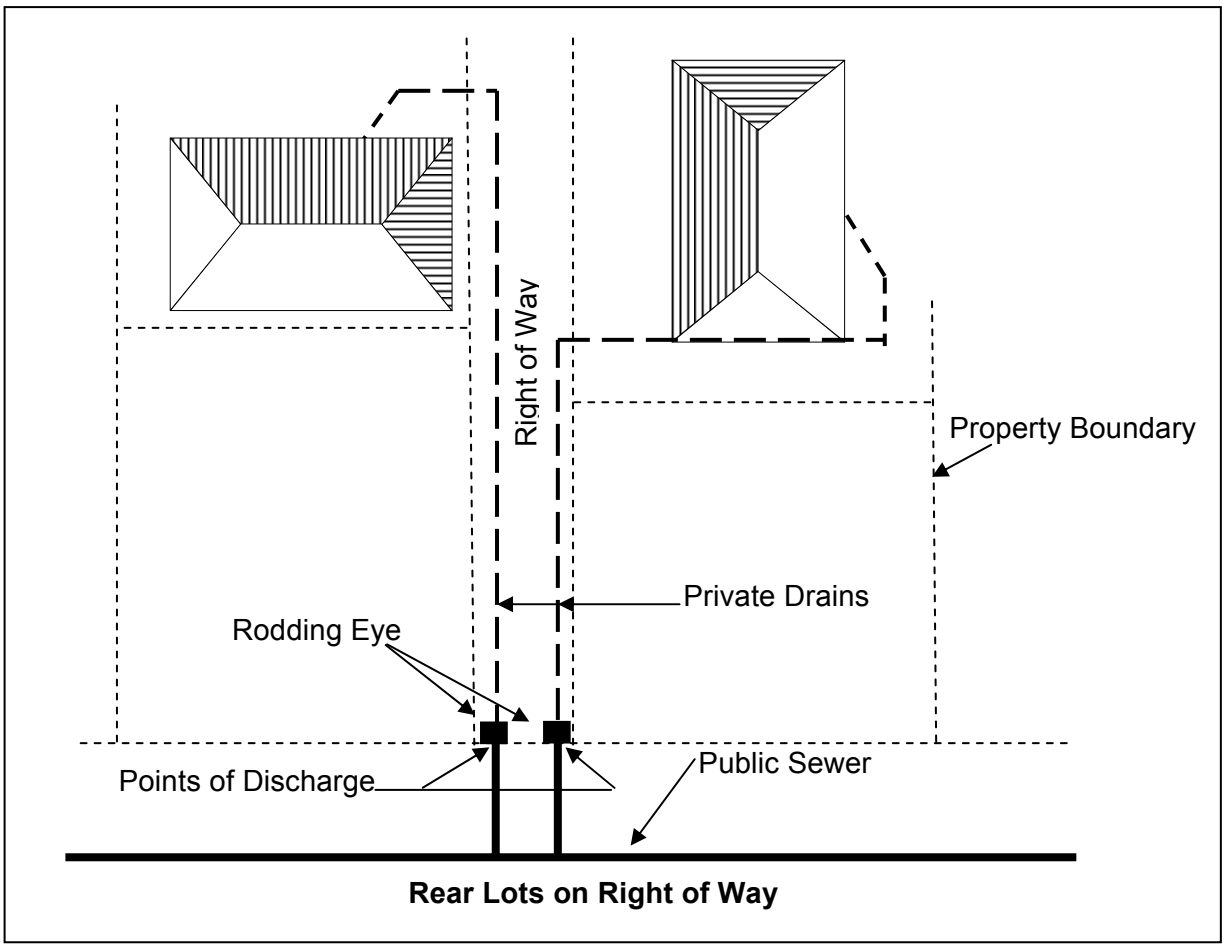
APPENDIX B
MULTIPULE DWELLINGS



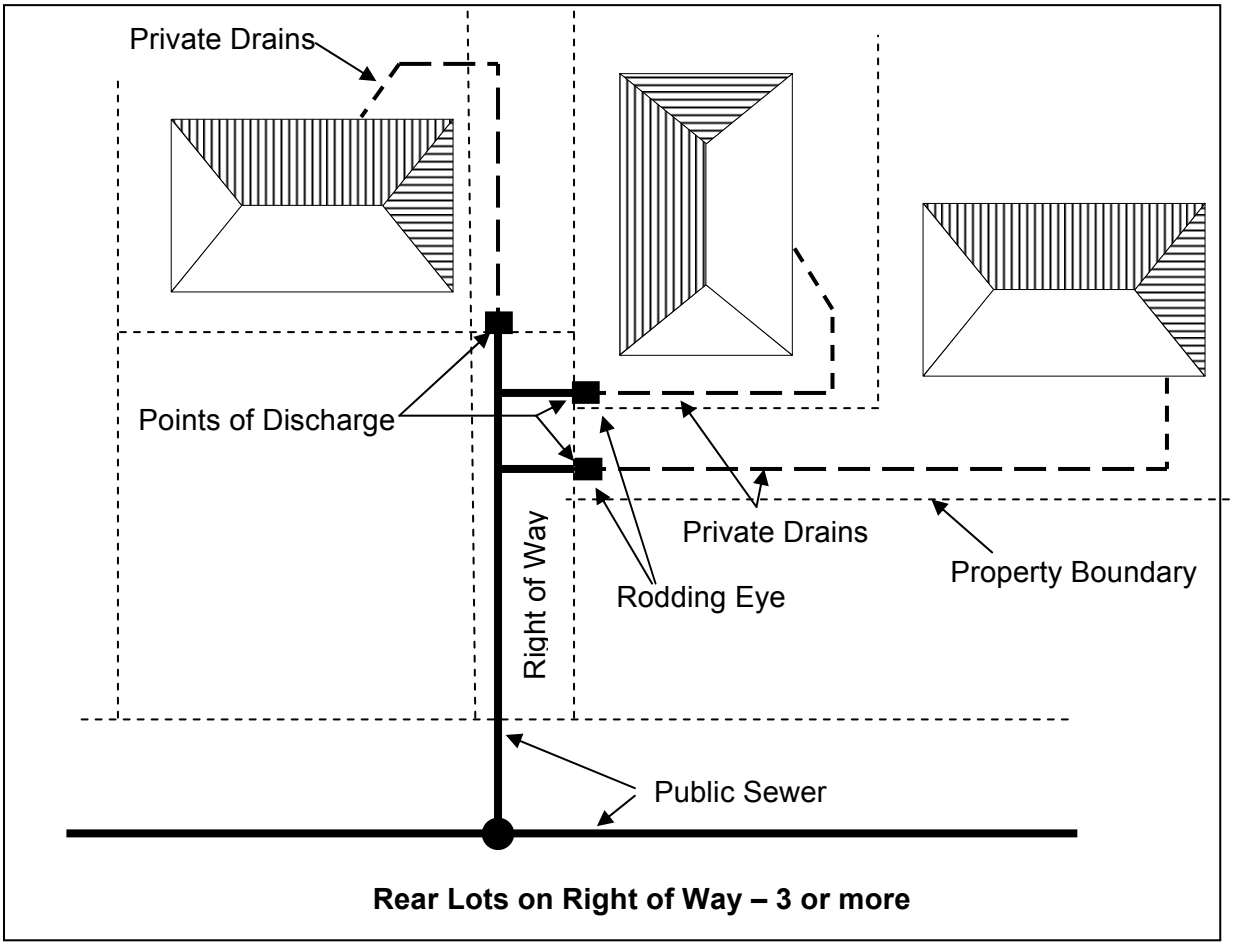
Cross-Lease or Unit Title



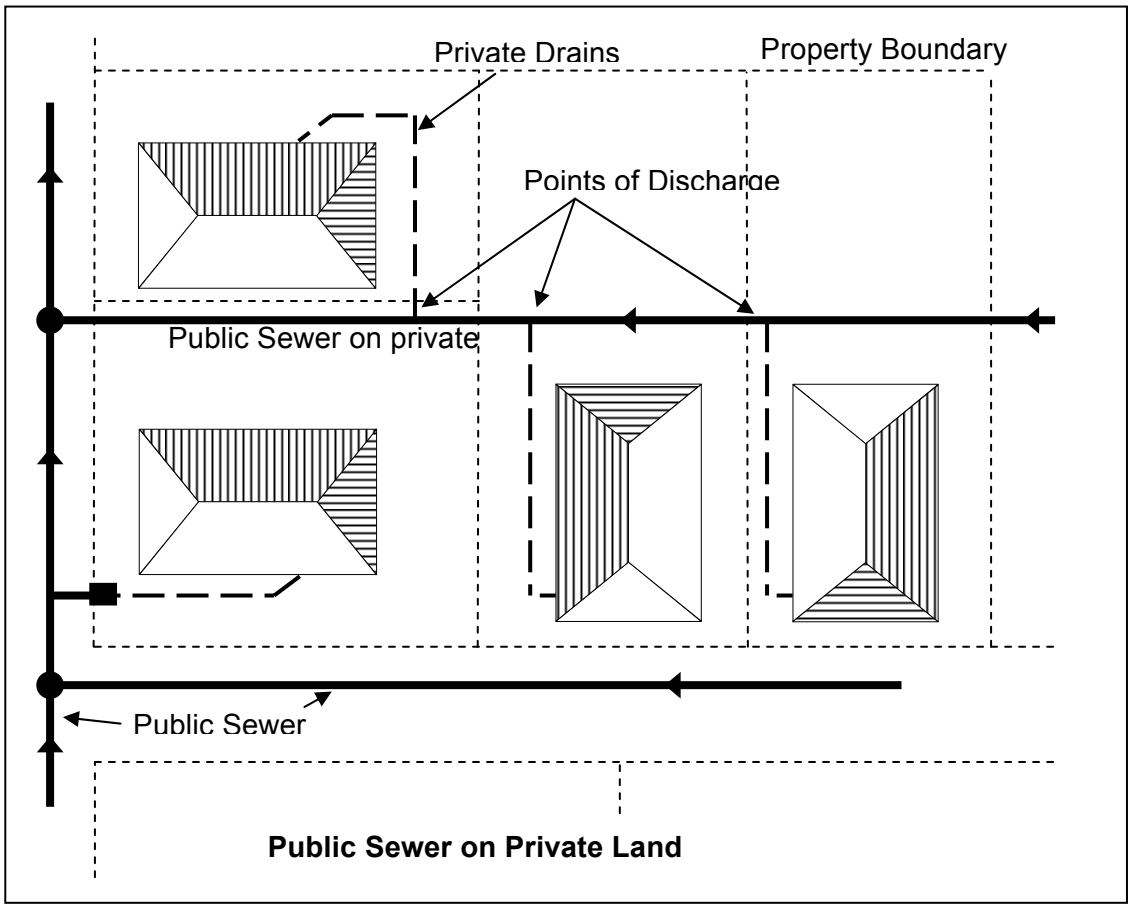
Cross-Lease or Unit Title



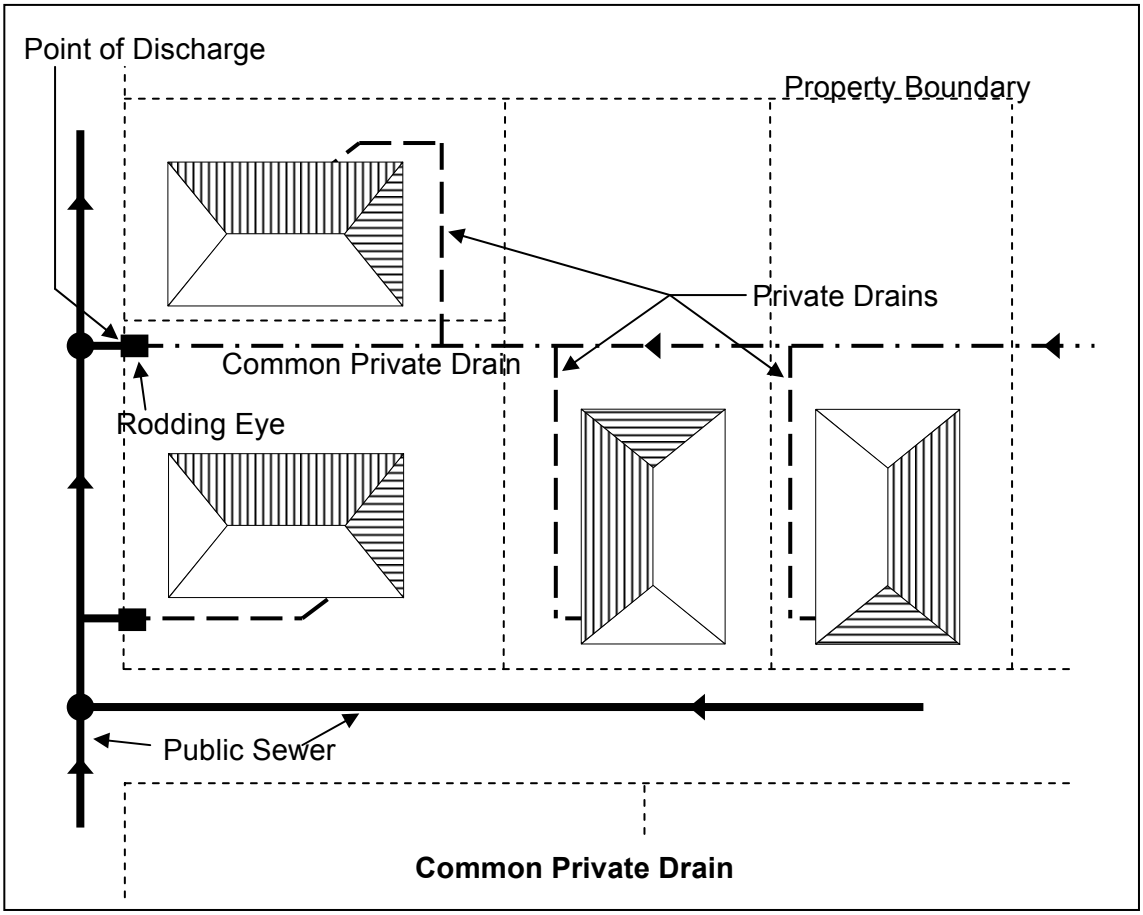
Rear Lots on Right of Way



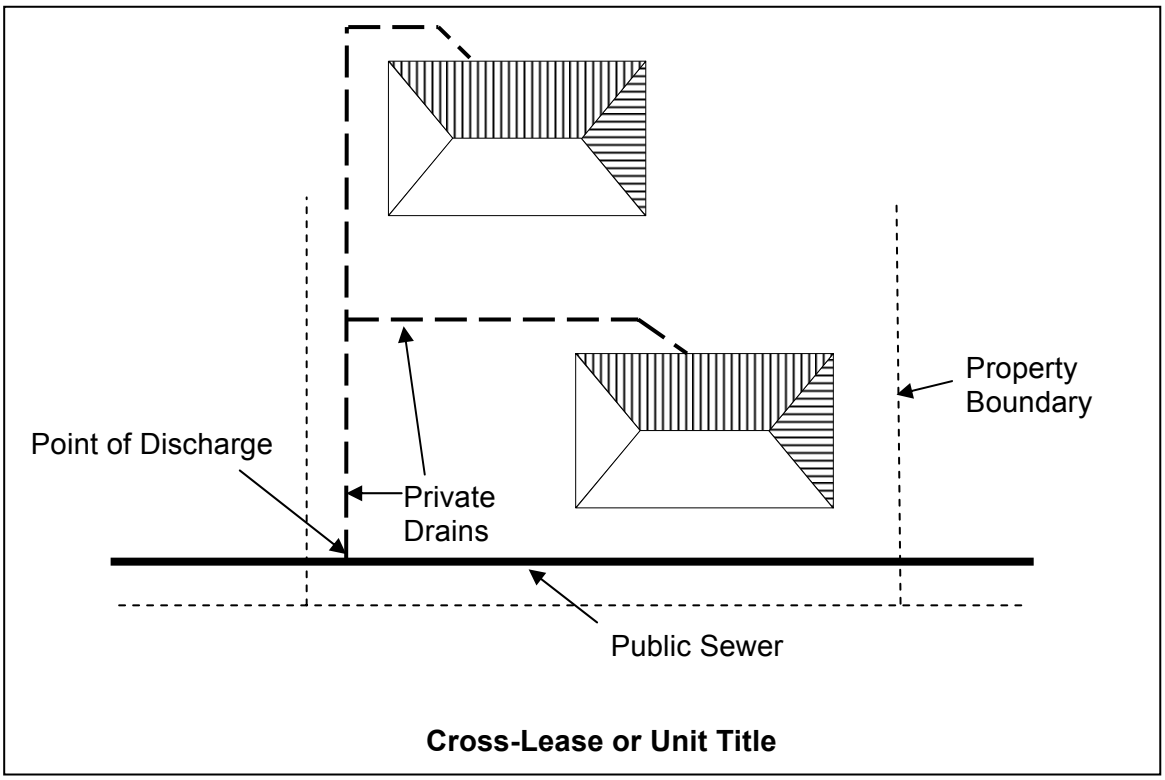
Rear Lots on Right of Way – 3 or more



Public Sewer on Private Land



Common Private Drain



Cross-Lease or Unit Title

APPENDIX C

FAR NORTH DISTRICT COUNCIL
APPLICATION FOR WATER SUPPLY OR WASTEWATER CONNECTION

Part A—Customer Details

Applicants Name _____

Owners Name _____

Postal Address _____

Phone _____ Email _____

I the above mentioned hereby apply for a water/sewerage service from the Far North District Council to be laid to the premises below.
I declare that I am the owner or have been authorised by the owner to lodge this application _____
(signature)

Part B—Property Details

Physical Address _____

Lot & DP Number _____ Certificate of Title _____

Part C—I wish to apply to:

- ☐ Connect to an existing water meter
- ☐ Install a new water meter
- ☐ Relocate an existing water meter
- ☐ Disconnect an existing water meter
- ☐ Upgrade size of existing connection
- ☐ Connect to an existing sewerage connection
- ☐ Request quote for a new sewerage connection
- ☐ Connect new subdivision to Councils network
- ☐ Request an inspection of a sewerage connection made by a drainlayer

Part D—Intended Activity (please circle)

Residential Retail//Commercial/Office Industrial (wet/dry) Other _____

Water Connection/Meter Size Required (if over standard 20mm) _____

Estimated water usage/day (if other than residential and information is available) _____

Estimated sewerage discharge/day (if other than residential and information is available) _____

For Office Use Only:

Application Complete: _____ RFS Number: _____
Fees Paid: _____ RC Number: _____
Rates Officer: _____ BC Number: _____

GUIDANCE NOTES:

Who Can Connect?

Council currently has a potable water supply in all or parts of the following: Kaikohe/Ngawha, Okaihau, Kerikeri/Waipapa Business Centre, Kaitaia, Opononi/Omapere, Kawakawa/Moerewa, Rawene and Waitangi/Paihia/Opua.

Council currently has sewerage in all or parts of Ahipara, Mangonui/Coopers Beach/Taipa, Hihi, Kaeo, Kaikohe, Kaitaia, Kawakawa, Kerikeri, Opononi/Omapere, Paihia/Waitangi/Opua, Rawene, Rangiputa, Russell, Whangaroa and Whatuwhi-whi/Tokerau Beach.

Properties that can connect are those identified as being within the "Area of Benefit" - that is, those properties that the scheme has been designed to cater for. All other properties in the Far North District shall be serviced by water tanks and onsite wastewater disposal systems. Confirmation of whether your property is in an Area of Benefit can be determined by contacting us.

Water Meter Installations:

If the property has an approved existing water meter that is connected to Councils network, your plumber/drainlayer may connect the dwelling/building directly to that meter upon approval of this application. Confirmation of an existing water meter can be found on the rating account for the property or by phoning Councils Rating Department.

Where a new standard meter is requested and payment is received, a Request for Service (RFS) number will be allocated to the job and sent to our contractors to proceed with the works. The usual timeframe for completion of the installation is 10 working days within a Council road. If the meter installation is required on a State Highway, approval must be obtained from Transit NZ first and this may take an additional 10 working days.

Where a larger connection/meter is requested or where a connection also requires separate backflow prevention we will request a quote from our contractors which will be forwarded to you when it is received. Please take into consideration the amount of time it may take to receive Transit permission, quotes and install the meter when a requesting a new water meter. Any delay in timeframes will be relayed to you as we are notified.

Sewerage Connections—also commonly known as stubs/laterals or tees:

If your property has an existing sewerage connection and you know its location, your drainlayer can lay the pipe from the dwelling/building to that sewerage connection. You must have a Building Consent to do this work and an inspection from a Building Inspector must be undertaken prior to the trench being backfilled. If the location of the sewerage connection is unknown and you are installing a new connection there are two ways for this to be done.

The sewerage connection shall be installed at your cost and may be done either by engaging Council contractors or by engaging a registered drainlayer. If you engage a registered drainlayer to install the new connection you must contact Council to organise an inspection of the connection. A date, time and the drainlayers registration number will be required in order for an inspection to be booked. The connections referred to include only the connection off Councils main line that the drainlayer will connect the dwelling to and do not include the pipe from the dwelling/structure to Councils main line.

Where a connection is being made into a manhole, a Site & Safety Plan must be submitted to Council and approved prior to the commencement of any works.

Connect New Subdivision:

Prior to a subdivision being connected into Councils live network, all pipes intended to be vested to Council shall be tested and approved by an Authorised Officer—refer FNDC Engineering Standards & Guidelines. Any connection to Councils water network can only be made by Council Contractors. Where the Section 224c has not been issued, a bulk water shall be installed.

Either Council contractors or a registered drainlayer can make a connection into Councils sewage system, however a Site & Safety Plan must be submitted and approved by Council prior to the commencement of any works.

I have read these Guidance Notes: _____ Date _____

Please sketch the layout of the section and required water meter placement here:

Please sketch the layout of the section and required sewerage connection location here:

APPENDIX D
PAYMENT ITEMS AND TERMS

Item	Terms
Uniform Annual (sewer or drainage) charge	A separate charge for wastewater drainage and disposal which is uniform within the WWA area or for areas within it.
Rates	Wastewater charges included in property rates
Uniform WC levy (pan charge)	A uniform levy on each WC or urinal in each premises.
Connection fee	Payable on application for connection to discharge point.
Public sewer fee	Payable when a new public sewer connection is required from the existing public sewer to the point of discharge.
Deposit	Additional fee payable on application for connection to discharge if required.
Special rates for loan charges	Additional rates for servicing loans raised for the purposes of construction or improving the WWA wastewater system.
Reinspection fee	A fee payable for each reinspection visit by the WWA where a previous issued default notice has not been remedied by the customer.
Disconnection	A fee payable for disconnection of a discharge connection.
Development / Financial contribution	A payment to be made for off-setting the impact of development on the system capacity. Such payments shall be defined in Council policy and shall be for the purpose of improving system capacity.

Item: 7.2

Meeting: **Council – 15 February 2018**

Name of item: **Proposed Rating Relief Policies for Consultation**

Author: Emma Pilkington – Senior Policy Advisor
Suzanne Duncan – Strategy and Policy Specialist

Date of report: 22 January 2018

Document number: A1966457

Purpose of the report

To recommend that Council adopt the proposed Rating Relief Policies for consultation as part of the Long Term Plan.

Executive summary

There are currently 19 rating relief policies. Staff have reviewed these policies and identified issues across inequity, complexity, and inconsistency. Staff propose to replace Council's 19 separate rating relief policies with one rating relief suite composed of 17 issues based policies. There are two new proposed policies to incentivise economic development on Māori Freehold and Treaty Settlement Lands. Four existing policies are proposed for revocation because they are no longer required.

The focus of the review was to remove confusing language and to make the policies clearer so that everyone can understand them. The intent of the proposed policies is to provide equity and reasonableness, at the same time as contributing towards Council's desired community outcomes.

At the Long Term Plan workshop on 13 December 2017, Elected Members indicated preferred options for rating relief policies to be consulted on (feedback can be seen in Attachment 1). Staff have amended the proposed suite of rating relief policies based on the feedback that was provided. This report recommends that Council adopt the proposed Rating Relief Policies for consultation (Attachment 2).

Recommendation

That Council adopt the proposed Rating Relief Policies for consultation as part of the Long Term Plan.

1) Background

Sections 109(2A) and 110(2A) of the Local Government Act 2002 require Council to review its Remission and Postponement Policies at least once every six years. Remission means that the requirement to pay the rate levied for a particular financial year is forgiven in whole or in part. Postponement means an agreed delay in the payment of rates for a certain time, or until certain defined events occur.

In the review of Council's 19 existing policies, the following issues were identified:

- significant repetition
- the language of some policies was complex, which made them difficult to read and consistently apply

- the structure, titles and overall presentation of the policies made it difficult for the customer to navigate and identify the appropriate relief mechanism to address their issue
- some conditions and criteria were already covered by or contradicted primary legislation
- a number of policies could be applied to both General Title and Māori Freehold Land
- the scope of some policies needed to be reduced to ensure they were equitable
- there was a need for new policies to address specific issues.

The review was led by Strategic Planning and Policy and undertaken with a collaborative, cross-council approach. Discussion and peer review of the policies was undertaken by staff from the Rates team, the Enabling Māori Freehold Land team, and the Community Development team. Expert opinions were sought from in-house legal counsel and the Chief Financial Officer.

The objectives of the proposed rating relief policies are to:

- reflect an equitable system of rating relief
- address issues that relate to the rating unit and/or the ratepayer
- align with Council's community outcomes
- be clear and easily understood by the customer
- be easily and consistently applied by staff, and
- recognise the unique history and nature of Māori Freehold Land ownership.

The full proposed policy suite can be seen in Attachment 2, and an overview of each policy with the proposed changes, rationale and high level impact assessment can be seen in Attachment 3.

2) Discussion and options

At the Long Term Plan workshop on 13 December 2017, elected members supported most of the minor changes to the policies. Seven of the proposed policies were highlighted in the discussion, with the following feedback received (Attachment 1):

- **Community, Sports and Not-for-profit Organisations** – include service charges in the rates remission policy
- **Excess Water Charges** – include one full remission, plus a 50% remission for a different leak, every 10 years
- **Extreme Financial Hardship** – an annual remission policy
- **Incentivising Māori Economic Development** – consult on a new proposed remissions policy
- **Residential Rates for Senior Citizens** – consult on a postponement policy
- **Treaty Settlement Lands** – consult on a new proposed remissions policy
- **Wastewater Charges on Government Funded Subsidy Schemes** – do not expand the policy to include Government funded subsidy water schemes, consult on the existing policy.

This report requires Council to decide either:

Option 1 – Consult on the proposed Rating Relief Policies (recommended option)

Or

Option 2 – Consult on the existing Remission and Postponement Policies

The financial assumptions for each proposed policy can be seen in Attachment 3. Table 1 below identifies where there may be differences in financial impacts between Options 1 and 2.

Table 1: Comparison of financial assumptions between Options 1 and 2

Policy	Option 1 (recommended)	Option 2
Common-Use Properties	The total amount remitted under this policy is likely to reduce because the additional 3 year extension available to commercial subdivision/ development has been removed.	Currently 25 subdivisions / developments are in their first 3 year period, with $27,381.85 remitted. 44 subdivisions / developments are in the final 3 year period, with $39,852.21 remitted.
Community, Sports and Not-for-profit Organisations	The total amount remitted under this policy is likely to double with the inclusion of service charges.	For the 17/18 year, 46 remissions granted with $76,182.70 remitted.
Excess Water Charges	The total amount remitted under this policy is likely to increase annually by at least $145,290.	For the 16/17 year, 140 applications were granted with $125,094.69 remitted. The average remission granted is $893.53.
Extreme Financial Hardship	This proposed policy has changed from a postponement to a remission. Approximately 1,830 households in the Far North District earn less than $25,000 per year and are owned/partly owned by the occupiers. In the unlikely event that all of these households apply and meet the conditions of the policy, a maximum amount of $2.8 million could be remitted per year (see Attachment 2 for more detail).	Currently there is only one existing postponement for a holiday home under the old Residential Land Rates policy.

| Policy | Option 1 (recommended) | Option 2 |

Incentivising Māori Economic Development	This is a new proposed policy. An assumption can be made that remissions granted under the Māori Freehold Land Not Used policy may decrease as remissions granted under this policy increase, rating units are developed and return to the rating base.	In the 16/17 year, 317 new applications were received for a remission under the Māori Freehold Land Not Used Policy. If this new policy is not introduced, landowners may be less likely to develop the land and become a rate-paying base.
Landlocked Land	There may be an increase in the number of applications under this policy because Māori Freehold Land has been included in the scope. There are currently 1,079 MFL parcels with no direct access, a total of 28,080 hectares.	There is currently one application granted under this policy.
Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes	There may be a small increase in applications under this policy because land protected by a Ngā Whenua Rāhui kawenata has been included in scope. There are currently five Ngā Whenua Rāhui kawenata in the District.	There are currently 222 applications granted under the remissions policy and 55 applications granted under the postponement policy.
Māori Freehold Land Not Used	There may be a decrease in remissions granted under this policy if landowners move onto or choose other policies instead, such as Landlocked Land or Incentivising Māori Economic Development policies.	There are currently 381 applications with a total of $1,638,878.33 remitted.
New Users of Māori Freehold Land	There may be a small increase in applications from sole-owners because sole-owners that have recently had the land succeeded to them or have purchased the land from multiple owners has been included in scope.	The current total for postponed rates under this policy is approximately $510,000.
Residential Rates for Senior Citizens	Refer to the overview for this policy in Attachment 3 for more detail. An extreme assumption is that the total potential rates postponement could be $1,870,800 per year.	Overtime, 20 postponements in total have been granted under the current policy, of which 6 have been paid in full. 14 remain in place with a total postponement of $241,704.13.
Policy	**Option 1 (recommended)**	**Option 2**

Treaty Settlement Lands	This is a new proposed policy to incentivise economic development. Currently there are 47 properties identified as Treaty Settlement Lands. An assumption can be made that outstanding debt from properties not currently paying rates may decrease as rating units are developed under this policy and return to the rating base.	Some of the 47 properties identified as Treaty Settlement Lands are paying rates, but on some of these lands there is a current outstanding debt of $116,160.17. An assumption is that outstanding debt may increase as the remaining claims are settled and Treaty Settlement properties increase.

There is unlikely to be a difference in financial impacts between options 1 and 2 for the following policies:

- Papakainga on Māori Freehold Land
- Penalties
- Properties Spanning Multiple Districts
- School Sewerage Charges
- Unusable Land
- Wastewater Charges on Government Funded Subsidy Schemes
- Remissions of Additional Penalties (proposed for revocation)
- Remission of Postponed Rates (proposed for revocation)
- Remission of Rates on Land that has made Lump Sum Contributions (proposed for revocation)
- Transitional Policy for the Postponement of Rates on Farmland (proposed for revocation).

Reason for the recommendation

The reason for the recommendation to consult on the proposed Rating Relief Policies is because the policies:

- reflect an equitable system of rating relief
- align with Council's community outcomes
- are clear and easily understood
- recognise the unique history and nature of Māori Freehold Land ownership.

3) Financial implications and budgetary provision

Financial implications are outlined in Table 1 of this report, and for each proposed policy in Attachment 3 under impact assessment.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy

Attachment 1: Elected Member feedback on rating relief review – 13 December 2017 - Document number: A1966544

Attachment 2: Proposed Rating Relief Policies - Document number: A1966598

Attachment 3: Overview of Proposed Rating Relief Policies - Document number: A1966576

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	High significance – potential material financial impacts if there is a high uptake of some policies.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Government Act 2002 Local Government (Rating) Act 2002
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This proposal has a District wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	The implications are positive for Māori as it incentivises economic development on Māori Freehold and Treaty Settlement Lands, and recognises the unique history and nature of Māori land ownership. Māori will be provided an opportunity to contribute through the LTP consultation.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Ratepayers will be given the opportunity to provide their views through the Special Consultative Procedure as part of the Long Term Plan.
State the financial implications and where budgetary provisions have been made to support this decision.	Financial implications for each proposed policy are outlined in Attachment 3 under impact assessment.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

Attachment 1: Elected Member feedback on rating relief review - 13 December 2017

Policy	Options presented / changes	Feedback
Common Use Properties *(Formerly: Remission of charges on contiguous properties)*	No options, minor changes	Support
Community, Sports and Not-for-profit Organisations (*Formerly: Remission of rates on land owned or used by charitable or community organisations)*	Option 1: No change to service charges Option 2: Include service charges in the rates remission	Option 2
Excess Water Charges (*Formerly: Remission of excess water charges)*	Option 1: One full remission every 10 years Option 2: One full remission, plus a 50% remission for a different leak, every 10 years	Option 2
Extreme Financial Hardship (*Formerly (part of): Postponement of rates on residential land)*	Policy changed to annual remission	Support
Incentivising Māori Economic Development *(New policy)*	Option 1: Consult on the policy Option 2: Do not include the policy	Option 1
Landlocked Land (*Formerly: Postponement of rates on landlocked general title land)*	No options, minor changes	Support
Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes (*Formerly: separate remission and postponement policies)*	No options, minor changes	Support
Māori Freehold Land Not Used *(Formerly: Remission of rates on unoccupied Māori Freehold Land)*	No options, minor changes	Support
New Users of Māori Freehold Land *(Formerly: Postponement of rates on Māori Freehold Land)*	No options, minor changes	Support
Papakainga on Māori Freehold Land *(Formerly: Remission of rates on Māori Freehold Land used for the purposes of Papakainga or other housing purposes subject to occupation licenses or other informal arrangements)*	No options, minor changes	Support
Penalties *(Formerly: Remission of penalties)*	No options, minor changes	Support
Properties Spanning Multiple Districts (*Formerly: Remission of charges on properties only partly within District)*	No options, minor changes	Support
Residential Rates for Senior Citizens *(Formerly (part of): Postponement of rates on residential land)*	Option 1: Consult on the policy Option 2: Do not include the policy	Option 1
School Sewerage Charges (*Formerly: Remission of school sewerage charges)*	No options, minor changes	Support
Treaty Settlement Lands *(New policy)*	Option 1: consult on a standalone policy Option 2: consult on Treaty Settlement Lands as part of other remission policies	Option 1
Unusable Land *(Formerly: Postponement of rates on unusable land)*	No options, minor changes	Support

Wastewater Charges on Government Funded Subsidy Schemes *(Formerly: Remission of sewerage charges on schemes funded by Government subsidy schemes)*	No options. Staff proposed to expand this policy to include Government funded subsidy water schemes	No change, consult on existing policy (wastewater only)
Remissions of Additional Penalties *Remission of Postponed Rates* *Remission of Rates on Land that has made Lump Sum Contributions* *Transitional Policy for the Postponement of Rates on Farmland*	Proposal to revoke these policies	Support

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LONG TERM PLAN

Proposed Rating Relief Policies

Introduction

Section 102(3) of the Local Government Act 2002 (LGA 02) provides that a council may adopt a rates remission policy and a postponement policy. This policy addresses both the remission and postponement of rates.

Sections 102(1) and 101(2) of the LGA 02 require councils to adopt a policy for the remission and postponement of rates on Māori Freehold Land. In the development of these policies, Council has considered Schedule 11 of the LGA 02 and recognises that the nature of Māori land is different to General Title Land.

The objectives of Council's rating relief policies are to:

1. Provide an equitable system of rating remission and postponement for all sectors of the community;
2. Provide ratepayers with financial assistance where they might otherwise have difficulty meeting their obligations to pay rates;
3. Align with Council's community outcomes and strategic priorities;
4. Recognise that certain unoccupied Māori Freehold Land may have particular conditions, ownership structures, or other circumstances which make it appropriate to remit or postpone rates for defined periods of time; and
5. Ensure consideration of Schedule 11 of the LGA 02 (matters relating to rates relief on Māori Freehold Land).

Making an application? This is what you need to know:

1. All applications under these policies must be made in writing, signed by the owner/ratepayer, and accompanied by any required supporting documentation. After an application has been submitted, further documentation may be requested. In that event, the applicant will be notified accordingly.
2. As provided for in section 88 of the Local Government (Rating) Act 2002 (LGRA 02), a postponement fee may be calculated and added to the postponed rates.
3. The basis of calculating the postponement fee is included in each year's Funding Impact Statement, which can be found in the Long Term or Annual Plan for that year.
4. The owner(s) of the property must provide proof of eligibility which will be confirmed with relevant Council information.
5. Where land is in multiple ownership, a written statement authorising an individual to act for one or more owners must be submitted with all applications.
6. Where a property or part of that property is sold within the period of remission or postponement, Council has the right to recover the rates remitted or postponed for the applicable period. This may apply to the whole property or only to that portion of the portion that has been sold.
7. Council may require further information from the applicant if deemed necessary to process the application.
8. Council reserves the right to inspect the use of a property, where appropriate, for application assessment and to confirm compliance with policy criteria from time to time.
9. Any decision made by Council under this policy is final.

10. Remissions or postponements granted under previous policies will remain in force as per those policies.
11. Applications may be made for a remission or postponement of rates in circumstances which are not included in the separate policy category sections set out below. These are known as “outside of policy” applications. Council’s authority is restricted by the provisions of the LGRA 02. For that reason, all such applications “outside of policy” must be in writing, and accompanied by sufficient detail and documentation to support a decision by Council.
12. Council is under no obligation to approve any applications that do not comply with the established policies and Council’s decision on the matter is final.
13. Council’s decision whether to grant or deny an application for remission or postponement of rates will be based upon:
    a. The application itself; and,
    b. All supporting documents submitted by the applicant; and,
    c. Any relevant information and/or documentation held in Council’s records.
14. Except where otherwise indicated, Council reserves the right to grant or deny any and all applications for remission or postponement of rates under these policies.

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Definitions

For the purpose of these policies, words used in the singular include the plural, and words used in the plural include the singular.

ARREAR means unpaid rates as at 30 June of the rating year prior to application.

COUNCIL means the Far North District Council and includes any person or agent authorised by the Far North District Council.

LANDLOCKED has the same meaning as defined in the Property Law Act 2007.

MĀORI FREEHOLD LAND has the same meaning as defined in Te Ture Whenua Māori Act 1993 Part VI section 129(2)(a).

NATURAL DISASTER has the same meaning as in the Earthquake Commission Act 1993.

NEW USER is a person that has not been previously identified in Council's Rates Information Database as being responsible for the rates on the land.

OCCUPIED means a formal right by occupation order or informal right by licence to occupy Māori Freehold Land, or other arrangements are in place and are exercised.

OCCUPIER means a person, persons, organisation, or business entity that is using a rating unit or portion of a rating unit under a lease, license or other formal agreement for a specified period of time.

OUTSTANDING NATURAL LANDSCAPE refers to any largely unmodified landscape with characteristics and qualities that amount to being conspicuous, eminent or remarkable. These landscapes are afforded protection through the Resource Management Act 1991 as a matter of national importance.

PAPAKAINGA has the same meaning as in the operative version of the Far North District Plan.

POSTPONEMENT means an agreed delay in the payment of rates for a certain time, or until certain defined events occur.

RATEPAYER includes, under the Local Government (Rating) Act 2002, either the owner of the rating unit or a lessee under a registered lease of not less than 10 years, which provides that the lessee is required to be entered into the Rating Information Database as the ratepayer.

REASONABLE ACCESS has the same meaning as the Property Law Act 2007.

REMISSION means that the requirement to pay the rate levied for a particular financial year is forgiven in whole or in part.

STATUTORY LAND CHARGE means a charge registered against a Certificate of Title of a property by someone who has a financial interest in the property, such as debt or part ownership.

TREATY SETTLEMENT LANDS means any land which has been returned to Māori ownership in a Treaty Claims Settlement, or land which may have been purchased from Treaty settlement monies to replace land which could not be returned because it is in private ownership.

UNIFORM ANNUAL GENERAL CHARGE (UAGC) is a type of rate levied by Council. It is a fixed charge, or an amount that stays the same regardless of the value of the property. The UAGC is the same amount for all ratepayers across the District.

USED includes use for the purposes of any residential occupation of the land, or any activity for business or commercial purposes, including lease agreements, or storage of equipment, stock or livestock.

Common-Use Properties

Background

Section 20 of the LGRA 02 requires that multiple rating units be treated as one rating unit if they are:

a. Owned by the same person or persons; and,

b. Used jointly as a single unit; and,

c. Contiguous or separated only by a road, railway, drain, water race, river or stream.

This policy expands on the provisions of the Act, and provides for commercial operations to be treated as one rating unit to assist economic development in the district.

Policy Objectives

1. To provide for farming by treating multiple rating units as one rating unit if they are physically separated but used jointly as one farming operation.
2. To assist development in the District by treating multiple rating units of a development as a single rating unit for a maximum of three years.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statements

In addition to the provisions of section 20 of the LGRA 02, Council will treat the following separate rating units as a single rating unit if they are owned by the same person or entity:

a. A farm that consists of multiple rating units but functions as one commercial operation;

b. Rating units of a residential or commercial development which are vacant and owned by the original developer, pending their sale or lease to subsequent purchasers or lessees.

Conditions and Criteria

1. Applicants must provide sufficient evidence that the multiple rating units in question are being jointly used as a single farming operation, or are part of the same subdivision or commercial development.
2. In the case of a residential or commercial development, multiple rating units will be treated as a single rating unit for a maximum term of three years. This term is calculated from 1 July in the year that this provision first applies.
3. Residential or commercial developments that have already received this remission under a previous policy are not eligible for remission under this policy.
4. In the case of a farm, the separate multiple rating units must be owned or leased by the same person or entity. If any of the separate rating units are leased, the term of the lease must be 10 years or more, including rights of renewal. The owners of each of the separate rating units must confirm in writing that their unit is being jointly used as a single farming operation.
5. In the case of a farm, the rating units must be situated within a radius of two kilometres from the boundary of the primary property.
6. Council reserves the right to exclude any specific targeted charge from this policy.

Community, Sports and Not-for-profit Organisations

Background

Community and voluntary groups provide facilities to enhance and contribute to the wellbeing of the residents of the Far North. This policy provides rating relief for those organisations that operate for the benefit of the community.

Policy Objectives

1. To assist in the ongoing provision of community services and recreational opportunities that benefit Far North residents.
2. To facilitate and support access to drug, alcohol and mental health facilities for Far North residents.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statements

1. Council may remit up to 100% of the rates payable on land owned or used by:
    a. Registered Charitable Organisations or IRD approved donee organisations; or
    b. Any entity which has, as its principal purpose and function, the provision of free access to family counselling, or, assessment, counselling and in-patient treatment for people with alcohol, drug and mental health related problems.
2. Council may remit 50% of the rates payable on land owned or used by an entity whose principal purpose is to provide benefit to Far North residents through:
    a. the promotion of recreation, health, education, or instruction; or
    b. the running of a campground on land for the purposes listed in section 2(a) above.
3. Council may remit service charges, which may be sewerage only or any or all service charges at the sole discretion of Council.

Conditions and Criteria

1. Relevant financial information must accompany all applications. This includes:
    a. statement of organisation objectives
    b. full financial accounts
    c. information on activities and programmes
    d. details of membership or clients.
2. No remission will be given on land on which a licence under the Sale of Liquor Act is held.
3. No remission will be given on land where any person or entity receives private financial profit from the activities carried out on the land. All income earned by ratepayers and entities receiving a remission under this policy must be spent on reasonable salaries, wages and other costs reasonably related to its community, sports, or not-for-profit purposes.
4. Land used for an activity which is commercial in nature does not qualify for rates remission. For example an “op-shop” does not qualify for rating relief under this policy.

Excess Water Charges

Background

Individual consumers are responsible for:

a. the maintenance of their own internal reticulation system from the water meter to the house; and

b. payment for all water supplied through the meter.

Some consumers may experience an occasional water leak in their internal reticulation, and not be aware of the problem. This policy seeks to assist the ratepayer to cover excess water charges.

Policy Objectives

1. To assist ratepayers with excessive water charges due to a water leak.
2. To incentivise ratepayers to regularly check their water meter and maintain their internal water reticulation.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statements

1. Council may provide a full remission of excess water charges to the ratepayer once every 10 years where a leak in the internal reticulation of that property has resulted in water loss.
2. Council may provide a 50% remission of excess water charges to the ratepayer in the case of a separate leak on that property within 10 years following the grant of a first application.

Conditions and Criteria

1. Applications made under this policy must be received by Council within six months of the first notification to the ratepayer by Council of a possible leak.
2. Proof of repairs to the internal reticulation must accompany the application. This may be in the form of a detailed written report or an invoice for repairs from a registered plumber.
3. No remission will be given where the repairs have not been completed by a registered plumber.
4. Excess water charges resulting from any other leaks within the 10 year period are not eligible for remission.
5. The maximum relief that will be provided will be the difference between the normal consumption and the actual water consumption for that period.

Extreme Financial Hardship

Background

Council is sometimes approached by ratepayers who request rating relief due to extreme financial hardship. This policy outlines the conditions and criteria that must be met to receive rating relief in this situation.

Policy Objective

To assist ratepayers experiencing extreme financial hardship which affects their ability to pay rates.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statement

Council may remit rates for one year if the ratepayer is experiencing extreme financial hardship which affects their ability to simultaneously maintain a reasonable quality of life and pay their rates.

Conditions and criteria

1. The application will only be considered if the rating unit or portion of the rating unit is the ratepayer's primary residence and it is not used for business or commercial purposes.
2. If the applicant does not own the rating unit, the application must be accompanied by a letter of support from the owner or management structure.
3. The ratepayer must not own any property that may be used:
    a. as a holiday home or rental property; or
    b. for commercial activities, such as farming or business.
4. Council must be satisfied that the ratepayer is unlikely to have sufficient funds left over, after payment of rates, for normal day-to-day living expenses, normal health care, and maintenance of the home and chattels at an adequate and reasonably healthy standard.
5. An income and expenses declaration must accompany all applications. Council may require any information around the ratepayer's personal circumstances that it deems necessary to make a decision.
6. If rates are remitted pursuant to this section, the ratepayer will still be responsible for the amount of rates equal to the maximum rebate available under the central government **Rates Rebate Scheme** for the current rating year. Council is able to assist applicants for the Rates Rebate Scheme. If the ratepayer is not eligible for a rates rebate, they will still be responsible for paying this amount, and will be required to enter into a payment arrangement.
7. Remissions granted under this policy will apply from the beginning of the rating year in which the application is made and apply only to the current year's rates. The ratepayer must reapply for each year they wish to receive a remission under this policy.

Incentivising Māori Economic Development

Background

Council recognises that there is a need to incentivise economic development on Māori Freehold Land. Enabling and incentivising Māori economic development through the remission of rates may see direct economic and social benefits to landowners generating a return on the land, as well as to Council from future rates contributions, as the venture grows and becomes sustainable.

Policy Objectives

1. To provide incentives for Māori land owners to develop Māori Freehold Land for economic use.
2. To enable owners to develop an economic base and to assist with the subsequent payment of rates.

Scope

This policy applies to Māori Freehold Land.

Policy Statement

Council will remit rates on Māori Freehold Land for the purposes of incentivising economic development.

Conditions and Criteria

1. Council will remit rates under this policy on an eight-year sliding scale as follows:
    - Years 1-3 - 100% remitted
    - Year 4 - 90% remitted
    - Year 5 - 80% remitted
    - Year 6 - 60% remitted
    - Year 7 - 40% remitted
    - Year 8 - 20% remitted; and
    - Year 9 - 0% remitted
2. The land, or portion of the land, for which relief is sought must be considered suitable for development, and confirmed as currently unoccupied.
3. Applications must be accompanied by a business case, and a meeting with Council staff will be required to determine any other necessary documentation.
4. Key considerations by Council may include:
    a. professional advice has been obtained;
    b. there is a suitable management structure in place;
    c. appropriate financial arrangements for the development of the land have been made;
    d. suitable monitoring and reporting systems have or will be established; and
    e. realistic financial projections and cash flows have been provided.
5. Upon approval, a regular annual report and financial statements on the development must be submitted to Council each year.

Landlocked Land

Background

The Property Law Act 2007 enables owners of landlocked properties to take legal action in order to gain reasonable access to their property. Ratepayers may be unable to take action under these provisions of the Property Law Act due to their financial circumstances.

Policy Objectives

To provide rating relief to ratepayers where their land has no reasonable access and the ratepayer cannot afford to take action through the Property Law Act 2007.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statement

Council may postpone rates on landlocked land where there is no reasonable access as defined in the Property Law Act 2007.

Conditions and Criteria

1. The land must be landlocked as defined in Section 326 of the Property Law Act 2007.
2. The application must state why access cannot be obtained through procedures set forth in Part 6, Subpart 3, of the Property Law Act.
3. The application must include a statutory declaration that there is no practical access across adjoining land and that the land is not in use by any person, Fencing to prevent trespassing does not constitute use of the land.
4. The maximum term for the postponement of rates for landlocked property is three years. If the land remains landlocked at the end of that period, postponed rates will be remitted.
5. The owner must advise Council if the status of the land changes, if access is obtained, or if any person commences to use the land. Any rates postponed and not remitted under this policy will be immediately repayable if the land ceases to be landlocked during the period of the postponement.
6. The repayment of postponed rates will not be required merely because of a change of ownership of the land, provided that the land continues to comply with the criteria of this policy.

Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes

Background

The Far North District Council recognises that certain rateable land within the District is protected for outstanding natural landscape, cultural, heritage, or ecological purposes.

Policy Objectives

To provide rating relief to landowners who have reserved lands that have particular outstanding natural landscape, cultural, historic or ecological values for future generations.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statements

1. Council may **remit** rates on land subject to protection for outstanding natural landscape, cultural, historic or ecological purposes under the formal protection agreements listed in 2 a) through 2 g) of the conditions and criteria of this policy.
2. Council may **postpone** rates on land subject to protection for outstanding natural landscape, cultural, historic or ecological purposes under the formal protection listed in 2 h) of the conditions and criteria of this policy.

Conditions and Criteria

1. Applications must be supported by a copy of the formal protection agreement and a Management Plan detailing how the values of the land are to be maintained, restored, and/or enhanced.
2. The land must be subject to a formal protection agreement as set out below:
    a. An open space covenant under section 22 of the Queen Elizabeth the Second National Trust Act 1977; or
    b. A conservation covenant under section 77 of the Reserves Act 1977; or
    c. A Nga Whenua Rahui kawenata under section 77A of the Reserves Act 1977; or
    d. A declaration of protected private land under section 76 of the Reserves Act 1977; or
    e. A management agreement for conservation purposes under section 38 of the Reserves Act 1977; or
    f. A management agreement for conservation purposes under section 29 of the Conservation Act 1987; or
    g. A Māori reservation for natural, historic, or cultural conservation purposes under sections 338 to 341 of the Te Ture Whenua Māori Act 1993 (Māori Land Act 1993); or
    h. A covenant for conservation purposes under section 27 of the Conservation Act 1987.
3. The rating unit or portion of the rating unit that is the subject of the application must not be in use.
4. Where the entire rating unit is the subject of the application, the remission or postponement of rates will apply to all rates levied on the property.
5. If part of the protected area is being used, the used and unused portions will be separately valued and assessed as separate parts pursuant to Section 45 (3) of the Local Government (Rating) Act 2002. In these instances, the remission or postponement of rates will only apply to the unused portion of the rating unit.
6. The following activities will not constitute use of the land:

a. Work undertaken to preserve or enhance the features covenanted on the land, including but not limited to weed control, planting to counteract erosion, or erection of a fence to prevent trespassing.

b. The removal of material by Māori for cultural purposes.

7. Any remission or postponement granted under this policy will become effective on 1 July in the rating year following the submission of the application.

8. Any remission or postponement of rates on the land will be cancelled immediately in the event that the land ceases to be protected under a formal protection agreement. Postponed rates that have not been remitted will be repayable in the event that the covenant conditions and the Management Plan objectives are breached in the sole opinion of the Council, whose decision is final.

Specific Conditions and Criteria for Postponement of Rates

1. After a term of six years, the postponed rates for the first year of the covenant period will be remitted. After this, one additional year of the postponed rates will be remitted each year, so that a maximum of six years of postponed rates are held against the land at any given time.

2. Upon expiration of the covenant or other agreement**,** any rates that are postponed against the land at that time, which have not been remitted under paragraph 9 above, will become due.

3. The repayment of postponed rates will not be required as a result of a change of ownership, provided that the land continues to comply with all criteria.

4. Council will not seek repayment of postponed rates where future postponement is revoked due to Council changing its criteria for postponement.

Māori Freehold Land Not Used

Background

The Far North District Council recognizes the unique barriers to the use and development of Māori Freehold Land resulting from fragmented ownership. While Māori Freehold Land itself may not be difficult to use or develop, there may be challenges around the use and the financing of the development of the land which arise from fragmented ownership.

This policy provides relief by giving a remission where land is not used due to the difficulty of multiple ownership, obtaining collective agreement, or the lack of financing options. This policy does not apply to Māori Freehold Land in sole ownership.

Policy Objectives

1. To provide for rates remission for Māori Freehold Land under multiple ownership or portions thereof which are not used.
2. To avoid further alienation of Māori Freehold Land as a result of financial pressures that may be brought by the imposition of rates on unoccupied lands.

Scope

This policy applies only to Māori Freehold Land.

Policy Statement

Council may, upon application from the owners, authorised agents of the owners, or Council itself acting for the owners, agree to remit the rates on such unused land for a period not exceeding three years.

Conditions and Criteria

1. The land must be in multiple ownership. Land in sole-ownership is not eligible for rating relief under this policy.
2. The land must not be used by any person or entity.
3. If the land comes under use at any point, it will no longer receive remission of rates under this policy.
4. Council expects that any rating relief will be temporary, with each application limited to a term of three years. Council may consider renewing the rating relief upon the receipt of further applications from the owners.

New Users of Māori Freehold Land

Background

The Far North District Council recognises that significant rate arrears due to the challenges of multiple ownership can act as a disincentive to any new use of Māori Freehold Land where a New User could become responsible for the payment of any existing arrears of rates and penalties on the land. This policy has been developed to encourage use of Māori Freehold Land in these circumstances.

Policy Objective

To remove the barrier of rate debt for New Users to be able to use or develop the land.

Scope

This policy applies only to Māori Freehold Land.

Policy Statement

Council may postpone the arrears of rates on Māori Freehold Land subject to the land being continuously used by a New User and that person agreeing to pay the rates while they are using the land.

Conditions and criteria

1. The person proposing to use the land must be a New User.
2. Where land has recently moved from multiple ownership to sole ownership, the sole owner will be treated as a New User.
3. Council has the sole discretion as to whether or not to grant the application, and may seek additional information before making its final decision.
4. The New User using the land must, upon approval of the application, keep the current and future rates up to date for as long as they continue to use the land.
5. If the current and future rates are not paid within one month of the due dates, Council reserves the right to reapply the postponed rates to the land.
6. Postponed rates will remain as a charge on the property for a period of six years from the date on which the rate was assessed, after which time they will be remitted.

Papakainga on Māori Freehold Land

Background

The Far North District Council recognises the importance of Māori Freehold Land in providing landowners and their whanau with the opportunity to establish papakainga. The imposition of multiple Uniform Annual General Charges or other non-service related charges may act as a disincentive to occupying Māori Freehold Land for papakainga purposes.

The policy creates apportionments on land which is subject to a license to occupy or has an informal arrangement in place. This means that each occupier will pay rates only upon the land they occupy, rather than upon the entire area of the rating unit.

Policy Objectives

1. To put in place processes to allow the residents with occupation licenses or other informal arrangements to pay their portion of rates in respect of the land that they occupy.
2. To assist Māori to establish papakainga or other housing on Māori Freehold Land.
3. To assist Māori to establish an economic base for future development.

Scope

This policy applies only to Māori Freehold Land.

Policy Statement

Council may remit multiple UAGCs, as well as other charges, for separately used or inhabited parts of a rating unit which are subject to a licence to occupy or other informal arrangement.

Conditions and Criteria

1. The part of the land concerned must be the subject of a licence to occupy or other informal arrangement for the purposes of providing residential housing for the occupier.
2. The area of land covered by each arrangement must have a separate valuation issued by Council's valuation service providers and will be issued with a separate rate assessment pursuant to Local Government (Rating) Act 2002 Section 45 (3).
3. The occupier must agree to pay any rates assessed in respect of the part or division of the rating unit that is the subject of the application.
4. No portion of the service charges for utilities will be remitted.
5. Council reserves the right to cancel the remission on any part of a rating unit if the rates remain unpaid for a period of more than one month after the due date.
6. Uniform Annual General Charges and other charges on the land will remain in remission so long as the occupation continues to comply with the conditions and criteria of this policy.

Penalties

Background

Penalties are charged where rates instalments are not paid by the due date. Council recognises the economic hardship faced by some ratepayers. This policy provides for the remission of rates penalties on the grounds of financial hardship.

Policy Objective

To allow for the remission of penalties where the ratepayer has entered into repayment arrangements or there are reasonable grounds to remove the penalty.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statement

Council may remit rates penalties where the application provides a reasonable reason for remission.

Conditions and Criteria

1. Applications will be considered if:
   a. The applicant has a previous good record of payment and on-time payments of all rate instalments within the last two years, and an honest attempt has been made to have payment delivered on time; or
   b. The owner of the rating unit has been given insufficient notice of the invoice due date; or
   c. A request is made on compassionate grounds; or
   d. The ratepayer has entered into a Rates Easy Pay agreement and has maintained the arrangement to clear their outstanding rates.
2. Penalties may be remitted upon payment of all outstanding rates.

Properties Spanning Multiple Districts

Background

There are a small number of properties situated across the boundary line between the Far North District and other districts. These properties incur rates from both councils. This policy provides an equitable method of assessing rates for those properties.

Policy Objective

To recognise that some properties span multiple districts, and to ensure that only the portion of property within the Far North District is rated by the Far North District Council.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statement

Rates will be remitted on any portion of a property outside of the Far North District.

Conditions and Criteria

If there is a dwelling on the portion of the property within the Far North District:

- no portion of the Uniform Annual General Charge will be remitted; and
- the land value based rate will continue to be remitted on the portion outside of the Far North District.

Residential Rates for Senior Citizens

Background

The payment of rates for senior citizens on a limited income can affect their quality of life. This policy provides senior citizens with the option of postponing their rates to be paid until a sale of the rating unit takes place, or, in the event that they pass away, until the settlement of their estate. This will relieve elderly people of potential financial hardship, and enhance the quality of their lives, including the ability to remain in their home longer with limited income.

Policy Objective

To positively contribute to the quality of life for senior citizens by postponing rates payable.

Scope

This policy applies to General Title Land. Council does not consider the application of this policy appropriate for Māori Freehold Land; because of the nature of Māori Freehold Land, Council does not consider it appropriate to charge postponed rates to the land. Landowners of Māori Freehold Land are eligible for remission of rates under the Extreme Financial Hardship Policy.

Policy Statements

Council may postpone rates for ratepayers whose primary income is the New Zealand Superannuation Scheme. Any postponed rates will be postponed until:

a. The settlement of the ratepayer's estate following their death; or

b. The ratepayer ceases to be the owner or occupier of the rating unit; or

c. The ratepayer ceases to use the property as their primary residence; or

d. The accrued charges exceed 80% of the rateable value of the property (postponed rates will remain due for payment only on death, sale, or the date specified by Council); or

e. A date specified by the Council.

Conditions and Criteria

1. Postponement under this policy will only apply to ratepayers who are:
   a. eligible to receive the New Zealand Superannuation Scheme, which is, or will be, their primary income; or
   b. on a fixed income.

2. The rating unit must be used by the ratepayer as their primary residence. This includes, in the case of a family trust owned property, use by a named individual or couple.

3. The ratepayer must not own any property that may be used:
   a. as a holiday home or rental property; or
   b. for commercial activities, such as farming or business.

4. Council must be satisfied that the ratepayer is unlikely to have sufficient funds left over, after payment of rates, for normal day to day living expenses, normal health care, and maintenance of the home and chattels to an adequate and reasonably healthy standard.

5. Council reserves the right to request any information around the ratepayer's personal circumstances that it deems necessary to make a decision.

6. People occupying a unit in a retirement village under a licence to occupy must have the agreement of the owner of the retirement village before applying for postponement of the rates payable on their unit.
7. If a property is still under a mortgage, a written and signed approval must be obtained from the Mortgagee as part of the application. This is because the payment of postponed rates will have priority over mortgage payments.
8. Properties that are the subject of a reverse mortgage are not eligible for rating relief under this policy.
9. Council has the right to decline rates postponement for a property that is in a known hazard zone. This is to minimise any risk of loss to Council.
10. Postponed rates will be registered as a statutory land charge on the rating unit title, meaning that Council will have first claim on the proceeds of any revenue from the sale or lease of the rating unit.
11. If rates are postponed, the ratepayer will still be responsible for the amount of rates equal to the maximum rebate available under the central government **Rates Rebate Scheme** for the current rating year. Council is able to assist applicants for the Rates Rebate Scheme. If the ratepayer is not eligible for a rates rebate, they will still be responsible for paying this amount, and will be required to enter into a payment arrangement to cover this portion.
12. Council will charge an annual administrative fee on postponed rates.
13. The postponed rates or any part thereof may be paid to Council at any time.
14. The property must be insured at the time the application is granted and must be kept insured. Evidence of this must be produced annually.
15. Senior citizens for whom rates are being postponed under this policy must promptly inform Council of any substantial change in their financial status which might affect their eligibility for such postponement.
16. For senior citizens who have had rates postponed under this policy but are no longer eligible for the postponement, those rates will remain postponed, and new rates will be charged accordingly.

School Sewerage Charges

Background

The Council recognises that schools may be disproportionately charged for sewerage services where there are a higher number of toilets in relation to the actual number of students enrolled in schools. This policy ensures that schools are equitably charged for sewerage services.

Policy Objective

To ensure equitable rating of educational establishments by providing relief for sewerage charges.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statements

Where the nominal number of pans is less than the actual number of pans, sewage charges will be remitted on those pans that make up the difference between the two.

Conditions and Criteria

1. This policy applies to those educational establishments specified in Schedule 1, clause 6 of the Local Government (Rating) Act 2002.
2. The nominal pan number will be calculated as one pan per 20 students/staff members or part thereof.
3. This policy does not apply to residential dwellings on school property.
4. The number of students in an educational establishment is the number of students on its roll on 1 March of the year immediately before the year to which the charge relates.
5. The number of staff in an educational establishment is the number of full time teaching equivalent (FTTE) staff and full time equivalent (FTE) administration staff employed by that educational establishment on 1 March of the year immediately preceding the year to which the charge relates.

Treaty Settlement Lands

Background

Council recognises that post-settlement governance entities (PSGEs), which are formed to receive properties returned as a part of Treaty of Waitangi settlements, will require time to develop strategic plans, restore protections, and complete necessary works for cultural and commercial redress properties. These properties can be classed as General Title, which means that the rating relief policies for Māori Freehold Land do not apply to all of these properties. This policy has been developed in recognition of these circumstances.

Policy Objective

To recognise that lands acquired as part of a Treaty settlement process may have particular conditions or other circumstances which make it appropriate to remit rates.

Scope

This policy applies only to Treaty Settlement Lands.

Policy Statement

Council will agree to remit rates on Treaty Settlement Lands subject to the criteria set out below.

Conditions and Criteria

1. Before remission of rates may come into effect, Council must receive an appropriate and satisfactory application supported by sufficient documentation. Any remission granted will come into effect as of the date of that application.
2. The applicant must provide proof that the land which is the subject of the application is Treaty Settlement Land.
3. Returned lands that were non-rateable under the previous ownership will receive a full rates remission for a period of three years.
4. Where returned lands are commercial redress properties and are not used, Council will grant a 50% remission for a period three years.
5. Where the returned lands are commercial redress properties and meet the criteria as outlined in the Incentivising Māori Economic Development Policy, Council will remit rates on an eight-year sliding scale as follows:
    - Years 1-3 - 100% remitted
    - Year 4 - 90% remitted
    - Year 5 - 80% remitted
    - Year 6 - 60% remitted
    - Year 7 - 40% remitted
    - Year 8 - 20% remitted; and
    - Year 9 - 0% remitted

Unusable Land

Background

Natural disasters can cause land to become unusable for a long period of time. This policy addresses the issue of land that had been made unusable by a natural disaster.

Policy Objective

To provide rating relief to the owners of properties that have become unusable as a result of a natural disaster, and where the loss of the use of the property will result in financial hardship to the owner.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statement

Council may grant a remission of rates on land that has become indefinitely unusable as a result of a natural disaster.

Conditions and Criteria

1. The applicant must set out in detail the nature of the natural disaster that has caused the land to be unusable.
2. The application must outline the steps that the owner has taken, or will take, to return the land to a usable state. If this is not possible, the application must state why.
3. The application must be supported by a geotechnical report from a registered engineer setting out the reasons why the land has become, and will remain, unusable.
4. The applicant will be required to sign an agreement that any remission will be cancelled immediately if the land is returned to a usable state.

Wastewater Charges on Government Funded Subsidy Schemes

Background

From time to time, Central Government establishes funds to assist the development of wastewater schemes in communities that might not otherwise be able to afford it. The Government subsidy assists in the capital costs of a scheme. This policy ensures that the benefit of the Government subsidy is passed on to ratepayers in those communities that are of greatest need.

Policy Objectives

1. To comply with the requirements of Government Funded Subsidy Schemes.
2. To ensure that ratepayers in those communities of greatest need receive a benefit from the subsidy in the form of reduced charges.

Scope

This policy applies to both General Title and Māori Freehold Land.

Policy Statement

The Far North District Council will provide a remission for the capital portion of the wastewater charge for new schemes funded by Government Subsidy where the deprivation index of that community is seven or higher.

Conditions and Criteria

1. Where the policy applies, Council will automatically grant the remission to the rate accounts that qualify.
2. The remission will only apply to the capital portion of each year's rate and is only available to existing properties and their owners at the time that the relevant wastewater scheme became operational.
3. The remission will terminate upon a change of ownership, or 10 years after the date at which the sewerage scheme became operational, whichever comes first.
4. Where a qualifying property is subdivided, any new rating units that are created over and above the original single rating unit will not be eligible for this remission.

Proposed Policies for Revocation

Background

Section 109 of the LGA 02 provides for a remission or postponement policy to be revoked. The following policies have been reviewed and are proposed to be revoked for the reasons outlined below.

Remissions of Additional Penalties

This policy provides for ratepayers to apply for a remission of additional penalties where they have entered into a Rates Easy Pay agreement to pay outstanding arrears over an agreed period of time.

Rationale for revocation

On 5 June 2015 Council resolved to cease charging and remit all additional penalties outstanding on rate accounts prior to 30 June 2015. The Remission of Additional Penalties policy is now redundant.

Remission of Postponed Rates

This policy directs Council to remit postponed rates that have reached the predetermined age or term as provided for in the rates postponement policies.

Rationale for revocation

This policy is no longer required because each postponement policy now, where appropriate, contains a condition that once postponed rates reach the maximum term, they will be remitted.

Remission of Rates on Land that has made Lump Sum Contributions

Prior to Local Government reorganisation in 1989, a number of sewerage schemes were established or enhanced using loans. In certain cases, the ratepayers were offered the opportunity to make a lump sum contribution rather than paying an annual loan rate. This policy provides a remission for ratepayers that have already made lump sum contributions to the cost of these loans.

Rationale for revocation

Council does not have any claims for remissions under this policy and there are no lump sum contribution schemes. If there was future provision for lump sum contributions, Council automatically applies a remission.

Transitional policy for the Postponement of Rates on Farmland

The Rating Valuations Act used to provide rating relief to farm owners with high rates because of the potential to develop the land. This Act was repealed and Council introduced this policy to continue rates relief for farms in proximity to high valued urban or coastal areas and to reduce the incidence of coastal development.

Rationale for revocation

This policy does not provide for any new applications to be made to Council. Eleven properties are currently subject to this policy and have existing agreements with Council. Therefore this policy is no longer required. Agreements will cease if the land is developed or sold.

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RATING RELIEF POLICIES

Overview

REVIEW PROCESS

The review of the rating relief policies was conducted based on the following principles:

1. The policies reflect an equitable system of rating relief
2. The intent of the policies is addressing issues that relate to the rating unit and/or the ratepayer
3. The policies align with Council's community outcomes
4. The policies are clear and easily understood by the customer
5. The policies can be easily and consistently applied by staff.

A collaborative, cross-Council approach was undertaken with the project led by Strategy, Policy and Planning. Discussions and peer review of the policies was undertaken by staff from the Ratings Team, the Enabling Māori Freehold Land team, and the Community Development team. Expert opinions were sought from in-house legal counsel and the Chief Financial Officer.

KEY ISSUES IDENTIFIED IN CURRENT POLICIES

1. There was significant repetition across and within the policies
2. The language of some policies was complex, which made them hard to read and understand for the customer, and hard to consistently apply for staff
3. The structure, titles and overall presentation of the suite of policies made it difficult for the customer to navigate and identify the appropriate relief mechanism to address their issue.
4. Some conditions and criteria were already covered by or contradicted primary legislation
5. A number of policies could be applied to both General Title and Māori Freehold Land
6. The scope of some policies needed to be reduced to ensure they were equitable
7. We needed to ensure we recognised the unique history and nature of Māori Freehold Land ownership
8. There was a need for new policies to address specific issues.

Alignment with Community Outcomes

Community Outcomes have been identified for each policy and are represented by the icons next to the title

	Liveable communities that are healthy, safe, connected and sustainable
	'Can do' communities prepared for the unexpected
	Proud, vibrant communities
	Prosperous communities supported by a growing economy
	A wisely managed and treasured environment

COMMON USE PROPERTIES

Formerly: Remission of charges on contiguous properties

Policy Statements

In addition to the provisions of section 20 of the Local Government (Rating) Act 2002, Council will treat the following separate rating units as a single rating unit if they are owned by the same person or entity:

a. A farm that consists of multiple rating units but functions as one commercial operation;

b. Rating units of a residential or commercial development which are vacant and owned by the original developer, pending their sale or lease to subsequent purchasers or lessees.

Policy Objectives

1. To provide for farming by treating multiple rating units as one rating unit if they are physically separated but used jointly as one farming operation.
2. To assist development in the District by treating multiple rating units of a development as a single rating unit for a maximum of three years.

Changes	Rationale
Change in the focus of the policy from 'contiguous' to 'common-use'.	Contiguous properties are already treated as one rating unit under the LGRA. This policy expands on the LGRA to treat common-use properties as one rating unit.
Removed the exclusion of lifestyle farms.	Section 20 of the LGRA does not specifically exclude lifestyle farms.
Removed the ability for subdivision/developments to apply for an extension.	Aims to encourage the development of rating units to respond to growth in the District and to discourage land banking.

Impact Assessment

Financial	Operational
25 subdivision/development remissions are in the first 3 years - $27,381.85 44 subdivisions/developments are in the final 3 years - $39,852.21	Fewer applications are likely to be processed by Council because the ability to apply for an extension has been removed.

Assumptions
By removing the 3 year extension previously available to commercial subdivision/development we can assume that we will be receiving the full rates for the 25 subdivision/developments that are currently on their first 3 year remission and any subsequent subdivision/developments that apply under this policy.

COMMUNITY, SPORTS AND NOT-FOR-PROFIT ORGANISATIONS

Formerly: Remission of rates on land owned or used by charitable or community organisations

Policy Statements

1. Council may remit up to 100% of the rates payable on land owned or used by:
   a) Registered Charitable Organisations or IRD approved donee organisations; or
   b) Any entity which has, as its principal purpose and function, the provision of free access to family counselling, or, assessment, counselling and in-patient treatment for people with alcohol, drug and mental health related problems.
2. Council may remit 50% of the rates payable on land owned or used by an entity whose principal purpose is to provide benefit to Far North residents through:
   a) the promotion of recreation, health, education, or instruction; or
   b) the running of a campground on land for the purposes listed in section 2(a) above.
3. Council may remit service charges, which may be sewerage only or any or all service charges at the sole discretion of Council.

Policy Objectives

1. To assist in the ongoing provision of community services and recreational opportunities that benefit Far North residents.
2. To facilitate and support access to drug, alcohol and mental health facilities for Far North residents.

Changes	Rationale
100% remission available for 'registered charitable and IRD donee approved organisations', rather than 'charitable or community organisations' in general.	These organisations provide public benefit through the use of private land, and are legally restricted to use all funds for public benefit.
50% remission for other 'community organisations' remains the same, but specific reference to NZ Plunket, NZ Scouts, St John Order, YHA has been removed.	The listed organisations would either be eligible for 100% remission if they are a registered charity or IRD donee organisation, or receive the 50% remission which they currently receive.
Service charges may be remitted for certain organisations.	Some organisations may not pay rates on the building they occupy but may still be paying service charges.
Inclusion of mental health and in-patient drug and alcohol care.	Council contribution to recognising the increased prevalence of mental health in our District and enabling the treatment of drug and alcohol related problems.

Impact Assessment

Financial	Operational
46 remissions for the 2017/18 year = $76,182.70	Rates team can access the list of Charitable Organisations and IRD donee approved organisations.

Assumptions

We can assume that the rates remission total could double as per the case study example below to over $150,000 per year.

Case Study Example

Property 3311839 (Community Services- Hall) currently receives a 50% remission ($635.08). If it becomes a Charitable Organisation or IRD donee approved it may receive a 100% remission ($1,270.12). If we also remit the service charges the total remission will be $2,529.74.

EXCESS WATER CHARGES

Formerly: Remission of excess water charges

Policy Statements

1. Council may provide a full remission of excess water charges to the ratepayer once every ten years where a leak in the internal reticulation of that property has resulted in water loss. Such a remission will only be considered after the ratepayer provides proof that the leak has been repaired.
2. Council may provide a 50% remission of excess water charges to the ratepayer in the case of a second leak on that property within 10 years following the grant of a first application.

Policy Objectives

1. To assist ratepayers with excessive water charges due to a water leak.
2. To incentivise ratepayers to regularly check their water meter and maintain their internal water reticulation.

Changes	Rationale
Change in timeframe for a remission – from once in the life of the property to once every 10 years for the ratepayer.	One remission for the lifetime of the property was considered to be unreasonable. Once every 10 years will provide more opportunities for Council to educate ratepayers to regularly check their water meters and reticulation from the meter to the house for potential leaks.

Impact Assessment

Financial	Operational
140 remissions granted in 2016/17 = $125,094.69. Average remission = $893.53.	There may be an increase in the number of applications.

Assumptions

The total amount remitted under this policy is likely to increase annually by at least $145,290.

Case Study Example

Property 3337242 will receive a 100% remission on excess water charges of $2,960.24. Should the ratepayer experience another leak within the 10 year period on the same property, they may receive a 50% remission of $1,480.12.

EXTREME FINANCIAL HARDSHIP

Formerly (part of): Postponement of rates on residential land

Policy Statement

Council may remit rates for one year if the ratepayer can be proven to be experiencing extreme financial hardship which affects their ability to simultaneously maintain a reasonable quality of life and pay their rates.

Policy Objective

To assist ratepayers experiencing extreme financial hardship which affects their ability to pay rates.

Changes	Rationale
Change from postponement to an annual remission.	A postponement would place further financial pressure on the ratepayer by incurring a debt. Annual remission aligns with rates rebate processes.
New requirement that the property is their primary place of residence and not a holiday home.	Remitting for holiday homes is inconsistent with the overall objective of the policies to ensure equity.
New requirement that applicants are responsible for paying the maximum potential rebate as per the Rates Rebate Scheme.	If a ratepayer is under extreme financial hardship, they should be able to apply for the Rates Rebate Scheme and should be using the rebate to pay a portion of the rates.
New requirement for applicants to enter into a payment arrangement, such as Rates Easy Pay, for the maximum potential rebate if they are not able to receive the rebate.	This addresses any potential non-payment and maintains an equitable approach across the policies.
Includes Māori Freehold Land.	Recognises that extreme financial hardship is present amongst ratepayers of Māori Freehold Land. The change of postponement to remission now makes it possible to apply this policy without potentially alienating owners from their land.

Impact Assessment

Financial	Operational
Only one existing postponement for a holiday home under the old Residential Lands Rates policy.	Consistent and equitable application of the policy criteria.

Assumptions

In the FND, based on the 2013 census, there are 1,830 households that earn less than $25,000 per year and are owned/partly owned by the occupiers. In the unlikely event that all of these households apply and meet the conditions of the policy, a maximum amount of $2.8 million could be remitted per year. However, some of these households may account for a significant portion of our 'doubtful debt' provision. This policy may provide an effective mechanism to reduce the doubtful debt associated with these households.

Case Study Example

A remission for extreme financial hardship is a new policy, formerly part of the Postponement of Rates on Residential Land.

INCENTIVISING MĀORI ECONOMIC DEVELOPMENT

New Policy

Background

Council recognises that there is a need to incentivise economic development on Māori Freehold Land. Enabling and incentivising Māori economic development through the remission of rates may see direct economic and social benefits to the landowners generating a return on the land, as well as to Council from future rates contributions, as the venture grows and becomes sustainable.

Policy Statement

Council will remit rates on Māori Freehold Land for the purposes of incentivising economic development.

Policy Objectives

1. To provide incentives for Māori land owners to develop Māori Freehold Land for economic use.
2. To enable owners to develop an economic base and to assist with the subsequent payment of rates.

Key Criteria	Rationale
Council will remit rates under this policy on an eight-year sliding scale as follows: • Years 1-3 - 100% remitted • Year 4 - 90% remitted • Year 5 - 80% remitted • Year 6 - 60% remitted • Year 7 - 40% remitted • Year 8 - 20% remitted; and • Year 9 - 0% remitted	10-20% decreases in remission over an 8 year sliding scale provide a gradual decrease in the remission over time. Feedback from business operators is that a return on the business can take up to 6 years.
Applicants need to have a business case and to meet with Council staff to discuss the development.	Provides an opportunity for the Enabling Māori Freehold Land Team to have a conversation with the applicant and provide assistance.
A regular annual report and financial statements on the development must be submitted to Council each year.	For the purposes of accountability, while recognising some smaller ventures may not require such in-depth documentation/evidence.

Impact Assessment

Financial	Operational
In the 16/17 year, 317 new applications for remissions on Māori Freehold Land Not Used were received. This policy supports the EMFL team to bring these landowners into the rate-paying base and remain sustainable.	Feedback from the Rates Team is that adjusting a remission annually between years 4-8 will cause significant increase in workload, and that a sliding scale which changes every 3 years is their preferred approach (for example 100% Years 1-3; 50% Years 4-6; 25% years 7-9).

Assumptions

We can assume that as the EMFL team work with landowners, the total remissions from the Māori Freehold Land Not Used policy may decrease as the rating units are developed and return to the rating base. We can also assume that this will have an impact on the doubtful debt provision as the rates arrears are cleared and the rating units move from a remission to rate-paying.

Case Study Example

Property 2406379 is an example of a significant land holding that will benefit from this policy. The trust that manages the station is seeking to diversify their land asset to achieve an economic return. However, an increasing rates debt on the portion of the land they are seeking to develop is making it difficult to advance the strategic plan.

If this policy is applied using the eight-year sliding scale, Council would see a total rates remission of $142,747 and receive a total of $102,098.

LANDLOCKED LAND

Formerly: Postponement of rates on landlocked general title land

Policy Statement

Council may postpone rates on landlocked land where there is no reasonable access as defined in the Property Law Act 2007.

Policy Objective

To provide rating relief to ratepayers where their land has no reasonable access and the ratepayer cannot afford to take action through the Property Law Act 2007.

Changes	Rationale
Updated the definition of landlocked land pursuant to the Property Law Act 2007. This updated definition does not require landowners to explore access by sea before a property is deemed landlocked.	Legislative requirement.
Includes Māori Freehold Land.	Consistent with equitable approach to policies.

Impact Assessment

Financial	Operational
Only one current application for Landlocked Land; no existing remissions. 1079 MFL parcels with no direct access, a total of 28,080 hectares.	A test for what is considered 'reasonable access' will need to be developed. Current operational practice is for landowners to seek access through under the Property Law Act, if they are declined through that process, they will receive a remission.

Assumptions

There may be an increase in the number of applications under this policy because Māori Freehold Land is now included in the scope.

Case Study Example

As an example of testing "reasonable access", this rating unit has an unformed paper road to the property that runs through a neighbouring property. This neighbouring property has been developed and is used as an orchard. Taking action under the Property Law Act would be costly and the impact to the neighbouring property would be significant. Until alternative access rights are developed with other neighbouring properties, there is no "reasonable access" to this rating unit.

LAND SUBJECT TO PROTECTION FOR OUTSTANDING NATURAL LANDSCAPE, CULTURAL, HISTORIC OR ECOLOGICAL PURPOSES

Formerly: Remission of rates on land subject to protection for outstanding landscape, cultural, historic or ecological purposes AND Postponement of rates on land subject to protection for outstanding landscape, cultural, historic or ecological purposes

Policy Statements

1. Council may **remit** rates on land subject to protection for outstanding natural landscape, cultural, historic or ecological purposes under the formal protection agreements listed in 2 a) through 2 g) of the conditions and criteria of this policy.
2. Council may **postpone** rates on land subject to protection for outstanding natural landscape, cultural, historic or ecological purposes under the formal protection listed in 2 h) of the conditions and criteria of this policy.

Policy Objective

To provide rating relief to landowners who have reserved lands that have particular outstanding natural landscape, cultural, historic or ecological values for future generations.

Changes	Rationale
Amalgamation of the postponement and remission policies	Brings the mechanisms for rating relief together for the benefit of the ratepayer
Scope of formal protection agreements expanded to include Ngā Whenua Rāhui kawenata under section 77A of the Reserves Act 1977	Recognises that this is a legitimate form of protection.

Impact Assessment

Financial	Operational
There are currently 222 applications granted under the remissions policy and 55 applications granted under the postponement policy.	N/A

Assumptions
There may be an increase in applications for this policy for land protected by a Ngā Whenua Rāhui kawenata. There are currently five Ngā Whenua Rāhui kawenata in the District.

MĀORI FREEHOLD LAND NOT USED

Formerly: Remission of rates on unoccupied Māori Freehold Land

Policy Statement

The Far North District Council may, upon application from the owners, authorised agents of the owners, or Council itself acting for the owners, agree to remit the rates on such unused land for a period not exceeding three years.

Policy Objectives

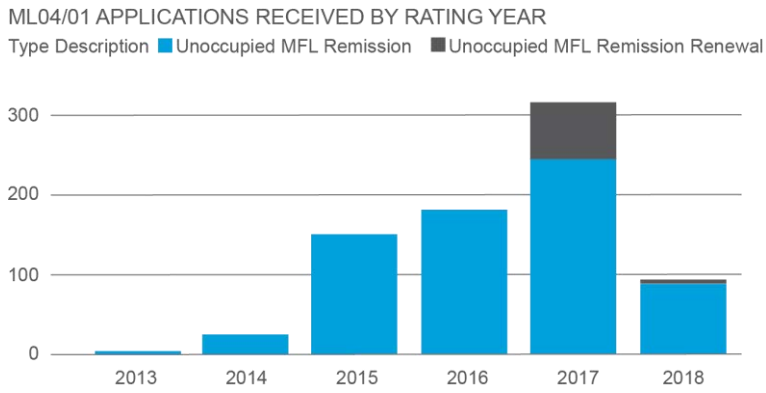
1. To provide for rates remission for Māori Freehold Land under multiple ownership or portions thereof which are not used.
2. To avoid further alienation of Māori Freehold Land as a result of financial pressures that may be brought by the imposition of rates on unoccupied lands.

Key Criteria	Rationale
The definition of "Use" has been explained in more detail.	Allows for a more consistent application and addresses issues of equity.
Removed the condition that unused MFL that is deemed to have high amenity value cannot receive a remission.	This contradicts the Regional Policy Statement regarding the protection of the natural character of the coast.

Impact Assessment

Financial	Operational
Total remissions of. $1,638,878.33 over 381 assessments.	Dedicated team has now been established to work with these rating units to support the development of these rating units.

Assumptions



The establishment of the Enabling Māori Freehold Land team has seen an increase in remissions under this policy for 2017 as they have processed an extensive backlog of applications with significant rates arrears. We can assume that this will decrease as the team works with owners to develop the land.

NEW USERS OF MĀORI FREEHOLD LAND

Formerly: Postponement of rates on Māori Freehold Land

Policy Statement

Council may postpone the arrears of rates on Māori Freehold Land subject to the land being continuously used by a New User and that person agreeing to pay the rates while they are using the land.

Policy Objective

To remove the barrier of rate debt for New Users to be able to use or develop the land.

Changes	Rationale
Provision for a sole-owner to be treated as a new user with rates arrears postponed as well, where the land was previously in multiple-ownership.	Recognises that the nature of multiple-ownership can create a rates debt that may be passed on to a sole owner.

Impact Assessment

Financial	Operational
The current total for postponed rates under this policy is approximately $510,000.	N/A

Assumptions

We may see an increase in applications from sole-owners that have recently had the land succeeded to them or they have purchased the land from multiple owners. This is uncommon and we would not expect a significant increase.

Case Study Example

Property 2426751 has a rates arrears of $7,051.32. The owner of the rating unit recently succeeded the land through the Māori Land Court from multiple ownership to sole ownership making the sole owner responsible for the rates arrears. This policy now allows the owner to work towards the development of the unused land, be it for conservation purposes or holding the land for future generations which may see the land enter into a Ahu Whenua Trust or Whānau Trust.

PAPAKAINGA ON MĀORI FREEHOLD LAND

Formerly: Remission of rates on Māori Freehold Land used for the purposes of Papakainga or other housing purposes subject to occupation licenses or other informal arrangements

Policy Statement

Council may remit multiple UAGCs, as well as other charges, for separately used or inhabited parts of a rating unit which are subject to a licence to occupy or other informal arrangement.

Policy Objectives

1. To put in place processes to allow the residents with occupation licenses or other informal arrangements to pay their portion of the rates in respect of the land that they occupy.
2. To assist Māori to establish papakainga or other housing on Māori Freehold Land.
3. To assist Māori to establish an economic base for future development.

Changes	Rationale
Aligned definition of Papakainga to District Plan.	Provides for strategic alignment.

Impact Assessment

Financial	Operational
N/A	N/A

Assumptions
N/A

PENALTIES

Formerly: Remission of penalties

Policy Statement

Council may remit rates penalties where the application provides a reasonable reason for remission.

Policy Objective

To allow for the remission of penalties where the ratepayer has entered into repayment arrangements or there are reasonable grounds to remove the penalty.

Changes	Rationale
No significant changes. Minor wording only.	

Impact Assessment

Financial	Operational
N/A	N/A

Assumptions
N/A

PROPERTIES SPANNING MULTIPLE DISTRICTS

Formerly: Remission of charges on properties only partly within District

Policy Statement

Rates will be remitted on any portion of a property outside of the Far North District.

Policy Objective

To recognise that some properties span multiple districts and to ensure that only the portion of property within the Far North District is rated by the Far North District Council.

Changes	Rationale
No significant changes. Minor wording only.	

Impact Assessment

Financial	Operational
N/A	N/A

Assumptions
N/A

RESIDENTIAL RATES FOR SENIOR CITIZENS

Formerly (part of): Postponement of rates on residential land

Policy Statements

Council may postpone rates for ratepayers whose primary income is the New Zealand Superannuation Scheme. Any postponed rates will be postponed until:

a. The settlement of the ratepayer's estate following their death; or

b. The ratepayer ceases to be the owner or occupier of the rating unit; or

c. The ratepayer ceases to use the property as their primary residence; or

d. The accrued charges exceed 80% of the rateable value of the property (postponed rates will remain due for payment only on death, sale, or the date specified by Council); or

e. A date specified by the Council.

Policy Objective

To positively contribute to the quality of life for senior citizens by postponing rates payable.

Changes	Rationale
New requirements for eligibility of this policy: a fixed income and currently on or will be on the NZ Superannuation Scheme.	Creates clear, equitable criteria for applicants and future proofs the policy if the retirement age changes.
The ratepayer is now still responsible for the maximum amount that could be obtained through a rates rebate.	If a ratepayer is under extreme financial hardship, they should be able to apply for the Rates Rebate Scheme and should be using the rebate to pay a portion of the rates.
The postponement now only applies to the primary place of residence and does not apply to holiday homes.	Is inconsistent with the overall objective of the policies to ensure equity.

Impact Assessment

Financial	Operational
20 postponements under previous policy, 6 have been paid in full. 14 remain in place with a total postponement of $241,704.13.	A 30 year financial strategy would need to be developed to take into consideration potential long-term postponements. Charges on rating units would need to be applied.

Assumptions

The 2013 census shows that 6,960 people over the age of 65 stated they owned or partly owned their usual residence in the FND, with approximately 62.1% living with a partner. According to the Retirement Commission, 50% of the 65+ population say the NZ Super is their main source of income. If we make an extreme assumption that approximately 2,399 households of 65+ in our district rely on NZ Super and 50% may seek to receive a postponement on their rates. Based on the average rates assessment of $2,179 and the deduction of the rates rebate of $620, the total potential rates postponement could be $1,870,800 per year. We know that the 65+ population in the FND, based on medium projections, is projected to increases from 10,500 (2013) to 18,700 (2033).

Case Study Example

Property 2433242 currently receives a postponement of rates. The owner is 71 years old. The total years rates are $1,506.74. The total that would be postponed after the rates rebate of $620 is deducted will be $886.74.

SCHOOL SEWERAGE CHARGES

Formerly: Remission of school sewerage charges

Policy Statement

Where the nominal number of pans is less than the actual number of pans, sewerage charges will be remitted on those pans that make up the difference between the two.

Policy Objective

To ensure equitable rating of educational establishments by providing relief for sewerage charges.

Changes	Rationale
No significant changes. Minor wording only.	

Impact Assessment

Financial	Operational
N/A	N/A

Assumptions
N/A

TREATY SETTLEMENT LANDS

New Policy

Background

Council recognises that post-settlement governance entities (PSGEs), which are formed to receive properties returned as a part of Treaty of Waitangi settlements, will require time to develop strategic plans, restore protections, and complete necessary works for cultural and commercial redress properties. These properties can be classed as General Title, which means that the rating relief policies for Māori Freehold Land do not apply to all of these properties. This policy has been developed in recognition of these circumstances.

Policy Statement

Council will agree to remit rates on Treaty Settlement Lands subject to the criteria set out below.

Policy Objective

To recognise that lands acquired as part of a Treaty settlement process may have particular conditions or other circumstances which make it appropriate to remit rates.

Key Criteria

1. Where the returned lands are cultural redress properties, are unused, and do not meet the underlying criteria within Schedule 1 of the Local Government Rating Act 2002, rates will be remitted.
2. Where the returned lands are commercial redress properties and are not used, Council will grant a 50% remission for a maximum of 3 years.
3. Where the returned lands are commercial redress properties and meet the criteria as outlined in the Incentivising Māori Economic Development Policy, Council will remit rates on an eight-year sliding scale as follows:

- Years 1-3 - 100% remitted
- Year 4 - 90% remitted
- Year 5 - 80% remitted
- Year 6 - 60% remitted
- Year 7 - 40% remitted
- Year 8 - 20% remitted; and
- Year 9 - 0% remitted

Rationale

Provides the PSGEs time to develop their strategic plans for the use or protection of cultural or commercial redress properties. Most of these lands were previously not rated.

Impact Assessment

Financial

N/A

Operational

The process of remission and postponement will need to be developed for Treaty Settlement Lands. Feedback from the Rates Team is that adjusting a remission annually between years 4-8 will cause significant increase in workload, and that a sliding scale which changes every 3 years is their preferred approach (for example 100% Years 1-3; 50% Years 4-6; 25% years 7-9).

Assumptions

There are currently 47 Properties identified as Treaty Settlement Lands. Some are paying rates, however, there is an outstanding debt on some of these lands totalling $116,160.17 which may reflect the need for this policy. We can assume that the number of properties will increase as the remaining claims are settled. However, we have not previously been receiving rates from these lands so if adopted, these policies will lead to the receipt of rates in due course.

Case Study Example

Property 2400411 would receive a total remission of $7378.10 over the 8 year sliding scale.

UNUSABLE LAND

Formerly: Postponement of rates on unusable land

Policy Statement

Council may grant a remission of rates on land that has become indefinitely unusable as a result of a natural disaster.

Policy Objective

To provide rating relief to the owners of properties that have become unusable as a result of a natural disaster, and where the loss of the property will result in financial hardship to the owner.

Changes	Rationale
Change from a postponement to a remission.	This policy is for land that has become indefinitely unusable to ensure equity of rates payable where the land can no longer be used for its intended purpose. If the land becomes usable again the remission will cease.
Includes Māori Freehold Land in scope.	Consistent with equitable approach of policies.

Impact Assessment

Financial	Operational
N/A	N/A

Assumptions
N/A

WASTEWATER CHARGES ON GOVERNMENT FUNDED SUBSIDY SCHEMES

Formerly: Remission of sewerage charges on schemes funded by Government subsidy schemes

Policy Statement

The Far North District Council will provide a remission for the capital portion of the wastewater charge for new schemes funded by the Government Subsidy Scheme where the deprivation index of that community is seven or higher.

Policy Objectives

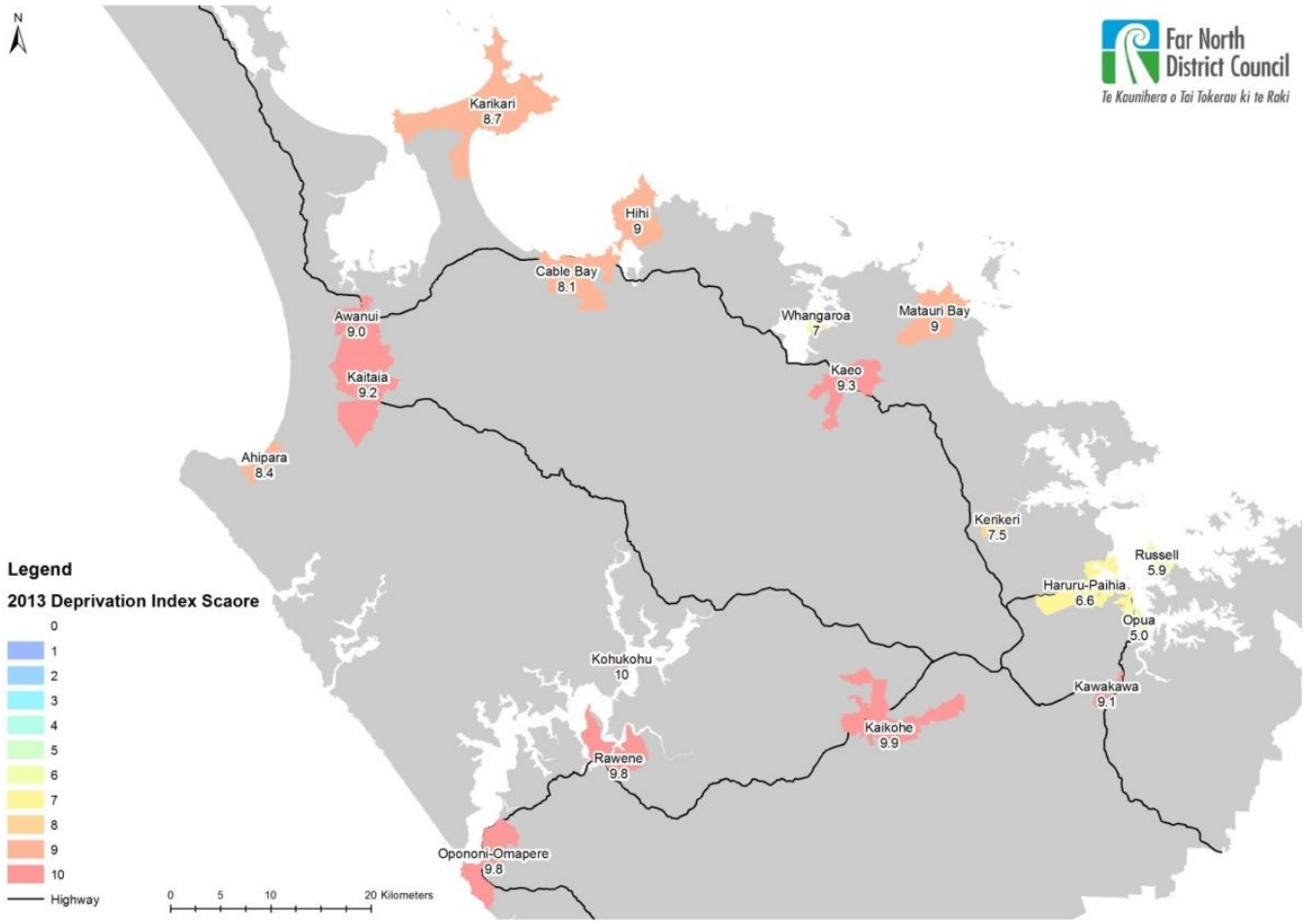
1. To comply with requirements of Government Funded Subsidy Schemes.
2. To ensure that ratepayers in those communities of greatest need receive a benefit from the subsidy in the form of reduced charges.

Changes	Rationale
No significant changes. Minor wording only.	

Impact Assessment

Financial	Operational
N/A	N/A

Assumptions
N/A



POLICIES FOR REVOCATION

Section 109 of the LGA 02 provides for a remission or postponement policy to be revoked. The following policies have been reviewed and are proposed to be revoked for the reasons outlined below.

Policy	Rationale for Revocation
Remissions of Additional Penalties	On 5 June 2015, Council resolved to cease charging and remit all additional penalties outstanding on rates accounts prior to 30 June 2015. The Remission of Additional Penalties policy is now redundant.
Remission of Postponed Rates	This policy is no longer required because each postponement policy now, where appropriate, contains a condition that once postponed rates reach the maximum term, they will be remitted.
Remission of Rates on Land that has made Lump Sum Contributions	Council does not have any claims for remissions under this policy and there are no lump sum contributions schemes. If there were future provision for lump sum contributions, Council automatically applies a remission.
Transitional Policy for the Postponement of Rates on Farmland	This policy does not provide for new applications to be made to Council. Eleven properties are currently subject to this policy and have existing agreements with Council. Therefore this policy is no longer required. Agreements will cease if the land is developed or sold.

Item: 7.3

Meeting: **Council - 15 February 2018**

Name of item: **Revised Significance and Engagement Policy**

Author: Leslie Trussler - Policy Advisor

Date of report: 24 January 2018

Document number: A1966425

Purpose of the report

To recommend consultation on the revised Significance and Engagement Policy as part of the 2018-28 Long Term Plan process.

Executive summary

Section 76AA of the Local Government Act 2002 requires that Council have a Significance and Engagement Policy. This policy must be reviewed every three years.

The purpose of this report is to adopt a revised Significance and Engagement Policy for consultation alongside the 2018-28 Long Term Plan.

The revised Policy aims to provide greater clarity for staff, Elected Members and the community about the framework within which the significance of a proposal is assessed and the process for determining the appropriate level of engagement to be carried out prior to a Council decision being made.

The new version of the Policy incorporates new criteria for assessing significance and clearly outlines the process for determining the appropriate level and method of engagement.

Recommendation

That Council adopt the revised Significance and Engagement Policy 2018 and commence consultation along with the 2018-28 Long Term Plan.

1) Background

As per s 76AA of the LGA 2002, Council must adopt a Policy setting out:

- Its general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters;
- Any criteria or procedures that are to be used in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences;
- How Council will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
- How Council will engage with communities on other matters.

Council's current Policy was adopted on 30 October 2014, and reviewed as part of the Policy Review programme in the last half of 2017. This review identified the need for minor changes to the policy so that it is clearer and simpler to understand. This was done though the development of clearer thresholds and a better framework to determine how the significance of a proposal corresponds with the level of engagement required.

2) Discussion and options

The objectives of the revised Policy are to:

- ensure consistency when determining the significance of proposals, assets and decisions;
- identify the extent and type of public engagement required before a decision is made;
- build positive relationships with stakeholders and the wider community, encouraging co-operation, respect and mutual understanding of other points of view; and
- comply with section 76AA of the Local Government Act 2002.

The revised Policy meets these objectives by clearly outlining how the significance of a proposal is determined, as well as the framework for how the corresponding level of engagement is decided and undertaken.

Determining Significance

The following thresholds relating to specific criteria have been developed for the policy to assist in determining the significance level of a proposal:

Criteria	Threshold
Financial impacts	The proposal will incur net operational expenditure exceeding 2.5% of total rates[1] in the year commenced or net capital expenditure exceeding 10% of total rates[2] in the year commenced.
Level of public interest	The proposal will generate considerable interest or community views render the community deeply divided.
Effect on the district or ward	The proposal will create radically different effects on ratepayers
Effect on individuals or communities	The proposal will radically impact on specific demographics.
Levels of Service	The changes to the level of service will be major and long-term.

In the absence of any other legal requirements (i.e. the transfer of ownership/control of strategic assets to or from Council), if any of these criteria are met **and** the proposal is inconsistent with Council plans or policies, the proposal will be considered to be of high significance under the revised Policy.

Determining Engagement

[1] Operational expenditure exceeding $2 million (figures rounded from 2018-19 budget).
[2] Capital expenditure exceeding $8 million (figures rounded from 2018-19 budget).

An engagement framework has been developed for the policy which allows the level of engagement to be determined based on the proposal's level of significance:

The Engagement Framework in Appendix C of the revised Policy gives more information around how engagement is determined and undertaken based on the significance of a proposal.

Community Board Consultation

In late May 2017, the the Bay of Islands-Whangaroa Community Board, the Te Hiku Community Board, and the Kaikohe-Hokianga Community Board provided feedback on an early version of the revised Significance and Engagement Policy.

The Bay of Islands-Whangaroa Community Board responded with general approval of the Proposed Significance and Engagement Policy.

The Te Hiku Community Board responded with general approval of the revised Policy, though commented that they would like for processes to be clarified around reporting on significant proposals to the Community Boards.

The Kaikohe-Hokianga Community Board held a workshop to discuss the Proposed Policy. The Board reinforced that they always wish to be involved in significant decisions, and wish to be notified of decisions of any level of significance.

As much of the Community Board feedback was about the delegations to the Boards rather than the Policy itself, further work may be needed to clarify those delegations.

Consultation as Part of the 2018-28 Long Term Plan

Staff felt that there was a need to test the revised Policy by assessing the significance of the proposals in this LTP against it to ensure that the criteria were well-suited to the purpose of the Policy. In particular, the revision of the financial thresholds, e.g. net operational expenditure exceeding 2.5% of total rates, reflect the proposed rates increase limits (2.5% plus inflation) in the draft financial strategy.

We have concluded that there is good alignment and recommend that the revised Significance and Engagement Policy be adopted for consultation alongside the Consultation Document for the LTP (March through April). This will enable the public to assess whether Council has proposed thresholds that meet community expectations. Once feedback has been received and the Council has deliberated, the final policy would be adopted in June to ensure alignment with the Long Term Plan.

Option 1 Adopt the proposed (draft revised) Significance and Engagement Policy and proceed to public consultation alongside the 2018-28 Long Term Plan (the recommended option)

Once consultation is complete, the current Policy will be updated with the new one and Elected Members and staff provided with guidance to assist them in the use of the policy to assess the level of significance of Council decisions and the level of engagement required.

Option 2 Amend the proposed (draft revised) Significance and Engagement Policy and proceed to public consultation alongside the 2018-28 Long Term Plan

Should Council wish to, amendments to the proposed Policy could be made ahead of proceeding to consultation. As with option 1, once adopted staff will ensure guidance is provided to users of the policy to ensure consistent use.

Option 3 Retain the current policy

With this option the current Significance and Engagement Policy would be remain in place, with no consultation required.

Council can in future make a decision that is inconsistent with the adopted policy. If that decision is significantly inconsistent with the policy, the steps identified in section 80 of the Local Government Act 2002 (identifying the inconsistency, the reasons for the inconsistency and whether the policy will be reviewed as a result) will be followed.

Reason for the recommendation

The revised Significance and Engagement Policy allows for a consistent and responsive approach to consultation and engagement across the District.

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3) Financial implications and budgetary provision

Consultation on this policy has no financial implications over and above the normal cost of public consultation for an LTP.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy

Attachment 1: Revised Significance and Engagement Policy - Document number A1966439

Attachment 2: Current Significance and Engagement Policy - Document number A1966440

Attachment 3: Changes to Significance Thresholds – Document number A1966825

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Council's Significance and Engagement Policy The Local Government Act 2002
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	All three Community Boards have provided feedback on a revised Policy.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	The revised Policy clearly states how staff will engage with Tangata Whenua.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	All members of the community. The intention is to determine the significance of a proposal as well as the necessary level of engagement that meets the needs and expectations of different communities.
State the financial implications and where budgetary provisions have been made to support this decision.	Because this policy will be consulted on as part of the Long Term Plan, there is no additional cost associated with this Policy.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

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REVISED Significance and Engagement Policy

Adopted:

Background

For every decision that Council makes, we need to determine how important, or significant, it is to our community. We look at a number of factors, including who is affected by or interested in the decision, how the decision may impact levels of service, and what the costs will be.

These factors help us to work out how to engage with the community, i.e, whether to involve the community in making the decision, ask for community feedback on the decision, or simply tell the community what is happening.

The way we engage is often set by legislation, and there are many steps to follow. This policy guides how we determine the significance of a decision and how we engage the community based on that level of significance.

Objectives

The objectives of this policy are to:

- ensure consistency when determining the significance of proposals, assets and decisions;
- identify the extent and type of public engagement required before a decision is made;
- build positive relationships with stakeholders and the wider community, encouraging co-operation, respect and mutual understanding of other points of view; and
- comply with section 76AA of the Local Government Act 2002.

Definitions

CONSULTATION is the process of informing the community and seeking information or feedback to inform and assist decision-making. Consultation is a formal type of engagement, and is often prescribed by legislation and time bound.

ENGAGEMENT is a process which involves all or some of the community and is focused on better understanding views and preferences which are relevant to Council's decision-making or problem-solving. There is a continuum of engagement ranging from "inform" to empower".

SIGNIFICANCE has the same definition as section 5 of the Local Government Act 2002

STRATEGIC ASSET has the same definition as section 5 of the Local Government Act 2002

Policies

Determining Significance

1. Significance will be determined in the early stages of a proposal, before decision making occurs. If it becomes necessary to do so, the significance of a proposal may be re-assessed at any time.

2. In determining a proposal's degree of significance, Council will be guided by:

- Legislative requirements;
- Historic levels of community impact or interest in the proposal;
- The likely impact on iwi/hapū/whānau and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga; and
- Whether the decision is inconsistent with previous Council decisions, according to s80 of the LGA 2002.

Matters of High Significance

3. A decision will be considered to be of **high** significance by Council if one of the following applies:

- It involves the transfer of the ownership or control of a strategic asset (Appendix A) to or from Council; **or**
- It is inconsistent with Council plans or policies and meets one of the thresholds below:

Criteria	Threshold
Financial impacts	The proposal will incur net operational expenditure exceeding 2.5% of total rates in the year commenced or net capital expenditure exceeding 10% of total rates in the year commenced.
Level of public interest	The proposal will generate considerable interest or community views render the community deeply divided.
Effect on the district or ward	The proposal will create radically different effects on ratepayers
Effect on individuals or communities	The proposal will radically impact on specific demographics.
Levels of Service	The changes to the level of service will be major and long-term.

The process used to determine significance is outlined in Appendix B.

Determining Engagement

4. Once assessed, the level of significance will be used to determine the corresponding level of engagement (Appendix C).

5. Where necessary, Council will undertake engagement at the level prescribed by legislation.

Principles for Engagement

6. Council seeks to inform communities about decisions that affect them, provide an opportunity for meaningful community input into decisions, and promote a sense of ownership of its decisions by the people of the district. Council will do this by upholding the following principles:

- Being genuine in our consultation and engagement.
- Being open to community feedback before making decisions.

- Giving our community a timely opportunity to have a say.
- Empowering the community to give informed feedback and, wherever possible, enabling the community to consider options relating to the proposal.
- Not treating consultation or engagement as a poll or a referendum; feedback will be weighted in accordance with other considerations.
- Providing feedback to those who made the effort to give us their opinions and explaining our decisions.

Engaging with Tangata Whenua

7. When engaging with Tangata Whenua and Māori, Council will:
    - Acknowledge the unique perspective of Māori and recognise that Māori are more than an interest group or stakeholder;
    - Provide opportunities and capacity for Māori to contribute to its decision-making processes;
    - Ensure existing general and project-specific relationship processes between Council and Tangata Whenua will, where working well, remain as a starting point for engagement;
    - Recognise and empower existing formal relationships (i.e. MOUs) with iwi and hapū; and
    - Fulfil our obligations under any Treaty settlement legislation.

When Council May Choose not to Engage

8. There are times when Council may not consult the community. Things Council will generally not engage on include but are not limited to:
    - Operational matters that do not reduce a level of service
    - Emergency management activities
    - Those decisions made by delegation to Council staff
    - Commercially sensitive decisions (e.g. awarding contracts)
    - Decisions made to manage an urgent issue
    - Decisions where action is necessary to:
        - comply with the law;
        - protect life, health, or amenity and infrastructure;
        - prevent serious damage to property; and
        - avoid, remedy, or mitigate an adverse effect on the environment.

Appendix A – Strategic Assets

Section 5 of the LGA provides that the following are strategic assets:

(a) "any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and

(b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and

(c) any equity securities held by the local authority in—

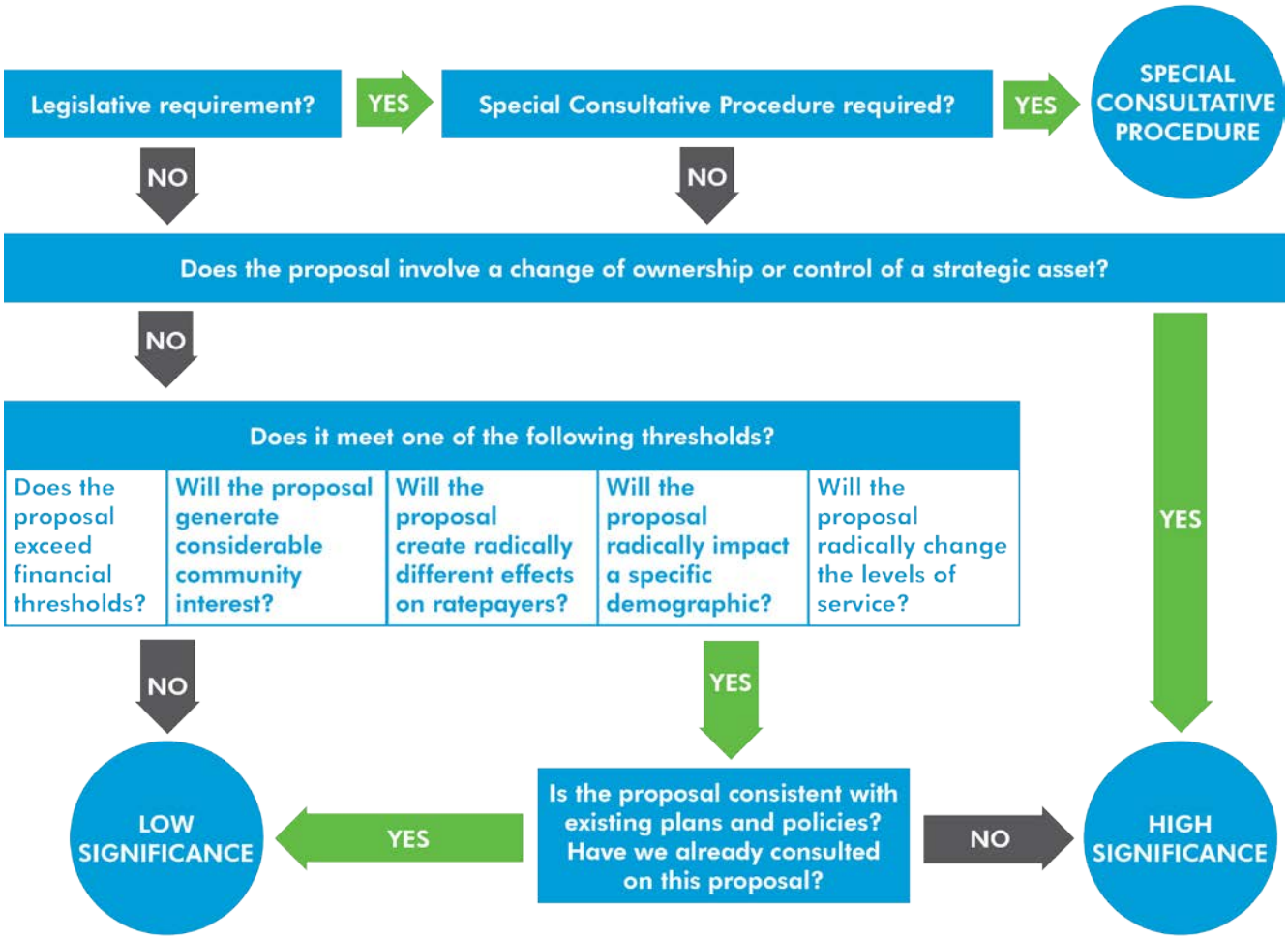
(i) a port company within the meaning of the Port Companies Act 1988

(ii) an airport company within the meaning of the Airport Authorities Act 1966"

The following list of assets are required to maintain capacity to achieve any outcome that determined to be important to the current and future needs of the community:

- Council Headquarters
- The roading network
- The stormwater network
- The wastewater network
- The water supply network
- The open space network, including parks, walkways and sports fields under the Reserves Act 1977
- Council-owned cemeteries
- Libraries
- Shares in Far North Holdings Limited
- Housing for the elderly.

Appendix B – Significance Flowchart



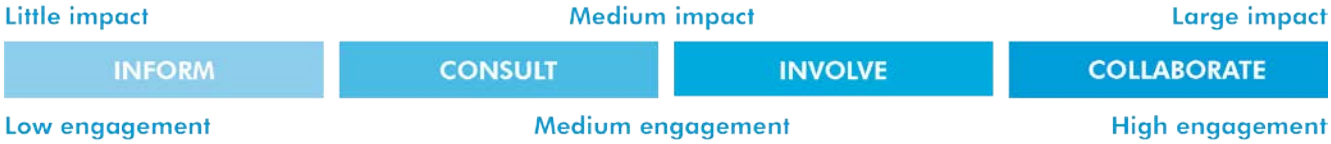
Appendix C – Engagement Framework

Threshold Assessment

Does the proposal exceed financial thresholds?

Factors to consider:

1. The financial cost of the decision, in the short term, medium term and long term
2. The extent of the impact on rates and/or debt
3. The impacts on Council's capacity/capability to meet legislative requirements



Will the proposal generate considerable community interest?

Will the proposal create radically different effects on ratepayers?

Will the proposal radically impact a specific demographic?

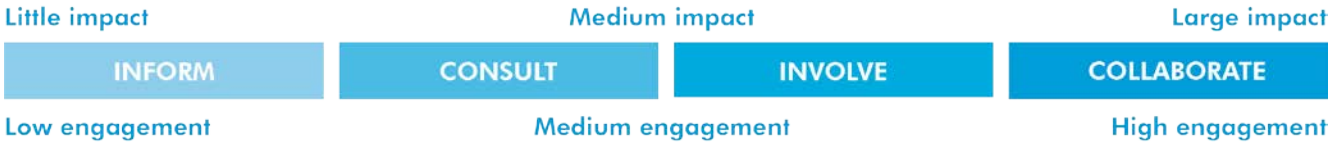
Factors to consider:

1. The number of individuals, organisation, groups and sectors within the community that are affected
2. The extent of the impact on affected individuals, organisations, groups and sectors within the community
3. The potential for the issue to generate interest or controversy
4. The extent to which community opinion is divided on the matter

Will the proposal/decision change the levels of service?

Factors to consider:

1. The effects of existing levels of service provided by FNDC for significant activities
2. The long-term social, economic, environmental and cultural impacts of the proposal/decision on the needs of current and future generations
3. The opportunity costs, the level of risk and how difficult it would be to reverse the effects of the decision



Engagement Assessment

Significance	LOW	MEDIUM		HIGH	MAXIMUM
Expectation	MINIMUM	Local Government Act 2002 s82 and s83			
Level of engagement	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Engagement Focus	This is what we are doing	Tell us what you think	Help us decide	Let's work together	You make the decision
What does it involve?	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision-making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision is in the hands of the public. Under the LGA, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Examples of when you would use this level of engagement	Operational matters; Annual Reports; Water restrictions	Annual Plan with significant changes	Bylaw reviews; Reserve Management Plans	Iwi MOUs; Community Plans	By-Election Referenda
When the community can expect to be involved	Council would generally advise the community once a decision is made.	Council would advise the community once a draft decision is made by Council and would generally provide the community with up to four weeks to participate and respond. Where desirable to meet the needs of affected parties or groups, and possible within timeframes available, Council may consider extending this period.	Council would generally provide the community with a greater lead-in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected, and again when options are being considered.	Council would generally provide the community with a greater lead-in time to allow them time to be involved in the process, e.g. typically a month or more.
Tools Council can use	Website and publications Social media Media release	Surveys Focus groups Submissions	Formal Hearings Public meetings Drop-in Centres	External Working Groups MOUs	Referenda Elections Polls

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Significance and Engagement

Adopted: 30 October 2014

Purpose and Scope

a) to enable the local authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities; and
b) to provide clarity about how and when communities can expect to be engaged in decisions about different issues, assets, or other matters; and
c) to inform the local authority from the beginning of a decision-making process about –
    (i) the extent of any public engagement that is expected before a particular decision is made; and
    (ii) the form or type of engagement required.

Definitions

Community	A group of people living in the same place or having a particular characteristic in common. Includes interested parties, affected people and key stakeholders.
Decisions	Refers to all the decisions made by or on behalf of Council including those made by officers under delegation.
Engagement	Is a term used to describe the process of seeking information from the community to inform and assist decision making. There is a continuum of community involvement.
Significance	As defined in Section 5 of the Local Government Act 2002.
Strategic asset	Assets held to be strategic by Council or determined by legislation (Appendix A).
Strategic aspirations	Refers to any high level, direction setting goal or document that the Council aims to deliver.

Objectives

To apply a disciplined, standardised process that enables Council to accurately assess the significance of issues, assets or other matters and which fulfils its legislative obligations under the LGA, particularly in relation to significant strategic assets, decision-making processes, and consultation procedures.

Determining Significance

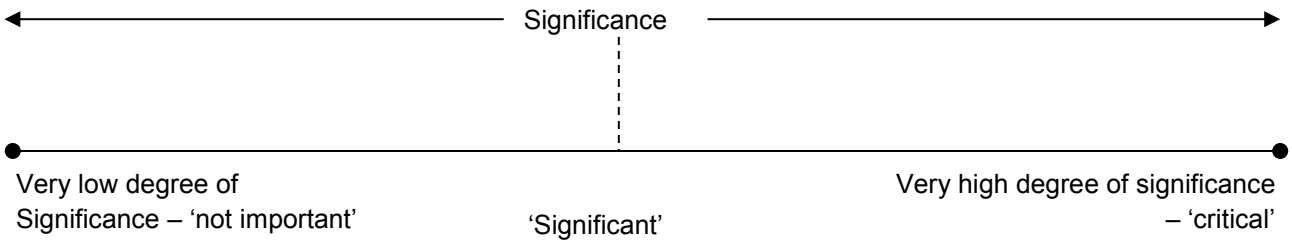
In considering the degree of significance of every issue requiring a decision, Council will be guided by the following:

- The potential effect on delivering Council's strategic aspirations
- How the decision aligns with historical Council decisions

- The impact on any persons who are likely to be particularly affected by or interested in the decision or proposal
- The level of community interest in the decision and whether community views on the issue are already known
- The present and future capability of Council to perform its role and the costs of doing so, in terms of its capacity deliver services to the District and achieve or promote community outcomes
- The likely impact of the decision on present and future interests of the community, recognising Māori culture values and their relationship to land and water
- The possible implications of reversing the decision with regard to the Council's capacity to perform its role

The policy provides an indication of the degree of magnitude of the process to come to a decision in relation to the significance of the decision.

Generally the more significant or material the impact or consequences of the issue, proposal or matter, the higher will be the standard of compliance required to meet the provisions of this policy.



Criteria and thresholds for determining which proposals and decisions are significant

On every issue requiring a decision, Council will consider the degree of significance and the corresponding level of engagement.

Criteria	Description	Threshold
Consistency with or included in existing planning	The extent to which the decision or proposal flows logically and consequentially from a significant decision already made or from a decision in the Long-Term Plan or the Annual Plan. Where the decision or proposal is fully described in the Plan or significant decision, the significance in terms of this criterion will be small. Where the issue or proposal has no precedent Plan or significant decision, or where it is not consistent with a Plan or significant decision, it will be of greater significance.	The extent to which the decision or proposal that is materially inconsistent with a precedent Plan or significant decision will trigger this threshold.

Financial Consequences	The magnitude of the proposal or decision in terms of its cost to Council. Most major decisions will be made in the context of the Long-Term Plan or the Annual Plan. Decisions involving unidentified or unbudgeted expenditure should be scrutinised carefully. Where the decision or proposal has no net cost, the significance in terms of this criterion will be small. As the net cost approaches the threshold, it will be of greater significance.	A proposal, decision, assets, or other matters where Council will: **(a) Incur operational expenditure** not provided for in the Annual Plan or Long-Term Plan exceeding 5% of its annual budget for that year. **(b) Incur capital expenditure** not provided for in the Annual Plan or Long-Term Plan exceeding 1% of the total value of Council's net assets, or where spent on a strategic asset or strategic asset as a complete unit as defined in the LGA, or listed in this policy, exceeds 25% of that assets value.
Different Effects	The extent to which the decision or proposal, (including decision or proposal options) has radically different effects from the status quo in terms of costs, benefits, extent of impact on members on a large number of ratepayers or a large impact on a small number of ratepayers. Where the effects are identical throughout the community or differences from the status quo are small, the significance in terms of this criterion will be small. As the effects of the decision or proposal vary more greatly, it will be of greater significance.	A decision or proposal that will create radically different effects/impacts on ratepayers will trigger this threshold.
Controversy	The extent to which the decision or proposal is controversial. Where community views are uniform or the matter generates little interest, the significance in terms of this criterion will be small. A higher level of controversy will be of greater significance.	A decision or proposal on a matter where community views generate considerable interest or the community is deeply divided will trigger this threshold.

Disposal of Strategic Assets	The extent to which the decision or proposal will result in the disposal or abandonment of a strategic asset as defined by the LGA or listed in this policy, including the sale of Council's shareholding in any Council Controlled Trading Organisation (CCTO), or Council Controlled Organisation (CCO).	A decision or proposal to dispose of a strategic asset will trigger this threshold.
Capacity Reduction	The extent to which a decision or proposal will, directly or indirectly, severely affect the capacity (including financial capacity) of Council to carry out any activity identified in the Long-Term Plan for subsequent years.	A substantial decision or proposal to reduce Council's capacity carry out any significant activity identified in the Long-Term Plan for future years will trigger this threshold.

Community Engagement

Engaging with the community is key to understanding the views and preferences of people likely to be affected by or who have an interest in a particular issue. Accordingly significance and engagement will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.

When will Council engage?

When legislation requires that consultation be undertaken:

> The Council will consult when it has a legislative requirement to consult (for example, as set out by the Local Government Act 2002, Resource Management Act 199, Reserves Act 1977, Land Transport Management Act 2003). The Council will undertake these consultation processes in accordance with the legislative requirements guiding them, as a minimum. The Council may choose to consult further depending on the level of significance of the matter being considered and notwithstanding the legislative requirements.

When a significant proposal or decision is being considered:

> Subject to consideration of factors under section 4.1 of this Policy, the Council will look to undertake what it considers to be an appropriate form of engagement whenever a 'significant decision' needs to be made. A significant decision is one which has been identified as such under this Policy. *Note:* a 'significant' decision will not automatically trigger application of the Special Consultative Procedure (SCP). For more information about the SCP refer to the LGA 2002 s83, 86, 87 and 93A

For some matters that are not considered significant;

> In general, where a matter is not considered significant under this Policy, consultation will not be undertaken. In some cases, including where a decision is close to, but does not exceed, the significance test under this Policy, the Council may decide to consult or undertake some other form of engagement on the matter.

Engaging with Māori

As a foundation for engagement, Council is committed to building strategic relationships with Māori. Effective relationships and meaningful engagement will enable us to meet our responsibilities, will recognise the Treaty of Waitangi, and will result in more informed decision-making, more streamlined processes, and better quality outcomes.

We recognise that having the capability and capacity to engage are issues for council and Māori. Our attention is currently on building our own capacity to engage with Māori and assisting Māori with developing their capacity to engage with council's decision making processes.

Our engagement practice will be in line with our relationship commitments.

When the Council may not engage

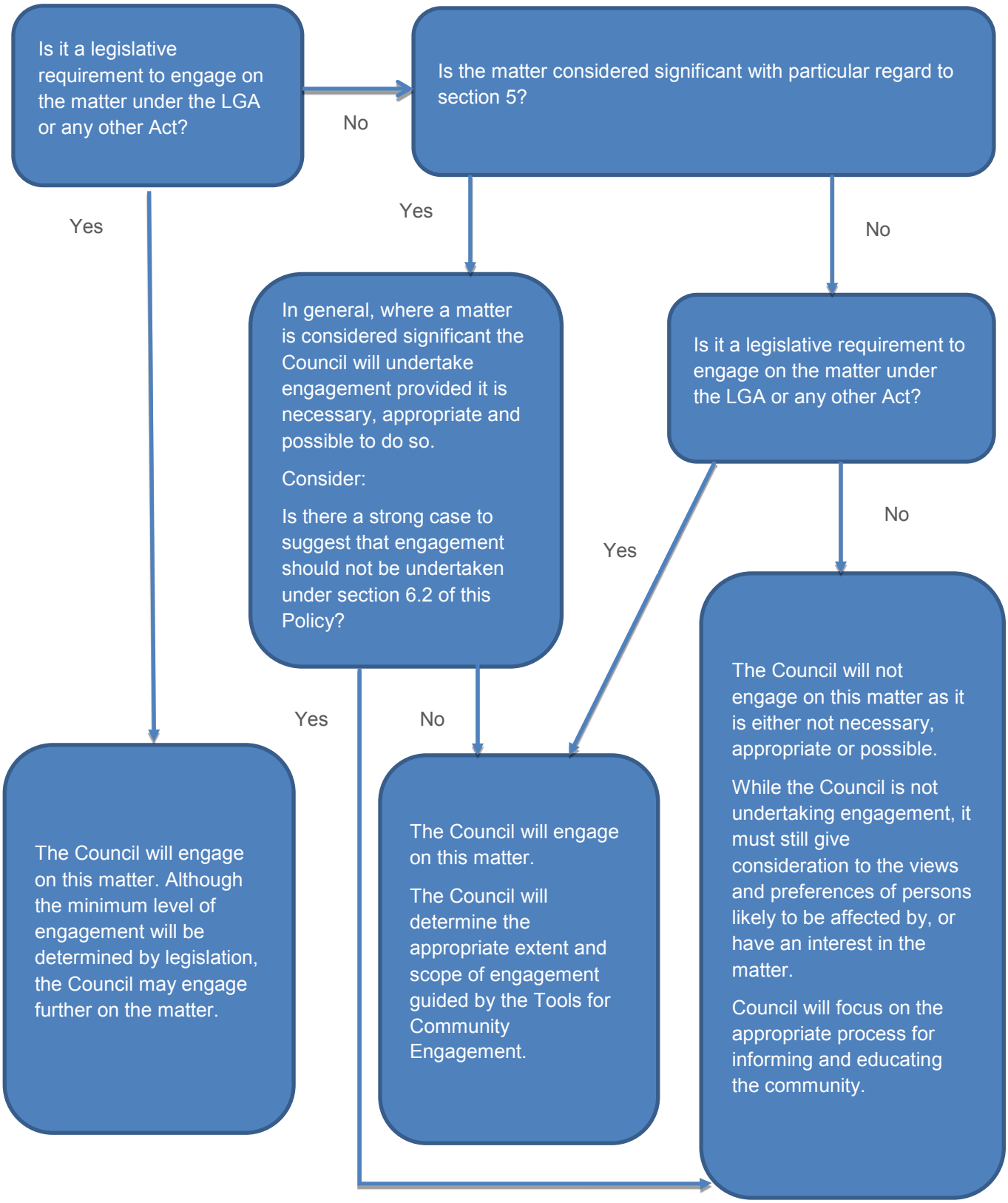
Information is always necessary for the decision-making process. However, there are times when it is not necessary, appropriate or possible to engage the community on a matter or decision. The Council may also choose not to consult on a matter and if so will make this determination in accordance with the criteria below and not withstanding any legislative requirements.

The Council will not engage when:

- The matter is not of a nature or significance that requires consultation (LGA 2002, s82(4)(c); or
- The Council already has a sound understanding of the views and preferences of the persons likely to be affected by or interested in the matter (s82(4)(b) LGA 2002); or
- There is a need for confidentiality or commercial sensitivity (s82(4)(d) LGA 2002); or
- The costs of consultation outweigh the benefits of it (s82(4)(e) LGA 2002); or
- The matter has already been addressed by the Council's policies or plans, which have previously been consulted on; or
- An immediate or quick response or decision is needed or it is not reasonably practicable to engage or
- Works are required unexpectedly or following further investigations on projects, already approved by the Council; or
- Business as usual - the works required are related to the operation and maintenance of a Council asset and responsible management requires the works to take place; or
- Council has consulted on the issue in the last 24 months.
- Directed to do so by the Crown.

Where the above listed circumstances apply and consultation is not to be undertaken, the Council is still required to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter (LGA 2002 section 78 (1)). The LGA 2002 requires that this consideration be in proportion to the significance of the matters affected by the decision (section 79 (1)).

Flow chart – Process Map for Determining Whether or Not to Engage



Procedures

Council will use the following procedures to help it decide whether or not specific proposals and decisions are significant:

- Decisions to be included in Plans - whenever practicable, Council will include major decisions within the Long- Term Plan or the Annual Plan.

Assessment of decision-making requirements for significant matters – in achieving the objectives of this policy the following procedures will be followed:

- Every report to Council will consider the significance of the decision to be made in relation to definitions, thresholds and criteria as outlined in this Policy.
- The report will identify the issue, policy, decision or matter if it triggers one or more of the thresholds noted in this policy. Each report will include:

  (a) A statement indicating that the issue, proposal, decision or other matter has been considered with regard to Council's Significance and Engagement Policy
  (b) An assessment of the degree of significance of the issue, proposal, decision or other matter based on the criteria outlined in this Policy (high, medium, low) together with the reasons for the assessment level
  (c) the degree of engagement proposed, the engagement plan proposed and a recommendation

Issues, proposals, assets, decisions and activities that are part of the normal day to day operations of the Council will not require formal consideration for significance. Management decisions made by officers under delegation during the implementation of council decisions will not be deemed to be significant

When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the Local Government Act 2002 will be undertaken.

Legal Requirements

Section 76 AA of the LGA requires Council to adopt a significance and engagement policy which sets out:

- Council's general approach to determining the significance of proposals and decisions in relation to issues, assets, and other matters; and
- any criteria or procedures that are to be used by Council in assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences; and
- how Council will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable; and
- how the Council will engage with communities on other matters.

Review

Council will review this policy every three years after the triennial election.

Schedule One – Strategic Assets

The Local Government Act 2002 requires the following to be listed in this Policy:

- any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and
- any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- any equity securities held by the local authority in—

  a. a port company within the meaning of the Port Companies Act 1988
  b. an airport company within the meaning of the Airport Authorities Act 1966

The following is a list of assets or group of assets that Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future well-being of the community. The assets and groups of assets that Council considers to be strategic assets are:

- The roading network
- The stormwater network
- The wastewater network
- The water supply network
- Cemeteries
- Open space network – including parks, walkways, sports fields under the Reserves Act 1977
- Shares in Far North Holdings Limited
- Housing for the elderly (as required by Section 5 of the LGA which requires Councils to include any land or building owned by the local authority).

Schedule Two – Community Engagement Guide

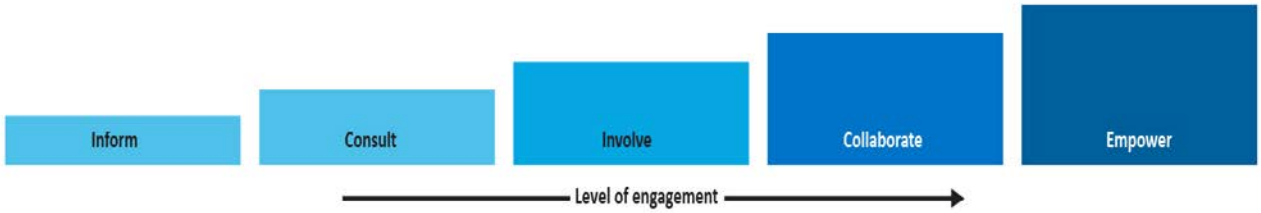
Engagement provides an opportunity for the public to express a view on the decision or proposal being considered by the Council. The community views expressed through an engagement process will be considered and taken into account, along with other information such as costs and benefits, legislative requirements and technical advice. Engagement may not necessarily result in a win/win situation, complete agreement or consensus. However, engagement should allow all relevant views and options to be identified and then considered before a decision is made.

Community engagement:

- is a process
- involves all or some of the public
- is focussed on decision-making or problem-solving

The International Association for Public Participation (IAP2) has developed a Public Participation Spectrum to demonstrate the possible types of engagement with the community. This model also shows the increasing level of public impact as you progress through the spectrum from left to right - 'inform' through to 'empower'. In simply 'informing' stakeholders there is no expectation of receiving feedback, and consequently there is a low level of public impact. At the other end of the spectrum, 'empowering' stakeholders to make decisions implies an increase in expectations and therefore an increased level of public impact. It will not always be appropriate or practicable to conduct processes at the 'collaborate' or 'empower' end of the spectrum. Many minor issues will not warrant such an involved approach. Time and money may also limit what is possible on some occasions.

In general, the more significant an issue, the greater the need for community engagement.



When engaging with the community, Council will:

- Seek out and encourage contributions from people who may be affected by or interested in a decision
- Provide relevant, timely and balanced information so people can contribute in a meaningful way
- Provide a variety of appropriate ways for people to have their say
- Tell the community what the Council decision is and the reasons for that decision

Forms of engagement

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) for the following issues requiring decisions:

- The development and review of a Local Alcohol Policy
- The development and review of a Local Approved Products (Psychoactive Substances) Policy
- The review of a Rating Policy
- Decisions on transferring the ownership or control of strategic assets, as listed in Schedule 1, which are not outlined in the Long Term Plan.

For the following specific issues requiring decisions Council will develop consultation documents fulfilling the requirements of Section 82A of the LGA 2002, will make these documents available to the public, allow written submissions for a period of up to 4 weeks and will consider all submissions prior to making decisions:

- Establishing a council-controlled organisation
- Adopting a revenue and financing policy

For all other issues, the following table provides an example of the differing levels of engagement that might be considered appropriate, the types of tools associated with each level and the timing generally associated with these types of decisions/levels of engagement.

Engagement Levels and Methods

Degree of Significance	Low High Is not considered significant according to this policy			Is considered significant according to this policy	
Level of Engagement	**Inform**	**Consult**	**Involve**	**Collaborate**	**Empower**
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the Local Government Act 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	Temporary road closures	Rates review Psychoactive Substances Policy Local Alcohol Policy	District Plan review	New Kerikeri sewerage scheme	Electoral Voting System Creation of Maori Wards
Tools Council might use	Websites Information flyer Public notices Web pages Media releases	Formal submissions and hearings, focus groups, phone surveys,	Use of pre-consultation processes Focus groups Public meetings	External working groups (involving community experts)	Referenda, polls Local body elections
When the community can expect to be involved	Council would generally advise the community once a decision is made	Council would advise the community once a draft decision is made Council and would generally provide the community with up to 4 weeks to participate and respond.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process.	Council would generally involve the community at the start to scope the issue, again after information has been collected and again when options are being considered.	Council would generally provide the community with a greater lead in time to allow them time to be involved in the process. e.g. typically a month or more.

Engagement tools and techniques

Over the time of decision making, Council may use a variety of engagement techniques on any issue or proposal and the tools may be adapted based on a range of other factors, including history and public awareness of the issue, stakeholder involvement, and timing related to other events and budgets. Council will also take into consideration that the community can feel 'over consulted' (stop asking us what we think and get on with it).

Each situation will be assessed according to both the issue and the phase of decision making and the individual circumstances it presents. Potential tools based on current arrangements and known community preferences are indicated in the table above.

In addition to this policy, Council is voluntarily developing a Community Engagement Strategy to facilitate effective non-statutory engagement and communication between the Council and stakeholders in the community across a range of issues. 'Engagement' in this context has a more holistic meaning and is about how the Council involves the community, particularly stakeholder groups, in its decision-making and strategic planning processes.

Schedule Three – Legislative Consultative Requirements

The following legislation requires Local Authorities to consult on certain issues, bylaws, policies or other matters arising from their provisions:

- Biosecurity Act 1993
- Building Act 2004
- Civil Defence Emergency Management Act 2002
- Dog Control Act 1993
- Freedom Camping Act 2011
- Forest and Rural Fires Act 1977
- Gambling Act 2003
- Health Act 1956
- Land Transport Act 1998
- Land Transport Management Act 2003
- Local Government Act 2002
- Reserves Act 1977
- Resource Management Act 1991
- Sale and Supply of Alcohol Act 2012
- Maritime Transport Act 1994
- Waste Minimisation Act 2008

Changes to Significance Criteria

Criteria	From	To
Financial impacts	A proposal, decision, assets, or other matters where Council will: **(a) Incur operational expenditure** not provided for in the Annual Plan or Long-Term Plan exceeding 5% of its annual budget for that year. **(b) Incur capital expenditure** not provided for in the Annual Plan or Long-Term Plan exceeding 1% of the total value of Council's net assets, or where spent on a strategic asset or strategic asset as a complete unit as defined in the LGA, or listed in this policy, exceeds 25% of that assets value.	The proposal will incur net operational expenditure exceeding 2.5% of total rates[1] in the year commenced or net capital expenditure exceeding 10% of total rates[2] in the year commenced.
Level of public interest	A decision or proposal on a matter where community views generate considerable interest or the community is deeply divided will trigger this issue.	The proposal will generate considerable interest or community views render the community deeply divided.
Effect on the district or ward	A decision or proposal that will create radically different effects/impacts on ratepayers will trigger this threshold.	The proposal will create radically different effects on ratepayers
Effect on individuals or communities	A decision or proposal that will create radically different effects/impacts on ratepayers will trigger this threshold.	The proposal will radically impact on specific demographics.
Levels of Service	A substantial decision or proposal to reduce Council's capacity to carry out any significant activity identified in the Long-Term Plan for subsequent years.	The changes to the level of service will be major and long-term.
Consistency with existing planning	The extent to which the decision or proposal that is materially inconsistent with a precedent Plan or significant decision will trigger this threshold.	The proposal is inconsistent with Council plans or policies.
Strategic Assets	A decision or proposal to dispose of a strategic asset will trigger this threshold	The proposal involves the transfer of the ownership or control of a strategic asset to or from Council

[1] Operational expenditure exceeding $2 million (figures rounded from 2018-19 budget).
[2] Capital expenditure exceeding $8 million (figures rounded from 2018-19 budget).

Item: 7.4

Meeting: **Council – 15 February 2018**

Name of item: **Building Permits – Māori Land Policy Revocation**

Author: Leslie Trussler – Policy Advisor

Date of report: 24 January 2018

Document number: A1965583

Purpose of the report

The purpose of this report is to revoke the Building Permits – Māori Land Policy, which has operationally been replaced by an internal policy and operational checklist.

Executive summary

The Building Permits - Māori Land Policy has been reviewed as part of the 2017/18 policy review programme. The policy has been identified as out of date, and the intent of the original policy is better achieved via an internal policy and guidelines for staff to use when processing a building consent. An internal policy and an operational checklist for building consents on Māori freehold land have been developed and implemented to guide staff as a result of the review. The outcome of this work is a recommendation to Council that The Building Permits - Māori Land Policy be revoked.

Recommendation

That Council revoke the Building Permits – Māori Land Policy.

1) Background

Before a building consent may be processed, Council requires proof that an applicant has the right to build on the land. In the case of Māori freehold land, there may be multiple owners, and being an owner does not always mean that the applicant has a right to build.

The intent of the current Building Permits – Māori Land Policy is to address this matter. However the following issues prevent the Policy from achieving its intent:

- The current Policy leaves gaps when used as a guide for processing building consents for Māori freehold land;
- The current Policy describes internal procedures that would be better suited to operational guidelines; and
- The current Policy is generally outdated.

2) Discussion and options

The Building Consents Team, the Enabling Māori Freehold Land Team, the District Plan Team and the Policy and Research Team have worked together to review the policy and develop an operational checklist along with an internal policy which replaces the current external policy and effectively addresses the issues surrounding building consents on Māori freehold land.

Operational Checklist

The Operational Checklist (Attachment 1) addresses gaps in the current process as identified by staff. This checklist has been operationalised by the Building Consents Team. Staff have been monitoring its effectiveness in order to make adjustments if needed. To date the process has been running smoothly, and the checklist has been able to identify anomalies and issues that have been missed under the current external policy. This will reduce the likelihood of incomplete applications and unnecessary costs for the applicant.

Internal Policy

The internal Building Consents on Māori Freehold Land Policy (Attachment 2) has been developed as part of the policy review, and requires staff to follow the new Operational Checklist that determines if an applicant has the right to build as part of the building consent process..

The intent of the internal policy is to support the Operational Checklist and reassure Tangata Whenua, and Māori land owners especially, by identifying the right of an applicant to build on Māori freehold land. This protects the landowners when processing building consents at Far North District Council.

This internal policy has been made available to the public on Council's Tangata Whenua webpage, along with other information around applying for building consents on Māori freehold land.

Option 1 – Revoke the Building Permits – Māori Land Policy

This Policy is outdated and operational in nature. The Internal Policy and Operational Checklist that have been adopted already address the issue of building consents on Māori freehold land.

Option 2 – Amend the Building Permits – Māori Land Policy

The external policy remains in place and is amended for consistency with current legislation, the internal policy, and the operational checklist.

Option 3 – Status-quo

The Policy remains in place and unchanged. The contradictory information within could result in confusion from the community when applying for a building consent for Māori freehold land, and increases the likelihood that proper processes may not be followed by staff.

Reason for the recommendation

The reason for the recommendation is to revoke a policy that is contradictory to actual practice, is operational in nature and therefore does not warrant an external policy, and is generally outdated.

3) Financial implications and budgetary provision

There are no financial implications associated with this report.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy

Attachment 1: Operational Checklist - Document number A1965684
Attachment 2: Building Consents on Māori Freehold Land Policy (Internal) - Document number A1965680
Attachment 3: Current Building Permits – Māori Land Policy – Document number A1965687

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Building Permits – Māori Land Policy Te Ture Whenua Māori Act 1993 Building Act 2004
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This issue has district wide relevance and is operational in nature.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Māori landowners are more informed of their requirements for applying to build on Māori Freehold Land. Māori landowners know that there is a robust process within Council to protect their interests as landowners.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Tangata whenua and Māori freehold land owners.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications associated with this report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

OPERATIONAL CHECKLIST - BUILDING CONSENTS ON MĀORI FREEHOLD LAND

When a building consent application has been identified on Māori Freehold Land, the following checklist will be used as a guide for staff to ensure the correct documentation is provided before a consent is lodged and issued.

1. Māori Freehold Land (MFL) has been identified - this can be confirmed by visiting the following link: http://www.maorilandonline.govt.nz		☐ Yes
2. Print Block details from MLOL.		☐ Completed
3. Does the Legal Description match the Certificate of Title and MLOL details? (CT should state *Status order determining the status of the within land to be Māori Freehold Land*)		☐ Yes ☐ No → RFI
4. Do the Owner Details match the Certificate of Title and MLOL details?		☐ Yes ☐ No → RFI
5. Does ONE of the following items apply AND has the required documentation been provided?		☐ Yes ☐ No → RFI

• **If the application is for a Trust, Company or Organisation, written approval has been provided for the proposed building work, which may could include**:
  • Minutes of trust / organization meeting
  • Written consent from all/majority of trustees of the land or committee
  • Written consent of all registered/legal owners
	☐ Yes
	☐ Evidence supplied	

• **Does a 'License to Occupy' (LTO) apply?** If Yes, copy of LTO required with site plan	☐ Yes ☐ LTO supplied	
• **Does an 'Occupation Order' (OO) apply?** If Yes, copy of OO required with site plan	☐ Yes ☐ OO Supplied	

I am satisfied that sufficient evidence has been provided as per above for this consent identified on Māori Freehold Land and this consent can be lodged accordingly.

Name: _____

Title: _____

Signature: _____

Date: _____

FNDC Enabling Māori Land Development team: EnablingMaoriLandDevelopment@fndc.govt.nz

Māori Land Court: mlctaitokerau@justice.govt.nz or 09 983 9940

Far North District Council
Te Kaunihera o Tai Tokerau ki te Raki

www.fndc.govt.nz
Memorial Ave, Kaikohe 0440
Private Bag 752, Kaikohe 0440

askus@fndc.govt.nz
Phone 0800 920 029

Building Consents on Māori Freehold Land Policy (Internal)

Adopted: December 2017

Background

Council may ask for any information that is reasonably required to process a building consent application under s 45 of the Building Act 2004. Council requires that proof be provided of an applicant's right to build on land before a building consent will be processed. In the case of Māori Freehold Land, as defined by Te Ture Whenua Māori Act 1993, there is a need to establish the legal owners of the land. This internal policy helps staff to serve the applicant by guiding the application process for building consents on Māori Freehold Land, and enabling development on such land.

Objective

1. To clearly outline the information that is required to accompany a building consent application for a proposal on Māori Freehold Land.

2. To provide council staff with clear guidance when processing building consent applications to enable development on Māori freehold land within the regulatory requirements.

Policies

1. To ensure that the legal owners of the land have provided authorisation to an application for a building consent, the following information shall accompany an application for a building consent on Māori Freehold Land:
   a. Written authorisation (e.g. minutes of meeting, consent form with all signatories) from the Trustees of the land or Incorporation's Management Committee; or
   b. Written authorisation of all/the majority of registered/legal owners; or
   c. A licence to occupy issued by the Trustees of the land or Incorporation's Management Committee that encompasses the building proposal; or
   d. An occupation order issued by the Māori Land Court that encompasses the building proposal.

2. Staff shall use the **Operational Checklist** for Building Consents on Māori Freehold Land when processing the information listed in 1 above.

3. The **Operational Checklist** will provide a clear step-by-step process through which staff are able to determine an applicant's right to build before processing a building consent.

Review

4. The **Operational Checklist** will be continuously monitored during the first year of operation, and will thereafter be reviewed at least once a year or as required by changes in legislation.

5. This Policy must be reviewed every 3 years or as required by changes in legislation. The next review will take place in 2020.

Policy # 3112 - Building Permits - Maori Land

Date Issued: 23 November 1998

BACKGROUND

The Council is aware that Trustees of Maori land have expressed concern regarding the authority of Council to release a building consent without the knowledge of the Trustees of multiple owned Maori land. The issue has arisen as to whether Council is required to seek the consent of the Trustees prior to the release of the building consent.

LEGISLATIVE CONTEXT

1. Release of Building Consents

Council is empowered by Section 35 of the Building Act 1991 to issue building consents and to release a consent to the "applicant". However, Section 33 - Applications for Building Consents - limits the right to apply for a building consent to the owner.

An owner is defined as:

> *"'Owner', in relation to any land, including any buildings on that land, means the person who is for the time being entitled to the rack rent thereof or who would be so entitled if the land were let to a tenant at a rack rent; and, for the purposes of sections ..., 33 .... of this Act, includes the -*
> *(a) Owner of the fee simple of the land; and*
> *(b) Any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, while the agreement remains in force - and "ownership" has a corresponding meaning"*

2. Multiple Owned Land

Multiple owned Maori land can be held in a number of ways. The two most common methods are:

- under a 438 Trust which has a managing group of Trustees; or
- held in common ownership (apportioned shares) without a managing body.

Council may then, when receiving a building consent application, be dealing with an application from an owner who is or is not a Trustee or one of the share holders.

3. Allocations of the Land

A critical factor in the provision of housing on multiple owned Maori land is the adequacy of funding. To overcome the problem of alienation (subdivision) of parts of the land for financing purposes, land is divided into areas called "licences to occupy". These areas are allocated by the Maori Land Court, shareholders, and trustees, and enable the finance companies to place a mortgage over the buildings in the licensed area, not the land.

Far North District Council

4. Role of Trustees

Trustees appointed under Section 438 of the Maori Affairs Act have a significant role in the management of the land. They can be given a number of roles and to overcome the problem of the release of a building consent without the knowledge of the Trustees, the Maori Land Court can include this prerequisite consent within the Trust Order. This would allow the Trustees to control the development upon their land. Such a clause in a Trust Order would read:

"The Trustees are expressly authorised:
to consent to the erection of dwellings."

It is acknowledged that a clause of this type may not be contained in every Trust Order. The Court can include this in the document at the request of the Trustees/ landowners.

POLICY STATEMENTS

1. Prior to receiving a building consent application on multiple owned land or land vested in a Trust or a Maori Incorporation, Council shall require the following information as appropriate to the building consent application:

   a. License to occupy issued either by the Maori Land Court or the Trustees or Management Committee of an Incorporation; or

   b. Consent of Trustees or Management Committee of an Incorporation where there is no license to occupy; or

   c. Copy of Schedule of owners prescribed by the Maori Land Court identifying the applicant as an owner.

2. The release of a building consent does not alleviate the building consent holder from other civil liabilities. In other words, if Council issues a building consent to someone who does not own the land, then they cannot assume a right to build. If they did, the legal landowners would be in a position to seek trespasses.

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Phone 0800 920 029

Building Consents on Māori Freehold Land Policy (Internal)

Adopted: December 2017

Background

Council may ask for any information that is reasonably required to process a building consent application under s 45 of the Building Act 2004. Council requires that proof be provided of an applicant's right to build on land before a building consent will be processed. In the case of Māori Freehold Land, as defined by Te Ture Whenua Māori Act 1993, there is a need to establish the legal owners of the land. This internal policy helps staff to serve the applicant by guiding the application process for building consents on Māori Freehold Land, and enabling development on such land.

Objective

1. To clearly outline the information that is required to accompany a building consent application for a proposal on Māori Freehold Land.

2. To provide council staff with clear guidance when processing building consent applications to enable development on Māori freehold land within the regulatory requirements.

Policies

1. To ensure that the legal owners of the land have provided authorisation to an application for a building consent, the following information shall accompany an application for a building consent on Māori Freehold Land:
   a. Written authorisation (e.g. minutes of meeting, consent form with all signatories) from the Trustees of the land or Incorporation's Management Committee; or
   b. Written authorisation of all/the majority of registered/legal owners; or
   c. A licence to occupy issued by the Trustees of the land or Incorporation's Management Committee that encompasses the building proposal; or
   d. An occupation order issued by the Māori Land Court that encompasses the building proposal.

2. Staff shall use the **Operational Checklist** for Building Consents on Māori Freehold Land when processing the information listed in 1 above.

3. The **Operational Checklist** will provide a clear step-by-step process through which staff are able to determine an applicant's right to build before processing a building consent.

Review

4. The **Operational Checklist** will be continuously monitored during the first year of operation, and will thereafter be reviewed at least once a year or as required by changes in legislation.

5. This Policy must be reviewed every 3 years or as required by changes in legislation. The next review will take place in 2020.

Item: 7.5

Meeting: **Council - 15 February 2018**

Name of item: **Funding for NZ Ocean Swim Series Bay of Islands Classic 2018**

Author: Sheryl Gavin – Manager Corporate Planning & Engagement

Date of report: 24 January 2018

Document number: A1967653

Purpose of the report

To consider event funding for the NZ Ocean Swim Series Bay of Islands Classic for 2018.

Executive Summary

The NZ Ocean Swim Series is a Bay of Islands event that Council has supported for several years. 2017 saw the end of a three-year agreement for $25,000 per annum.

The organisers have requested that Council consider another multi-year agreement. However, with the event being part of a national series of seven events, they need to make final decisions on event dates and locations for the 2018-19 series no later than mid-February 2018, rather than apply through our regular Events Investment Funding round in May or await the outcome of a submission to the 2018-28 Long Term Plan.

Should Elected Members wish to see this event continue, the issue could be resolved by providing funding for the 2018 event out of the current year's budget and inviting the event organisers to submit on the 2018-28 Long Term Plan, requesting a further multiple year funding agreement commencing in the 2018/19 financial year.

Recommendation

That Council:

a) **approve funding of $25,000 + GST for the NZ Ocean Swim Series Bay of Islands Classic 2018 from the Economic Development budget 2017/18.**
b) **the event organisers be invited to request a further multiple year funding agreement in a submission to Council's 2018-28 Long Term Plan.**

1) Background

For the past three years the Bay of Islands Classic has operated with funding received from various sponsors, including FNDC. The multiple year agreement to provide $25,000 per annum came to an end with the December 2017 event.

Organisers are now finalising plans for their 2018 events across the country, and are approaching all councils who have previously supported their regular events to request funding for 2018 so that they can finalise the schedule for this year.

Quantum Events, the Series organisers, have advised that with the tightening commercial sponsorship market, they are reliant on continued funding from Councils around New Zealand to ensure these events are financially sustainable and continue

to operate. Without FNDC support the Bay of Island Classic event may not remain in the line-up for the series.

Their request is for $25,000 + gst for the 2018 event, and consideration of a further multiple year funding agreement commencing in the 2018/19 financial year.

2) Discussion and options

Over the last three years, Quantum estimate that the event has delivered $2 million (plus) positive economic impact in the region with almost no community disruption or negative impacts.

This is a cornerstone event that has consistently exceeded its Return on District Investment (RODI) expectations year on year since its inception in 2009. The Series attracts a substantial audience and participation, and contributes positively to the local, regional and sometimes national profile of the District.

The Bay of Islands Classic is therefore an ideal event investment vehicle for Council to support.

Funding for the 2018 event, should it be approved, will be used to cover the following:

- Event consents and applications
- Council-owned venue hire, notifications
- Harbour authority fees
- Public space bookings
- Provision of power and water on event day
- Signage and banners at Far North swimming pools leading up to the event
- Traffic management costs
- Portable toilets
- Waste management
- Prize giving gifts.

Please see Attachment 1 for the complete funding proposal for the 2018 event, which includes an overview of the estimated benefits, both financial and non-financial.

Should Elected Members wish to continue to support the Series, funding for the 2018 event could be taken from the existing 2017/18 budget for economic development.

Quantum Events could then be encouraged to submit on the 2018-28 Long Term Plan requesting a further multiple year funding agreement commencing in the 2018/19 financial year.

Their submission could then be considered as part of deliberations, with a budget adjustment made to the LTP should Council wish to make a longer term commitment to the event.

The alternative is to delay a decision about funding for the 2018 event until the Events Investment Funding round in May, but the delay may mean that the Bay of Islands event is taken off the Series schedule due to a lack of sponsorship.

Reason for the recommendation

The reason for the recommendation is to enable Quantum Events to proceed with planning for the 2018 Series, including the Bay of Islands Classic, which will be held in December this year. The recommendation also clarifies for Quantum Events the

process through which they may request ongoing longer-term support through funding set aside in the 2018-28 Long Term Plan.

3) Financial implications and budgetary provision

Sufficient 2017/18 economic development budget exists to cover funding of $25,000 + gst for this event. As at 31 December there is $45,000 available in the events funding budget, of which $15,000 has been committed to the Te Au Marie 1769 Trust for the appointment of a General Manager.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy

Attachment 1: Bay of Islands Classic – Event Funding Proposal for 2018 – Document number A1967856

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This has a wide degree of significance which is why it is subject to a separate consultative process.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The proposals outlined in this report are designed to ensure that the fees and charges meet the requirements of the Revenue and Financing Policy.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The matter has District wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Not applicable
State the financial implications and where budgetary provisions have been made to support this decision.	Adopting these proposals will result in a cost neutral position as there is sufficient budget to provide for the event.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

BAY OF ISLANDS CLASSIC
EVENT FUNDING PROPOSAL 2018

Far North District Council

PROPOSAL SUMMARY

Dear Sheryl and Kathryn,

The Bay of Islands Classic is a unique event for the Far North that delivers significant value for the region. This document includes an;

- Event Overview
- Economic Impact Statistics
- Deliverables to the Council's Key Event Outcomes
- Council's Partner Benefits
- Contribution Request

Kind regards

Scott Rice
Managing Director
Quantum Events

EVENT VISION

"To provide a professionally managed annual event that promotes swimming and water safety to people of the Far North, encourages participation, builds strong communities, drives the economy, and showcases the region to New Zealand and the World."

BAY OF ISLANDS CLASSIC - FAST FACTS

LOCATION

- Russell and Paihia
- Harbour Areas

PROMOTION

- Significant National Marketing and PR Campaign
- www.oceanswim.co.nz

PART OF SERIES

- One of seven events of the New Zealand Ocean Swim Series
- Annually held in the shoulder season
- Established 2009

SWIM DISTANCES

- 200m OceanKids
- 500m
- 1000m
- Long Swim (3.3km)

AUDIENCE

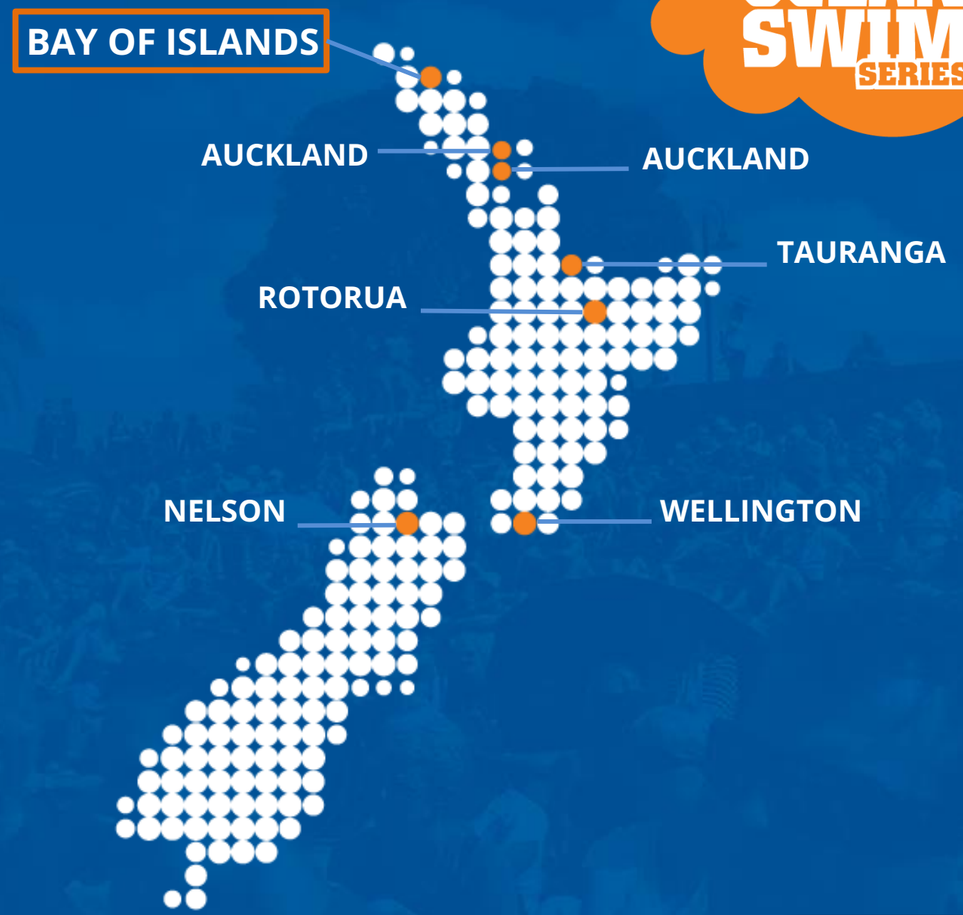
- 2000 Swimmers/Spectators
- 120,000 Online Audience
- Peripheral Reach 750,000
- Local and Domestic Audience
- Ages 6 - 85 years
- Visitors with a higher than average discretionary spend

ENTRY FEES

$25.00 - $79.00

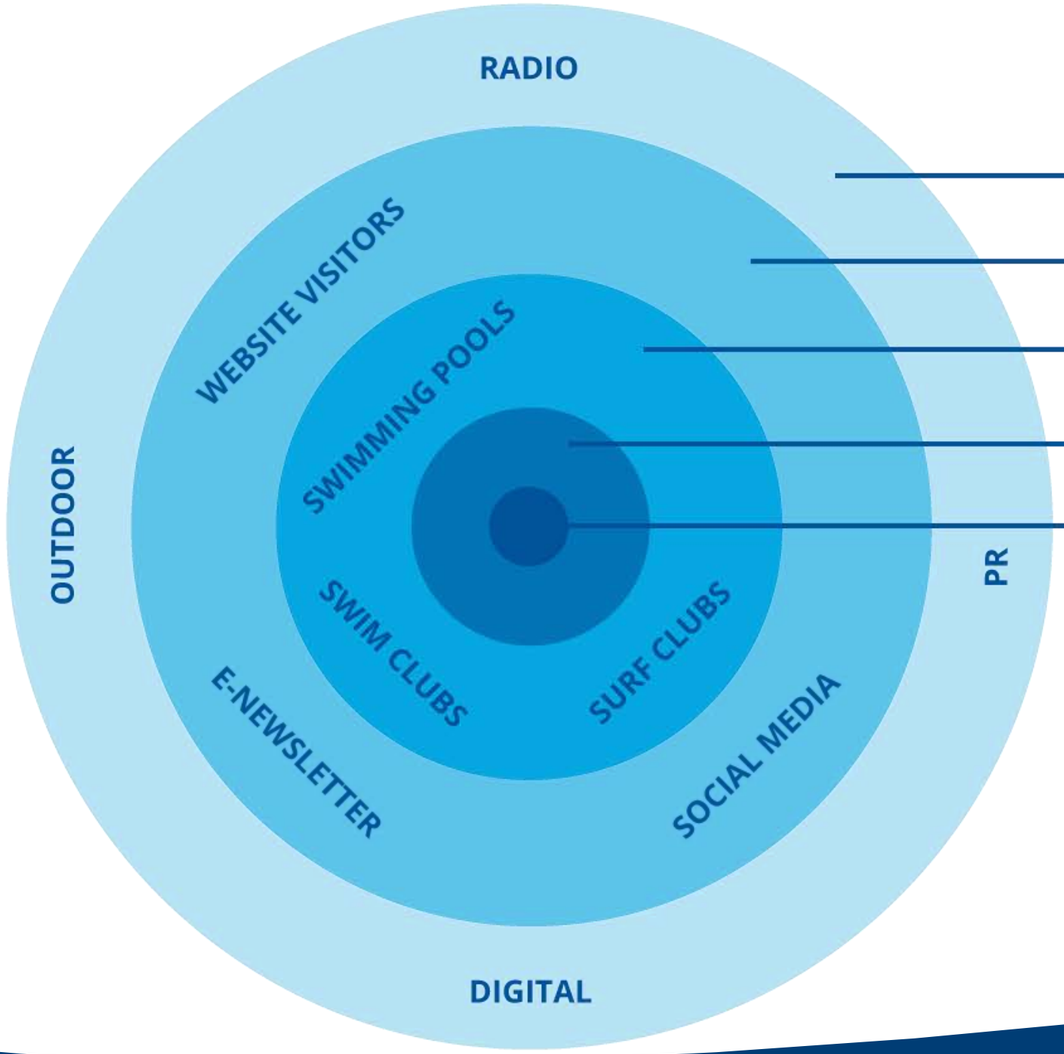
MANAGEMENT

- Event Owner Quantum Events
- Established 2003



Far North District Council

PART OF A SERIES WITH EXTENSIVE NATIONAL REACH



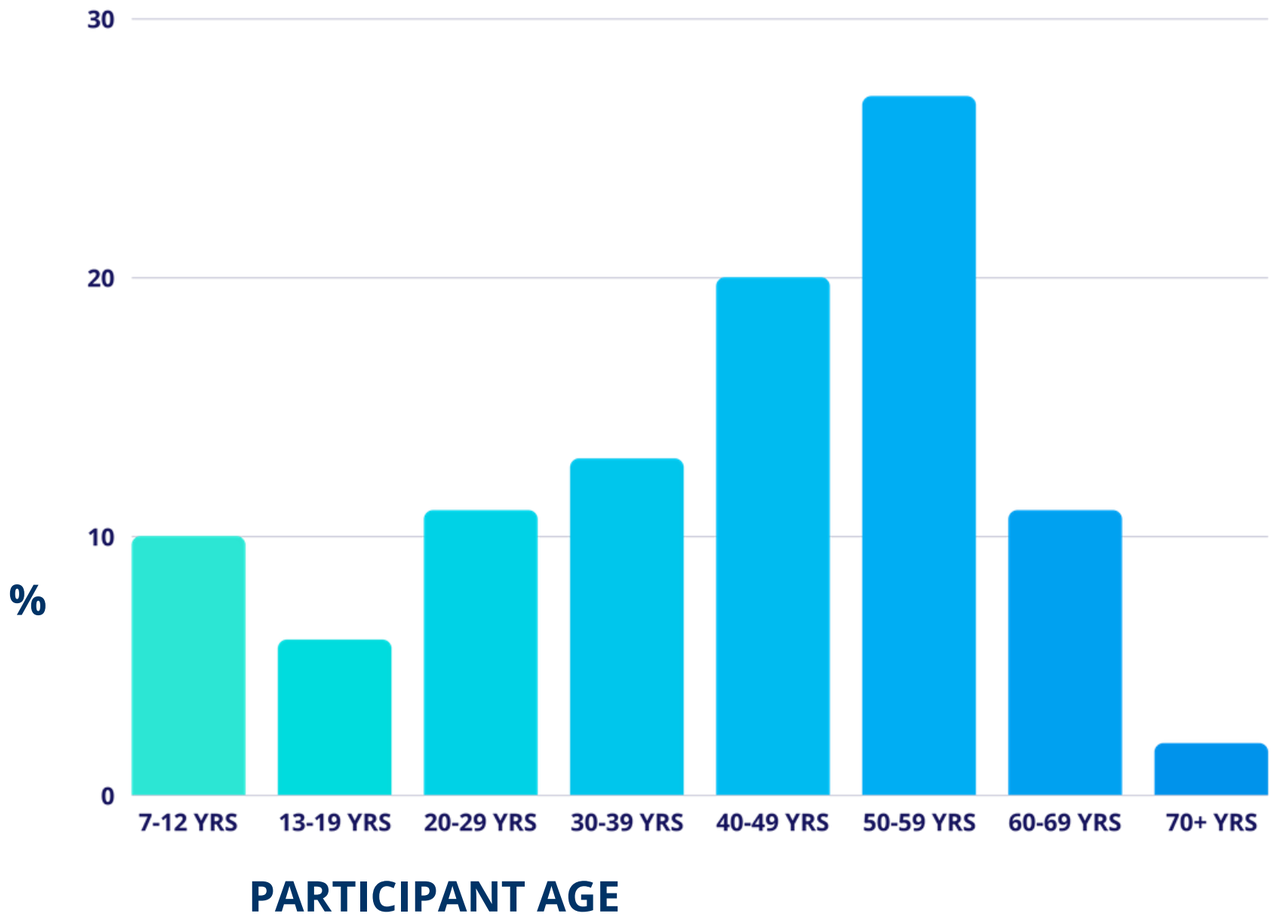
WIDER COMMUNITY	2,500,000
ENGAGED FANS	1,600,000
SWIMMING COMMUNITY	500,000
SPECTATORS	20,000
PARTICIPANTS	7,500
TOTAL REACH	**4,627,500**

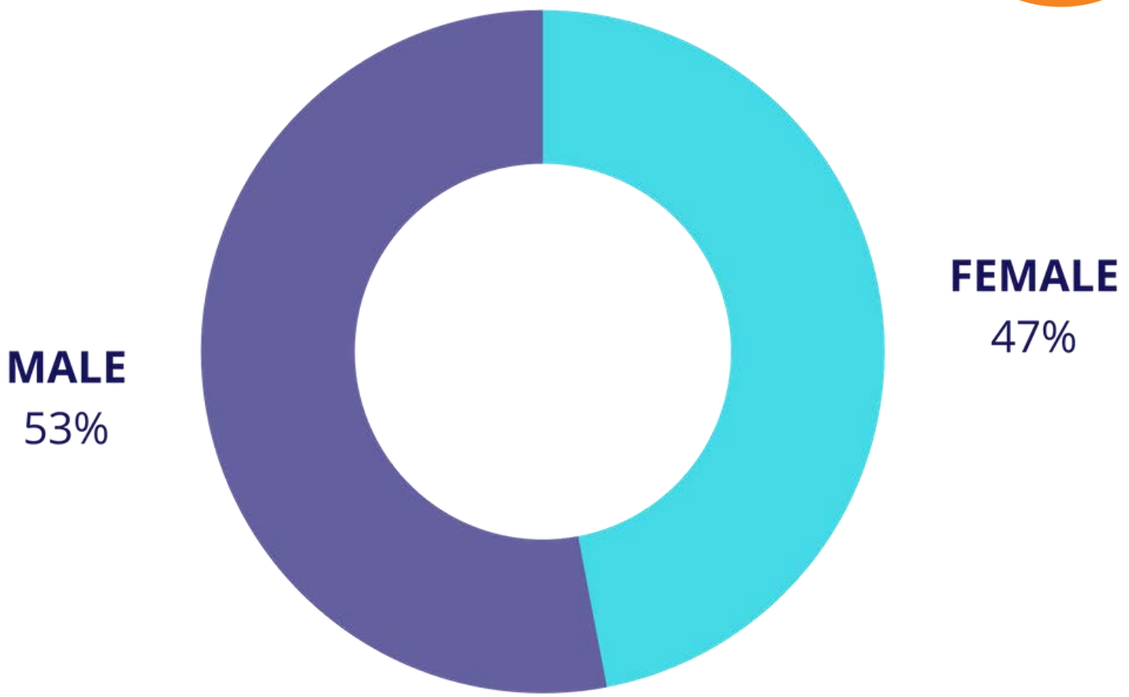
SUSTAINABLE COASTLINES

- The Series officially partners with charity Sustainable Coastlines
- Doing our part to keep rivers, ocean and beaches clean
- Supporting with an annual donation of NZ$20,000+

THE AUDIENCE

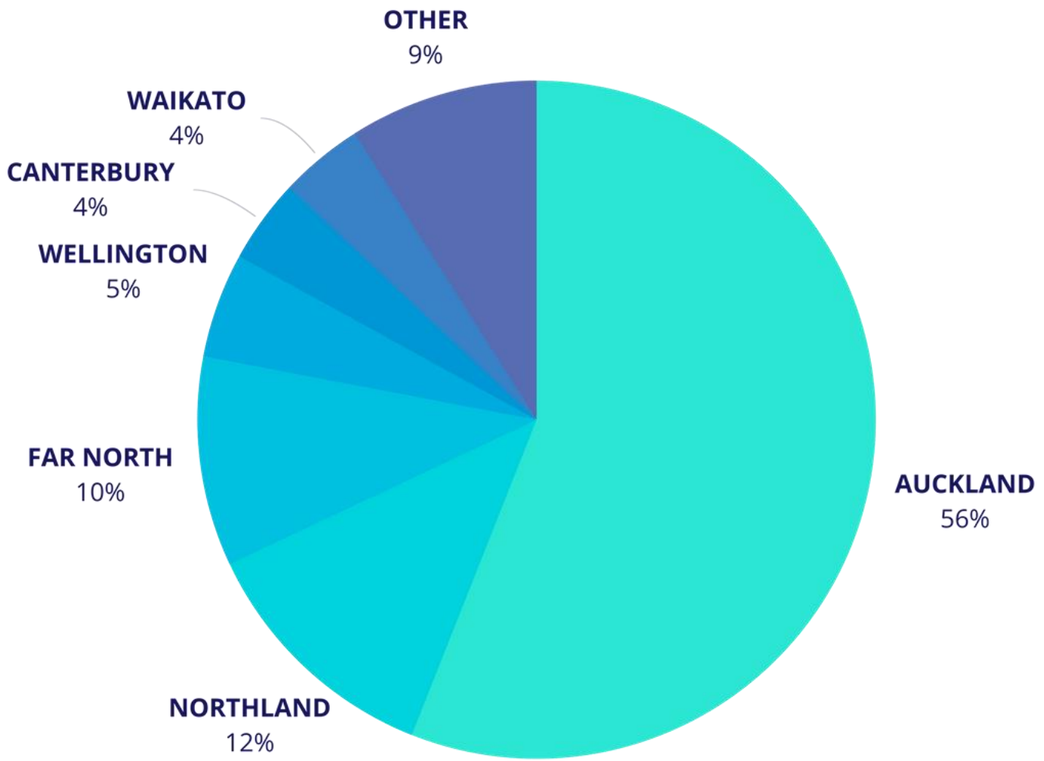
BAY OF ISLANDS CLASSIC DEMOGRAPHIC



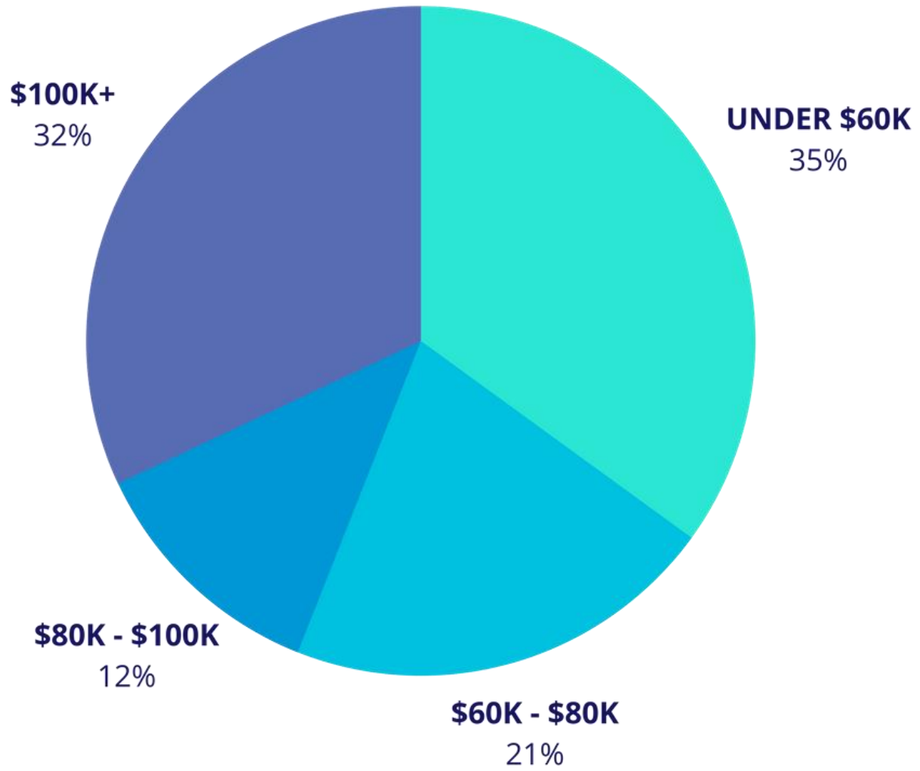


BAY OF ISLANDS CLASSIC DEMOGRAPHIC

PARTICIPANT ORIGIN



ANNUAL INDIVIDUAL SALARY



WHY DO PEOPLE DO IT?

- Personal challenge
- To stay fit and healthy
- Community connection and social interaction
- Mental challenge to overcome a fear
- Lofty goal following illness or injury

ECONOMIC IMPACT
EVENTS 2009 - 2017

ECONOMIC IMPACT

VISITORS TO FAR NORTH REGION BETWEEN 2009 - 2017

Group	Economic Impact
Participants	$2,863,978
Supporters, Friends and Family	$3,500,418
Total Economic Investment Between 2009 – 2017 (9 events)	**$6,364,396**

Figures calculated based on the recommended Tourism NZ visitor day trip and nightly spend levels along with participant and supporter numbers and their travel habits from the Bay of Islands Classic 2009-2017 events

ECONOMIC IMPACT
DECEMBER 2017 EVENT

ECONOMIC IMPACT – SUMMARY TABLE

VISITORS TO FAR NORTH REGION - DECEMBER 2017 EVENT

Group	Number	Economic Impact
Participants*	625	$288,364
Supporters, Friends and Family	770	$336,543
Total Economic Investment in to the Far North region from the 2017 event		**$624,907**

***Note:** Only includes participants entered in the event that reside outside of the Far North Area.

Figures calculated based on the recommended Tourism NZ visitor day trip and nightly spend levels along with participant and supporter numbers and their travel habits from the Bay of Islands Classic, December 2017

ECONOMIC IMPACT – PARTICIPANTS

VISITORS TO FAR NORTH REGION - DECEMBER 2017 EVENT

Duration	Unit Cost	Number	Percentage	Value
1 Night - paid accommodation	$341	179	38%	$61,039
1 Night - staying with friends and/or family	$191	59		$11,269
2 Nights – paid accommodation	$682	169	36%	$115,258
2 Nights – staying with friends and/or family	$332	56		$18,592
More than 2 nights – paid accommodation	$1023	61	13%	$62,403
More than 2 nights - staying with friends and/or family	$573	20		$11,460
Daytrip	$103	81	13%	$8,343
		625	**100%**	**$288,364**

Figures calculated based on the recommended Tourism NZ visitor day trip and nightly spend levels along with participant and supporter numbers and their travel habits from the Bay of Islands Classic, December 2017

ECONOMIC IMPACT – SUPPORTERS

VISITORS TO FAR NORTH REGION - DECEMBER 2017 EVENT

Duration	Unit Cost	Number	Percentage	Value
1 Night - paid accommodation	$341	208	38%	$70,928
1 Night - staying with friends and/or family	$191	69		$13,179
2 Nights – paid accommodation	$682	197	36%	$134,354
2 Nights – staying with friends and/or family	$332	66		$21,912
More than 2 nights – paid accommodation	$1023	71	13%	$72,633
More than 2 nights - staying with friends and/or family	$573	24		$13,752
Daytrip	$103	95	13%	$9,785
		730	**100%**	**$336,543**

Figures calculated based on the recommended Tourism NZ visitor day trip and nightly spend levels along with participant and supporter numbers and their travel habits from the Bay of Islands Classic, December 2017

COMMUNITY BENEFITS

How the event helps to celebrate our culture and the place in which we live:

- Each summer the event has either started or more recently finished in New Zealand's first capital, Russell.
- The Waitangi Treaty Grounds is encouraged as a place for swimmers to visit when they are staying in the area for the event.
- Opportunities in future for Kapahaka Group performing at event.
- Opportunities in future for a Maori Welcome – educating participants on historic history of the area and a send off for the start of the swim distance.
- The event showcases the towns of Russell and Paihia, and the water spaces and surrounding islands that make up the beautiful Bay of Islands.

BANANA BOAT
NEW ZEALAND
OCEAN SWIM SERIES

How the event contributes to building stronger communities:

- With the shared goal of preparing for the event, many swimmers join local swim squads/clubs during the summer which helps to build these community organisations.
- Community organisations are often approached with the opportunity to be involved with the event on the day, with volunteering and fundraising. For example in past year the Paihia Sea Scouts have run a fundraising BBQ on the event site.
- The event helps to encourage Far North residents to stay fit and active – by giving them an event to work towards and a goal to strive for. Swimmers registered for the event are more motivated to attend swim squads and local swimming pools more regularly to train for the event.
- By encouraging younger swimmers (7-12yrs) to take part in the OceanKids 200m, the event helps to educate and motivate children to participate in physical recreation and sporting events in the future.
- The event grows awareness and education for swimming, water safety and sun safety.

BANANA BOAT
NEW ZEALAND
OCEAN SWIM SERIES
OCEAN KIDS

How the event showcases the best a community has to offer in terms of sports, arts, culture, natural environment and facilities:

- **Sports:** awareness and recognition to top swimmers and also other local swimmers taking part and challenging themselves in newspapers, online media and television news.
- **Natural Environment:** the event showcases the towns of Russell and Paihia, and the water spaces and surrounding islands that make up the beautiful Bay of Islands.
- **Facilities:** the event utilises community facilities and spaces such as the Paihia Community Hall, Russell Town Hall, Russell and Paihia Wharves, Russell Village Green, Paihia Village Green.

BANANA BOAT
NEW ZEALAND
OCEAN SWIM SERIES
Jetstar
NEW ZEALAND
OCEANSWIM

The event enhances the quality of facilities, promotes the district and delivers economic benefits:

- The event promotes the district nationally through our channels and national marketing campaign
- Each summer the event brings economic benefits to the Far North Region with local contractors used for event services such as toilets, waste and traffic management.
- Over the past nine years swimmers and supporters visiting the area for the event have injected approximately $6,364,396 into the local economy through spending money on food (local cafes, restaurants), accommodation, retail (local stores), public transport (ferries) and tourist activities.

NEW ZEALAND
OCEAN SWIM SERIES
BANANA BOAT
Supporting our people
Refreshing Rascals & Reprobates since 1827
ON THE
ATERFRONT
RUSSELL-
Jetstar
MORE FM
TODAY'S BEST MUSIC MIX
Far North District Council
Loaded
ELECTROLYTE SPORTS DRINK
reaction
RESEARCH | SCIENCE

Ways in which the event implements environmentally responsible practices to minimize the negative impacts on neighborhoods and natural areas, while optimising the use of resources and being financially sustainable:

- We ensure that we have an adequate number of rubbish and recycle bins across our event site.
- During event pack downs we ensure that all rubbish is removed.
- Compostable cups are used at our drink station at the finish line.
- Our event team ensures open spaces in which we operate are looked after during and after the event – eg. pegs from marquees are removed carefully as to not pull up large quantities of soil/grass.

FINISH
NEW ZEALAND
OCEAN
SWIM
SERIES
Coast LOVE

The event is unique and celebrates the Far North in an exciting and vibrant way:

- The event is unique as it gives swimmers the opportunity to swim across the harbour, between two towns – Paihia and Russell.

- The event celebrates the Far North has swimmers get the chance to enjoy the beautiful scenery and environment that the Bay of Islands has to offer by swimming in its water and past its many islands in the bay.

BANANA BOAT
NEW ZEALAND
OCEAN
SWIM
SERIES
SQUAD
orca
Maddog
TORPEDO
blueseventy

PARTNER BENEFITS

BANANA BOAT
NEW ZEALAND OCEAN SWIM SERIES

BENEFITS – EVENT DAY

FINISH ARCHWAY

Councils logo featured in four positions on the event finish line archway

EVENT SIGNS

Opportunity to provide us doubled sided branded event signs to place on site

BENEFITS – EVENT DAY

FLAGS

Opportunity to provide us branded flags to place on site

SCRIPTED MESSAGES

Your key message broadcast multiple times by the event MC on event day

BENEFITS – EVENT DAY

PUBLIC ADDRESS

Opportunity for the Mayor or a representative of Council to address the crowd at prize giving

MEDAL PRESENTATION

Opportunity for the Mayor or representative of Council to award medals to open and age group place getters

BENEFITS – EVENT DAY

EVENT SITE

Opportunity to set up a branded marquee or run an activation on event day

SWIM PACK INSERT

Opportunity to provide a flyer to place in all event swim packs

BENEFITS – DIGITAL PROMOTION

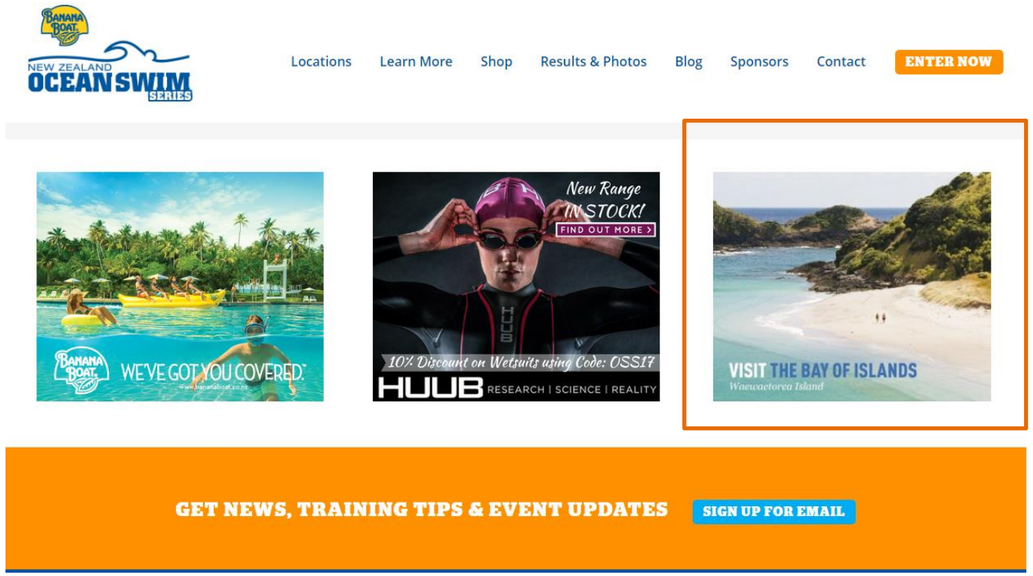
E-NEWSLETTER

Banner ad insertions and editorial promotional features within emails sent to 17,000+ strong database of swimmers leading into the Bay of Islands Classic event

FACEBOOK

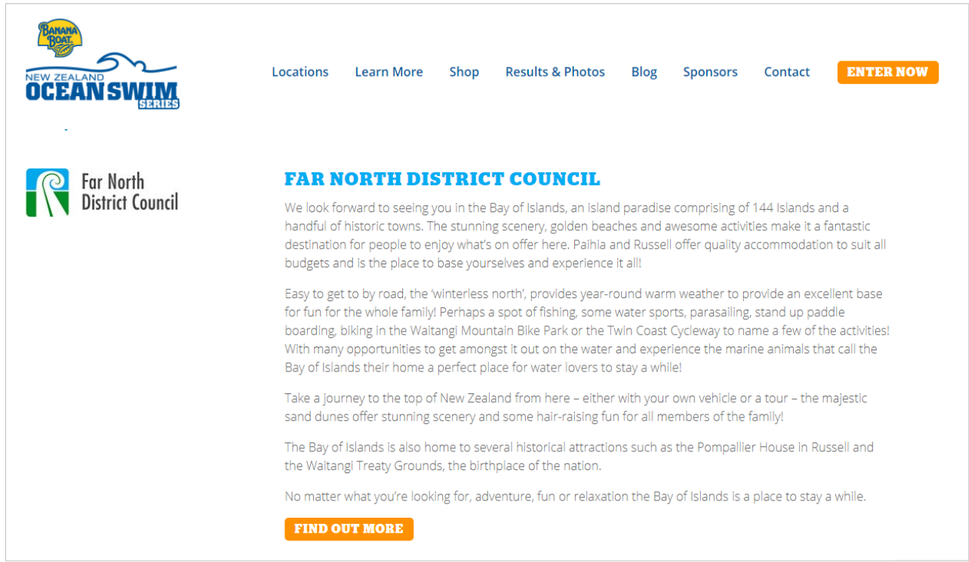
Boosted posts to our fans, friends of fans and the wider swimming community leading into and after the Bay of Islands Classic event

BENEFITS – DIGITAL PROMOTION



WEB ADVERTISEMENT

Web advertisements on the Series website, linking to a chosen webpage. Visible to the 400,000 visitors and 80,000+ unique users annually.



SPONSOR FEATURE

Webpage hosted on Series website with copy showcasing the Far North Region.

BENEFITS – INSIGHTS & CONTENT

RESEARCH

Opportunity to measure event satisfaction, visitation and economic impact through the post event participant survey.

EVENT CONTENT

Professional photos, event wrap and video sent to you following the Bay of Islands Classic event.

BENEFITS – STAFF & SOCIAL MEDIA COMPETITIONS

NEW ZEALAND OCEAN SWIM SERIES

FREE EVENT ENTRY

This voucher entitles the bearer to ONE FREE INDIVIDUAL ENTRY into the New Zealand Ocean Swim Series - Bay of Islands Classic event.

For more information on the Series visit www.oceanswim.co.nz

To redeem please email info@oceanswim.co.nz with the voucher code below along with the event which you wish to enter, and you'll be given instructions on how to enter online.

Voucher Code:

FREE ENTRIES

FREE entries which can be given away to staff or used for social media competitions.

FREE GIFTS

Branded gift packs (eg. Towel, tote bag and sunscreen) which can be given away to staff or used for social media competitions.

BENEFITS – PROMOTION

Sponsor Messages

Register your 7-12yr olds for the 200m OceanKids for their chance to be part of the Jetstar Super Swim Squad and attend a camp in May with NZ's best open water swimmers! Find out more at oceankids.co.nz.

Look out for the Banana Boat 'Spray Squad' and have fun in the sun! Family games, free SunComfort sunscreen memorable moments and prizes up for grabs.

Win $500 worth of Abeeco Products with #abeecosmile. Abeeco are all about natural health and beauty and we'd love to see your natural smile - find out more here.

Methven is supplying the Series with their showering requirements this summer, so make sure to enjoy the amazing Aurajet experience at the event! Get 10% off Methven Aurajet products at your local Plumbing World store by mentioning "Ocean Swim Race". Offer available until 30 April 2017.

If you are interested in swimwear that boasts performance, quality and durability, then check out the great range of HUUB wetsuits, swimwear, accessories and clothing online or onsite at the event!

Congratulations on entering the New Zealand Ocean Swim Series which is fueled by Loaded, with its new 50% less sugar formulation.

See you in the Bay of Islands, an island paradise comprising of 144 islands and a handful of historic towns. With stunning scenery, golden beaches and awesome activities.

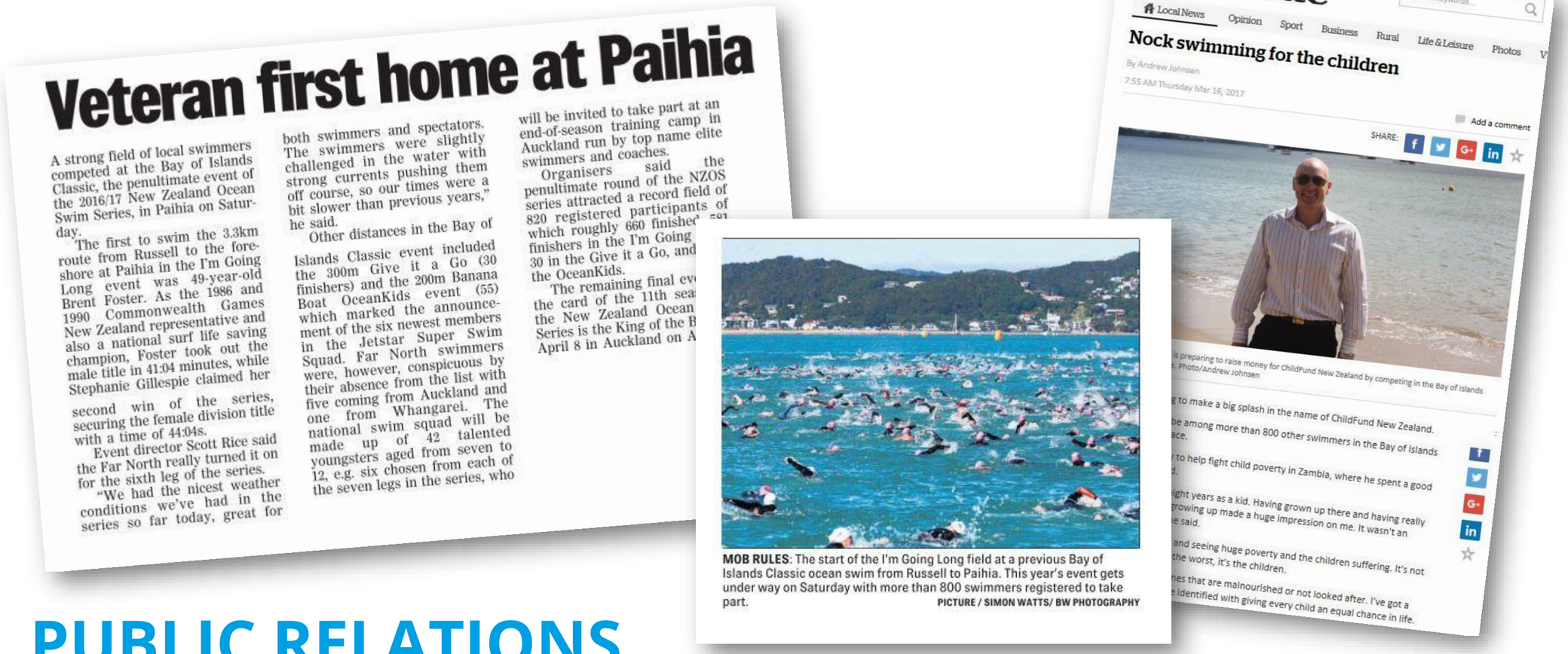
PARTICIPANT COMMS

Far North Region feature on Swimmer Info Sheets and Event Confirmation Emails sent to all registered Bay of Islands Classic event swimmers.

PRIZE GIVINGS

Opportunity to provide spot prizes to be given away at the Event Prize Giving with additional verbal promotion. Opportunity to present medals.

BENEFITS – PROMOTION



Veteran first home at Paihia

A strong field of local swimmers competed at the Bay of Islands Classic, the penultimate event of the 2016/17 New Zealand Ocean Swim Series, in Paihia on Saturday.

The first to swim the 3.3km route from Russell to the foreshore at Paihia in the I'm Going Long event was 49-year-old Brent Foster. As the 1986 and 1990 Commonwealth Games New Zealand representative and also a national surf life saving champion, Foster took out the male title in 41:04 minutes, while Stephanie Gillespie claimed her second win of the series, securing the female division title with a time of 44:04s.

Event director Scott Rice said the Far North really turned it on for the sixth leg of the series.

"We had the nicest weather conditions we've had in the series so far today, great for both swimmers and spectators. The swimmers were slightly challenged in the water with strong currents pushing them off course, so our times were a bit slower than previous years," he said.

Other distances in the Bay of Islands Classic event included the 300m Give it a Go (30 finishers) and the 200m Banana Boat OceanKids event (55) which marked the announcement of the six newest members in the Jetstar Super Swim Squad. Far North swimmers were, however, conspicuous by their absence from the list with five coming from Auckland and one from Whangarei. The national swim squad will be made up of 42 talented youngsters aged from seven to 12, e.g. six chosen from each of the seven legs in the series, who will be invited to take part at an end-of-season training camp in Auckland run by top name elite swimmers and coaches.

Organisers said the penultimate round of the NZOS series attracted a record field of 820 registered participants of which roughly 660 finished [illegible] finishers in the I'm Going 30 in the Give it a Go, and the OceanKids.

The remaining final ev the card of the 11th sea the New Zealand Ocean Series is the King of the B April 8 in Auckland on A

MOB RULES: The start of the I'm Going Long field at a previous Bay of Islands Classic ocean swim from Russell to Paihia. This year's event gets under way on Saturday with more than 800 swimmers registered to take part.

PICTURE / SIMON WATTS/ BW PHOTOGRAPHY

The Northern Advocate

Search keywords...

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Nock swimming for the children

By Andrew Johnsen

7:55 AM Thursday Mar 16, 2017

Add a comment

SHARE:

is preparing to raise money for ChildFund New Zealand by competing in the Bay of Islands. Photo/Andrew Johnsen

g to make a big splash in the name of ChildFund New Zealand.

be among more than 800 other swimmers in the Bay of Islands ace.

to help fight child poverty in Zambia, where he spent a good d.

ight years as a kid. Having grown up there and having really rowing up made a huge impression on me. It wasn't an e said.

and seeing huge poverty and the children suffering. It's not the worst, it's the children.

nes that are malnourished or not looked after. I've got a identified with giving every child an equal chance in life.

PUBLIC RELATIONS

PR opportunities both pre and post event.

BENEFITS – BRANDING

POOL BANNERS

Brand featured on pull banners placed into swimming pools in Northland and the Far North.

ROADSIDE SIGNS

Brand featured on signage placed in high traffic areas in Northland and the Far North.

BENEFITS – BRANDING

VEHICLE

Brand featured on event promotional vehicle which is driven the country.

TRAILER

Brand featured on event promotional trailer which is driven the country.

BENEFITS – DIGITAL BRANDING

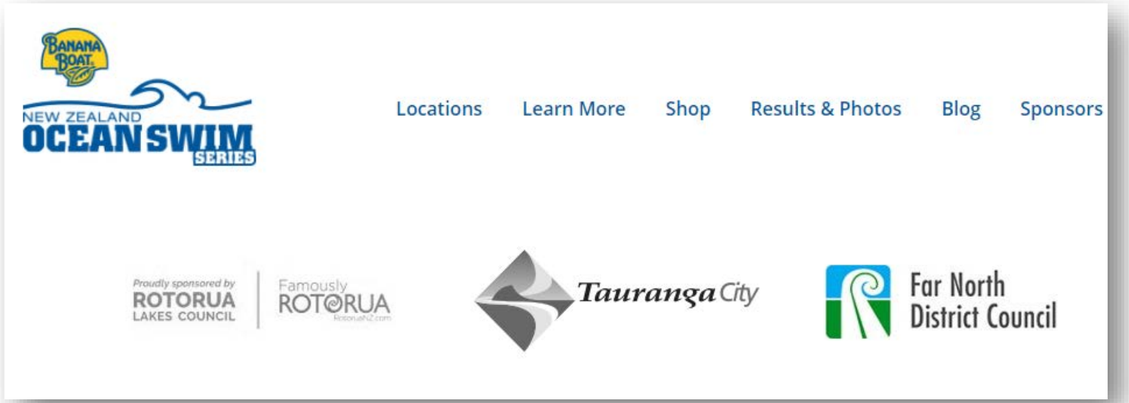
CERTIFICATES

Brand featured on all finish certificates distributed post event.

RADIO

Council acknowledged in all advertisements promoting the event.

BENEFITS – DIGITAL BRANDING



WEBSITE

Brand featured on website footer. Highlights our brand in colour selected.
Total annual web visits 400,000.

E-NEWS

Brand featured on e-news footer of every e-newsletter sent across season to 17,500 subscribers

BENEFITS - BRANDING

POSTERS

Brand featured on posters distributed to swim clubs, surf life saving clubs and pools.

CONTRIBUTION REQUEST

In return for the significant value the Bay of Islands Classic will deliver the Far North we request event funding of $25,000 for the 2018 event and the following assistance;

- Assistance with costs in relation to event consents/applications, Council owned venue hire, notifications, Harbour authorities, public space booking
- Provision of power and water for the event day
- Permission to place up to community promotional roadside signage in high traffic areas and banners in swimming pools within the FNDC region for a period of eight weeks prior to the event
- Assistance with costs for traffic management, portable toilets and waste management
- 5 suitable product/gifts for the event prize giving

APPENDIX

PARTICIPANT PROFILES

WHO ARE THEY?

01 THE CHALLENGER NUT: FEMALE / MALE 25–55

Middle to upper class, aged 25 – 55, married, white collar professionals

Motive:

Always looking to beat their personal best and push the boundaries of their fitness. Regularly participate in events (especially Iron Man NZ), triathlete. Health conscious and focused on food and nutrition. Like-minded group of friends.

Hobbies / Interests:

Travel, Triathlons, & Ironman.

WHO ARE THEY?

02 THE AVID SWIMMER: FEMALE / MALE 35–65+

Middle to upper class, married / parents, European & kiwi

Motive:

Swimming is their go-to sport of choice (they belong in the water). Staying active and leading a healthy lifestyle have always played a big role in their lives. Also enjoy being part of group organised activities

Hobbies / Interests:

Travel, Swimming events, Hiking

WHO ARE THEY?

03 THE CORPORATE ATHLETE: FEMALE / MALE 33–60

Middle to Upper Class, married couple, European & Kiwis

Motive:

A goal setter who likes to set themselves lofty goals both inside and outside of work. Fitness is important to them but not an obsession. They work out 3 times a week and often choose one goal a year to train towards.

Hobbies / Interests:

My Food Bag, NZ Herald, Stuff.co.nz

WHO ARE THEY?

04 THE TRY ANYTHING ONCE: FEMALES / MALES 28–55

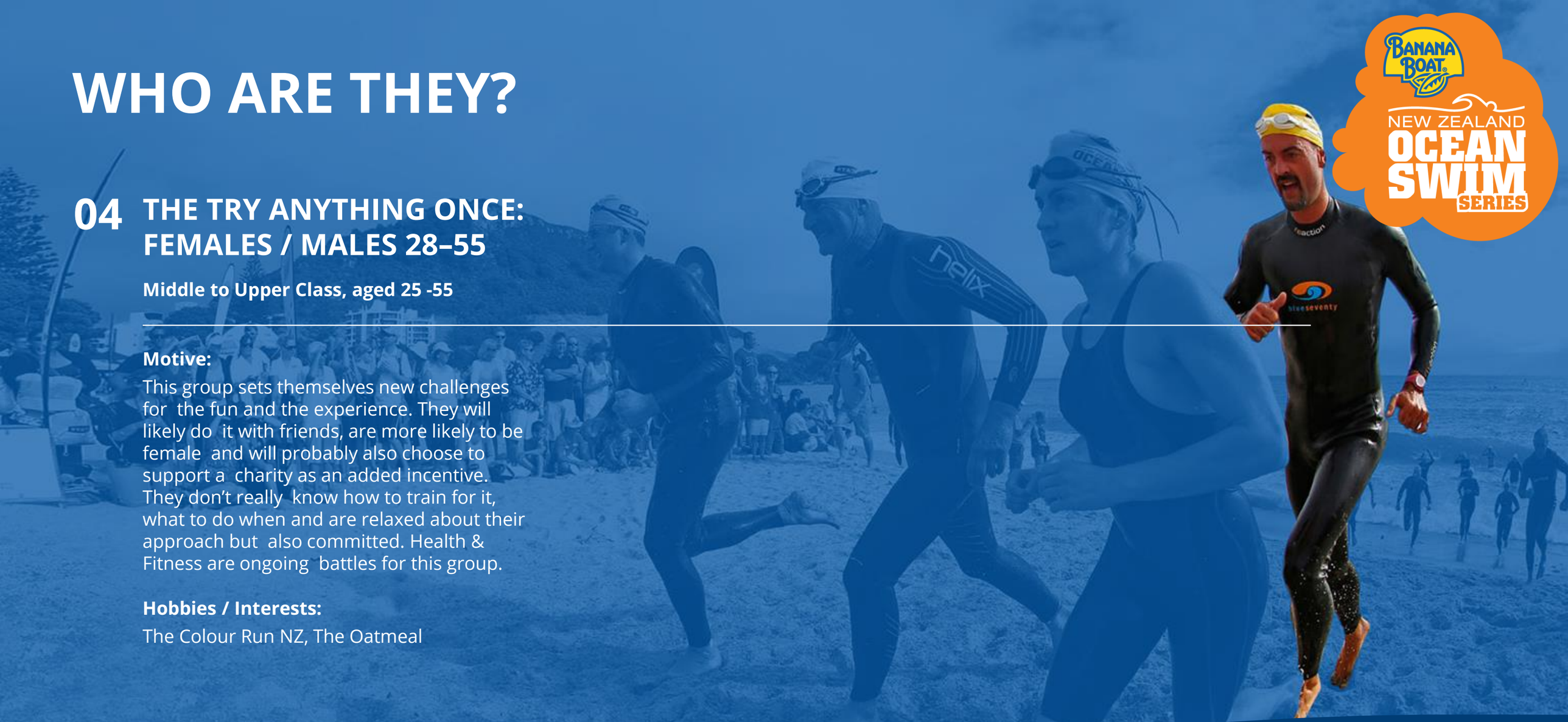
Middle to Upper Class, aged 25 -55

Motive:

This group sets themselves new challenges for the fun and the experience. They will likely do it with friends, are more likely to be female and will probably also choose to support a charity as an added incentive. They don't really know how to train for it, what to do when and are relaxed about their approach but also committed. Health & Fitness are ongoing battles for this group.

Hobbies / Interests:

The Colour Run NZ, The Oatmeal



MEET THE SWIMMERS

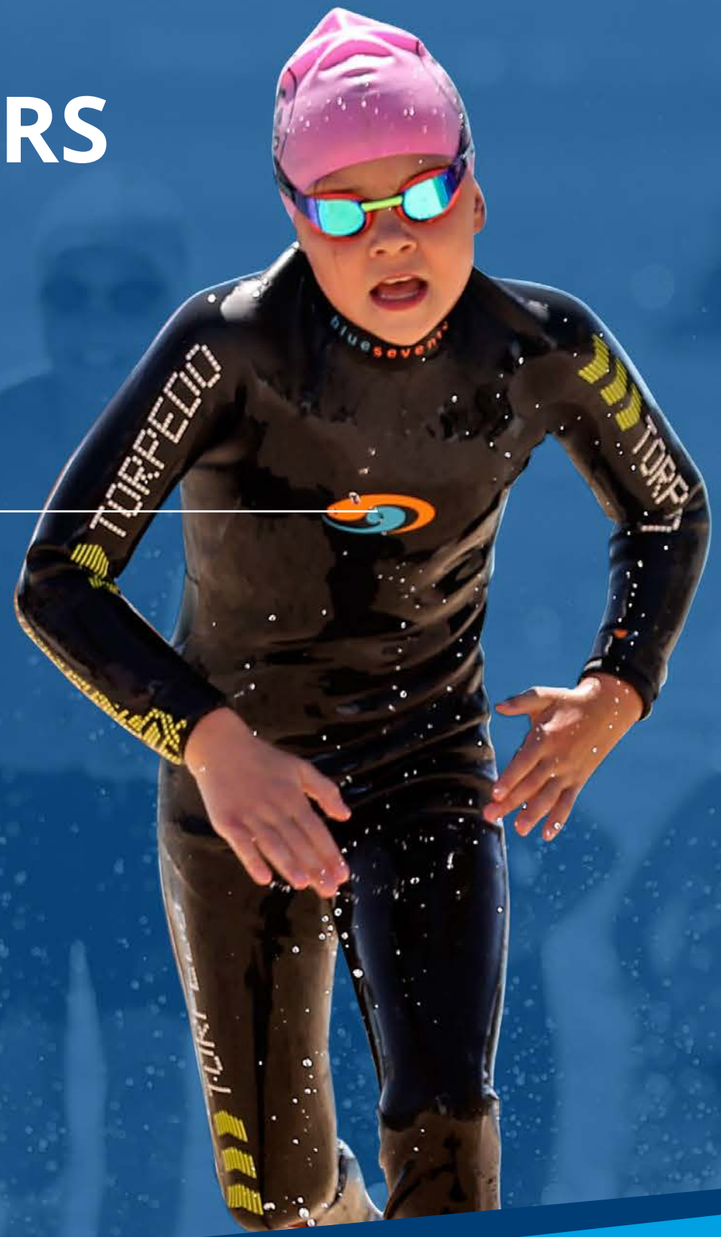
05 CHILDREN 7-12 YEARS

Primary and Intermediate School Children taking part in the Banana Boat OceanKids

Motive: Water confidence, Skill Advancement, Ocean Experience, Reward.

Hobbies / Interests:

Weetbix Kids Tryathlon, Recreational and Competitive Swimming



Item: 7.6

Meeting: Council - 15 February 2018

Name of item: Adoption Of Draft Fees and Charges for Consultation

Author:	Sheryl Gavin – Manager Corporate Planning & Engagement
Date of report:	23 January 2018
Document number:	A1967652

Purpose of the report

To adopt the Statement of Proposal and draft Schedule of Fees and Charges for 2018/19 and confirm consultation alongside the 2018-28 Long Term Plan.

Executive Summary

As required under the Local Government Act 2002, Council is required to review its fees and charges annually.

Draft fees and charges were discussed at a Long Term Plan workshop on 13 November 2017, with agreed changes incorporated into the Schedule of Fees and Charges for adoption today.

Any adjustments made are consistent with Council's decision as part of the Long Term Plan 2015-2025 to adjust fees annually in line with changing circumstances and specifically in line with inflation.

In most cases, the increases are limited to the Local Government Cost Index (inflation factor) which is BERL has forecast at 1.8% for 2018/19. Exceptions are discussed in this report.

Recommendation

That Council

a) **adopt the Statement of Proposal (SOP) for the proposed fees and charges.**
b) **undertake public consultation in accordance with section 83 of the Local Government Act 2002 (LGA) commence alongside consultation on the 2018-28 Long Term Plan on 5 March 2018.**

1) Background

FNDC reviews and adjusts fees and charges annually. We are also required, as part of legislation, to conduct a full review every three years. We have done a full review this year.

The Statement of Proposal and draft Schedule of Fees and Charges are attached. For ease of reference, we have shaded any fees/charges that have changed or been removed.

2) Discussion and options

Proposed changes to Fees and Charges for the 2018/19 financial year are:

- **Inflationary adjustments of 1.8% (LGCI inflation) for:**

- Animal registration and miscellaneous fees
- Building consent fees
- Resource consent fees
- Bylaw enforcement fees
- Cemeteries
- Alfresco dining licenses
- Environmental health licenses
- Mobile shop, street stall and hawkers licenses
- Lease and licenses of reserves / change of reserve status
- Council Legal services
- District Plan copies
- Property information (LIM)

- **Corrections to fees set by legislation for:**
  - Infringement fees for noise control, skating and cycles (seized equipment)
- **Removed from the schedule:**
  - Food Act fees for occasional food premise certificate of exemption removed as this activity is conducted by MPI
  - Housing for the Elderly removed with redirection to separate information on our website
  - Information centre fees removed. These fees are a contract between businesses and iSites and are often agreed via contracts and/or agreements.
  - Mooring fees. Council no longer administers mooring assets.
  - Fees relating to the supply of Council documents on CDROM
  - Rating information enquiry fee. Information is now available online through the Rating Information Database at no charge.
  - Fees set by Council contractors for swimming pools with redirection to separate information on our website.
- **New fees:**
  - Dog adoption fee to reflect actual costs for microchipping, registration until the end of the current year, vet check, vaccinations and desexing if required.
  - Resource consent fast-track fee introduced by the Resource Legislation Amendment Act 2017.
  - Resource consent permitted boundary activity and permitted marginal or temporary activities fees introduced by the Resource Legislation Amendment Act 2017.
  - New fee introduced for sampling of onsite wastewater system. Fee has existed in a bylaw but erroneously omitted from the schedule of fees and charges in the past.

- **Fee reductions:**
  - Fees for resource consent certificates under s221 of the RMA (consent notice), s222 (completion certificate) and s223 (approval of survey plan) reduced to reflect efficiencies resulting in reduced cost to process.
  - Resource consent outline plan waiver fees have been reduced to cover administrative costs only.
  - The resource consent fee to cancel an abatement notice has been removed as the action should be encouraged.
- **Other changes:**
  - Onsite wastewater system inspection fee changed to $85.00 per hour to include mileage costs.
  - Supply of Council documents in hard copy will now be charged at actual cost.
  - Land Information Memoranda (LIM) have been combined into one charge for all property types.
  - Stormwater, water and wastewater fees have been adjusted to recover actual costs
  - Applications for motor sprint events and traffic overweight permits have increased to recover actual costs

Council could decide not to adjust Fees and Charges as proposed. However, by doing so Council risks not recovering the actual and reasonable costs associated with these activities, and places the burden on rates revenue. In addition, keeping fees and charges static this year may create required spikes in fees in future years.

Timeline to adoption

Should the Statement of Proposal be adopted for consultation, the following dates are indicative:

Open for submissions:	5 March
Close for submissions:	4 April
Hearings:	18-20 April
Council Decision:	16 May
Adoption:	21 June (alongside the 2018-28 Long Term Plan)

Reason for the recommendation

The reason for the recommendation is to enable staff to proceed to consultation on the proposed fees and charges that are legally compliant and in line with Council's policies and previous decisions, with a view to Council adopting final fees and charges prior to 1 July 2017.

3) Financial implications and budgetary provision

The proposals outlined in the Fees and Charges review have been designed to ensure that the recoveries from carrying out these activities meet the funding arrangements specified in the Revenue and Financing Policy.

Manager: Kathryn Ross - General Manager Strategic Planning and Policy

Attachment 1: Statement of Proposal for 2018/19 Fees and Charges - Document number A1967653

Attachment 2: Schedule of proposed Fees and Charges for 2018/19 – Document number A1967940

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Maori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This has a wide degree of significance, e.g. some fees must be consulted on, fee changes are generally controversial etc., which is why it is subject to a separate consultative process.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The proposals outlined in this report are designed to ensure that Council's fees and charges meet the requirements of the Revenue and Financing Policy.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The matter has District wide relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not applicable
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	Not applicable
State the financial implications and where budgetary provisions have been made to support this decision.	Adopting these proposals will result in a cost neutral position.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Statement of Proposal –Fees and Charges for 2018/19

1 INTRODUCTION

Council reviews and adjusts its fees and charges on an annual basis. Although many of our fees and charges may be set by Council resolution under section 150 of the LGA, some must follow a formal process with public consultation in accordance with section 83 (the Special Consultative Procedure or SCP) of the Local Government Act 2002. To eliminate confusion Council will consult on all fees and charges, regardless of any legislative obligation to do so.

2 BACKGROUND

Various legislative powers and authorities enable Council to set fees and charges to recover an agreed share of the costs of carrying out the services it provides to the community.

Council's Revenue and Financing Policy forms the basis for the funding arrangements for Council activities. Where an activity is considered to have a private benefit, funding options include a fee or charge.

3 PROPOSAL TO SET FEES

Council commits to limiting fee/charge increases to the BERL forecast for Price Level Change Adjustors for Local Government, which is forecast at 1.8% for 2018/19 (rounded to the nearest dollar). This commitment is made in Council's Financial Strategy.

Proposed changes to Fees and Charges for the 2018/19 financial year are:

- **Inflationary adjustments of 1.8% (LGCI inflation) for:**
  - Animal registration and miscellaneous fees
  - Building consent fees
  - Resource consent fees
  - Bylaw enforcement fees
  - Cemeteries
  - Alfresco dining licenses
  - Environmental health licenses
  - Mobile shop, street stall and hawkers licenses
  - Lease and licenses of reserves / change of reserve status
  - Council Legal services
  - District Plan copies
  - Property information (LIM
- **Corrections to fees set by legislation for:**
  - Infringement fees for noise control, skating and cycles (seized equipment)
- **Removed from the schedule:**

- Food Act fees for occasional food premise certificate of exemption removed as this activity is conducted by MPI
- Housing for the Elderly removed with redirection to separate information on our website
- Information centre fees removed. These fees are a contract between businesses and iSites and are often agreed via contracts and/or agreements.
- Mooring fees. Council no longer administers mooring assets.
- Fees relating to the supply of Council documents on CDROM
- Rating information enquiry fee. Information is now available online through the Rating Information Database at no charge.
- Fees set by Council contractors for swimming pools with redirection to separate information on our website.

- **New fees:**
  - Dog adoption fee to reflect actual costs for microchipping, registration until the end of the current year, vet check, vaccinations and desexing if required.
  - Resource consent fast-track fee introduced by the Resource Legislation Amendment Act 2017.
  - Resource consent permitted boundary activity and permitted marginal or temporary activities fees introduced by the Resource Legislation Amendment Act 2017.
  - New fee introduced for sampling of onsite wastewater system. Fee has existed in a bylaw but erroneously omitted from the schedule of fees and charges in the past.
- **Fee reductions:**
  - Fees for resource consent certificates under s221 of the RMA (consent notice), s222 (completion certificate) and s223 (approval of survey plan) reduced to reflect efficiencies resulting in reduced cost to process.
  - Resource consent outline plan waiver fees have been reduced to cover administrative costs only.
  - The resource consent fee to cancel an abatement notice has been removed as the action should be encouraged.
- **Other changes:**
  - Onsite wastewater system inspection fee changed to $85.00 per hour to include mileage costs.
  - Supply of Council documents in hard copy will now be charged at actual cost.
  - Land Information Memoranda (LIM) have been combined into one charge for all property types.
  - Stormwater, water and wastewater fees have been adjusted to recover actual costs
  - Applications for motor sprint events and traffic overweight permits have increased to recover actual costs

4 REASON FOR PROPOSAL

The fees and charges in this proposal were reviewed as part of the Long Term Plan 2018-28.

The reason for reviewing the fees and charges is to ensure that each charge will recover the actual and reasonable costs where possible.

5 SPECIAL CONSULTATIVE PROCEDURE

Submissions will open on Monday, 5 March 2018 and close at 5pm on Wednesday, 4 April 2018. Submitters will have the opportunity to be heard in support of their submissions on 18, 19 or 20 April 2018. An appropriate time will be advised to those who wish to speak. The fees and charges in this document will then be adopted by Council in June 2018.

The fees and charges, once adopted, will come into force on 1 July, 2018.

6 SCHEDULE OF FEES AND CHARGES

The complete schedule of proposed fees and charges is attached.

Far North District Council

Te Kaunihera o Tai Tokerau ki te Raki

PROPOSED SCHEDULE OF FEES AND CHARGES

2018/19

HE WHENUA RANGATIRA

A DISTRICT OF SUSTAINABLE PROSPERITY & WELL-BEING

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ANIMALS

Dog Registration

Registration fees for desexed dogs	Current	Proposed	Current	Proposed	Current	Proposed
	1 July 2018 – 31 August 2018 Full fee		1 September 2018 - 30 June 2019 Full fee and penalty		1 September 2018 - 30 June 2019 Full fee, penalty and debt recovery costs	
Pet Dog	$51.00	**$52.00**	$76.00	**$77.00**	$90.00	**$91.00**
Menacing/dangerous dog	$81.00	**$82.00**	$119.00	**$121.00**	$134.00	**$136.00**
Working/pig dog	$39.00	**$40.00**	$58.00	**$60.00**	$73.00	**$74.00**
Disability assist dog (approved organisation certified)	No charge	**No charge**	No charge	**No charge**	No charge	**No charge**
Multiple dog discount (Register five dogs, get the sixth dog free)	$0.00	**$0.00**	n/a	**n/a**	n/a	**n/a**
Discount for Gold Card or Community Card holders	10%	**10%**	n/a	**n/a**	n/a	**n/a**

Registration fees for non-desexed dogs	Current	Proposed	Current	Proposed	Current	Proposed
	1 July 2018 – 31 August 2018 Full fee		1 September 2018 - 30 June 2019 Full fee and penalty		1 September 2018 - 30 June 2019 Full fee, penalty and debt recovery costs	
Pet Dog	$61.00	**$62.00**	$86.00	**$87.00**	$100.00	**$101.00**
Menacing/dangerous dog	$91.00	**$92.00**	$129.00	**$131.00**	$144.00	**$146.00**
Working/pig dog	$49.00	**$50.00**	$69.00	**$70.00**	$83.00	**$84.00**
Disability assist dog (approved organisation certified)	No charge	**No charge**	No charge	**No charge**	No charge	**No charge**
Multiple dog discount (Register five dogs, get the sixth dog free)	$0.00	**$0.00**	n/a	**n/a**	n/a	**n/a**
Discount for Gold Card or Community Card holders	10%	**10%**	n/a	**n/a**	n/a	**n/a**

Other Fees

Miscellaneous	Current	Proposed
Re-homing dog registration fee (applies to dogs re-homed by the SPCA or via Council pounds).	$36.00	**$36.00**

Miscellaneous	Current	Proposed
Dog adoption. Fee includes: microchipping, dog registration until the end of the current year, vet check, vaccinations and desexing (if required).	New	**Actual Costs**
Microchipping	$29.00	**$30.00**
Small dog collar	$11.30	**$11.50**
Large dog collar	$16.20	**$16.50**
Replacement registration tag (per tag)	$4.20	**$4.30**

De-sexed Dog Registration

Registration of desexed dogs is free for the first year of the dog's life (desexing certificate to be supplied) for the current registration year only. All other years shall be at normal fee.

Dog Impounding	Current	Proposed
Impounding	$66.00	**$67.00**
Second impounding	$100.00	**$102.00**
Third impounding	$137.00	**$140.00**
After-hours impounding (impound fee $67.00 + after hours fee $49.00)	$115.00	**$117.00**
Daily handling (up to three days)	$21.00	**$21.50**
Daily handling (up to seven days)	$41.00	**$41.50**
Daily handling (eight or more days)	$61.00	**$62.00**
Veterinary care	Actual costs	**Actual costs**

Stock Impounding	Current	Proposed
Bovine (bull, cow, ox) where one-five head of stock are impounded	$92.00	**$93.50**
Bovine (bull, cow, ox) where six-10 head of stock are impounded	$182.00	**$185.00**
Bovine (bull, cow, ox) where 11 plus head of stock are impounded	$273.00	**$278.00**
Equine (horse) where one-five are impounded	$102.00	**$104.00**
Equine (horse) where six-10 are impounded	$193.00	**$196.50**
Equine (horse) where 11 plus are impounded	$284.00	**$289.00**
Ovine (sheep)	$30.00	**$30.50**
Calves, foals, lambs, piglets (feeding off the mother) – no impounding or sustenance charge	No charge	**No charge**
Sustenance fees for impounded stock	$9.00	**$9.20**
NAIT (National Animal Identification & Tracing) tagging	Actual costs	**Actual costs**
Advertising costs (Advertising of impounded stock as required prior to auction / disposal)	Actual costs + $15 admin cost	**Actual costs + $15.30 admin cost**
Transport of stock to pound	Actual costs + $15 admin cost	**Actual costs + $15.30 admin cost**
Officers time (per hour)	$87.00	**$88.50**

BUILDING CONSENTS

The forecast increase in local authority costs for 2018/19 year is 1.8% so Council has used this figure to calculate the Building Consent fees for 2018/19 (rounded to the nearest whole dollar).

Revised fees come into effect on 1 July 2018.

Building Notes

It is important to note that each building project and site may be different, so please use this information as a **guideline only.** Total consent costs may not be known until the consent has been processed to approval.

For an indication of fees payable with your building consent application, please use our building fee calculator or contact our Building staff on free phone 0800 920 029 (for Northland land lines only) or 09 401 5200.

When are building fees payable?

- If your building project falls under the criteria for 'Fixed Fee Applications' then you will be paying a fee as stated in the Consolidated Fees schedule. This fee will be required when lodging your application
- If your building project falls outside the criteria for 'Fixed Fee Applications' then you will be in the "banded" fee bracket. These fees will be calculated based on processing time, and will be invoiced at time of issue of your consent
- When issuing a Code Compliance Certificate a check is done to see if there are any outstanding inspection or processing fees and these will be invoiced at this time
- In all cases, Council payment terms apply to all issued invoices.

How do I work out the estimated value?

- This is the total value of the building work including GST. Usually the designer or architect supplies the contract square metre rate and Council checks this against national statistics, the MBIE website, Building Economist and Codeword's publications.

Why do I get charged for inspections in advance?

- Council policy is to release building consents as soon as possible. Estimated inspection fees are paid in advance to assist this process to avoid delays for all parties

What are 'actual costs' and what will they include?

- This includes processing, inspections and administration services
- It may also include external services engaged to carry out reviews for Council e.g. the New Zealand Fire Service and Heritage NZ etc.
- Disbursements like scanning, copying, facsimile, telephone, travel and postage.

What are external services and why are they applicable to my application?

- External services are usually for New Zealand Fire Service design review, engineering technical or weather-tightness review for complex design or when unproven methods are proposed or input from Heritage NZ for any archaeological reviews.

When does my consent become commercial and trigger the higher fees?

- Generally when the building use is associated with "public use" and the engagement of employees
  Some descriptions of these building types include:
  - Communal residential (hostel / prison)
  - Communal non-residential (church / school)
  - Commercial (bank / service station)
  - Industrial (agricultural building / sewage plant)

These classified uses attract the higher fee due to the additional design complexity and use of specified systems.

What happens if I don't go ahead with my building consent, do I get a total refund?

- This function is carried out on a case-by-case basis and no full refund is provided due to administration and cost overheads. In normal cases there will be a refund for unused inspections, and BRANZ / MBIE levies
- If processing has already begun, is partially complete or fully completed, fees will be deducted accordingly.

Other fee information

- Some levies are set by other agencies so are not affected by this proposal
- All fees GST inclusive unless otherwise stated
- Building application fees are based on the **project value** of the building works, simple structures or minor type applications

Fixed fee applications

- This fee applies to building work with a project value of less than $20,000
- This fee applies to residential projects only
- This fee applies to specific works as listed in the chart below – the fee includes:
  - Building processing
  - District plan processing (where applicable)
  - Inspections as nominated (additional inspections will be charged at the current fee rate)
  - Code compliance certificate application fee.
- This fee is non-refundable due to the reduced fee offered for these services.

Fixed Fee Applications	Current	Proposed
Solid fuel heating appliance – freestanding (includes inspection)	$226.00	**$230.00**
Solid fuel heating appliance – inbuilt (includes inspections)	$351.00	**$357.00**
Residential connection to council reticulated sewer (includes inspections)	$351.00	**$357.00**
Residential ancillary buildings – e.g. carports, gazebo, garden sheds (includes inspections)	$509.00	**$518.00**
Residential outbuildings – e.g. garages unlined up to 120m², pool changing rooms etc. (includes inspections)	$509.00	**$518.00**
Farm buildings any type up to 120m² (includes inspections)	$509.00	**$518.00**
Residential swimming / spa pools and associated fencing (includes inspections)	$509.00	**$518.00**
Garage / sleep-out with plumbing and drainage (includes inspections)	$1,018.00	**$1,036.00**
Conservatories (includes inspections)	$701.00	**$714.00**
Other minor building work less than $20,000 – e.g. TP58 effluent systems, minor internal alterations (includes inspections)	$565.00	**$575.00**

General Building Fees	Current	Proposed
Amended plans application	Actual costs	**Actual costs**
BRANZ Levy (applies to project values above $20,000)	$1.00 per $1,000.00	**$1.00 per $1000**
MBIE Levy (applies to project values above $20,000)	$2.01 per $1,000.00	**$2.01 per $1,000**
Building warrant of fitness annual renewal	$90.00	**$92.00**
Building warrant of fitness audit report and inspection fee	$340.00	**$346.00**
Building warrant of fitness (audit only)	$169.00	**$172.00**
Certificate of acceptance application instalment (actual processing costs are calculated and applied)	$536.00 + actual costs	**$546.00 + actual costs**
Certificate of public use application	$373.00	**$380.00**
Certificate of title request	$38.00	**$39.00**
Change of use application instalment (actual processing costs are calculated and applied)	$102.00 + actual costs	**$104.00 + actual costs**
Code compliance certificate application	$169.00	**$172.00**
Older code compliance certificate application (includes review of building consents if over four years old)	Actual costs	**Actual costs**
Compliance schedule and statement	$305.00	**$310.00**
Compliance and accreditation levy (maximum levy fee $276.00)	$1.40 per $1,000.00	**$1.40 per $1,000**
Condition assessment report application	$102.00	**$104.00**
Enforcement action under the Building Act (Notice to fix notice, dangerous or insanitary notice and breach investigation)	Actual costs	**Actual costs**
Exemption from requiring building consent application	$169.00	**$172.00**
Extension of time application	$102.00	**$104.00**
Field advice notice	$169.00	**$172.00**
Inspections – residential	$169.00	**$172.00**
Inspections – commercial	$248.00	**$252.00**
Request for information (charged on any application type)	Actual costs	**Actual costs**
Scanning charge per application	$11.00	**$11.20**
Section 72 hazard notification	$340.00	**$346.00**
Section 75 building on two or more allotments notification	$340.00	**$346.00**
Specific expertise – inspection and processing required	Actual costs	**Actual costs**
Swimming pool inspections	$169.00	**$172.00**
Waiver / modification waiver application to existing building consent	Actual costs	**Actual costs**
Weekly building consent report (charge per annum)	$400.00	**$407.00**

Hourly Processing Fees	Current	Proposed
Building Manager / Compliance Manager	$158.00	**$161.00**
Team Leader / Senior Building Officer / Senior Building Specialist	$153.00	**$156.00**
Building Officer / Building Compliance Officer / Building Specialist	$146.00	**$149.00**
PIM Officer (District Plan check)	$130.00	**$132.00**
Building Administration / Compliance Administration	$89.00	**$90.00**

Banded Fees

The table below provides an estimate of fees that could be charged for processing a consent depending on project value and complexity. This estimate does not show all applicable fees that may be charged, for this use our Building Fees Calculator, which will again give an estimate of fees and show what other fees will be applicable like BRANZ and MBIE levies etc.

Note: these fees will only be charged on completion of processing when actual fees and charges are known. You must pay the invoice before you can uplift your consent and inspections can start on your project.

Building Work To Be Undertaken	Building Officer		Administration Fees		District Plan Check Fees	
	Current	Proposed	Current	Proposed	Current	Proposed
$0 – $19,999	$289.00 (2 hrs officer time)	**$294.00**	$143.00 (1.5 hrs officer time)	**$145.00**	$96.00 (0.75 hrs officer time)	**$98.00**
$20,000 – $150,000	$433.00 (3 hrs officer time)	**$441.00**	$188.00 (2 hrs officer time)	**$191.00**	$160.00 (1.25 hrs officer time)	**$163.00**
$150,001 – $350,000	$578.00 (4 hrs officer time)	**$588.00**	$232.00 (2.5 hrs officer time)	**$236.00**	$256.00 (2 hrs officer time)	**$261.00**
$350,001 – $700,000	$722.00 (5 hrs officer time)	**$735.00**	$276.00 (3 hrs officer time)	**$281.00**	$256.00 (2 hrs officer time)	**$261.00**
$700,001+	$866.00 (6 hrs officer time)	**$881.00**	$276.00 (3 hrs officer time)	**$281.00**	$256.00 (2 hrs officer time)	**$261.00**

Vehicle Crossings	Current	Proposed
Vehicle crossing application and vehicle crossing inspection fee	$213.00	**$217.00**
A bond deposit (minimum $1,000.00) may be set to ensure construction of vehicle crossing		
Vehicle crossing inspection fee	$157.00	**$160.00**
Re-application fee for expired approvals	$66.00	**$67.00**
Application for RAPID number	$25.50	**$26.00**
Replacement RAPID signs	$10.00	**$10.20**

BYLAW ENFORCEMENT

Amusement Devices and Entertainment Premises	Current	Proposed
These fees are set under Section 11 of the Amusement Devices Regulations 1978		
Amusement devices only; one device, for the first seven days of operation or part thereof	$10.00	**$10.00**
Amusement devices only; for each additional device operated by the same owner, for the first seven days or part thereof	$2.00	**$2.00**
Amusement devices only; for each device, for each further period of seven days or part thereof	$1.00	**$1.00**

Fire Prevention	Current	Proposed
Section clearance **(includes administration charge, site inspection if required and contractors actual costs)**	$100.00 + Actual costs	**$102.00+ Actual costs**

Gaming Act 2003	Current	Proposed
Gaming and TAB venue license fees (Gaming Act 2003)	$400.00	**$407.00**

General Bylaw License Application	Current	Proposed
General Bylaw license application fee incorporates fees for:- Application for keeping animals, poultry and bees Application for advertising signs Application for taxi stands Application for brothel signs Application for entertainment premises (e.g. billiard room)	$102.00 per application	**$104.00 per application**
New or replacement sign (requires Community Board consideration)	$152.00	**$155.00**
Reclaiming of seized advertising signs	$76.00 per sign	**$77.00 per sign**

CEMETERIES

Burial Plots	Current	Proposed
Burial plot	$725.00	**$738.00**
Interment single depth	$760.00	**$774.00**
Interment double depth	$862.00	**$877.00**
Interment child (under 10)	$203.00	**$207.00**
Ground maintenance	$142.00	**$145.00**
Disinterment fee	$2,028.00	**$2,065.00**
Interment - oversize single depth	$837.00	**$852.00**
Interment – oversize double depth	$913.00	**$929.00**
Statutory holiday surcharge	$436.00	**$444.00**

Ash Burial	Current	Proposed
Ash berm (Russell)	$330.00	**$336.00**
Ash berm (All others)	$101.00	**$103.00**
Grave digging for ash burial	$183.00	**$186.00**
Search fee	$25/hr	**$25.50/hr**

Flowering Baskets	Current	Proposed
Standard rate per unit	$31.00	**$31.50**

CERTIFICATES AND LICENSES

Alcohol Licensing	Current	Proposed
The following fees are set under the Sale and Supply of Alcohol Act 2012		
Application fee - Managers Certificates	$316.25	**$316.25**
Renewal fee - Managers Certificates	$316.25	**$316.25**
Temporary Authority	$296.70	**$296.70**
Certificate of Compliance Liquor Application	$429.00	**$429.00**

Premises - On, Off and Club Licenses					
Fee Category and cost/risk rating score		**Application Fee Current**	**Annual Fee Current**	**Application Fee Proposed**	**Annual Fee Proposed**
Very low	0-2	$368.00	$161.00	**$368.00**	**$161.00**
Low	3-5	$609.50	$391.00	**$609.50**	**$391.00**
Medium	6-15	$816.50	$632.50	**$816.50**	**$632.50**
High	16-25	$1,023.50	$1,035.00	**$1,023.50**	**$1,035.00**
Very high	26 plus	$1,207.50	$1,437.50	**$1,207.50**	**$1,437.50**

Special Licenses - risk based fees (see notes below)**	Current	Proposed
Class 1	$575.00	**$575.00**
Class 2	$207.00	**$207.00**
Class 3	$63.25	**$63.25**

**Special License Definition	
Class 1	a large event (400+) people, or more than three medium events (100 - 400 people), or more than 12 small events (fewer than 100 people)
Class 2	One to three medium events (100 - 400 people), or Three to 12 small events (fewer than 100 people)
Class 3	One or two small events (fewer than 100 people)

Alfresco Dining License	Current	Proposed
All Licenses renewable on 1st July each year		
Application and renewal fee	$101.00	**$103.00**
Site inspection	$71.00	**$72.00**
One table	$51.00	**$52.00**
Two tables	$101.00	**$103.00**
Three tables	$152.00	**$155.00**
Four tables	$202.00	**$206.00**
Five tables	$253.00	**$258.00**
New application received during licensing year	Pro-rata, according to number of tables (however the application	**Pro-rata, according to number of tables (however the**

Alfresco Dining License	Current	Proposed
	fee and site inspection will be charged at full fee)	**application fee and site inspection will be charged at full fee)**
Re-inspection fee	$51.00	**$52.00**
New application – not compliant and needing Community Board approval	$152.00	**$155.00**
Change of ownership – new licensee	$56.00	**$57.00**
Example: All **new compliant** applications will incorporate an application fee ($103), a site inspection fee ($72) and a charge per table ($52). Therefore a new application for one table will be a total fee of $227.00		

Collection and Transportation of Waste and Diverted Materials	Current	Proposed
Waste Collector's License	$500 p.a	**$509.00 p.a.**

Environmental Health Licenses	Current	Proposed
(Per annum) Health (Registration of Premises) Regulations 1966 Annual renewal 1st July. Pro rata fees for new application throughout the registration year		
License Fees		
Class 1 (pre-packed food) and Club License	$314.00	**$320.00**
Class 2 (preparation and sale of food on premises)	$522.00	**$531.00**
Class 3 (manufacturers)	$725.00	**$738.00**
Health (hairdressers, mortuaries, camping grounds and septic tank cleaners)	$314.00	**$320.00**
Club 1 (Club License for pre-packed food)	$314.00	**$320.00**
Camping ground (with food preparation and / or shop)	$522.00	**$531.00**
Charitable organisations (churches etc)	$202.00	**$206.00**
Re-inspection	$182.00	**$185.00**
Change of Ownership (new certificate)	$56.00	**$57.00**
Replacement of lost certificate	$25.50	**$26.00**

Food Act	Current	Proposed
The following fees are set under the Food (Fees and Charges) Regulations 2015		
Food Control Plan		
Initial registration based on an acceptable model or template		
Initial registration (includes one hour processing time)	$180.00	**$180.00**
Additional processing time – per hour	$180.00	**$180.00**
Registration Renewal		
Registration renewal (includes one hour processing time)	$180.00	**$180.00**

Food Act	Current	Proposed
Additional processing time – per hour	$180.00	**$180.00**
Registration Amendment		
Registration amendment (includes one hour processing time)	$180.00	**$180.00**
Additional processing time – per hour	$180.00	**$180.00**
Verification		
Fixed fee (includes up to 3.5 hours of verification activity)	$515.00	**$515.00**
Additional processing time – per hour	$180.00	**$180.00**
Compliance and monitoring		
Complaint driven investigation resulting in the issue of an improvement notice by a Food Safety Officer – per hour	$180.00	**$180.00**
Application for review of issue of improvement notice – per hour	$180.00	**$180.00**
Monitoring of food safety and suitability	Charge per hour	**Charge per hour**
Premises transitioning to Food Act 2014		
Food hygiene registration payment will be transferred to the Food Act registration on a pro rata basis	Pro rata calculation	**Pro rata calculation**

Mobile Shop, Street Stall and Hawkers Licenses

Definitions:

Mobile Shop means a vehicle (including a trailer) from which goods are offered for sale in any public place but does not include any vehicle used exclusively for the delivery of pre-ordered goods, nor any stall

Hawker means any person who carries any goods for sale from property to property but does not include any person delivering pre-ordered goods, or any person exposing goods for sale in any public place, nor any mobile shopkeeper

Regular Annual Licenses	Current	Proposed
Mobile shop (non-food) – annual	$511.00	**$520.00**
Mobile shop (food related) – annual	$760.00	**$774.00**
Mobile shop – seasonal Non-food related (one month)	$45.00	**$46.00**
Mobile shop – seasonal Food related (one month)	$65.00	**$66.00**
Mobile shop (coffee vendor only) – annual	$253.00	**$258.00**
Mobile shop (coffee vendor only) – seasonal	$25.50 per month	**$26.00 per month**
Hawkers – annual	$329.00	**$335.00**
Hawkers – seasonal	Pro-Rata ($30.00 per month – minimum of one month)	**Pro-Rata ($31.00 per month – minimum of one month)**
Market food premises and mobile shop	$202.00	**$206.00**
Street stalls (Fundraising events, charitable trusts, or street appeal collectors) Maximum 20 per year	No charge	**No charge**

Site permit (non-food) – annual	$1,028.20	**$1,047.00**
Site permit (food related) – annual	$1,318.00	**$1,342.00**
Site permit – seasonal	Non-food related (one month) $85.00	**Non-food related (one month) $87.00**
	Food related (one month) $110.00	**Food related (one month) $112.00**
Tour Operators License	$202.00	**$206.00**

INFRINGEMENTS

The following infringements are set by Government legislation. For more information please visit: www.legislation.govt.nz

Activity	Legislation
Alcohol – sale and supply	Sale and Supply of Alcohol 2012, Section 260
Dogs	Dog Control Act 1996, Schedule 1
Building	Building Act 2004, Section 101
Food	Food Act 2014, Section 391
Littering	Litter Act 1997, Section 15 (1) a-b, Section 16 and FNDC Litter Infringement Policy
Noise	RMA 1991 and Resource Management Infringement Offences Regulations 1999
Seizing of any equipment (noise, skateboards etc)	Local Government Act 2002, Section 259
Parking	Land Transport (Offences and Penalties) Regulations 1999, Schedule 1B
Resource Consents	Resource Management Act 1991, Section 338 and Resource Management Infringement Offences Regulations 1999

Litter Infringements* (effective from 16 February 2017)	Current First Offence	Current Subsequent Offence	Proposed First Offence	Proposed Subsequent Offence
Litter, of less than one litre, left in a public space or on private land without the occupier's consent.	$100.00	$400.00	**$100.00**	**$400.00**
Litter, of one litre to 20 litres, left in a public space or on private land without the occupier's consent.	$150.00	$400.00	**$150.00**	**$400.00**
Litter, of 20 litres to 120 litres, left in a public space or on private land without the occupier's consent.	$250.00	$400.00	**$250.00**	**$400.00**
Litter, of more than 120 litres, left in a public space or on private land without the occupier's consent.	$400.00	$400.00	**$400.00**	**$400.00**
Hazardous** or offensive litter*** left in a public space or on private land without the occupier's consent.	$400.00	$400.00	**$400.00**	**$400.00**

*Infringements do not attract GST

**Hazardous litter includes broken glass, barbed wire, jagged metal, medicines

***Offensive waste includes rotting food, animal remains, faeces (including discarded nappies)

Noise Control	Current	Proposed
Infringement notice to be issued under Resource Management Act (RMA 1991)*	$750.00*	**$750.00**
Return of confiscated equipment (seizure of any property)	$145.00	**$145.00**

* Infringements do not attract GST

Parking Infringements		Current	Proposed
P101	Parked within an intersection	$60.00	**$60.00**
P102	Parked within six meters of an intersection	$60.00	**$60.00**
P103	Parking near corner, bend or rise	$40.00	**$40.00**
P104	Parking on or near a pedestrian crossing	$60.00	**$60.00**
P105	Parked in prohibited area	$40.00	**$40.00**
P106A	Parked over the time limit	$40.00	**$40.00**
P107	Parked on broken yellow line	$60.00	**$60.00**
P108	Parked in area reserved for vehicles hire/reward	$60.00	**$60.00**
P109	Parking within six meters of an indicated bus stop	$40.00	**$40.00**
P110	Parked across a vehicle entrance	$40.00	**$40.00**
P111	Parked near fire hydrant	$40.00	**$40.00**
P112	Parked between fire hydrant and road marking	$40.00	**$40.00**
P113	Double parked	$60.00	**$60.00**
P114	Incorrect kerb parking – left side of road	$40.00	**$40.00**
P115	Parked on footpath	$40.00	**$40.00**
P116	Parking trailer on road more than seven days	$60.00	**$60.00**
P117	Inconsiderate parking	$60.00	**$60.00**
P119	Parked on a loading zone **	$40.00	**$40.00**
P120	Incorrect angle parking	$40.00	**$40.00**
P127	Parked on a flush median or traffic island	$40.00	**$40.00**
P508	Parked in a clearway	$60.00	**$60.00**
P969	Parked in an area reserved for disabled persons	$150.00	**$150.00**
P106/T30	Parking in breach of a time limit 0-30 mins	$12.00	**$12.00**
P106/T60	Parking in breach of a time limit 31- 60 mins	$15.00	**$15.00**
P106/T120	Parking in breach of a time limit 61-120 mins	$21.00	**$21.00**
P106/T240	Parking in breach of a time limit 121-240 mins	$30.00	**$30.00**
P106/T360	Parking in breach of a time limit 241-360 mins	$42.00	**$42.00**
P106/T1000	Parking in breach of a time limit six hours or more	$57.00	**$57.00**

Infringements do not attract GST

* Use for when goods and service vehicles overstay on loading zone

C = Car
B = Bus
T = Truck
S = Station Wagon

U = Ute
V = Van
CV = Campervan
MB = Motorbike

Skating and Cycles	Current	Proposed
Recovery of seized equipment	$50.00 per item	**$50.00 per item**

LEASES AND LICENSES OF RESERVES/CHANGES OF RESERVE STATUS

Change of Reserve Status Processing Charges	Current	Proposed
Change of classification of reserve	$306.67	**$312.00**
Revocation of reservation of reserve	$306.67	**$312.00**

Note: This charge covers administrative costs and is to be paid on application for reserve status. This charge is not payable in cases where the application can be processed in conjunction with a request to lease the reserve, in which case the $408.89 lease processing charge listed below covers the costs. Applicants will be required to meet other costs that may apply – Department of Conservation fees, resource consent application fees, survey costs etc.

Leases of Reserves (One year or more) Processing Charges	Current	Proposed
New lease of reserve; e.g. local purpose or recreation (including grazing leases)	$408.89	**$416.00**
Renewal of lease of reserve; e.g. local purpose or recreation	$204.44	**$208.00**

Administration charges to be paid on application for the lease. When applicable, applicants will also be required to meet legal expenses, Department of Conservation fees, resource consent and/or liquor License application fees.

Easements under Reserves Act Processing Charge	Current	Proposed
Easement over reserve (plus any addition)	$408.89	**$409.00**

Leases of Reserves (One year or more) Rentals (per year)	Current	Proposed
Lease by commercial operator (e.g. motor camp, carpark)	Individually determined on percentage of Government value	**Individually determined on percentage of Government value**
Lease by semi-community group (e.g. bowling club, school)	$102.22	**$104.00**
Lease by community group (e.g. marae committee)	$102.22	**$104.00**
Grazing leases	By tender process	**By tender process**

Note: Lessees are also required to pay rates and in some cases, where the lessees are occupying council owned buildings, they are required to reimburse council when annual insurance premiums are paid.

Temporary License to Occupy Reserves Processing Charges	Current	Proposed
New license for grazing or other purposes	$102.22	**$104.00**
Renewal of license for grazing purposes	$51.11	**$52.00**
Rentals		
Licenses by commercial operator	Individually determined on percentage of Government value	**Individually determined on percentage of Government value**
Licenses by semi-community and community groups	$102.22	**$104.00**
Grazing licenses	By tender process	**By tender process**

Permits to Occupy Reserves (less than one month)	Current	Proposed
No processing charge but written application required	No charge	**No charge**

Use of Reserves	Current	Proposed
Commercial use (e.g. circus) per showing	$76.67	**$77.00**
Plus deposit (refundable if no turf damage)	$562.22	**$572.00**
Community use ground rental	No charge	**No charge**

Paihia Village Green - Stallholders / Exhibitors	Current	Proposed
Residents of the Far North District (per site / per day)	$10.00	**$10.00**
Non-residents of the Far North District (per site / per day)	$20.00	**$20.00**
Community activities (e.g. Carols by Candlelight)	No charge	**No charge**
Hire of entire village green	By negotiation with Council	**By negotiation with Council**

LEGAL SERVICES

Hourly Rates	Current	Proposed
In-house Counsel	$250.00	**$255.00**
Property Legalisation Officer	$99.00	**$100.00**
Travelling costs – from nearest Council office	$0.72/km	**$0.73 /km**

LIBRARIES

Item Replacement		Proposed
All items: Replacement value of item plus administration fee	Actual costs + $10.00 per item	**Actual costs + $10.00 per item**

Borrowing	Current	Proposed
Local resident borrower	No charge	**No charge**
Organisation borrower (Limited users)	$30.00	**$30.00**
Replacement borrower card	$2.00	**$2.00**
Interloan search	from $6.00	**from $6.00**
Book repairs	from $5.00	**from $5.00**
Expired holds fee	$2.00	**$2.00**
Overdue items fee (per day)	$0.30	**$0.30**

Faxing	Current	Proposed
Local		
Transaction fee	$2.50	**$2.50**
Per page thereafter	$1.00	**$1.00**
National		
Transaction fee	$2.50	**$2.50**
Per page thereafter	$1.50	**$1.50**
International		
Transaction fee	$2.50	**$2.50**
Per page thereafter	$3.00	**$3.00**
Incoming Fax		
Per page (one-four pages)	$1.50	**$1.50**
Per page thereafter (fifth page)	$1.00	**$1.00**

MARINE

Hokianga Vehicle Ferry	Current	Proposed
Children concession	$4.00	**$4.00**
Foot / car passenger – single	$2.00	**$2.00**
Passenger concession	$10.00	**$10.00**
Motorcycle – one way	$5.00	**$5.00**
Campervan – one way	$40.00	**$40.00**
Light vehicle (vehicles <2200 kg – trailers / caravans)	$20.00	**$20.00**
Resident light vehicle	$7.00	**$7.00**
Light vehicle concession – five trips	$30.00	**$30.00**
Light vehicle concession – 10 trips	$55.00	**$55.00**
Heavy vehicle single trip – per axle	$15.00	**$15.00**
Heavy vehicle concession – 10 trips	$100.00	**$100.00**
Special sailings	$150.00	**$150.00**

OFFICIAL INFORMATION

Local Government Official Information and Meetings Act (LGOIMA) Information requests	Current	Proposed
Staff time (first hour free) per ½ hour	$38.00	**$38.00**
Plan Print	$5.00	**$5.00**
Photocopying	$0.20	**$0.20**

Copies of documents required to be available at a reasonable charge under the Local Government Official Information and Meetings Act. (All postage payable)

Annual Supply of Agendas and Minutes (hard copy)	Current	Proposed
Council	$152.00	**Actual cost**
Community Boards – per Board	$40.00	**Actual cost**
All Community Boards	$122.00	**Actual cost**
All Agendas (Council, Community Boards, Hearings)	$578.00	**Actual cost**
Hearings Agendas	$300.00	**Actual cost**

One off copies of Agendas (hard copy)	Current	Proposed
Any Committee or Community Board (under 120 pages)	$10.00	**Actual cost**
Any Committee or Community Board (over 120 pages)	$15.00	**Actual cost**

Other Council Publications	Current	Proposed
Hard copy of Annual Plan, Long Term Plans and Annual Report	$30.00	**Actual cost**

Photocopying Charges	Current	Proposed
A4 (black and white)	$0.20	**$0.20**
A4 (colour)	$1.00	**$1.00**
A3 (black and white)	$0.40	**$0.40**
A3 (colour)	$2.00	**$2.00**

Charges for supply of information when the information is not required to be provided free under the Local Government Official Information and Meeting Act, where the aggregate amount of staff time spent to action the request exceeds half an hour

Document Scanning	Current	Proposed
One – five pages	$1.00	**$1.00**
Six or more pages	$2.00	**$2.00**

Operative District Plan	Current	Proposed
Text volume	$140.00	**$166.73**
Map volume	$110.00	**$148.22**
Map pages (Individual)	$5.00	**Actual cost**
Text and maps (Printed)	$250.00	**$314.95**

Rating Information	Current	Proposed
Rate book (per book – annual)	$300.00	**Actual cost**

PROPERTY INFORMATION

Electronic Property File Request	Current	Proposed
Collating and providing the property file online (per property file)	$25.00	**$25.00**

Digital Data Supply	Current	Proposed
DCDB parcels – per parcel	$0.20	**$0.20**
Staff time (per hour)	$80.00	**$83.00**
USB stick (with data on it) (replaces CD option)	$6.00	**$6.00**

Physical Map Requests (Paper and PDF)	Current	Proposed
Staff time (per hour)	$82.00	**$83.00**
Hard copy – A3	$40.00	**$41.00**
Hard copy – A2	$50.00	**$51.00**
Hard copy – A1	$70.00	**$71.00**
Hard copy – A0	$82.00	**$83.00**
Soft copy (PDF format) – A3	$40.00	**$41.00**
Soft copy (PDF format) – A2	$40.00	**$41.00**
Soft copy (PDF format) – A1	$40.00	**$41.00**
Soft copy (PDF format) – A0	$40.00	**$41.00**
USB stick (with data on it)	$6.00	**$6.00**

Note: Where a request covers more than one property and/or requires additional time to process, the charges will be based on 10-minute intervals according to the schedule. FNDC does not provide A4 maps. These are accessible and printable via the mapping website www.fndcmaps.govt.nz

Property Information Products – Maps	Current	Proposed
Vector maps: locality plan, property plan, property boundaries, addresses, legal description, area – A4	$6.00	**Actual cost**
Street map (Cadastral) – reproduction cost	$6.00	**Actual cost**

Land Information Memoranda (LIM's)	Current	Proposed
LIM Application – All properties	$270.00	**$275.00**
Research fee – where extensive research is required. (This is additional to the application fee)	$38.00 per half hour	**$38.00 per half hour**

RESOURCE CONSENTS

Resource Consent fees are calculated based on BERL Forecasts of Price Level Change Adjustors (with some rounding). This means that fees will increase each year in accordance with the changes to the BERL Forecast.

The forecast increase in local authority costs for 2018/19 year is 1.8% so Council has used this figure to calculate the Resource Consent fees for 2018/19. These revised fees come into effect on 1 July 2018.

Notes:

1. These fees have been rounded up to the nearest whole dollar
2. All fees GST inclusive unless otherwise stated

Instalment fees are charged at application lodgement. Where the instalment paid does not cover the actual processing costs Council shall require the applicant to pay an additional charge following the issuing of decision. Council reserves the right to interim invoice applications monthly where costs have been incurred and exceed the instalment fee paid.

Not withstanding the instalment fee, where the application is of a "complex" nature, or it is likely to take longer to process, Council may estimate the charges required to complete the processing and shall require the applicant to pay the estimated charges prior to further processing of the application. An applicant shall upon request be provided an itemised breakdown of costs. For the purposes of these charges the terms "actual and reasonable cost" and "standard charges" shall include but not be limited to:

- FNDC staff time for receiving, processing and granting the application
- Inspections
- Travel – breakdown of costs, etc.
- Administrative / technical support
- Contract services (e.g. landscape architect, engineers) engaged by Council to fulfil obligations of the Resource Management Act 1991; and
- Disbursements including photocopying, facsimile, telephone and postage.

An applicant required to pay an additional charge has a right of objection to the council in respect of that requirement, and has a right of appeal to the Environment Court in respect of Council's decision on that objection.

A Fixed Fee is the present charge paid when a request for a certificate etc. is made. The cost for these services is fixed. Although fixed, this fee covers the first three hours of processing. Any additional time or meetings may be charged to enable Council to recover its actual and reasonable costs.

Where a fixed fee is paid for a certificate or similar service, but not all requirements have been met, a fixed fee will be recharged on resubmission.

Note: All Fees and Charges are INSTALMENTS unless otherwise stated at the top of the particular table.

** Actual and reasonable cost based on an hourly rate, mileage and disbursements will be deducted from the instalment fee or charged to determine the final fee payable.*

Resource Consents, Designation and Heritage Orders – Non-Notified	Current	Proposed
Simple Land use (single Zone Rule breach with no engineering assessment required)	$1,054.00	**$1,073.00**
Fast track consents	**NEW**	**$1,073.00**
Change or cancellation of consent condition – Sec 127; Change or cancellation of consent notice condition - 221(3)	$1,133.00	**$1,153.00**
Outline plan consideration (176A);	$1,133.00	**$1,153.00**
Application for extension – Sec 125 lapsing a consent	$1,133.00	**$1,153.00**
Land use;	$1,817.00	**$1,850.00**
Subdivision; and	$1,817.00	**$1,850.00**
Discharge to land	$1,817.00	**$1,850.00**
Combined subdivision / land use	$3,160.00	**$3,217.00**
Notices of requirement for a designation and / or heritage order	$2,634.00	**$2,681.00**
Removal of or alteration to a notice of requirement	$790.00	**$804.00**
Updating of cross lease flats plans	$1,817.00	**$1,850.00**
Simple Sect 127 change of conditions (minor changes and where the approval remains consistent with the original proposal, no engineering assessment is required and there are no parties affected by the change)	$632.00	**$643.00**

Note: Deemed permitted boundary activities and Deemed permitted marginal or temporary activities' fees can be found under 'Approvals and Certificates Fixed Fees'.

Resource Consents, Notices of Requirement and Heritage Orders – Limited Notified	Current	Proposed
Land use and subdivision; combined land use and subdivision; notices of requirement; heritage orders; discharge to land *Note:* Where an instalment fee has already been paid, Council will require the balance owing to be paid before limited notification proceeds.	$2,950.00	**$3,003.00**

Resource Consents, Notices of Requirement and Heritage Orders – Publicly Notified	Current	Proposed
Land use and subdivision; combined land use and subdivision; discharge to land; changes to consent conditions – Section 127; notice of requirements; heritage orders *Note:* Where an instalment fee has already been paid, Council will require the balance owing to be paid before notification proceeds.	$5,215.00	**$5,309.00**

Hearings	Current	Proposed
Hearings required for any resource consent or other permission. **Hearing fee** · Cost of third party / hearing commissioners will be charged at actual cost · Staff and consultants costs will be charged at actual cost · Miscellaneous charges (copying, venue hire, printing, etc.) will be charged at actual cost · All costs will be itemised · The final fee in any one application will be determined by the Team Leader, Resource Consents or his / her appointee · All charges will be actual and reasonable costs less the instalment fee. Note: Actual and reasonable cost based on an hourly rate, mileage and disbursements will be deducted from the instalment fee or charged to determine the final fee payable.	$1,130.00	**$1,150.00**

Monitoring	Current	Proposed
Monitoring fee – monitoring of resource consents (including Certificate of Compliance). Based on two inspections being required when charged	$361.00	**$368.00**

Approvals and Certificates Fixed Fees	Current	Proposed
Certificate under Sec 221 (consent notice), certificate under Sec 222 (completion certificate), approval of survey plan Sec 223	$395.00	**$250.00**
Cancellation of building line restriction Sec 327A LGA 1974	$395.00	**$402.00**
Overseas Investment Certificates (OIC)	$395.00	**$402.00**
Outline plan waiver	$395.00	**$150.00**
224 (c) Certificates – without engineering conditions	$576.00	**$586.00**
Section 243 Cancellation of easement	$452.00	**$460.00**
Deemed permitted boundary activities and deemed permitted marginal or temporary activities	**NEW**	**$460.00**

Other Approvals and Certificates	Current	Proposed
Preparation of covenant against transfer of allotments – Sec 240	$452.00	**$460.00**
Earthworks permit – includes administration and one inspection	$452.00	**$460.00**
Any other certificate, authority, requirements, or actions requested of Council under the provisions of the Resource Management Act, the Local Government Act or any other related legislation	$452.00	**$460.00**
224 (c) Certificate with engineering conditions	$1,069.00	**$1,088.00**
Savings certificate issued under Sec 226(1)(e). Determination of and extension of existing use (Section 10)	$870.00	**$886.00**
Creation of right of way under Sec 348 Local Government Act	$870.00	**$886.00**
Section 139 Certificate of Compliance, Section 139(A) Existing Use Certificate	$1,200.00	**$1,222.00**

Other Approvals and Certificates	Current	Proposed
Objections to Council on a decision or condition of consent under Section 357, 357A	$870.00	**$886.00**
Fees or charges levied on Council by other organisations; i.e. District Land Registrar, Department of Conservation	Actual and reasonable costs charged by the other organisation and Council admin charge	**Actual and reasonable costs charged by the other organisation and Council admin charge**
Request for consideration of District Plan change. Plus actual and reasonable costs charged to Council by any other organisations and applicable hourly staff rates. This is the required lodgement fee should a change be requested. Should the requested change be accepted by the Council for processing as a Private Plan Change, all additional costs will be charged	$13,168.00	**$13,405.00**
Charge for supplying information in respect of plans and resource consents per half hour, and any other associated costs that apply to the request	Actual and reasonable costs	**Actual and reasonable costs**
Any report required by Council in determining / processing a resource consent per half hour, and any other associated costs that apply to the request	Actual and reasonable costs	**Actual and reasonable costs**
Any meeting booked in advance with Resource Consent staff. No charge for first ½ hr of initial request – actual and reasonable costs will be calculated on a case by case basis. This includes concept development meetings	Actual and reasonable costs	**Actual and reasonable costs**
CT – producing certificates of title; easement instruments; consent notices	$38.00 per search	**$39.00 per search**
Scanning charge – per application	$11.00 per application	**$11.20 per application**
Post approval charge. Part of administration associated with consents, statutory reports, enquiries and complaints about consents	$214.00	**$218.00**

Hourly Processing Charges	Current	Proposed
Principal Planner and Manager; Resource Management	$174.00	**$177.00**
Resource Consent Engineer	$174.00	**$177.00**
Senior / Team Leader Planner	$163.00	**$166.00**
Intermediate and Resource Planner	$152.00	**$166.00**
Graduate Planner, Consents Planner and Monitoring Officer	$130.00	**$132.00**
Technical Officers (Building Officials, Environmental Health Officers)	$146.00	**$149.00**
Administration / Technical Support	$89.00	**$91.00**
Consultants Note: The actual costs the consultants charge plus a Council administration charge will apply. Please ask Council what charge may apply if your consent application has been allocated to a Consultant Planner or Engineering Contractor.	Actual and reasonable costs	**Actual and reasonable costs**

Travel costs for Resource Consents	Current	Proposed
The travel cost is derived from the time the Council officer spends in a vehicle travelling to the site from the nearest Council service centre (Kaikohe, Kaitaia and Kerikeri), charged at the Inland Revenue mileage rate. Actual time spent on site will be charged for at the appropriate hourly rate	$0.72 /km	**$0.73 /km**

Development Contributions

Far North District Council does not currently charge development contributions.

RUBBISH DISPOSAL SERVICES AT TRANSFER STATIONS

Rubbish	Current	Proposed
At Transfer Station		
Per bag (standard 65L)	$3.00	**$3.00**
Oversized bag (130L)	$6.00	**$6.00**
Wheelie bin (240L)	$11.00	**$11.00**
Loose material per m^3	$46.00	**$46.00**
Compacted material per m^3	$74.50	**$74.50**
Greenwaste m^3	$22.00	**$22.00**
Commercial to Ahipara Landfill (per tonne)*	$118.50	**$118.50**

Whole Tyre Disposal	Current	Proposed
At Transfer Station		
Motorcycle tyre	$3.50	**$3.50**
Passenger car tyres	$5.00	**$5.00**
Light truck and 4x4 tyres	$8.00	**$8.00**
Truck tyres	$16.00	**$16.00**
Tractor and super single	$23.00	**$23.00**
Earth mover tyres	Not accepted	**Not accepted**
Bulk tyre disposal charge at Ahipara landfill	$350.00	**$350.00**

e-Waste	Current	Proposed
Transfer Station pricing for householders		
TV's CRT	$10.00	**$10.00**
TV's flat screen	$10.00	**$10.00**
Computer CRT	$10.00	**$10.00**
Monitors LCD	$5.00	**$5.00**
PC's		
Desktop / laptop / server	$5.00 each	**$5.00 each**
UPS's	$5.00	**$5.00**
Laptop batteries	$5.00	**$5.00**
Network equipment	$5.00	**$5.00**
Printers		
Printers / scanners / fax	$5.00 each	**$5.00 each**
Photocopier small / medium	$10.00	**$10.00**
Photocopier large	$10.00	**$10.00**
Copier cartridges	$4.00 /kg	**$4.00 per kg**

e-Waste	Current	Proposed
Household appliances etc.		
Heaters (No oil filled)	$3.00	**$3.00**
Vacuums	$3.00	**$3.00**
Microwaves	$5.00	**$5.00**
Consumer electronics		
DVD and VCR players	$3.00	**$3.00**
Stereo system and games	$3.00	**$3.00**
Radios etc	$3.00	**$5.00**
Other		
Cell phones	No charge	**No charge**

STORMWATER

Any works on Councils stormwater network can only be undertaken by Council approved contractors. Excludes charges included with rates

Activity / Service	Current	Proposed
Application fee for a stormwater connection	$40.00	**$43.20**
Application fee to build close to, or excavate close to a public storm water line not within a legal road*	$40.00	**$43.20***
New connection	Quote to be provided	**Quote to be provided**
Approximate marking of single of single location services of mains with minimum 3 days' notice	$219.81	**$230.00**
Accurate marking of mains including excavation with minimum 10 day notice	Quote to be provided	**Quote to be provided**
Accurate marking of mains including excavation with minimum 10 day notice or location of mains over a wide area	Quote to be provided	**Quote to be provided**
Urgent location of mains	Actual cost	**Quote to be provided**

**If site visit required additional costs of staff time, administration and mileage apply.*

TRANSPORT

Road Closures	Current	Proposed
Applications for motor sprint events *Note:* if event spans more than one ward an extra $50 per ward is chargeable	$100.00	**$143.75**
Applications for parades	$50.00	**$50.00**
Other road closures will be charged based on an estimated cost at normal charge out rates – minimum	$50.00	**$50.00**

Note: all advertising costs are the responsibility of the applicant

Traffic Overweight Permit	Current	Proposed
Traffic overweight permit	$115.00	**$138.00**

VENUES FOR HIRE

Corporate and Private Hireage	Current	Current	Current	Proposed	Proposed	Proposed
	Full Day (8:30-5:00)	*Half Day*	*Hourly*	*Full Day (8:30-5:00)*	*Half Day*	*Hourly*
Kaeo – Meeting room	$80.00	$45.00	$15.00	**$80.00**	**$45.00**	**$15.00**
Kerikeri – Procter Library	-	-	$20.00	**-**	**-**	**$20.00**
Kerikeri – John Butler, Tane Mahuta room	$100.00	$55.00	$20.00	**$100.00**	**$55.00**	**$20.00**
Kaikohe Memorial Hall – Entire complex	$300.00	Full day or hourly only	$40.00	**$300.00**	**Full day or hourly only**	**$40.00**
Kaikohe Memorial Hall – Supper room and kitchen	$200.00	Full day or hourly only	$30.00	**$200.00**	**Full day or hourly only**	**$30.00**
Kaikohe Memorial Hall – Main hall only	$150.00	Full day or hourly only	$25.00	**$150.00**	**Full day or hourly only**	**$25.00**
Kaikohe Memorial Hall – Bond	$300.00	Full day or hourly only	$40.00	**$300.00**	**Full day or hourly only**	**$40.00**

Community Groups	Current	Current	Current	Proposed	Proposed	Proposed
	Full Day (8:30-5:00)	*Half Day*	*Hourly*	*Full Day (8:30-5:00)*	*Half Day*	*Hourly*
Kaeo – Meeting room	$40.00	$20.00	$10.00	**$40.00**	**$20.00**	**$10.00**
Kerikeri – Procter Library	-	-	$15.00	**-**	**-**	**$15.00**
Kerikeri – John Butler, Tane Mahuta room	$50.00	$30.00	$15.00	**$50.00**	**$30.00**	**$15.00**
Kaikohe Memorial Hall – Entire complex	$150.00	Full day or hourly only	$25.00	**$150.00**	**Full day or hourly only**	**$25.00**
Kaikohe Memorial Hall – Supper room and kitchen	$75.00	Full day or hourly only	$20.00	**$75.00**	**Full day or hourly only**	**$20.00**
Kaikohe Memorial Hall – Main Hall only	$50.00	Full day or hourly only	$15.00	**$50.00**	**Full day or hourly only**	**$15.00**
Kaikohe Memorial Hall – Bond	$150.00	Full day or hourly only	$25.00	**$150.00**	**Full day or hourly only**	**$25.00**

WASTEWATER

Any works on Councils wastewater networks can only be undertaken by Council approved contractors. Excludes charges included with rates

Activity / Service	Current	Proposed
Administration fee for a wastewater connection	$40.00	**$43.20**
Administration fee to build close to/over or excavate close to a public sewer not within a legal road	$40.00	**$43.20***
Upgrade or modify existing connection	Quote to be obtained	**Quote to be obtained**
New connection provided by Council's contractor up to 150mm main (includes connection to main and one metre of pipe from Council main)	Quote to be obtained	**Quote to be obtained**
New connection provided by Council's contractor to mains greater than 150mm or connection lengths greater than one metre or where a manhole / chamber is required	Quote to be obtained	**Quote to be obtained**
New connection to a pressure wastewater network provided by Council's contractor	Quote to be obtained	**Quote to be obtained**
Inspection by Council Officers of connection work not undertaken by Council's contractor (single connection)	$86.25	**Quote to be obtained**
Inspection by Council Officers of connection work not undertaken by Council's contractor (multiple connections)	Quote to be obtained	**Quote to be obtained**
Wastewater connected rate for all new connections Where a property connects to sewerage after 1 July in any year, the connection fee will include a sum in lieu of a rate. The amount of the fee will be calculated on the basis of one twelfth (1/12) of the relevant capital, operating and additional pan rates for the scheme concerned for every complete month until 30th June in the following year.		
Service availability charge where a new wastewater connection is provided but the property does not connect Where sewerage is made available to a property after 1 July in any year but the property does not connect, the connection fee will include a sum in lieu of a rate. The amount of the fee will be calculated on the basis of one twelfth (1/12) of the relevant availability rate for the scheme concerned for every complete month until 30th June in the following year.		
Approximate marking of single location services of mains with minimum 3 days' notice	$219.81	**$230.00**
Accurate marking of mains including excavation with minimum 10 day notice	Quote to be obtained	**Quote to be obtained**
Accurate marking of mains including excavation with minimum 10 day notice or location of mains over a wide area	Quote to be obtained	**Quote to be obtained**
Urgent location of mains	At actual cost	**Quote to be obtained**
Inspection of onsite wastewater system by Council Monitoring Officer	Per instance. Based on $85 per hour plus mileage	**$85.00 per hour**
Sampling of onsite wastewater system by Council Monitoring Officer		**Actual costs**

**If site visit required additional costs of staff time, administration and mileage apply.*

Approved Commercial Operators Discharge Fees	Current	Proposed
Cubic metre rate	$28.00/$m^3$	**$28.50/$m^3$**
Lost card replacement	$30.00 /card	**$30.60/card**

WATER SUPPLY

Any works on Councils water supply networks can only be undertaken by Council approved contractors. (Excludes charges included in rates)

Activity / Service	Current	Proposed
Administration fee for a water connection	$40.00	**$43.20**
Administration fee to build or excavate close to a public water main not within a legal road* **If site visit required additional costs of staff time, administration and mileage apply.*	$40.00	**$43.20***
Water connected rate for all new connections Where a property connects to water after 1 July in any year, the connection fee will include a sum in lieu of a rate. The amount of the fee will be calculated on the basis of one twelfth (1/12) of the relevant capital rates for the scheme concerned for every complete month until 30th June in the following year.		
Service availability charge where a new water connection is provided but the property does not connect Where water is made available to a property after 1 July in any year but the property does not connect, the connection fee will include a sum in lieu of a rate. The amount of the fee will be calculated on the basis of one twelfth (1/12) of the relevant availability rate for the scheme concerned for every complete month until 30th June in the following year.		
Non-standard water connections including meter and meter box	Quote to be provided	**Quote to be provided**
Standard 20 mm water meter connection in footpath within five metres of main	$1,285.45	**$1,352.00**
Standard 20 mm water meter connection in berm within five metres of main	$1,014.65	**$1,076.00**
Relocation of existing service or meter	Quote to be provided	**Quote to be provided**
Approximate marking of single location services of mains with minimum three days' notice	$219.81	**$230.00**
Accurate marking of mains including excavation with minimum 10 day notice	Quote to be provided	**Quote to be provided**
Accurate marking of mains including excavation with minimum 10 days' notice, or location of mains over a wide area	Quote to be provided	**Quote to be provided**
Urgent location of mains	Actual cost	**Actual cost**
Meter checking fee (calibration check – refundable if meter incorrect)	$311.96	**$430.00**
Restrictor installation	$16.90	**Quote to be provided**
Special meter readings	$78.75	**$86.00**
Standpipes metered (Direct from Broadspectrum)		
Weekly hire (minimum charge 1 week)	$25.00	**$99.36**
Charge rate per m^3	Standard domestic rate in the area concerned	**Standard scheduled rate in the area concerned**
Bulk water supply		

Activity / Service	Current	Proposed
Bond	$1,800.00	**$1,800.00**
Annual administration fee (covers billing and vehicle inspection)	$600.00 for first vehicle $240.00 for each subsequent vehicle	**$600.00 for first vehicle $310.00 for each subsequent vehicle**
Charge rate per m^3	Standard domestic rate in the area concerned	**Standard domestic rate in the area concerned**

**If site visit required additional costs of staff time, administration and mileage apply.*

Location of Services	Current	Proposed
Marking of approximate services locations		
Urgent (within 24 hours)	$200.97	**$244.17**
Programmed (within 3 days)	$126.50	**$169.70**
Dig up and locate (10 days' notice)	Quote to be provided	**Quote to be provided**

Item: 8.1

Meeting: **Council - 15 February 2018**

Name of item: **Pou Herenga Tai - Twin Coast Cycle Trail Trust - Trust Deed and Service Agreement**

Author: Vicki Begbie - Manager Business Development

Date of report: 23 January 2018

Document number: A1966167

Purpose of the report

To obtain approval for:

1. The Pou Herenga Tai – Twin Coast Cycle Trail Trust Deed to be executed by Council.
2. The Service Agreement between The Pou Herenga Tai – Twin Coast Cycle Trail Trust and Council to be executed by Council.
3. A portion of the 2017-2018 Council grant monies to be re-directed to expend on small capital projects.

Executive summary

This report outlines the progress and amendments Pou Herenga Tai – Twin Coast Cycle Trail Trust (Trust) has made to the Charitable Trust Deed from February 2017. Amendments have been made to the initial Trust Deed by the Trustees to strengthen community representation, leadership and governance of the Cycle Trail.

The service agreement has been developed with clear responsibilities for both Council and the Trust. The agreement states the 2017-2018 approved funding from Council and the proposed re-directed grant funds to small capital projects from the surplus 2017-2018 funding from Council.

The service agreement also contains the performance measures and reporting requirements to ensure accountability and transparency to the community.

Recommendation

That Council

a) adopts the Pou Herenga Tai – Twin Coast Cycle Trail Trust Deed subject to a "control environment" review by Audit New Zealand

b) adopts the Service Agreement with the Pou Herenga Tai – Twin Coast Cycle Trail Trust subject to a "control environment" review by Audit New Zealand

c) approves the re-direction of $68,000.00 of the 2017-2018 operational grant be retained by the Pou Herenga Tai – Twin Coast Cycle Trail Trust to be expended on small capital projects

1) Background

In 2016 Council formed a working party, made up of members nominated by communities adjacent to the Cycle Trail, to provide guidance, advice and make

recommendations to Council on an appropriate governance and business model for the Cycle Trail.

Decisions made:

- Council Meeting 16 February 2017 – Council approved a registered charitable trust be formed, and the membership of that Trust would be made up of Trustees representing the Cycle Trail to ensure community buy-in.
- Council Meeting 30 March 2017 – Council approved a grant of $200,000 that is included in the 2017-2018 Annual Plan for the Trust. These funds are to be expended on salaries and personnel costs; administration, promotions, start-up costs. This is in addition to budgets contained in the 2017-2018 Annual Plan for:
    - Maintenance of the Cycle Trail $300,000
    - Marketing of the Cycle Trail $ 80,000
      Total including grant $580,000

- Council Meeting 22 June 2017 – Appointment of Council Trustees; John Law and Anton Haagh. The appointments have brought the following skills and experience to strengthen the Trust;
    - Tourism
    - Marketing, sales and promotions
    - Finance and risk management
    - Small business development
    - Relationship management

Progress made:

From June 2017, the Trustees have further reviewed the Trust Deed (Attachment one) , particularly in the areas of community representation, succession of Trustees and putting in place a board made up of Trustees to conduct the business and activities of the Trust.

The Service Agreement has been further developed to include clear accountabilities and responsibilities, transparency and reporting to Council, performance expectations and sufficient proposed funding for three years commencing 2018, in order the Trust to manage and operate.

The Trustees have sought independent legal advice from McLeods Lawyers, Kerikeri.

Prior to the Council meeting on the 7th December 2017, further amendments were required by some Trustees prior to Council's approval of the Deed. As a result of the late development, Council approval was deferred.

At the time of writing, the Trust Deed has been agreed by the majority of the Trustees, Council's Legal Counsel and the Trust's legal advisors, McLeods Lawyers. Discussions are scheduled with the community and Trustees in readiness for Council's adoption and execution of the Deed.

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2) Discussion and options

Pou Herenga Tai – Twin Coast Cycle Trail Trust Deed

The features of the registered charitable trust approved by Council in February 2017 are:

- The Cycle Trail is split into five sections, and the trustees are appointed by the community from each section of the trail. There is one vote per each section of the Cycle Trail.
- Council has the power to appoint two trustees each with voting rights
- There is a rotation of trustees to ensure rotation of skills, continuity and the on-boarding of trustees with relevant skills and experience
- No liability of trustees
- Disclosure of conflict of interest
- Residual assets transfer to Council upon dissolution of the Trust
- Charitable status give opportunity for fundraising outside Council
- Service Agreement between Council and the Trust which details responsibilities, accountabilities, performance and transparency for expenditure of public money

The Trust Deed has been amended following a review by the Trustees and Legal advisors. The key changes are:

- The Cycle Trail is now divided into seven sections between Horeke and Opua. The communities of Horeke and Utukura required their own community representation, and further develop the Cycle Trail in those areas. This makes a total of sixteen Trustees including the Council appointed Trustees.
- A Board to conduct the business and activities of the Trust. This is due to the number of Trustees, and the potential for a greater number of Trustees to represent new sections of the Cycle Trail as it is further developed. Section 11 of the Trust Deed sets out the Duties and Functions of the Board.
- Any alterations made to the Trust Deed by the Board to be approved in writing by the settlor (Council).
- The appointment and rotation of Trustees has been strengthened to enable continuity of Trustees and retain skills and knowledge.
- The quorum for meetings no longer has the requirement for a Council appointed trustee to be one of the four voting Trustees.
- Community input/discussion regarding the removal of Trustees, at the sole discretion of the Trustees

At the time of writing discussion is being scheduled with one community/hapu adjacent to the Cycle Trial regarding the voting rights of the two Council appointed Trustees.

Service Agreement

The Deed of Trust and Service Agreement is based on Council's commitment to the success of the Cycle Trail as a recreational asset and tourist attraction that will enable the development of small business, future employment and lift economic activity in the District.

The Service Agreement sets out:

- Primary objectives of the Trust, it's purpose and the principles of the relationship between the Trust and Council
- The accountabilities and responsibilities of Council and the Trust
- Performance management
- Grant funds from Council and their purpose
- Transparency and reporting of progress, financial and non-financial performance
- Transition programme

Schedule one of the Service Agreement sets out:

- The approved grant funds for the current 2017-2018 Annual Plan
- The proposed grant funds for the first three years of the 2018 – 2028 Long Term Plan
- FNDC held budgets for the maintenance of the Cycle Trail for the current 2017 – 2018 Annual Plan
- FNDC held budget for marketing of the Cycle Trail for the 2017 – 2018 Annual Plan and the inclusion of the marketing budget in the proposed grant funding for the Trust for the 2018 – 2028 Long Term Plan

Schedule two and three of the Service Agreement sets out the Performance Measures and the Transition Programme the Trust and FNDC need to undertake to transfer functions and activities currently undertaken by FNDC over to the Trust. The Trust will set up as a business once the Trust is incorporated and registered with the Charities Commission.

At the time of writing, the Service Agreement and schedules are agreed in principle, and are ready for signing by the Trust's interim Chair and one Trustee.

Next Steps

Following execution of the Trust Deed and Service Agreement by Council, FNDC will work with the Trustees to commence the transition process.

The Trust has developed a job description for an experienced and suitably qualified general manager, and will commence recruitment to the position. The Trustees will progress the business set-up and the transition with FNDC.

Reason for the recommendation

The Pou Herenga Tai – Twin Coast Cycle Trail Trust Deed, has been reviewed and amended by the Trustees. The Service Agreement has been developed with the Trustees. Both documents are ready for approval and execution by Council, in order for the Trust to become incorporated and commence the governance, direction, management and operation of the The Pou Herenga Tai – Twin Coast Cycle Trail.

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3) Financial implications and budgetary provision

2017– 2018 Annual Plan

The current year's approved budget allows for:

- Operational Grant $200,000
- Marketing Contract $ 80,000
- Repairs and Maintenance $300,000

Direct Costs Total **$580,000**

The operational grant is broken down to:

Expenditure	Amount
Salaries and staff related costs	$ 94,765
Vehicle and travel re-imbursement costs	$ 7,770
Professional Costs – legal, Insurance, Health and Safety Review, promotions	$ 55,000
Administration	$ 13,600
Set Up costs	$ 28,865
Total Operational Grant	**$200,000**

Due to the extended time taken for the Trustees to seek independent legal advice and amend the Trust deed accordingly, the Trust will most likely only be operational for the final quarter of the 2017-2018 financial year ending 30 June 2018.
Following a further review with Trustees at their meeting on the 22nd December 2017, the Trustees propose operational grant is broken down to:

Expenditure for final quarter ended 30.06.2018	Amount
Salaries and staff related costs	$ 39,383
Vehicle and travel re-imbursement costs	$ 3,885
Professional Costs – legal, Insurance, Health and Safety Review, promotions	$ 48,750
Administration	$ 11,800
Set Up costs	$ 28,182
Re-directed to small capital projects	$ 68,000
Total Operational Grant for 2017-2018 year	**$200,000**

The small capital projects will cover:

- Information panels including technology
- Commissioning of further Poupou
- Cycle racks for Kawakawa and Okaihau in particular
- Commission collection of stories (social and cultural)
- Signage for the trail
- Composting Toilets in remote areas

The 2017-2018 grant monies will be drawn down once the Trust is incorporated and subject to Council's approval of the re-direction of the 2017-2018 grant funding.

The 2017-2018 grant monies will be drawn down once the Trust is incorporated.

2018 – 2028 Long Term Plan

The Trust has developed a budget for the first three years of the 2018 – 2028 Long Term Plan.
The budget reflects the Trust's income generation from:

- The Official Partnership Programme via NZ Cycle Trails Inc. - where business are linked to Pou Herenga Tai – Twin Coast Cycle Trail website for a standard fee.
- Commercial events on the Cycle Trail – where a fee is paid by the commercial event organiser for use of the Cycle Trail.

Pou Herenga Tai - Twin Coast Cycle Trail Trust - Proposed Budget for the first three years of the 2018 - 2028 Long Term Plan - Funding requirements			
Income	**Proposed 2018-2019**	**Proposed 2019-2020**	**Proposed 2020-2021**
Council Grant Fund	280000	265000	255000
Official Partnership Programme	15000	16500	18150
Events	15000	30000	37500
Total Income	**310000**	**311500**	**310650**
Expenditure			
Salaries and staff related costs	**172,530**	**172,530**	**172,530**

Vehicle and travel costs	15540	15840	15840
Professional costs	27500	27500	27500
Marketing, web development and promotion	80000	80000	80000
Administration costs	16200	16200	16200
Total Expenditure	311,770	312,070	312,070
Income Over Expenditure	**-1,770**	**-570**	**-1,420**

The Trust's proposed budget for the first three years of Council's 2018 – 2028 Draft Long Term Plan is aligned to the primary objectives of the Trust:

- To create employment via construction and maintenance of the Cycle Trail
- To create a high level tourism destination, small business and economic development opportunities
- To maximise the range of complementary benefits that the cycle network provides to a wide range of New Zealanders including events, recreation, health and other benefits

The funding support required by the Trust for the first three years of the 2018 – 2028 Draft Long Term Plan is:

2018 – 2028 Daft Long Term Plan	Proposed Grant to the Trust
2018 – 2019 Year One	$280,000
2019 – 2020 Year Two	$265,000
2020 – 2021 Year Three	$255,000
Funding for the first three years of the 2018-2028 Draft Long Term Plan	$800,000

The proposed grant funds to the Trust are to enable the Trust to undertake the Trust responsibilities as detailed in the Service Agreement and are to be used for that purpose.

Manager: Samantha Edmonds, General Manager Corporate Services Group

Attachment 1: Pou Herenga Tai – Twin Coast Cycle Trail Trust Deed - Document number A1966647

Attachment 2: Service Agreement between Far North District Council and Pou Herenga Tai – Twin Coast Cycle Trail Trust - Document number A1966654

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
   a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
   b) Assess the options in terms of their advantages and disadvantages; and

c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.

2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	The Cycle Trail is a key tourist attraction and destination for the Northland Region, and enabler to economic development, employment and recreational opportunities
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Alignment to Community Outcomes: Liveable communities that are healthy, safe, connected and sustainable Proud vibrant communities Prosperous communities supported by a growing economy
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The Cycle Trail has District Wide and Regional and Country wide relevance, as the Cycle trail is one of the 23 great rides of New Zealand
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	The Trustees are selected by communities adjacent to the Cycle Trail, to enable Community participation in the future direction and governance of the Trail
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	The Cycle Trail is a community asset, Trustees have been elected by the community to represent the communities adjacent to the Cycle Trail, and further develop the Cycle Trail
State the financial implications and where budgetary provisions have been made to support this decision.	Financial implications are in the body of the report, Attachment Three gives a detailed budget breakdown
Chief Financial Officer review.	The CFO has reviewed this report.

VERSION 5 23.1.18

TRUST DEED CREATING POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST

between **FAR NORTH DISTRICT COUNCIL** ("Settlor")

a n d **ROBERT LIONEL NEWPORT, HONE ARAPATA MIHAKA, HARRY CLIVE HARRISON, NEVILLE MAURICE LEWIS, SIDNEY TAU, NICOLE JAYNE ANDERSON, MURRAY ARMSTRONG, RAEMON MICHAEL PARKINSON, WALTON DAVIS, RUBINA CATHERINE TAUTARI, BRIAN BERNARD HEPBURN, FRANK WILLIAM LEADLEY, ANTON BRUCE HAAGH, JOHN RAYMOND LAW, DAWSON WAYNE JOYCE and JOHNS KIMBER WARES**

("Original Trustees")

Certified as a true copy of the Trust Deed (for the purposes of s.10(2)(a) of the Charitable Trusts Act by:

_____
Signature

_____
Full name

_____
Date

McLeods Lawyers
KERIKERI

TRUST DEED CREATING POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST ("the Trust")

Date: **2018**

Parties: **FAR NORTH DISTRICT COUNCIL** ("Settlor")

ROBERT LIONEL NEWPORT, HONE ARAPATA MIHAKA, HARRY CLIVE HARRISON, NEVILLE MAURICE LEWIS, SIDNEY TAU, NICOLE JAYNE ANDERSON, MURRAY ARMSTRONG, RAEMON MICHAEL PARKINSON, WALTON DAVIS, RUBINA CATHERINE TAUTARI, BRIAN BERNARD HEPBURN, FRANK WILLIAM LEADLEY, ANTON BRUCE HAAGH, JOHN RAYMOND LAW, DAWSON WAYNE JOYCE and JOHNS KIMBER WARES.
("Original Trustees")

Background:

A. The Settlor wishes to establish a charitable trust to be known as Pou Herenga Tai Twin Coast Cycle Trail Charitable Trust

B. The Settlor has determined that the Trust should maintain, repair, develop and facilitate the use and enjoyment of a Cycle Trail on the terms set out in this Deed.

C. The Original Trustees have agreed to act as the first Trustees of the Trust.

1. Interpretation

1.1 In this Deed, unless the context otherwise requires:

"Balance Date"	means 30 June or any other date adopted from time to time by the Trustees as the end of the Trust's Financial Year.
"the Board"	means the Board of Trustees of the **POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST** established by this Deed.
"Chairperson"	means the Chairperson who is the Trustee appointed in accordance with clause 9.2.
"Charities Act"	means the Charities Act 2005 or any Act passed in substitution for that Act.
"Council"	means the Far North District Council or any Council body or organisation in replacement of it.
"Council Trustees"	means the Trustees appointed pursuant to clause 10.1.
"Cycle Trail"	means the public Cycle Trail known as **POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST**

	together with its associated facilities (including all relevant infrastructure).
"**Deed"** time	means this deed including any amendments to it from to time.
"Entity or Entities"	means the Council in terms of clause 9.1, and those persons residing within the areas described as "section of the Cycle Trail" in Schedule A of this deed.
"Financial Year"	means any year or other accounting period ending on the Balance Date.
"Hapū"	The tangata whenua who have Mana i te whenua over a particular section of the Cycle Trail as identified in Schedule A to the Trust Deed.
"Iwi"	The tribal group or groups as tangata whenua and who have mana i te whenua over a particular section identified in Schedule A to the Trust Deed.
"Mana i te whenua"	means the whakapapa (genealogy) within hapū boundaries.
"Mana whenua"	authority associated with possession and occupation of tribal land.
"Month"	means calendar month.
"Purposes"	means the charitable purposes of the Trust as set out in clause 5 of this Deed but subject to the limitation in clause 6.
"Region"	means the land within the Far North District Council boundaries.
"Report"	means a report prepared by the Board for the purpose set out in clause 11.6 and containing the information required by clause 11.7.
"Tangata Whenua"	local indigenous people and people born of the land.
"Tax Act"	means the Income Tax Act 2007 or any Act passed in substitution for that Act.
"the Trust Assets"	means any real and personal property owned or held by the Trustees on the trusts of this Deed from time to time including such further money or property as may from time to time be added by way of capital or income to be

held by the Board upon the Trusts, for the charitable purposes and with the powers as set out in this Deed.

"The Trust" means the charitable trust established by this Deed and known as **POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST**

"The Trustees" means the Trustee or Trustees of the Trust for the time being (including all or any of the Original Trustees who remain as Trustees and any additional or substituted Trustees.

"Voting Trustee or Trustees: means the Trustee or Trustees nominated to cast a vote on behalf of the section of the Cycle Trail which that person represents referred to in Schedule A and who is present at the meeting at which the decision of the Trustees is being made.

1.2 Clauses and other headings are for ease of reference only and shall not be deemed to form any part of the context or to affect the interpretation of this Deed.

1.3 References to parties are references to parties to this Deed.

1.4 References to persons include references to individuals, companies, corporations, firms, partnerships, joint ventures, associations, organisations, trusts, estates, agencies of state, government departments, state-owned enterprises and municipal authorities in each case whether or not having separate legal personality.

1.5 References to the singular include the plural and vice versa.

1.6 Any obligations not to do anything shall be deemed to include any obligation not to allow, permit or cause that thing to be done.

1.7 References to statute include references to any regulations, orders or notices in force under any such statute, references to all amendments to that statute, and references to a statute or provision include references to any statute or provision passed in substitution for that statute or provision.

2. Establishment

2.1 The Settlors settle the sum of $100.00 on the Trustees as an initial settlement on the Trust.

2.2 The Trustees agree to act as trustees of the Trust on the terms set out in this Deed.

2.3 The Trust shall comprise all Trust Assets which shall be held on trust by the Trustees and shall be managed and administered on the terms set out in this Deed.

2.4 The Trust shall commence on the date of this Deed and shall continue until terminated under clause 25.

3. **Name of Trust**

3.1 The Trust shall be known as "**POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST**".

4. **Office**

4.1 The office of the Trust and the Board shall be at any place determined by the Board from time to time.

5. **Charitable Purposes**

5.1 The Board shall hold the Trust Fund on trust for the charitable purpose of providing benefits to the communities within the Region by operating, maintaining, repairing, developing and facilitating the use and enjoyment of the Cycle Trail as a recreational facility for cyclists, walkers (and where authorised either by Council bylaws or by agreement with adjoining landowners) horses under control of riders and dogs on leashes. The charitable purpose shall include:

(a) leasing and/or licensing land from the Settlor or any other person for use by the Cycle Trail;

(b) developing and constructing extensions and additions to the Cycle Trail including any additions to and detours from the Cycle Trail to sites of interest close to the Cycle Trail.

(c) maintaining all of the Cycle Trail;

(d) ensuring that the Cycle Trail is developed and maintained to the standard required for it to be included in the Nga Haerenga / National Cycleway Network; and

(e) raising funds to carry out and complete any of the charitable purposes.

5.2 In interpreting the terms of this Deed:

(a) the charitable purposes in clause 5.1 shall take precedence:

(b) all other purposes shall be carried out to further the charitable purposes; and

(c) the Board must have regard to the rights and responsibilities of the Iwi as mana whenua of the land to be used for the Cycle Trail and in particular the Trust must take reasonable steps to protect any areas of spiritual and cultural significance to tangata whenua on any land over which the Cycle Trail operates, or land adjacent to the Cycle Trail over which the Trust has authority.

6. **Limitation on Purposes**

6.1 The Purposes of this Trust may not extend to any matter or thing which is not charitable within the meaning of the Tax Act or the Charities Act or not carried out within New Zealand.

7. **Powers**

7.1 The Trustees shall in addition to all other powers conferred by law have the widest possible powers and discretions to achieve the Purposes of the Trust and shall be empowered to exercise all the rights, powers and privileges and may incur all the liabilities and obligations of a natural person of full age and capacity.

7.2 Subject to the provisions of this Deed, the Trustees shall have all powers in respect of the Trust and the Trust Assets which they could exercise if they were the absolute and beneficial owners of the Trust Assets. In particular, the Trustees shall have the full and absolute power to do the following:

(a) to raise money by all means and in particular to solicit, receive and enlist financial or other aid from individuals and organisations, including gifts and bequests from individuals and organisations, and to conduct fundraising activities;

(b) to promote and further the Purposes by the publication and advertising in any medium or by any other means;

(c) to make payments, grants, loans or provide such other financial assistance to any person on such terms and conditions as the Trustees think proper;

(d) to enter into any arrangements with any government, public or local authority or private person (whether incorporated or not) that may seem conducive to the Purposes and to obtain from any such party any rights, privileges or concessions which the Trustees may think is desirable to obtain, and to carry out and to comply with any such arrangements, privileges, rights and concessions;

(e) to purchase, sell, lease, or otherwise deal with the Trust Assets on such terms and conditions as the Trustees think fit;

(f) to maintain the Trust Assets;

(g) to provide such amenities as are considered necessary;

(h) to operate any lawful trading activity;

(i) to borrow money or provide guarantees on such terms, conditions or security (including mortgages) as the Trustees consider appropriate;

(j) to invest or lend money in any investment authorised by law and on such terms as the Trustees decide and to vary such loans from time to time;

(k) to subscribe for, pay up and accept shares in any limited liability company and to purchase or otherwise acquire and hold shares in such companies and to join in and become a member of any partnership, joint venture or other business enterprise of which the Trustees approve. This includes the power to act as a shareholder and exercise all powers of a shareholder;

(l) to employ such persons as the Trustees decide and act as a good employer towards any person engaged to carry out the services of the Trust with power to dismiss such person as necessary;

(m) to contribute to any tax charity (as defined in the Tax Act) having substantially similar purposes as the Purposes;

(n) to receive from the New Zealand Government or any council, board or body under the jurisdiction of the New Zealand Government or any other government, state or national body or any international organisation, any grant, subsidy or payment whatsoever in order to further the Purposes;

(o) to charge any person for use of the Trust Assets such charges as may be determined by the Trust;

(p) to join with any other person, group, body or organisation under such arrangement as the Trustees think fit to provide for the charitable purposes;

(q) to pay all or any of the reasonable expenses incurred in and in connection with the establishment, incorporation and running of the Trust;

(r) to insure against all loss or damage by any cause whatsoever any insurable property forming part of the Trust Assets, and to insure against any risk or liability against which it would be prudent for a person to insure if that person were acting on their own account, for such amounts and on such terms as the Trustees may from time to time think fit;

(s) to enter into contracts with any other person for the purposes of managing and operating the Trust;

(t) to instruct agents and consultants to act in relation to the Trust Assets or assets intended to be acquired by the Trust;

(u) to do the above things as principal, agent, contractor, trustee or otherwise and by or through agents, trustees or otherwise and either alone or in association with others;

(v) to appoint committees as expedient to carry out the Purposes. Members of any committee need not be Trustees.

7.3 None of the powers conferred on the Trustees by this clause shall be deemed subsidiary or ancillary to any other power or authority and the Trustees shall be entitled to exercise all or any of the powers and authorities independently of any other or others of them. If there is any ambiguity this provision will be construed so as to widen and not restrict the powers of the Trustees provided that at no time shall any provision be construed so as to detract from the charitable purposes of the Trust.

8. Number of Trustees

8.1 The number of Trustees shall be not less than five including the two Council Trustees. If at any time, there are less than five trustees, the powers of appointment in Clause 9 must be exercised to increase the number of such Trustees to five as soon as is reasonably practicable. The remaining Trustees will be entitled to act until the number of Trustees appointed is increased to the minimum number required by this clause and no act or decision of the Trustees will be called into question, provided that any such actions are limited to essential administrative matters only.

9. **Appointment and Removal of Trustees**

9.1 The Council and those persons residing within the areas described as "Section of the Cycle Trail" in Schedule A are eligible to appoint up to two Trustees to the Trust.

9.2 The Council shall have the power to appoint two Council Trustees.

9.3 The Entity or Entities who have power to appoint trustees shall have the power to remove any Trustee they appoint.

9.4 It is envisaged that a prospective Trustee should have the following attributes:

(a) an understanding of or willingness to learn governance issues;

(b) sound judgment, personal integrity and honesty;

(c) a positive attitude towards the promotion of the Cycle Trail;

(d) the ability to work as a member of a team;

(e) an appreciation / understanding of or a willingness to learn and embrace tikanga Maori and a relationship with mana whenua over the relevant section referred to in Schedule A to the Trust Deed.

9.5 At the first annual meeting to be held three years after the date of this Deed and at every second annual meeting after that:

(a) the longest serving Council Trustee shall retire; and

(b) the longest serving Trustee other than a Council Trustee shall retire;

(c) If two or more Trustees have served as Trustees for the same length of time, the Trustee or Trustees (as the case may be) to retire shall be determined by lot. A Trustee who is required to retire pursuant to this clause can be re-appointed. There is no limit to the number of times a Trustee can be re-appointed.

(d) If a Trustee resigns midway through that Trustee's term, the replacement Trustee shall not be eligible to retire until that replacement Trustee has served a minimum period of two years.

9.6 A Trustee shall cease to hold office if the Trustee:

(a) is automatically removed pursuant to clause 9.5;

(b) resigns as a Trustee by giving written notice to the Chairperson;

(c) dies while holding office as a Trustee;

(d) becomes bankrupt or enters into any composition or scheme or arrangement with his or her creditors;

(e) is convicted of an indictable offence without right of further appeal;

(f) becomes subject to a personal order or a property order under the Protection of Personal and Property Rights Act 1988;

(g) being a Council appointee is removed by the Council;

(h) becomes disqualified to be an officer of a charity in accordance with the Charities Act;

(i) has been deemed by a 75% majority vote of the Voting Trustees to lack sufficient of the attributes required of the Trustees as specified in clause 9.4. In finalising a resolution to remove a trustee under this clause the Trustees may, in their absolute discretion, give 2 weeks notice by a public notice in the Northern Advocate of a public meeting to be held to discuss the Trust's motion to remove the Trustee. The notice will invite persons to attend the meeting who reside in the same section of the Cycle Trail (identified in Schedule A of the Trust Deed) as the affected Trustee. The Trustees may take into account the views expressed at the public meeting, but will not be bound by any such views. The Trust will finalise a resolution on the motion within 2 weeks of any public meeting held.

9.7 The Trustees shall record in the minute book of the Trust every appointment, re-appointment, removal or cessation of office of any Trustee and shall notify the Charities Commission of all changes of Trustees in accordance with the Charities Act.

10. Appointment and Election of Officers

10.1 The Trustees shall appoint one of their number to be the Chairperson of Trustees, whose appointment shall be for a term of one year.

10.2 The Trustees may appoint a Secretary to hold office and whose appointment shall be for a term of one year.

10.3 The Trustees shall keep minutes of all their proceedings in relation to the Trust Assets and the production of any minute so recorded purporting to be signed by the Chairperson or Acting Chairperson for the time being of the Trustees shall be prima facie evidence of the matters referred to in such minute having been authorised, done or passed by the Trustees. A resolution in writing signed by all the Trustees shall be as valid and effectual as if it had been passed at a meeting of the Trustees duly called and constituted.

10.4 The Trustees may appoint a Treasurer to hold office and whose appointment shall be for a term of one year.

10.5 The Secretary and Treasurer may be the same person, or the Trustees may delegate such powers of the Secretary and Treasurer to a duly appointed administrator if they see fit who shall be responsible to the Secretary and Treasurer.

10.6 The Trustee (other than the Chairperson) may resign from an office to which that Trustee has been appointed, without resigning as a Trustee.

10.7 Any officer whose appointment has ended pursuant to clause 10.1,10.2 or 10.4 shall be eligible for re-election to that office provided that person is not disqualified or otherwise ineligible in terms of the provisions of this Deed.

11. **Duties and Functions of the Board**

11.1 The Board shall conduct the business and activities of the Trust in an open and transparent manner.

11.2 The Board will set policies and undertake courses of action and means of implementation so as to achieve the Purposes.

11.3 The Board will monitor the activities of the Trust to ensure its assets are used as effectively as possible to achieve the Purposes and to demonstrate to those bodies and agencies which fund and support the Trust's activities that the funding and support provided is being effectively applied and utilised.

11.4 The Settlor expressly declares its intention that the Trust shall be a perpetual trust but that the Trustees shall have power to:

(a) deal with the income derived from the Trust Assets in accordance with clause 11.5; and

(b) pay, appropriate or contribute such portion of the capital of the Trust Assets towards the attainment of the Purposes as the Trustees consider prudent taking into account the above intention;

provided that nothing in this Deed shall restrict the powers of the Trustees pursuant to clause 25 of this Deed.

11.5 All the income benefit or advantage of the Trust must be used to advance the Trust's Purposes. The Trustees shall hold the income derived from the Trust Assets upon the following trusts:

(a) to pay any part of the current net annual income towards the Purposes;

(b) to allocate for any of the Purposes the whole or any part of the net annual income of the Trust whether or not it has been received by the Trustees;

(c) to retain out of income in any income year any payments, reserves or any provision of a capital nature for the Purposes;

(d) to accumulate the whole or any part of the current net annual income so that the Trustees may decide either:

(i) to use any accumulated surplus for the Purposes; or

(ii) to add any accumulated surplus to the Trust Assets to be held by the Trustees for the Purposes.

11.6 Within such time as required by the Settlor, the Board shall prepare a Report and forward a written copy of that Report to the Settlor.

11.7 Each Report shall include the following information:

(a) a copy of the Trust's most recent Annual Return filed with the Charities Commission as required by the Charities Act;

(b) the Trust's proposed budget for the financial year following the next Balance Date; and

(c) the Trust's proposed work programme for the Financial Year following the next Balance Date.

12. Proceedings of the Board

12.1 All meetings of the Board shall be chaired by the Chairperson, or in the absence of the Chairperson by the Deputy Chairperson. If neither the Chairperson nor the Deputy Chairperson is present, those of the Trustees present shall elect an Acting Chairperson from their number to chair that meeting.

12.2 Voting at meetings of the Board shall be by simple majority of the Voting Trustees, except for meetings held pursuant to clause 25.1. The Council Trustees are entitled to two votes and the Trustees representing each section of the Cycle Trail are entitled to one vote each. The Chairperson is not entitled to a second or casting vote.

12.3 Voting shall be by show of hands or oral indication unless a ballot is called for by the Chairperson or required by any two of the Trustees present at the meeting.

12.4 The Secretary shall post by ordinary mail, or send by email or fax, written notice of the date, time, place and agenda items of each meeting of the Board to all of the Trustees so that it is received in the ordinary course of the post or email or fax transmission not less than 7 clear days prior to the meeting. This procedure will not apply to meetings called by the Chairperson pursuant to clause 13.4.

12.5 A proper written record of all decisions and business transacted at every meeting of the Board shall be kept by the Secretary. The minutes may include notice of the next meeting if fixed at the meeting.

12.7 A resolution in writing approved by the Board shall be valid as if it had been passed at a meeting of the Board duly called and held. Any such resolution may consist of several documents in like form each signed by one or more members.

12.8 Where any procedural requirement in the rules is found not to have been complied with, any subsequent meeting of the Board may ratify and confirm any earlier action purported to have been taken or done by the Board or by any committee of the Board, by a resolution supported by the Trustees present and voting at the meeting of the Trust Board when the resolution ratifying the earlier action is proposed.

13. **Meetings**

13.1 Within two months of the signing of this Deed, and after that within two months of the end of each Financial Year a meeting ("the annual meeting") shall be called to:

(a) receive and consider the annual report and review the Board's activities during the preceding year;

(b) receive, consider and adopt the income and expenditure account and balance sheet;

(c) consider any resolution, notice of which shall have been given in writing to the Secretary of the Board at least 14 clear days before the meeting;

(d) consider any general business; and

(e) appoint an auditor who shall not be a Trustee.

13.2 The Trustees shall otherwise meet together for the conduct of the affairs of the Trust from time to time and shall regulate and conduct the meetings as they think fit and for such purpose they may make such rules and regulations as they consider desirable, including, without limitation, rules and regulations relating to the conduct of telephone or similar meetings.

13.3 A quorum for meetings of the Trustees shall be four Voting Trustees representing four sections of the Cycle Trail. The Council Trustees shall be counted as one section.

13.4 The Chairperson may call a Special Meeting of the Board (other than one at which it is proposed to move a resolution under clause 23.1) by any means (including by telephone) at any time provided that the Chairperson in so doing does in fact give at least seven clear days' notice which must include advice of the matters to be considered at the special meeting to each of the Trustees then within New Zealand.

14. **Delegation by Trustees**

14.1 The Trustees shall have, to the extent permitted by law, full power to delegate to:

(a) any officers or employees of the Trustees; or

(b) any attorney, agent or other person nominated or appointed by the Trustees,

all or any of the powers, authorities and discretions exercisable by the Trustees under this Deed, except the power to borrow, raise money or provide security, but without in any way releasing the Trustees from their obligations under this Deed.

14.2 Pursuant to clause 14.1 the Board shall be entitled to appoint an Executive Committee comprising the Chairperson, Secretary, Treasurer and two Trustees, one of whom must be a Council trustee appointee, to act on behalf of the Board during the periods between Board meetings, to assist and guide the Board with delegated decision-making for the Purposes recorded in this Deed.

15. Bank Accounts and Property

15.1 The Trust Assets will be held by and in the joint names of the Trustees until the Board is incorporated as a Board under the provisions of the Charitable Trusts Act 1957, following which it will be held by and in the name of the Board.

15.2 Bank accounts shall be operated on the signature of a minimum of any two of the Trustees, but one of the signatories must be the Chairperson or the Treasurer.

15.3 The Treasurer or other officer of the Board shall have the power to receive and give receipts for all legacies, donations, subscriptions or other moneys bequeathed, made or given to the Trust and every such receipt shall be an effective discharge for the money or other money stated to have been received.

16. Signing of Documents

16.1 When the Board is incorporated under the Charitable Trusts Act 1957, documents to be signed by the Board shall be signed under its common seal and witnessed by any 2 of the Trustees, one of whom must be the Chairperson.

17. Incorporation

17.1 The Trustees shall immediately apply for incorporation under Part 2 of the Charitable Trusts Act 1957 as a Board under the name "**POU HERENGA TAI TWIN COAST CYCLE TRAIL CHARITABLE TRUST**".

18. Accounts

18.1 (a) The Board will ensure true and accurate records are kept in such manner as it thinks fit of all its receipts, credits, payments, liabilities and other matters necessary for showing the true state and condition of the Trust.

(b) The annual accounts of the Trust shall be prepared by an independent accountant appointed for that purpose by the Trustees. The independent accountant may be an accountant employed by the Settlor.

(c) The books of account shall be kept at the office of the Trust and shall be open at all reasonable times for inspection and copy by any of the Trustees.

(d) The Board will have the Trust's accounts audited each year by an independent auditor appointed by the Trustees.

18.2 The Board will properly receive all payments and property paid or transferred to the Trust, will properly meet all liabilities and responsibilities incurred or undertaken by it, and will properly administer the Trust Assets.

19. **Tax Returns and Annual Returns**

19.1 The Trustees shall arrange for the preparing and filing with the Inland Revenue Department and the Charities Commission of all necessary tax accounts, annual returns and other information required to be prepared or filed so as to allow the Trust to retain its charitable status for taxation purposes and to meet all of its obligations under the Acts administered by the Inland Revenue Department and the Charities Commission.

20 **Declarations of Interest**

20.1 No Trustee shall vote on any matter in which he or she has any personal or financial interests or in which any company or other body with which the Trustee is associated has any financial interest.

20.2 Any Trustee shall declare any such interest in writing as soon as that Trustee becomes aware of the existence of the interest, the declaration to include all relevant detail needed to result in a full and fair disclosure. All Trustees shall act in good faith in all such matters.

21. **Remuneration of Trustees and Payments of Expenses**

21.1 Subject to clause 21.3 any Trustee may be paid for their goods and services provided to the Trust and as may be reasonable having regard to their value, duties and responsibilities, provided that such payments must be determined on the basis of the current market rate for the goods or services provided. Any payment must be for goods or services that advance the Trust's Purposes.

21.2 Subject to clause 21.3, each Trustee shall be entitled to be indemnified against, and reimbursed for, all travelling, accommodation and other expenses properly incurred by them in attending to and returning from meetings or in connection with the trusts of this Deed as determined by the Trustees.

21.3 No Trustee receiving any remuneration referred to in clauses 21.1 or 21.2 shall take part in any deliberations or proceedings relating to the payment or otherwise of that remuneration, nor shall that Trustee in any way determine or materially influence (directly or indirectly) the nature or amounts of that payment or circumstance in which it is to be paid.

22. **No Private Financial Profit**

22.1 Nothing expressed or implied in this Deed, shall permit the activities of the Trust or any business carried on by or on behalf of or for the benefit of the Trust to be

carried on that further non-charitable purposes or provide for private financial benefits.

23. **Alterations and Additions**

23.1 Subject to clause 5 and this clause 23, the Board may resolve to amend any provisions of this Deed.

23.2 Any resolution to effect an alteration or addition must:

(a) be passed by a majority of not less than 75% of the Trustees present at a meeting of the Board where not less than 21 clear days' prior written notice of intention to move the amendment is given to all the Trustees; and

(b) be approved in writing by the Settlor.

23.3 No amendment may be made to the Trust Deed:

(a) which would have the effect of causing the Trust to cease to be a charitable trust; or

(b) to amend the Purposes to include any objective which is not a charitable objective or one to be achieved outside New Zealand;

(c) to amend clauses 5, 20, 22, 23 and 25.

23.4 Notwithstanding anything set out in the rest of clause 23, the Board shall amend this Deed to comply with the Tax Act or the Charities Act.

24. **Liability of Trustees**

24.1 The Trustees are authorised to exercise the powers of investment expenditure and acquisition conferred upon them, and the Trustees shall not be liable for any loss occurring on the realisation of any asset which pursuant to the exercise of those powers comprises part of the Trust Assets.

24.2 To the extent permitted by law, no Trustee of the trusts of this Deed shall be subject to any duties except:

(a) the duty to act honestly and the duty not to commit wilfully any act known to be a breach;

(b) the duty not to omit wilfully any act when the omission is known by the Trustee to be a breach of trust;

(c) for the consequences of any act or omission or for any loss attributable to the Trustee's own dishonesty, or for the wilful commission by the Trustee of any act known by the Trustee to be a breach of trust.

24.3 No Trustee shall be bound to take any proceedings against a co-Trustee for any breach or alleged breach of trust by that co-Trustee.

24.4 A Trustee shall be indemnified from the Trust Assets (whether as to capital or income) for any loss or liability incurred by the carrying out, or omission of any function, duty or power of the Trustees under this Deed, unless such loss or liability is attributable to that Trustee's dishonesty or to the wilful commission by that Trustee of an act known by that Trustee to be a breach of trust or to the wilful omission of such Trustee of any act when that omission is known by the Trustee to be a breach of trust.

24.5 The Board may arrange insurance for the Trustees and will meet all costs associated with such insurance.

25. **Winding Up**

25.1 If in the opinion of the Board, it becomes no longer possible or feasible to carry out the objects of the Trust, then with the prior written consent of the Settlor, the Board may, by resolution, wind up the Trust. No resolution dissolving the Trust shall take effect unless it has been passed by a majority of not less than 75% of the members of the Board and only after three months written notice of intention to move such resolution has been given.

25.2 If the Trust is wound up and after all liabilities of the Trust have been discharged, the Board shall transfer all remaining funds and assets comprising the Trust Assets to another organisation in New Zealand, having a charitable purpose or purposes as defined in Section 5(1) of the Charities Act 2005 and which has purposes similar to those of the Trust, with priority being given to any such organisation within the Far North District Council boundaries, The receipt of the Treasurer or Secretary or other proper officer of such regional trust or organisation shall be a sufficient discharge to the Board and the Board will not be bound to further see the application of those funds and assets.

25.3 If the Board is unable to make such decisions, the Trust Assets shall be disposed of in accordance with the directions of the High Court of New Zealand under section 27 of the Charitable Trusts Act 1957 or any legislation in replacement of it.

26. **Governing Law**

26.1 The Trust shall be governed by and construed in accordance with the laws of New Zealand.

SIGNED BY

FAR NORTH DISTRICT COUNCIL
By affixing its common seal in the presence of: _____

_____
Common Seal

ROBERT LIONEL NEWPORT _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

HONE ARAPATA MIHAKA _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

HARRY CLIVE HARRISON _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

NEVILLE MAURICE LEWIS _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

SIDNEY TAU _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

NICOLE JAYNE ANDERSON _____
in the presence of:

_____
Signature of Witness
Witness Full Name:

Address:

Occupation:

MURRAY ARMSTRONG _____
in the presence of:

Signature of Witness

Witness Full Name:

Address:

Occupation:

RAEMON MICHAEL PARKINSON
in the presence of:

Signature of Witness

Witness Full Name:

Address:

Occupation:

WALTON DAVIS
in the presence of:

Signature of Witness

Witness Full Name:

Address:

Occupation:

RUBINA CATHERINE TAUTARI _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

BRIAN BERNARD HEPBURN _____
In the presence of:

_____
Signature of Witness

Witness Full Name:

Address

Occupation:

FRANK WILLIAM LEADLEY _____
In the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

ANTON BRUCE HAAGH _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

JOHN RAYMOND LAW _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

DAWSON WAYNE JOYCE _____
in the presence of:

_____
Signature of Witness

Witness Full Name:

Address:

Occupation:

JOHNS KIMBER WARES
in the presence of:

Signature of Witness

Witness Full Name:

Address:

Occupation:

SCHEDULE A

Description of the Sections of Cycle Trail authorised to appoint Trustee pursuant to clause 5 of the Trust Deed.

Section of the Cycle Trail	Trustees Appointed	Number of Votes per Section
Council Trustees	Anton Bruce Haagh, John Raymond Law	2
Okaihau Trustees (Lake Omapere Inlet to 327 Horeke Rd) including the township of Okaihau	Robert Lionel Newport, Hone Arapata Mihaka	1
Utakura Trustees (327 Horeke Rd to 59 Mangataraire Rd)	Harry Clive Harrison, Neville Maurice Lewis	1
Lake Omapere Inlet to Rakautao Rd Trustees which includes Kaikohe	Sidney Tau, Nicole Jayne Anderson	1
Rakautao to Waipuna Trustees. This includes Moerewa, Otiria and Ngapipito Valley	Murray Armstrong, Raemon Michael Parkinson	1
Waipuna to Taumarere Trustees including the township of Kawakawa	Walton Davis, Rubina Catherine Tautari	1
Taumarere to Opua Trustees	Brian Bernard Hepburn, Frank William Leadley	1
59 Mangataraire Rd to Mangungu Mission Station. This includes community of Horeke	Dawson Wayne Joyce, Johns Kimber Wares	1

Service Agreement

Between the:

Far North District Council

And

Pou Herenga Tai – Twin Coast Cycle Trail Trust

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1. DOCUMENT APPROVAL

The following table identifies all management authorities that have approved the present issue of this document

Table One

Date	Name	Title	Signature
1st August 2017	Vicki Begbie	Business Development Manager, Far North District Council	
	Samantha Edmonds	General Manager Corporate Services, Far North District Council	

2. DOCUMENT CHANGE RECORD

The following table records the complete history of the successive editions of the present document

Table Two

Edition	Date	Name	Reason for Change	Sections/Pages Affected
Initial draft	18.08.17	V Begbie		
V3	17.11.17	V Begbie	Transition Plan	Schedule Three
V4	22.01.18	V Begbie	Funding and dates on transition plan following Trustees feedback 22.12.17	Schedules One and Three

2.1 ABBREVIATIONS

SA - Service Agreement

The Trust - Pou Herenga Tai – Twin Coast Cycle Trail Trust

3. OVERVIEW

3.1 Parties

The parties to this Service Agreement are:

Far North District Council (Council)
Pou Herenga Tai – Twin Coast Cycle Trail Trust (Trust)

3.2 Introduction

This agreement provides a framework for the ongoing relationship between the Council and the Trust. This agreement incorporates the Council's commitment to support the Trust and the funding arrangements agreed by Council, which are contained in the 2017-2018 Annual Plan, and future Long Term Plans.

The Twin Coast Cycle Trail is one of the 23 great bike rides in New Zealand. The Central Government initiative to stimulate regional growth, economic development, tourism and employment gave rise to Council to submit a business case for central government funding to construct the Cycle Trail.

The total length of Cycle Trail construction is approximately 84km (with an additional 3km sharing the road between Horeke and Mangungu Mission Station).

The Cycle Trail has the potential to have a significant impact on the local economy, create employment in the district, business and recreation opportunities and showcase the Far North culture across the district.

The primary objectives of the Trust are:

- To create jobs through the design, construction and maintenance of the Cycle Trail network;
- To create a high-quality tourism destination and provide on-going employment and economic development opportunities for the regional economies; and
- To maximise the range of complementary benefits that the Cycle Trail provides to a wide range of New Zealanders. This includes events, recreation, health and other benefits.

The parties have agreed to enter in an arrangement to formalise the governance, sustainability and operational arrangements between Council and the Trust. This agreement should be read in conjunction with the Trust Deed.

3.3 Purpose

The purpose of this Service Agreement is to provide a framework for the on-going relationship between Council and the Trust in delivering their respective obligations pertaining to the leadership and management of operations of the Cycle Trail for the community and wider public.

It is hereby agreed that this agreement includes all operational matters including services, management, financial and reporting elements.

3.4 The Relationship

The Cycle Trail will be a key visitor and tourist attraction that will enable the development of small business, future employment, and lift the economic activity of the Far North District.

Council is committed to the success of the Cycle Trail as a recreational asset and attraction and has made a commitment to work with the community and put in place a governance model that will enable the Cycle Trail to reach its potential.

The principles used to determine the best way forward for Council to support the Trust are:

- Council's requirement for the Cycle Trail to succeed
- The Cycle Trail governance to be community led
- Public support should be transparent
- Public Funding should come with explicit accountability to provide public value
- Clear separation of roles and responsibilities between Council and the Trust to allow transparency and accountability to occur.

3.5 Key Facts

- Council holds the lease with Kiwirail for a large portion of the track.
- Council has a lease agreement with Bay of Islands Vintage Railway Trust for the track between Kawakawa and Opua.
- Councils hold leases and easements with various landowners for the balance of the land used by the Cycle Trail.
- Council will retain the leases and easements with landowners, Kiwirail and the current and future leases with Bay of Islands Vintage Railway Trust.
- Council will retain ownership of the Cycle Trail asset.
- Council will own and will be responsible for the asset management and the renewal of the asset and the Trust will be responsible for governance, overall direction, management and operation of the Cycle Trail.

4 Term

This agreement will take effect from the incorporation date of the Pou Herenga Tai – Twin Coast Cycle Trail Trust to 30 June 2018, and thereafter for a period of three years (aligned to the Council's Long Term Plan cycle).

A formal review of this agreement will occur on an annual basis and may be renewed or amended at such time. In the event of both parties agreeing no formal review of the existing Service Agreement is required, the existing agreement will be rolled over.

5 Variation

This agreement may be reviewed and amended at any time by mutual agreement, in writing, with all changes noted and approved by both parties.

6 Service Elements

6.1 Accountabilities and Responsibilities

These are summarised as:

Table Three

	Responsibilities of Pou Herenga Tai – Twin Coast Cycle Trail Trust	**Responsibilities of Far North District Council**
Governance	Governance , future direction and growth of the Cycle Trail	Input into growth and future development of Trail
Management of The Trust	Management and administration of the Trust including tax, Charities Commission compliance, all other statutory compliance and reporting	Nil
Management of Cycle Trail	▪ Input into the Asset Management, Maintenance Programme and Renewal Programme. ▪ Contribute and assist with the implementation of major capital works projects including construction of new sections of the trail. ▪ Operational oversight to implement repairs and maintenance and construction of minor capital works in line with the Asset Management Programme, Maintenance Programme and Renewal Programme (as applicable)	▪ Draft, consult with Trust and finalise the Asset Management , Maintenance Programme and Renewal Programme (for existing assets). ▪ Construction of major capital works and new sections of trail as detailed in the Asset Management, Maintenance and Renewal Programme.
Marketing and promotion of the Cycle Trail	▪ Marketing and promotion of the Trust and the Cycle Trail. ▪ Develop and maintain a rolling 3 -5 year marketing plan, and achieve objectives of the plan ▪ Implement the Official Partnership	▪ Contribute and assist with the development and implementation of marketing plan.

	Programme	
Communication	▪ Communication of the Trust and the Cycle Trail ▪ Trustee and Management engagement with: constituent groups, communities and stakeholders. ▪ Trust and Cycle Trail website development	▪ Embrace the Cycle Trail as a key economic activity and recreation attraction ▪ Contribute to marketing, promotion and communication undertaken the Trust ▪ Support Trust communication activity
Strategy	▪ Maintain and review the Cycle Trail Strategy (10 year strategic plan)	▪ Contribute to the Cycle Trail Strategy
Financial	▪ Prepare and implement an annual business plan, including an operational and capital budget. ▪ Ensure annual funding applications to Council and other funders are prepared. ▪ Monthly management of cash flow ▪ Regular reforecasting of annual budget. ▪ Complete an annual audit in line with Trust Deed.	▪ Receive and consider annual funding applications from the Trust ▪ Receive and review the annual Trust Audit
Funding	Work together with Council and stakeholders to: ▪ maximise funding opportunities for operations and Cycle Trail enhancement. ▪ maximise funding opportunities for Cycle Trail expansion.	▪ Work together with the Trust to maximise funding opportunities ▪ Ensure there is sufficient funding in the LTP to ensure the Trust and Cycle Trail meet Council's and Trust objectives
Commercial Growth	▪ The Official Partnership programme and other mechanisms are introduced and developed to raise operational and capital funding. ▪ Small business enterprise and Maori cultural development that will provide a variety of hospitality, tourism and cultural products within close proximity to the Cycle Trail	▪ Development of customer focused systems and processes ▪ To encourage commercial growth, establish a 'Case Manager' (or 'one stop shop') approach to respond to building, planning regulatory functions and any other Cycle Trail related enquiries from the community and public
Property Owners	▪ Responsibility for relationships with property owners adjacent to the trail.	▪ Management and payment of easements and leases ▪ Council to assist and contribute to property owner relationships through the General Manager
Reporting	Regular reporting to Funders and Stakeholders.	Reporting of progress of Trust and Cycle Trail to Council

6.2 Transition Programme

A transition programme [refer Schedule Three] has been developed and agreed by Council and the Trust for a managed transition of functions that Council currently undertakes, to the Trust. These functions will be transferred within a twelve month period, from the date of signing this agreement. This clause will not apply once transition is complete.

6.3 FNDC Responsibility

- Includes all responsibilities detailed [refer Table 7.1].
- To provide an annual grant, when necessary, for agreed expenditure based upon a submission and business case being presented and agreed at a Council meeting.
- To provide Council staff resource with the skills and experience to work alongside the Trust governance and management to ensure best value for public monies to enable the Trust and the Cycle Trail to achieve its overall objectives including; performance objectives, financial accountability and sustainability.
- To provide Council support during the transition period to enable the Trust governance and management to achieve objectives and meet priorities.

7 Management Elements

7.1 Performance Management

Council and the Trust will meet annually to establish then review and agree on the appropriate key performance measures. These key performance measures will be aligned to the Trust's objectives and priorities. The measures will be evaluated and reported by the Trust on a bi-annual basis by the way of a written report to the Chief Executive of Council within two months of the expiry of the bi-annual period[1].

Schedule Two, sets out the Performance Measures.

The performance measures focus areas are:

- Management of the Trail
- Commercial growth
- Strategy and marketing
- Annual business planning
- Budget and cash flow management
- Funding opportunities for growth and development
- Bi-annual reporting to Council for the first full year of operation
- Health and Safety compliance
- Business / product development

[1] The bi-annual periods will end on 31 December and 30 June each year.

7.2 Financial

The Trust will prepare on an annual basis a business plan and budget (including operational and capital expenditure). This will be aligned to Council's annual plan process in order to align both the Trust and Council funding periods.

The Trust will prepare on a three year basis a rolling three - ten year strategic plan and budget to align with Council's long term plan timeframes in order to align capital, operational activity and future development.

Council funding of operational Trust activity and associated expenditure will be by means of a grant. Council will keep the Trust informed of annual/long term plan timeframes.

7.3 Grant Funds

Grants assistance after June 2018: The Trust will develop a submission and present a business case, financials and ten year asset management and business plan that set out the level of investment required from Council for the Trust to achieve its objectives. Funding will be agreed based on the rationale and need demonstrated in the business case. The funding awarded will be in line with Council and the Trust direction and objectives. Funding must be sustainable for the ratepayer, take into account the economic activity generated for the Far North District and be a sufficient amount to ensure the success of the Trust and its objectives.

7.3.1 The funding grant will be aligned to the Trust's ten year strategic plan, asset management and maintenance programme and operational budgets. The grant is to be utilised by the Trust per Council's approval of the grant.

7.3.2 The Trust will supply an itemised GST invoice to Council, that will enable the draw down and deposit of Council grant funds to the Trust's nominated bank account. The itemised invoice will be for expenditure, which, the grant was approved by Council. Schedule one set out Council grants for the 2017-18 year and the provisional grants for the 2018 to 2021 which are subject to Council's adoption of the 2018 – 2028 Long Term Plan.

7.3.3 Upon receipt of invoice, payment will be made per Council's trading terms on the 20th of the following month.

7.3.4 A reconciliation of the Trust's expenditure of the previous year's grant made by Council will be supplied to Council within three months of the end of the financial year.

7.4 Reporting

The Trust will supply to the Chief Executive of Council, bi-annual financial and non-financial performance results. Reporting of financial and non-financial performance is required to provide transparency and explicit accountability to demonstrate the value to the public.

7.5 Change or Issue Escalation Process

If a change is required or an issue arises, any party may contact the other verbally or in writing to identify the change/issue and request a meeting to resolve the matter.

Should a change or issue be identified, the parties are to attempt to resolve the matter by discussion between themselves, failing which the matter will be mediated according to clause 9.

8 Mediation

If the parties are unable to resolve a dispute by discussion and negotiation within 14 days or an agreed specified timeframe, then the Dispute will be referred to mediation. The mediator will be a commercial mediator that the parties agree upon.

A party must use the mediation procedure below to resolve the Dispute before commencing any other proceedings. Where the Dispute requires mediation the following procedure applies:

- **8.1.1** The parties must cooperate with the mediator in an effort to resolve the Dispute;
- **8.1.2** If the Dispute is settled, the parties must sign a copy of the terms of settlement;
- **8.1.3** If the Dispute is not resolved within 14 working days after the mediator has been appointed, or within any extended time that the parties agree to in writing, the mediation must cease;
- **8.1.4** Each party must pay an equal share of the costs of the mediator's fee and costs, including travel, accommodation, room hire and any other related general expenses (e.g. catering);
- **8.1.5** The terms of settlement are binding on the parties and may result in a variation and amendment to this agreement;
- **8.1.6** The terms of settlement may be tendered in evidence in any subsequent mediation or legal proceedings;
- **8.1.7** The parties agree that written statements given to the mediator or to one another, and any discussions between the parties and the mediator during the mediation period are not admissible by the recipient in any arbitration or legal proceedings;
- **8.1.8** If the Dispute is not resolved following compliance with this paragraph, a party shall be free to bring proceedings in an appropriate court and take any other lawful action as they may determine in respect of such Dispute

9 Points of Contact

Far North District Council

Table Four

Title	Name
Chief Executive Officer	Shaun Clarke
General Manager, Corporate Services	Samantha Edmonds
Business Development Manager, Corporate Services	Vicki Begbie
Cycle Trail Project Manager, Infrastructure and Asset Management	Adrienne Tari

Pou Herenga Tai – Twin Coast Cycle Trail Trust

Table Five

Title	Section of the Cycle Trail	Name
Trustee (Interim Chair)	Kaikohe	Nicole Anderson
Trustee (Interim Deputy Chair)	Okaihau	Blue Newport
Trustee	Okaihau	Hone Mihaka
Trustee	Utakura	Snow Harrison
Trustee	Utakura	Neville Lewis
Trustee	Horeke	Dawson Joyce
Trustee	Horeke	John Wares
Trustee	Kaikohe	Sidney Tau
Trustee	Waipuna	Murray Armstrong
Trustee	Waipuna	Raemon Parkinson
Trustee	Kawakawa	Walton Davis
Trustee	Kawakawa	Rubina Tautari
Trustee	Opua	Brian Hepburn
Trustee	Opua	Frank Leadley
Trustee	Council appointed	John Law
Trustee	Council appointed	Anton Haagh

10 Signatories

Table Six

Signed for and behalf of Far North District Council	**Signed for and behalf of The Pou Herenga Tai – Twin Coast Cycle Trail Trust**	
…… Signature …….. Date	…… Signature …… Date	…… Signature …….. Date
Shaun Clarke	…… Name	…….. Name
Chief Executive Officer	…….. Title	…….. Title

Schedule One:

Grant Funds

Operational grant funds for 2017/18 have been agreed with Council and are included in the Council 2017 – 2018 Annual Plan. The purpose of the funding is to enable the Trust to employ staff and progress outcomes set out in the Trust Deed and Service Level Agreement.

A draft budget was developed to secure funding, based upon initial "seed funding" from Council for the first financial year to June 2018, whilst the Trust:

- Establishes the legal and administration structure of the Trust;
- Recruits a suitably qualified General Manager, and support staff;
- Develops the Ten Year Strategy, re-visits draft Business Plan and Budget;
- Implements policy, systems and processes;
- Establishes relationships with Council, funders, the community and the business sector to deliver the outputs and outcomes of the draft Business Plan.
- Provide input into the Asset Management and Maintenance Programmes

Draft Operational Budget – 2017-2018

This budget has been reviewed and amended given the review and agreement of the Trust Deed has led to Trust only being operational for the last three months of the 2017-2018 financial year ending 30 June 2017. Therefore, the $200,000 operational grant will not be fully expended, and the forecasted budget of $68,000 to be re-directed to small capital projects, subject to Council's approval.

Table Seven

Expenditure	**Budget (3 month period)**
Salaries and staff related costs – General Manager and support staff, staff training and travel, vehicle lease and running costs	$43,268
Professional Services – Legal, Insurance, Health and Safety Audit, Insurance, Accounting and Audit	$ 48,750
Administration – SOS systems, phone and internet, stationary	$ 11,800
Set Up Costs – Network and computing, phones, sign writing, registration Proposed Re-directed Council grant to be retained for small capital projects	$ 28,182 $68,000
Total Operations	**$ 200,000**

Maintenance & Marketing Budget **Table Eight**

	2017-2018 Annual Plan	
Maintenance of the Trail	$300,000	Held by Council
Marketing of the Trail (Council budget)	$ 80,000	Held by Council
Sub-Total Maintenance & Marketing	**$380,000**	

In summary, the Council owns the Cycle Trail asset and therefore provision has been made in Council's budget in the 2017 – 2018 Annual Plan for:

- Asset management,
- Trail Maintenance programme ($300,000) [refer **Table Eight**],
- Small business development,
- Provision of Marketing Contract and associated budget for the 2017-2018 year ($80,000) [refer **Table Eight**],
- Preliminary work re permanent route of the Cycle Trail between Kawakawa and Opua, and
- Management of leases and easements and relationship management with land owners.

Schedule Two:

Performance Measures

Focus	Description	Measure
Management of the Trail	Scheduled repairs and maintenance Trail user experience (from data collected by NZ Cycle Trails Inc)	Completed on time, standard and within budget Satisfaction of users 85%
Commercial Growth	Managed events Official Partnership Programme Usage of Trail	Attract one event per quarter where a commercial fee/commission is earned Increase the number of official partners by a minimum of 10% year on year Increase overall usage of the trail by 10% year on year
Transparency	Bi-annual reporting to Council	Bi-annual reporting and presentation to Council of financial results, performance and progress, Funding requirements supported a business case/plan
Funding opportunities	Source funding for capital development, growth and operational projects from alternative funding sources	Alternative funding to be secured for enhancement and expansion capital projects for the Trail agreed by Council
Business/product development	Work with community, business and iwi to attract business and product development to compliment the Trail experience	First Year – Framework developed and implemented Second Year – Attract four small business and/or Maori cultural experience products per annum
Health and Safety	Health and Safety strategy and policy Health and Safety reporting systems Health and Safety Audit	100% compliant 30.06.18 Health and Safety reporting system to be implemented and incidents and near misses reported to Council on a bi-annual basis Undertake annual Health and Safety and implement prioritised recommendations
Transition from Council to the Trust	Transfer of agreed functions from Council to the Trust	Transition time frames and objectives are met
Property Owners	Property owners adjacent to the Trail are fully informed of developments and issues are resolved and agreed within managed timeframes	Resolution of property owner issues within mutually agreed timeframes – 100%

Schedule Three

Transition Plan

Strategic Focus	What is to be Achieved	Output/Deliverable	Priority
Leadership, Strategy and Policy	*Development of rolling annual 3 to 10 year strategic vision and plan, annual business plan with supporting organisation structure, budget, investment funding	*Rolling 3 – 10 year strategic plan that aligns with Councils long Term Plan process	Sept 18
	*Review of 10 year strategic plan – development of the trail	*Prioritised programme of future development for the Cycle Trail to feed into Council's Long Term and Annual Plan process	Oct 18
	*Review of Cycle Trail marketing plan and development of prioritised marketing and communications actions - web presence, official partnership programme	*Prioritised actions from the marketing plan to be delivered	June 18
	*Set up legal and administration structure for a commercial enterprise whilst retaining a charitable status, IRD and Charities Commission compliance *Banking and insurance requirements	*Banking facilities in place * Charities Commission compliance * IRD compliance * Insurance cover	Mar 18 Feb/Mar 18 Feb/Mar 18 Mar 18
	*Policy – procurement, health and safety – users of the trail, contractors and staff, employment contracts, partners of the trail, volunteers	*Priority to Procurement, Health and Safety and Employment policies developed and implemented	May – Aug 18
	* Development of Service Contract with Council	*Transparency and reporting in place for use of public funding	Mar 18 and on-going
Organisation Development	*Recruitment of staff and contractors (if any) to the organisational structure	*Put in place organisation structure and recruit General Manager and support staff within financial means	Commence March 18
	* Skill requirement analysis	* Staff have the correct skills and attributes for the Trust to achieve the business plan	Feb 18
	* Transition of FNDC staff responsibilities and staff (if any) to the Trust	*Transition of functions and staff completed June 2018	June 18

Financial Management	*Financial and Cash flow	Governance and management of finances and cash-flow	June 18
Compliance Business and Finance	*Independent Legal advice and independent auditors	*Appointment of legal advisor	Dec 17
		*Appointment of auditor	March 18
	* Separation of governance and management	* Delegations of Authority	Mar/April 18
	* Technology (ICT) to support Trust operations are reviewed procurement of services, software and hardware	*Independent systems to support Trust activity	June 18
	*Development of Risk Management policy and framework, and implement	*Management of risks	April 18
	*Procurement and payment of goods and services and salaries	*Procurement process to be transparent and auditable. Record keeping and authorisation processes /systems in place	April 18
	* Development of business case framework for replacement/further development and funding applications to support operational and capital expenditure	*Establish a framework that enables good decision making to support growth and investment of the Cycle Trail	June 18
	*Health and Safety policy, reporting systems and compliance	*Ensure compliance with Health and Safety Act, and a safe environment for users of the Trail	March 18
Asset Management	*Input into asset management and maintenance plans that are part of Council's Long Term Plan process and align to the Trust's future vision for the Cycle Trail	*Establish annual and long term asset maintenance and management plans with FNDC.	October 18
Customer Services/Operations	*Transition of FNDC responsibilities to the Trust with documentation to support process	*Smooth, managed transition of functions	June 18
	*Provision of quality visitor experience and attraction for users of the Trail	*Continuous improvement of the trail	On-going
	*Establish Building, Planning and	*Provide public with information and	June 18

	small business set up information and advice links *Transition of the management of maintenance contracts from FNDC *Benchmark with NZ Cycle Trails *Link with Building, Planning, Economic Development and Asset Management Departments at FNDC	advice links that enables the development of small business *Trust undertake the management of maintenance contracts *Trust establish relationships within Council	June 18 April 18 and On-going
Community and Strategic Relationships	*Te Tiriti O Waitangi is recognised *Effective relationships with Iwi and communities adjacent to the Trail *Effective relationships with Corporate Funders, NZTA, Northland Regional Council (NRC), Lotteries Commission and other Councils in the NZ Cycle Trail Network *Effective relationships with central government (MBIE)	Strategic relationship are developed that contribute to the success of the Trail – regarding future growth and funding, building and maintaining relationships with landowners, iwi, local business and other Councils	Dec 18 and On-going

Item: 8.2

Meeting: **Council – 15 February 2018**

Name of item: **KPMG Independent Audit of Procurement Practices – FNDC Management Plan**

Author: Caroline Wilson - Manager, District Administration

Date of report: 24 January 2018

Document number: A1947351

Purpose of the report

To provide elected members with the implementation plan (the management plan) arising from the Independent Audit of Procurement Practices, undertaken by KPMG and presented to Council at their meeting on the 7th December 2017.

Executive summary

KPMG completed an independent audit of Councils' procurement practices and presented their report to Council on the 7th December 2017.

KPMG identified 8 medium and 5 low improvement opportunities and placed the Council at the Developing stage – between Foundation and Established. KPMG's recommendation was to progress to a Fully Established status, which generally takes three years to embed into an organisation. Having implemented a Centre of Excellence (within the Project Management Office PMO), Council is on the right path to achieving a Fully Established status.

Management have considered the recommendations contained in KPMG's report and provided their management plan to address the recommendations. A number of the recommendations contained in the KPMG report were already underway at the time of the audit, having previously been identified in the PMO's forward programme of work in the procurement space. The KPMG report reinforces that Council was already on the right track.

Progress against the recommendations will be reported through the Corporate Committee as part of the reporting by the Risk and Improvement team. Internal audit is scheduled to complete a review of procurement practices at the end of 2018. This will become an ongoing activity to ensure compliance with policy and procedures.

Recommendation

That Council receive the report "KPMG Independent Audit of Procurement Practices – FNDC Management Plan" dated 24 January 2018 and the Audit of Procurement Practices - FNDC Management Plan.

1) Background

Council resolved at its meeting on 22 June 2017 that an independent review of procurement practices was required as a result of media commentary. KPMG were appointed as the successful independent auditor and performed their assessment over the months of October and November 2017.

KPMG presented their audit report at the Council meeting on the 7th December 2017. The report made a number of recommendations to further enhance Council's procurement function and management have now considered these recommendations.

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2) Discussion and options

Management have now considered the recommendations and drafted a management plan. The plan outlines the recommendations, management response, proposed actions and associated timeframes. This plan has been discussed with the Strategic Leadership Team prior to being tabled at Council.

The management plan is Attachment 1 – Audit of Procurement Practices - FNDC Management Plan. A snapshot of high level recommendations is included in the table below:

Recommendation	Response	Timeframe
Policy and Procedures	An amended policy to be reviewed by SLT and the Procurement Board ahead of a recommendation to Council for adoption	To be tabled at June 2018 Council meeting for adoption
Compliance - planning and evaluation/selection	• Update documentation to ensure clarity. • Provide additional education to staff and suppliers.	By end April 2018
Supplier panels/ preferred suppliers	• Supplier panels are already being established. Continue to progress others. • Preferred supplier list will be a longer term initiative	• Ongoing • End 2018
Controls	Supplier master file – audits and processes	Completed
Spend monitoring	Longer term initiative – current systems cannot deliver the analytics required for detailed procurement analytics	Commence investigation late 2018
Conflicts of Interest	Tighten controls and audit for compliance	Ongoing
Procurement Board	Clarify roles, provide education and consider independent board member	April 2018
Purchasing/Sundry Creditor	Physical PO's and controls over the sundry account.	Already underway
Whistleblower Policy	Update policy and provide external hotline	Already underway
Tender grading	• Tender grading criteria aligned to NZTA • Anchored scales – design,	• Already underway for 2018 procurements

	implement, educate	• Q3 2018
Record-Keeping	• Centralised system for storing procurement documentation. Encourage use of Objective and investigate longer term register. • Checklist for minimum documentation requirements • Naming conventions – already established – re-educate and make part of checklist.	• Commence investigation before June 2018 • Checklist completed and being rolled out • Audit names for compliance

Reason for the recommendation

To inform Council of the plan to implement the recommendations of KPMG's audit report.

3) Financial implications and budgetary provision

There are no financial implications as a result of this report.

Manager: Samantha Edmonds - General Manager Corporate Services

Attachment 1: Audit of Procurement Practices - FNDC Management Plan - Document number A1963305

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is an information only report
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Procurement Policy 2104-16.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is an information only report
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	This is an information only report
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This is an information only report
State the financial implications and where budgetary provisions have been made to support this decision.	Not applicable
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Attachment 1 - Independent Audit of Procurement Practices - Management Plan

Key Area	Recommendation	Management Response / Action Plan	Responsible	Estimated Completion
Policy and Procedures	Update policy and processes to include risk and probity	Staff will seek professional advice and incorporate best practice from other local authorities and NZTA. Policy will need to go via SLT and the Procurement Board prior to Council decision	Warren U	Jun-18
	Implement a formal supplier vetting process	Procurement risk drives the level of supplier vetting. This will be in the form of a matrix aligned to value and risk	Warren U	Apr-18
	Review and update procurement policy for community projects	To be reviewed with policy team and incorporated into one policy for all procurement. Policy will need to go via SLT and the Procurement Board prior to Council decision	Warren U	Jun-18
	Enhance the procurement plan template to include an overall project risk rating	Enhanced template will be completed	Warren U	Apr-18
	Review appropriateness of the current Register of Delegations document in relation to approval of variations to contracts	Propose to introduce a Contract Variation Approval Template aligned with DFA's. Total value of the contract + variation(s) is the financial driver for DFA approval. Template completed and ready for roll-out. Internal audit will review adherence to the new process as part of audit procedures	Warren U	Apr-18
	Implement controls for approval of variations (with thresholds)	Part of the Contract Variation Approval Template aligned with DFA's. Total value of the contract + variation(s) is the financial driver for DFA approval. Internal audit will review adherence to the new process as part of audit procedures	Warren U	Apr-18
	Review current approval thresholds and ensure they are fit for purpose. Procurement Specialist recommendation to action this as a result of working under the current policy for 1.5 years	Review current approval thresholds with a view to aligning to NZTA best practice. This allows greater efficiency in delivery of works - currently staff spend a lot of time "doing" the procurement process. This will also ensure better utilisation of local suppliers (appoint directly)	Warren U	Apr-18
Compliance - procurement planning	Reinforce compliance to procurement policy and procedures and approvals as per delegations	Continue with ongoing education, establish KPI's for key roles involved in procurement and perform yearly internal audits to spot check for compliance. Linked to risk and internal audit processes and if required, can perform specific audits outside of yearly cycle	Michelle S	Apr-18
	Ensure the level of detail to be included in the procurement should be relative to the project value and risk	Already in existence in current Procurement Plan templates. Will refresh the templates to include more information and guidance on procurement risk	Warren U	Apr-18
Compliance - tender evaluation and supplier selection	Level of documentation to support procurement decisions	Upgraded documentation to be formulated and introduced	Warren U	Apr-18
	Completion of conflicts of interest declaration	Procurement Checklist for approvals to be introduced with spot checks by internal audit. Checklist has been completed and is in the process of being rolled out	Warren U	Apr-18
	Create a mechanism by which suppliers can clarify their tender submissions where the tender evaluation team have 'failed' an attribute or have serious reservations	Already exists, will modify and provide education around this to staff and suppliers	Warren U	Apr-18
Supplier panels and/or preferred supplier listing	Investigate appropriateness of establishing supplier panels above a certain $$ threshold	Supplier Panels will be put in place for Professional Services and Low value physical works. Already in progress	Warren U	Ongoing as required
	Implement a centrally managed preferred supplier listing - reviewed annually	Preferred supplier list can be accommodated. Is a significant body of work to assess suitability, go to market and formally establish. Is a longer term activity	Warren U	towards end 2018
Controls over supplier master file management	Review supplier file exception report before payment runs	Audit will perform a monthly review of supplier master file to identify changes and review the legitimacy of the supplier changes	Janice S	by end March 2018
	Implement secondary controls to support bank account additions	Audit is working with the Financial Services team to redefine the process around adding and amending suppliers, including the requirement for bank account proof	Janice S	by end March 2018
	Annual review of the supplier master file for dormant and duplicate supplier accounts	Audit will complete an annual review to identify dormant and duplicate supplier accounts and liaise with Financial Services for actioning	Janice S	Ongoing

Attachment 1 - Independent Audit of Procurement Practices - Management Plan

Key Area	Recommendation	Management Response / Action Plan	Responsible	Estimated Completion
Spend monitoring	Implement quarterly procurement spend analysis	Current in-house solutions cannot deliver the type of analytics required for detailed procurement spend analysis. Concept paper and business case will be required for a software package that can deliver data analytics in the procurement space	Warren U	Longer term - late 2018 commencement
	As part of the spend analysis process, integrate category spend management on a periodic basis	Current in-house solutions cannot deliver the type of analytics required for detailed procurement spend analysis. Business case may be required for a software package that can deliver data analytics that would inform a category strategy in the procurement space	Warren U	Longer term - late 2018 commencement
Conflicts of interest management	Review conflicts of interest policy and process	P&C will review the policy and processes for SLT to approve any required changes	Jill C	May 2018
	Ensure compliance during onboarding, annually and through education	This is standard as part of our onboarding however we will schedule to update annually going forward	Jill C	June 2018 and yearly thereafter
	Regularly review conflicts of interest register	Post review of policy, audit will review on a 6 monthly basis	Matt B	Ongoing - commence after June 2018 update
Effectiveness of the Procurement Board	Clarify role and responsibilities	Review current TOR's and merge into one document with clarity for staff and elected member participation	Michelle S	Apr-18
	Ensure education and appropriate skill sets	Ongoing education regarding procurement and procurement best practice. Establish a skills matrix to ensure appropriate skill sets (staff and elected members)	Warren U	Apr-18
	Consider an independent board member	Investigate Procurement Board and Corporate Committee meeting alignment and approach Bruce Robertson to be potentially the independent member	Caroline W	Apr-18
Purchasing	Assess risk of eliminating physical PO's	In progress - PO's are now digital and currently being rolled out with IAM followed by all staff	Janice S	In progress
Use of the sundry creditor account	Review use of an implement controls to reduce risk, omissions and fraudulent activity when procuring and processing payments	Improved controls have already been introduced for the sundry creditor account and the Financial Services team are regularly reviewing purchase orders and invoices being raised under the sundry account	Janice S	Completed
Whistleblower Policy	Update policy and educate staff	Completed and will be communicated to staff and elected members by end of January 2018	Leanna R	Jan-18
	Consider an external hotline for staff and the public	EAP Services have been approved as the external hotline	Leanna R	Completed
Tender grading criteria	Implement organisation wide tender grading criteria	Propose to align with NZTA standard scoring mechanism - currently considered as best practice	Warren U	Will be in place before next procurement board - 13th Feb 2018
	Develop an evaluation criteria for scoring of attributes prior to scoring of the tender submissions	Introduce Anchored Scales concept across the organisation. This is a significant change to current procurement practices, along with changes to IAM's team structure. This will require education and embedding	Warren U	Q3 2018
Record-keeping	Centralised system for storing documentation	A Procurement Register and Contract Register are required. This requires investigation in terms of the best solution for Council and whether it is within existing systems or off the shelf. Short term it is Objective but there may be a better solution	Michelle S	Investigate before June 2018
	Checklist for minimum document requirements	Procurement Checklist for approvals to be introduced. Completed and to be rolled out	Warren U	Apr-18
	Establish naming conventions for consistent naming	Establish a consistent approach for procurement and educate / monitor. Will form part of checklist requirements for documentation	Warren U	Apr-18

Item: 9.1

Meeting: **Council – 15 February 2018**

Name of item: **Chief Executive Officer's Report - Period: 18 November 2017 – 19 January 2018**

Author: Ian Robertson – Non Financial Reporting Officer

Date of report: 24 January 2018

Document number: A1967746

Purpose of the report

The purpose of the report is to present the Chief Executive Officer's Report - Period: 18 November 2017 – 19 January 2018 for Council's consideration.

Executive summary

The Chief Executive Officer's report is usually a six weekly summary of Council activities, presenting an overview across all activities that Council undertakes. This report is longer as it covers includes the Christmas and New Year holiday period. We have placed emphasis on relevant issues and pressures Council is experiencing whilst meeting its objectives to the community.

Recommendation

That Council notes the Chief Executive Officer's Report - Period: 18 November 2017 – 19 January 2018.

1) Background

We have structured the report to follow the committee structure of the Council, along with the addition of a section relating to the CEO office itself. The purpose of this structure is to enable the reader to easily locate items of interest.

- CEO Office
- Strategy
- Governance
- Corporate
- Operations

As it is our desire that this report is easily understood by Elected Members and ratepayers alike, feedback is welcome as it allows us to improve.

2) Discussion and options

The Chief Executive Officer's report is attached and covers a detailed overview of progress against Council's activities. His Worship the Mayor and Councillors' feedback is welcomed.

Reason for the recommendation

This report is for information only.

3) Financial implications and budgetary provision

There are no financial implications or budgetary provision needed as a result of this report.

Manager: Shaun Clarke - Chief Executive Officer

Attachment 1: Chief Executive Officer's Report Period: 18 November 2017 – 19 January 2018 - Document number A1967724

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
    a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
    b) Assess the options in terms of their advantages and disadvantages; and
    c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	Low significance as this is an information report.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	No decision required; as this is an information report.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	As this is an information report this should have interest to all.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	No implications; as this is an information report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	None; as this is an information report.
State the financial implications and where budgetary provisions have been made to support this decision.	None; as this is an information report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Far North District Council

Chief Executive Officer's Report To Council

Period: 18 November 2017 to January 19 2018

Key Work Plan Areas:

CEO Office

Strategy

Governance

Corporate

Operations

Introduction

Welcome to this CEO report, which provides an overview on the Council's activities for the period 18 November 2017 to 19 January 2018.

Chief Executive Officer's Report to Council

18 November 2017 to 19 January 2018

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Welcome to the latest summary report of Council activities

- In this report we are aiming to present an overview across all activities that Council undertakes. As such we have placed emphasis on the relevant issues and pressures Council is experiencing whilst meeting its objectives to the community. The format of the report follows the Council's committee structure, along with the addition of a section relating to the CEO office itself. It is our desire that this report is easily understood by Elected Members and ratepayers alike, feedback is welcome as it allows us to improve.

Introduction from Shaun Clarke, Chief Executive

- I would like to begin by wishing everyone a happy new year, and I hope that the holiday period recharged your batteries and you are ready to tackle any challenges 2018 may throw at us.
- Voting in the by-election to replace Willow-Jean Prime as the new Bay of Islands-Whangaroa representative will be completed midday Saturday 17 February 2018. The four candidates that have announced they will be standing are Harko Brown, David Clendon, Peter Gill and Kelly Stratford. I wish them all well and I look forward to working with the successful candidate.
- On a more general economic front the Far North District has shown strong GDP growth through the first three quarters of 2017. The rate of 4% exceeding the national average (currently 2.5%) for the first time since June 2012.

  This positivity is also reflected in the unemployment rate. Unemployment in the district has been decreasing over the first three quarters of 2017, dropping to 8.6% in the third quarter of 2017, from 10% in December 2016. This is the lowest quarterly unemployment rate recorded in the Far North District since March 2009.
- As you no doubt will have read, the Council is considering investing an extra $6 million in its commercial subsidiary Far North Holdings Ltd (FNHL) to allow it to buy a site and develop the industrial park near the Ngawha plant. This would increase its investment in FNHL to $19 million, if it goes ahead. Council is seeking community feedback on the proposal.

  The vision for the industrial park is for energy-intensive businesses and industries, and those that could benefit from by-products such as heat, to take advantage of low energy prices by clustering together next to the expanding Ngawha geothermal power plant.

  This is potentially a great opportunity for the Far North District. Industries that could benefit from the development include sawmills, dairy factories, data processing sites and warehousing.

  The community feedback period ends 16 February 2018, Council will consider the community feedback, legal and tax advice, and due diligence outcomes before making a decision in March.

Highlights from this report

- Long Term Plan workshops with elected members and the final review of budgets were completed on 13 December 2017. The Consultation Document and supporting information is to be adopted for consultation on 28 February 2018 (page 9)
- The Dog Control Policy and Bylaw meetings with interest groups recommenced in the week of 15 January 2018 (page 9)
- Staff have facilitated a partnership to establish a satellite training campus at Kerikeri Airport (page 10)
- Three carparks have been released by the Council for electric vehicle charging stations; two in Kaikohe and one Kerikeri, these stations will be installed before the end of January 2018 (page 13)
- The Far North District showed strong GDP growth through the first three quarters of 2017, exceeding the national average for the first time since 2012 (page 14)
- The Unemployment rate in the district had a steady decrease over the first three quarters of 2017, dropping to 8.6% in the third quarter of 2017, this was the lowest quarterly unemployment rate recorded in the Far North District since 2009 (page 14)
- There are four candidates declared in the Bay of Islands-Whangaroa by-election; these are Harko Brown, David Clendon, Peter Gill and Kelly Stratford (page 15)
- During November 2017 50,000 property files (6 million plus sheets of paper) were moved off-site to begin the 24 month digitisation process (page 17)
- The Council Customer Satisfaction Index (CSI) trend is resting at 77% (page 19)

CEO Office

People and Capability

Development Planning

- Managers have commenced Individual development planning with their teams. The plans are retained and progressed within the M7 performance system the learning modalities are structured to promote the more effective 'hands on' skill development such as coaching/mentoring, acting up or project work.
- Development goals can be accessed from a library within the M7 system and modified to suit individual needs. Links to other learning resources can be stored and saved to development plans to be used as required. The FNDC online learning library is one such resource.

KPIs and Performance Reviews

- KPIs continue to be set across the organisation using the newly implemented M7 online performance review system. The system is enabling better informed performance conversations with progress reports available at any time.
- Catch up conversations, both regular and ad hoc, between team members and their managers are captured in the system throughout the year. This provides a sound basis for end of year performance reviews as well as the flexibility required to change or adjust KPIs.
- All managers and team leaders are able to access status reports on their team progress at any time. They can also set up project and work groups; a feature of the system allows a manager to obtain feedback on the performance of these groups throughout as well as at the end of the project.

Leaders' Forum

- Leadership in action in the areas of people, communication and culture continues to define the focus for the Tier Three management team. The next session of the forum is on 12 February 2018, with this session discussing and driving the principles of leadership.
- A leadership KPI has been established and implemented for all Tier Three managers. The KPI includes their contribution and commitment to the Leaders Forum with clear activity measurable.

eLearning Update

- The online learning library, which provides a valuable and easily accessible learning resource for all staff, has been updated with courses, videos, and eBooks to meet the current learning requirement of FNDC staff.
- The library provides both learning and micro learning resources for all MS Office programmes, as well as a wide range of essential business skills including communication, emotional intelligence, critical thinking and problem solving.

Webinars

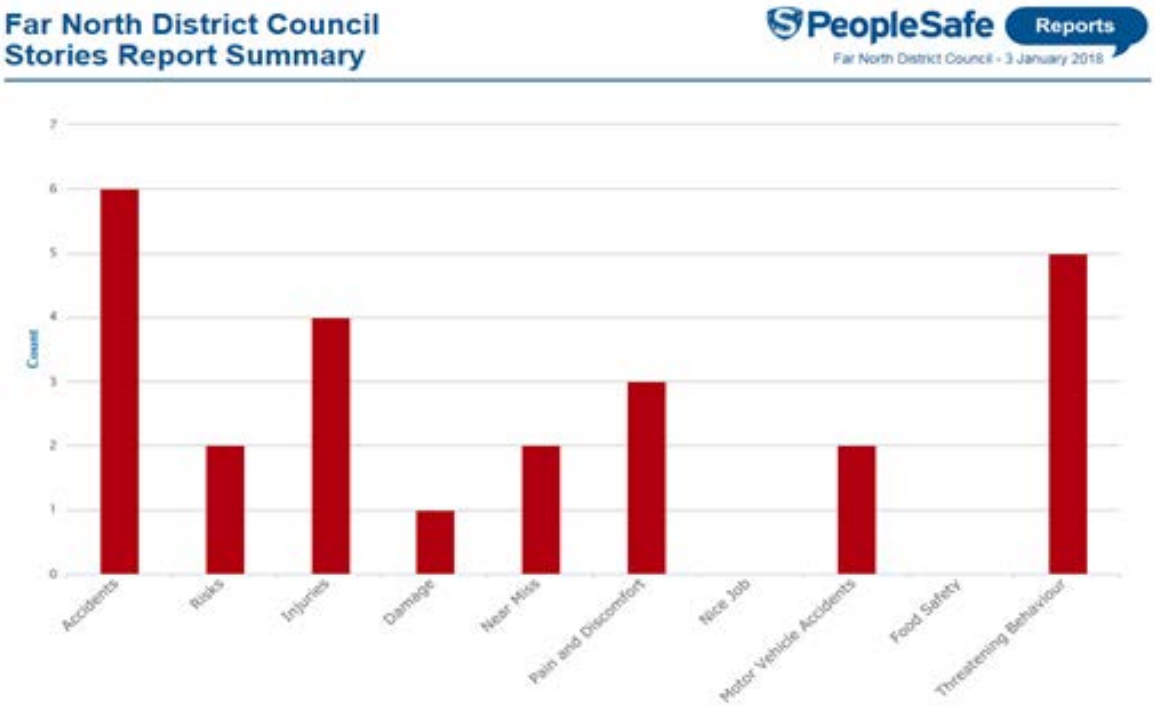
- Both SOLGM and LGNZ have expanded the style and range of their webinars in the past year. Content and delivery is Local Government specific and is an extremely time and cost effective learning tool. These webinars are particularly successful with groups, through the opportunity to interact with the presenter as well as to conduct a post webinar discussion.

- Internal communications about the webinars always target as wide an internal audience as possible but by their very nature, some topics are relevant to specific areas within Council Operations. We will continue to use webinars in the coming year, both live and on demand across the organisation.

Health, Safety & Wellbeing

Summary of Activities

- PeopleSafe reporting of incidents is continuing to improve, with double the number of "stories" told in November when compared to October's statistics.
- A replacement Head Warden was appointed for John Butler Centre, with the Kaikohe position still to be appointed.
- Incidents raised in PeopleSafe for the period of 1 November 2017 to 3 January 2018 are shown in the below graphic.



Staffing, Salaries and Training

Current Staffing Levels

Actual Head Count at 31 December 2017	Actual Full Time Equivalent (FTE) at 31 December 2017	2017-18 Annual Plan Establishment (FTE)
373	**335.26**	**350**

Salaries Budget

Salaries Budget at 31 December 2017	Actual Salaries Spend at 31 December 2017	Actual vs Budget	Total FY18 Salaries Budget
$12,572,276	**$12,695,641**	**($123,365)**	**$25,185,283**

Training Financial Performance

Financial Performance	Current Year to 31 December 2017	2017 - 2018 Budget	Previous Financial Year (FY17)
Actual	**$238,050**	**N/A**	**$555,050**
Budget	**$455,264**	**$873,190**	**$861,210**
Training Costs as % of Salaries Budget	**1.85%**	**3.5%**	
NZ Local Government Average Training Budget (% of salary costs)	**4.00%**		

Vacancies

- As at **31 December 2017** FNDC held the following vacancies:

Department	Number of Open Vacancies (FTE)
CEO/Communications/People & Capabilities	4.0
Corporate Services	8.0
District Services	5.2
Infrastructure & Asset Management	5.0
Strategic Planning & Policy	2.0
FNDC TOTAL (FTE) * includes fixed term and casual roles	**24.2**

Communications Reports

News media

The Communications Team:

- Fielded 31 news media enquiries on 20 different topics, including the Bay of Islands-Whangaroa Ward By-election, the Kerikeri Wastewater Project, water shortages and a dog attack in Kaikohe.
- Issued 14 media releases including about:
  - A by-election in the Bay of Islands-Whangaroa Ward
  - Water shortages caused by dry weather
  - An interactive mapping tool staff developed which won a national award
  - A major works programme to repair roads damaged by storms
  - The Kerikeri Wastewater Treatment Plant Project
  - An audit of the Council's procurement practices
  - Council plans to seal two sections of two roads used by forestry traffic
  - A toolkit the Council developed to assist owners of Maori freehold land
  - The Council obtaining a Government subsidy to build new toilets at Kaimamau
  - A proposal to fund the acquisition of land at Ngawha for an industrial park

Targeted publicity

The Communications Team designed and produced the following publications:

- Six issues of Haka Korero, a weekly newsletter with “great news to jump up and down about”. The newsletter is designed to foster a greater appreciation of Council projects and services that make the Far North a great place to live and visit. It is distributed to staff, elected members and local news media.
- Three issues of Great People, a new, fortnightly newsletter that celebrates Council staff and their achievements on behalf of elected members and communities. The newsletter is distributed to Council staff.
- One full-page ‘Crimson Coast Highway’ newspaper advert promoting seven electric vehicle charging stations the Council is installing in the district with the Northland Regional Council, Top Energy, EECA and ChargeNet funding.

Strategy

Planning

Long Term Plan

- LTP workshops with elected members and the final review of budgets were completed on 13 December 2017.
- Staff have developed a proposed consultation document and are finalising the deliverables that will serve as supporting information for it.
- Audit activities will commence on 15 January 2018.
- The Consultation Document and supporting information will be adopted for consultation on 28 February 2018.

Policies and Bylaws

- The Elected Members' Allowances and Reimbursement Policy was adopted at the December 2017 Council meeting.
- The proposed changes to the Rates Relief Policies were presented (with options) at a Council workshop on the 13 December 2017 and were well received. The Draft Rates Relief Polices, along with the Draft Significance and Engagement Policy will form part of the Long Term Plan consultation.
- The Dog Control Policy and Bylaw meetings with interest groups have recommenced in the week beginning 15 January 2018.
- An initial meeting with the Trade Waste/Wastewater Drainage Working Group (comprised of staff, elected members and representatives of the public) was held on 6 December 2017. There is an appetite to consult on the Trade Waste Bylaw and the fees and charges for trade waste contemporaneously. Staff are investigating the impact of Trade Waste on our sewerage network and how other councils operationalise their Bylaw. A follow up meeting is pencilled in for February 2018. The Working Group agreed some minor word changes for the Wastewater Drainage Bylaw, and a report will come to the February Council meeting.
- Staff have revised the approved 2017-18 plans for the review of policies and bylaws based on progress made against what was approved by Council in June 2017.
- The New Zealand Motor Caravan Association (NZMCA) has approved the Far North District Councils application for Kaikohe to be given the NZMCA status of a motorhome friendly town. This approval was based on the revocation of clauses in the Use of Public Places Bylaw and the Traffic and Parking Bylaw (approved by Council in August 2017) and the clarification provided by staff on the content of the existing Camping in Public Places Policy. This has prompted a review of the Reserves Bylaw.

Sustainable District Strategy and Spatial Plan

- A Geographical Information System (GIS) map based presentation on the constraints to growth and development in the Far North District was presented at a Spatial Plan workshop on 12 December 2017. Positive feedback was received from the elected members in attendance on the presented material, the concepts put forward around place making and the 'garden' analogy (māra or kāri in Māori) that was used to bring into context the constraints to growth and development that exist in the Far North District.

Open Spaces Strategy

- Planning has commenced on the development of an Open Spaces Strategy for the Far North District.

District Plan Review Project and Consultation

- The District Planning Department has participated in a pilot programme to provide feedback on the National Planning Standards being developed by the Ministry for the Environment. To date feedback has been provided on five separate discussion documents. A draft set of standards will be notified by the Minister for the Environment in 2018 and final standards gazetted in 2019. The new standards will be very influential over the structure and content of the new District Plan.
- Development of the new District Plan is underway using a new digital plan authoring tool. The software being used is called Isoplan. It provides a single digital platform to author the plan, manage submissions and hearings and provide an integrated digital plan and map interface for all users. Our customers will find all relevant plan information for their property more efficiently using this format.

Current District Plan Change Processes

- One plan change from the rolling review remains to be completed
    - Proposed Plan Change 18 Genetically Modified Organisms (GMO) – Federated Farmers appeals on higher order planning instruments have been withdrawn creating a path for consideration of appeals on Council's GMO Plan Change. The earliest likely hearing date is February 2018. Council will be working with Whangarei District Council who is also subject to the same appeal for their GMO plan change.
- Council has accepted one private plan change:
    - Plan Change 22 "Orchard Estate" – Council requested that the applicant for a residential zone change in Kerikeri provide further information about the potential impacts on Council's infrastructure. The applicant complied with this request in late 2017. Public notification of this private plan change is now scheduled for Wednesday 7 February 2018 with the submission period closing on 8 March 2018. Further submissions can be made after Council has summarised all primary submissions and the hearing can be scheduled after the close of the further submissions period.

Economic Development

Kerikeri Aviation School

- Staff have facilitated a partnership to establish a satellite training campus at Kerikeri Airport to train pilots and aviation mechanics. NZ Aviation Aoteoroa (NZAA) Ltd was located at Ardmore Airport, but had crowded airspace and there was increasing demand for land for housing. Kerikeri offered the right location, uncluttered airspace and great facilities such as a working airport with hanger space, briefing rooms and office space. The University of Auckland School of Engineering is partnering with NZAA to deliver mechanical and aviation engineering to level 9 (Masters Degree).

District Wide Infrastructure Grant Fund

- Council approved funding for the following projects at the December 2017 Council meeting:
    - $59,950 to the Raiātea Cultural Resource, Education & Archive Centre (Motuti)
    - $21,620 to the Bay of Islands Recreation Centre (Kawakawa)
    - $13,129 to the Kerikeri Southside River Track (Kerikeri).
- Fifteen applications were received requesting a total of $1,208,074.27 in funding. Council is going to consult on the size of the fund and the decision maker as part of the LTP.

Northland|Forward Together

Snapshot of individual project status and actions as at 19 January 2018			
Projects	Lead Council	Status	Actions to be taken
Active Recreation and Sports Facilities	NRC	In Progress	Public consultation on a regional Sporting Facilities Rate during the Northland Regional Council 2018-28 LTP process. Projects identified for FNDC are: 1. Te Hiku Sports Hub, Kaitaia and Sportsville and 2. Lindvart Park, Kaikohe. The regional rate will cover one project from each Northland Council.
Contact Centre	FNDC	In Progress	This project is a joint procurement initiative between Kaipara and Far North District Councils, with provision for other Northland Councils to join the procurement and share lower implementation costs. Go live date is expected late January, now implementation issues are being resolved and nearing completion. Retraining of call-centre staff is well underway. Kaipara District Council has expressed satisfaction with the software, and future integration with Skype for Business is planned. The system will improve waiting times with customer options available. The workforce management system will be configured and installed approximately three months after the system goes live.
Northland One Voice Collaboration	NRC	In progress	Information packs and specific information relating to the 11 targeted areas has been developed the coalition government ministers. Key areas of interest are: a. Four laning SH1 to Whangarei b. Investment in digital infrastructure c. Support far Tourism d. Improvement of rural road network e. Iwi settlements f. Capital investment to improve management of drinking water, wastewater, storm water and flood waters g. Affordable and sustainable drinking water and wastewater for small rural communities h. Flood scheme upgrade to improve Kaitaia's resilience i. Sustainable forestry planning/strategy and development of value added industry j. Regional airport for Northland and future of Kaitaia and Bay of Islands airports k. Social issues, employment, health, education and crime
Regional ICT Programme	FNDC	In progress and off-target	This work is on-going, with a focus on regional GIS.
Regional GIS Viewer	NRC	Needs Intervention	Commitment by Northland Councils' elected members and CEs. FNDC will be reviewing early 2018 the benefits of this initiative and how to progress
Provision of GIS Services to KDC	NRC	In Progress	In progress. Eagle Technology engaged to undertake a detailed evaluation of migration of KDC data, and build an internal viewer.

Whanaketia te Whenua	FNDC	In Progress	Four Sub projects: Rating Policy – Deliverables are integrated and dependant with rates harmonisation study Collective Treaty of Waitangi training – First combined training session in February 2018 Papakainga Policy and Handbook - Handbook now in use by Northland Councils Access to Māori Land On-line geospatial data – completed.
LIDAR capture for Northland	NRC	In Progress	CAA compliance issues resolved and the data capture, weather dependant, fly-overs are expected to be completed by the end of April 2018.
Four Waters	WDC	In progress and off-target	Eleven work streams make up this project. Six are in progress and on track; however the resourcing and conflicting priorities have seen some work streams not progress as planned. Resource budget for project to be developed and each Council to review current budgets re available funds and resources that can be allocated to shared services projects. A stocktake of the project is scheduled to be reported to Northland CEOs early 2018, along with the Havelock North Stage 2 findings and implications
Digital Enablement Plan	Northland Inc.	In progress	Five sub projects: RBI2 Roll-out Business development from RBI2 Building human capability development Digital deprivation Community broadband initiatives Refresh of digital enablement plan and gap analysis of RBI2 and MBSF to be completed.
Joint Procurement / Contracts	WDC	In progress	Principle adopted by all Councils, schedule of opportunities to be developed, including ICT contracts.
Health and Safety	WDC	In progress and off-target	Health and Safety policies under assessment by Human Resources.
Rates Harmonisation	WDC	In progress	In progress

Projects with a lower priority /not commenced at this stage			
Building Accreditation	FNDC	Lower Priority	High levels of building applications being received by KDC, WDC, and FNDC has led to this project being placed on hold.
Web-based customer services (on-line transactions)	Un-assigned	Lower Priority	Common systems, automated processes need to be in place first.
Commercial Property Management	NRC	Lower Priority	On hold at present
Payroll	Un-assigned	Lower Priority	On hold at present
Records Management	Un-assigned	Lower Priority	Dependant on common meta data standards and taxonomy standards under the Regional ICT Project.
Shared Rating System	WDC	Dependency on current project	Dependant upon Rates Harmonisation Project recommendations.

Community Wellbeing

Crimson Coast Electric Vehicle Highway

- Three carparks have been released by the Council for electric vehicle charging stations, two adjoining stations in the Kaikohe Library Quadrant and one in the John Butler Centre in Kerikeri. These stations will be installed before the end of January 2018, with a further three stations to be installed in other parts of the district before June 2018. There will be an official opening of the network on 3 April 2018 in Kerikeri, to coincide with the Leading the Charge EV Road Trip stopover.

Digital Enablement

- Staff have worked with Spark and the Ngāti Kuri Trust Board to facilitate the installation of a metrocell at Te Hapua's Te Hiku o Te Ika Marae to deliver mobile coverage to this digitally isolated community. Metrocells offer a quick, fast solution to poor mobile coverage that can be replicated in other parts of the district.
- Staff are working with the Rural Connectivity Group to help coordinate the delivery of Rural Broadband Initiative (RBI2).

Broadwood Community Plan

- The Broadwood Community Plan community presentations have begun and the feedback received is being integrated into the plan. The community working group will present the plan to the wider North Hokianga community at the North Hokianga A&P Show in February 2018. They will then go on to form subcommittees to progress the work in the plan, particularly with regard to addressing poor digital access and affordability issues.

Provisional Local Alcohol Policy

- On 13, 14 and 15 December 2017 the Alcohol Regulatory and Licensing Authority (ARLA) heard appeals to the Provisional Local Alcohol Policy. The judge is expected to give his decision sometime in mid-February 2018. The Provisional Policy will then be sent back to Council to determine next steps.

Establishing a Dark Sky Reserve

- Community Policy and Development staff have met with various North Hokianga groups and interested persons to gauge community support for establishing an International Dark Sky Reserve in the Far North District. It is hoped that this will help disperse visitors to the area from the Bay of Islands / east coast during the 250 First Encounters (Cook's Landing) national commemorations being held in 2019. Community response has been very positive.

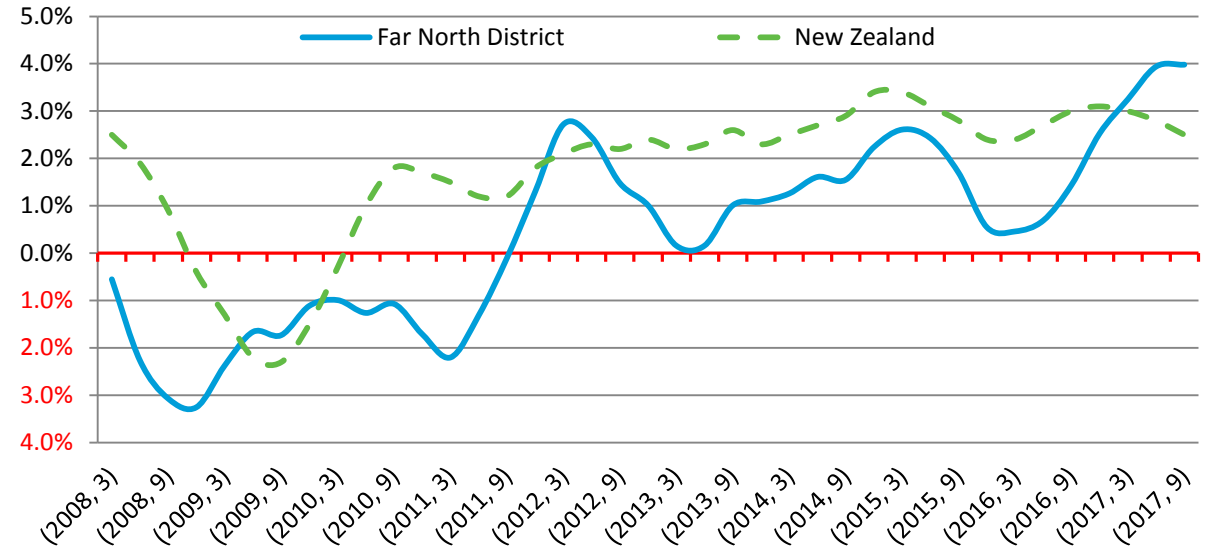
Te Tai Tokerau Papakāinga Guidance Toolkit

- As part of the Whanaketia Te Whenua, Kia Ora Ai Te Tangata – Developing the Land to Benefit the People Project, the four Northland councils have developed and launched the Te Tai Tokerau Papakāinga Guidance Toolkit. The toolkit helps Māori landowners understand and navigate the processes for undertaking a papakāinga development on ancestral lands. A 23 page guide that walks whanau through the process, starting with developing a kaupapa (vision) for the whenua (land) and ends with applying for building and resource consents has been developed and a summary brochure is also available.

Far North District Economic Wellbeing Indicators

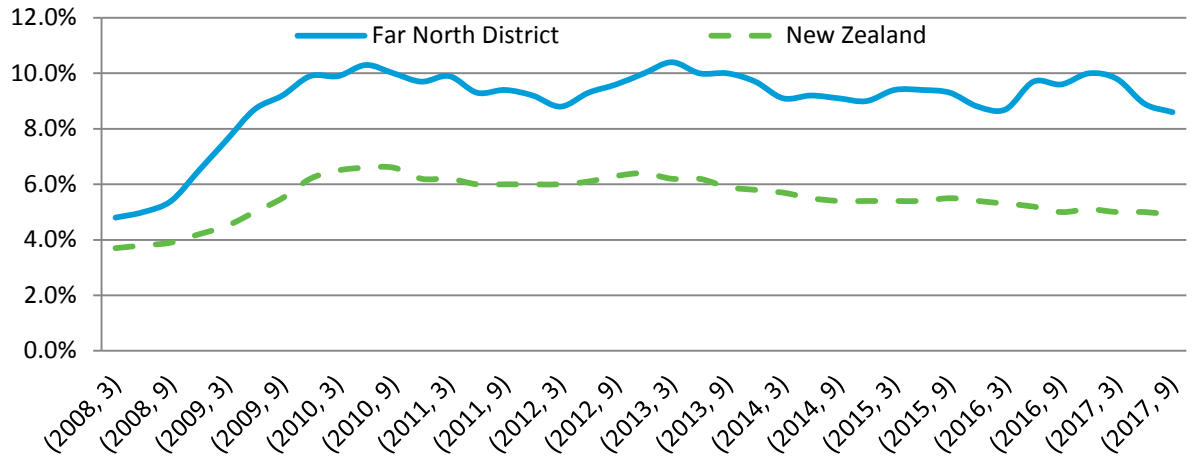
- The Far North Districts GDP was recorded at $1,815 in the third Quarter of 2017. The district showed strong GDP growth through the first three quarters of 2017, with the second and third quarter close to 4%. This is the first time since 2012 that the Far North District's GDP growth rate exceeded the national average.
- The Unemployment rate in the district had a steady decrease over the first three quarters of 2017, dropping from 10% at the end of 2016 to 8.6% in the third quarter of 2017. Though higher than the national average, this was the lowest quarterly unemployment rate recorded in the Far North District since 2009.

Quarterly GDP Growth: Far North District, 2008 to 2017



Data source: Infometrics, Quarterly Economic Monitor

Quarterly Unemployment Growth: Far North District, 2008 to 2017



Data source: Infometrics, Quarterly Economic Monitor

Governance

Support to Elected Members

- Governance team staff are working with the Governance Committee to finalise their elected member performance through the setting of key performance indicators and a position description outlining key responsibilities of the elected members.
- An elected member skills matrix is a work in progress. This will assist in defining professional development needs for the upcoming calendar year and possible committee / portfolio management opportunities.
- An elected member workshop on committee structures, delegations and terms of reference was held on 30 November 2017. Work continues with staff and Chair of the Governance Committee ahead of a further workshop on 8 February 2018.

By-election in Bay of Islands / Whangaroa ward

- Voting commences from 26 January 2018 until midday Saturday 17 February 2018. There are four candidates in the running to be the new Bay of Islands-Whangaroa representative. They are Harko Brown, David Clendon, Peter Gill and Kelly Stratford.

Corporate

Financial information

Statement of Operational Performance for the period ending 31 December 2017	Actual YTD	Budget YTD	Annual Budget Total	Actual YTD as a % of Total Budget
	$000s			
Operational income				
Rates - general (excl water supply rates)	40,713	40,571	81,141	50%
Rates - penalties	564	1,041	2,082	27%
Fees & charges (inc water supply rates)	7,276	6,893	14,964	49%
Central govt subsidies - operational	3,773	3,216	7,624	49%
Other income	563	429	1,360	41%
Corporate income allocation	0	0		
Capital income				
Central govt subsidies - new works	822	1,194	12,003	7%
Central govt subsidies - renewals	4,414	6,057	14,896	30%
Other contributions	0	0	5,025	0%
Development contributions	25	0	0	
Total operating income	**58,150**	**59,400**	**139,096**	**42%**
Operational Expenditure				
Payroll related costs	8,633	8,504	17,059	51%
Other staffing related costs	590	769	1,558	38%
General expenses	2,795	3,572	6,959	40%
Rate remissions	2,040	1,827	2,165	94%
Contractor & professional fees	14,147	15,656	35,490	40%
Grants and donations	574	728	1,464	39%
Allocations (direct and indirect)	6,498	7,776	15,551	42%
Interest costs	1,435	1,654	3,308	43%
Sub-total operational expenditure	**36,710**	**40,486**	**83,555**	**44%**
Depreciation and other asset costs	15,577	15,285	30,569	51%
Total operating expenditure	**52,287**	**55,771**	**114,124**	**46%**
Net operating surplus/(deficit)	**5,862**	**3,630**	**24,972**	**23%**

Statement of Capital Performance for the period ending 31 December 2017	Actual YTD	Budget YTD	Annual Budget Total	Actual YTD as a % of Total Budget
	$000s			
Capital Works				
District Facilities	1,846	2,759	12,275	15%
Environmental Management	0	55	1,012	0%
Strategic Planning & Policy	0	0	5	0%
Roading and Footpaths	9,368	13,997	37,212	25%
Wastewater	4,633	6,521	24,878	19%
Stormwater	360	165	1,189	30%
Waste Management	12	47	94	13%
Water Supply	617	30	4,987	12%
Governance & Strategic Administration	766	1,010	6,284	12%
Total Capital Works	**17,602**	**24,584**	**87,936**	**20%**

Audit & Risk

Risk Management

- The Business Improvement Advisors are completing IDEATE risk assessments with Tier Three managers across FNDC. The Communications, Compliance, Community and Customer Services Teams have been completed, with People and Capability being completed this week. Risk Dashboards are provided to Tier Three Managers to manage accordingly, with their General Managers.
- The Business Improvement Advisors are also providing improvement support in areas such as RFS process design & reengineering, programme management and facilitation of a continuous improvement programme, Resource Management Act amendments and the required changes from this, public consultation processes for the LTP and business continuity planning.

Internal Audit

- The Internal Auditor is commencing the second internal audit, being a review of our information security. A report presented in the form of a dashboard will be provided to the Corporate Committee.
- Work is also being completed, to support the CEO's continuous improvement KPI, to develop a single repository to collate and track recommendations that are provided from assessments such as internal audits, 17 A reviews and external reviews.

Information Services

Property File Digitisation

- During November 2017 50,000 property files (6 million plus sheets of paper) were moved off-site to begin the 24 month digitisation process. Once the digitisation process is completed the public will be able to access, receive by email and print property files without needing to request them in advance.
- The logistics of moving this volume of files, some technical issues encountered and the sheer size of the files being prepared and scanned has resulted in delays fulfilling property file requests. We are currently working with the vendor Desktop Imaging to increase the throughput of files with our aim being to process 150 – 200 files a week clearing the back log by the end of January 2018.
- Council's website is being regularly updated to ensure the public is aware of the current delays to minimise any undue inconvenience.

LGOIMA Monthly Statistics

Data as of 31 December 2017

Latest statistics for official information requests processed by the organisation appear below

Month	Requests / Month	# Requests responded to <20 days	# Requests responded to within permitted time extension	Requests not responded to within time	Ombudsman Investigations
Jan	14	13	0	1	0
Feb	13	11	2	0	0
Mar	15	15	0	0	1
Apr	31	30	1	0	0
May	12	10	1	1	0
June	21	20	1	0	0
July	24	24	0	0	1
Aug	6	5	1	0	0
Sept	17	17	0	0	0
Oct	9	1	8	0	0
Nov	14	14	0	0	0
Dec	17	5 (12 open)	0	0	1
Total	**193**	**165 (12 open)**	**14**	**2**	**3**

Operations

Customer Service

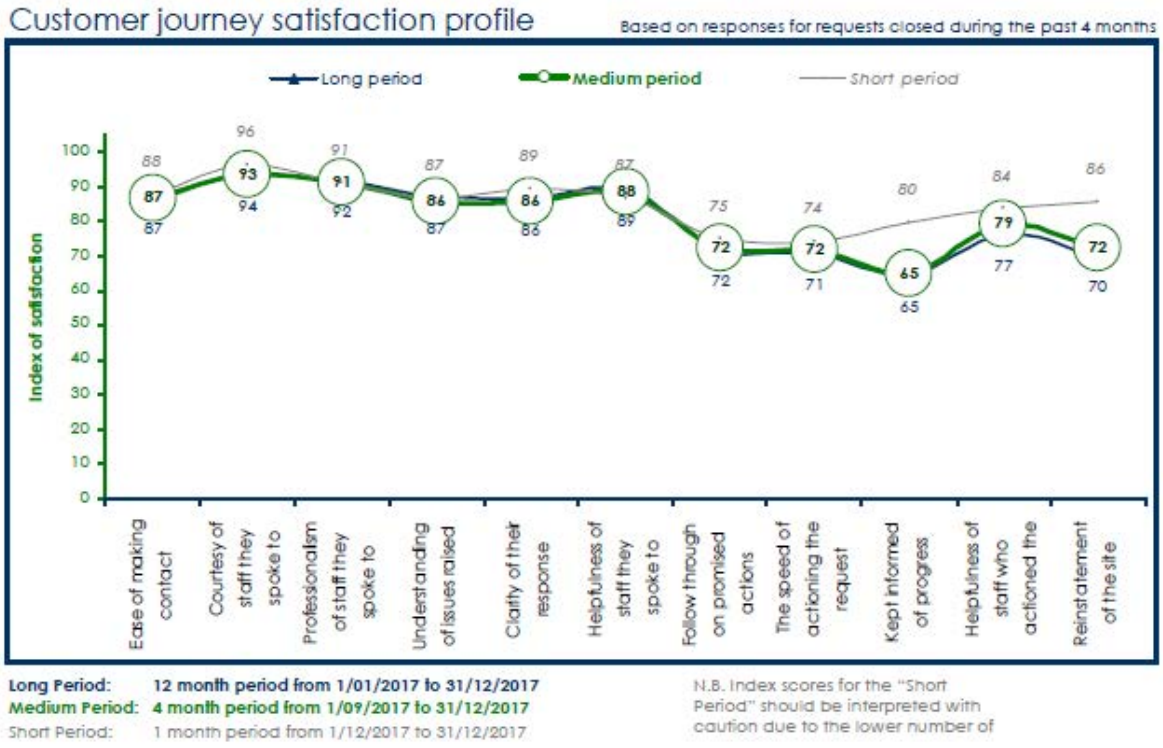
Contact Centre System

- User Acceptance Testing of the new CIC Contact Centre system commenced in November 2017. Further testing was successfully completed by Datacom, Genesys and/or FNDC IT during December 2017.
- A decision was made to defer the 'Go Live' in December to the week commencing 22 January 2018 to allow for further User Acceptance Testing and resolution of incidents.

Customer Experience Programme

Customer Satisfaction Metrics:

- Closed RFSs: The Council Customer Satisfaction Index (CSI) trend is resting at 77%. The previous report indicated that customer satisfaction is expected to steadily increase early in 2018 due to co-ordinated improvements launched in November 2017. There is evidence this started to occur in December with our customer journey showing higher satisfaction. Being "kept informed of progress" made headway with a 15% leap in satisfaction.



Long Period: 12 month period from 1/01/2017 to 31/12/2017
Medium Period: 4 month period from 1/09/2017 to 31/12/2017
Short Period: 1 month period from 1/12/2017 to 31/12/2017

N.B. Index scores for the "Short Period" should be interpreted with caution due to the lower number of

- Building and Resource Consents: Action planning is underway. The Building reports are showing lowered satisfaction specifically with the length of time to process. This reflects the unprecedented number of applications and supports the teams focus on increasing the number of quality applications to reduce processing time overall.
- Customer Service Centres: Customers who visit the front counter are very satisfied with the service. This trend is consistent across all the visitor sites. During October to December 2017 we saw a significant drop in survey volumes. We have raised awareness of this issue with the front counter teams and have taken steps to increase the number of responses. We anticipate these will flow through to the January and February 2018 reports.

- Action Planning: Detailed actions to improve our services have been agreed with the actions being prioritised by the nine teams (each of them have between 5-10 key actions to progress). Actions in progress will be reported in more detail to the February 2018 Corporate Committee.
- Connected Service Culture: Alongside the monthly communications campaigns, a pilot programme involving the Compliance team will be launched to address more targeted customer service learning and development.

Regulatory Services

Compliance

- The Compliance Department provides operational capability across animal management, environmental health services, monitoring, building compliance, building warrant of fitness, swimming pools and parking.
- The Compliance Department is consistently average around 600 Requests for Service (RFS) each month. Recently, the team conducted an analysis of response times for RFS' to assess whether the reported figures were a true representation of performance or not. The analysis found that the reporting figures were inaccurate, the report was showing 84% responded on time; however performance was actually at 95%. The team will begin work shortly to ensure that true performance is captured in future reports.
- The Animal Management team's continue to focus on completing the Temporary Dog Pound facility in Okaihau and are in the final stages of this project. The plan is to move into the new facility by the end of January and relocate the dogs currently in Kaitaia to Okaihau. Once the relocation has taken place, the current Kaitaia Dog Pound will be decommissioned.
- The Animal Management team and Parking Enforcement Officer worked over the holiday period to meet the demand on service from additional visitors to the area. The resulting influx of visitors meant that the team was busy through this time and the officers met the service requests with efficiency and professionalism.
- The Environmental Services team have been working with food operators across the district in transitioning over to new food control plans. The team has also taken a leading role in co-ordinating with different agencies (Police and District Health Board) to inform alcohol operations about their legislative obligations.
- The Compliance team have been making good use of a new investigative tool (Case Notes) which will assist in documenting investigations of bylaw and legislation breaches. This tool documents the details of the complaint, full history of the case and the decision making details.

Building Consents Management

- Monthly statistical information leading up to the New Year shows no change in terms of the number of Building consent applications presented to council for processing. Consent numbers remain at over 120 applications per month.
- The percentage of consents issued for residential type two (Category 2) dwellings continues to increase. Residential buildings are categorised into three groups Category 1 to 3 with Category 3 buildings being large and complex.
- Large building projects to start in the new year include a new Mitre 10 building (Waipapa), a large hospital extensions/alternations at Rawene (Hokianga Health) and the Bay of Islands Hospital (Kawakawa), a Housing NZ proposal to build 10 new residential homes in the first quarter of this year as well as the upgrade of the Bay of Islands Airport (Kerikeri).

- The majority of building projects and value of work continues to be in the Eastern Ward.

Resource Consents Management

- Resource consent applications continue and the team is working towards a plan of succession training, reducing discounts for late processing, issuing consents within the statutory twenty working day period, and staff retention.
- A number of actions are being taken to address some of the challenges currently faced by the Department. These include:
    - Accepting a lower number of Resource Consent applications by following a more stringent front end process. The quality of applications is improving as a result of these checks.
    - Making use of consultant planners' services.
    - Recruiting planners in fixed term roles
    - Trying to secure the services of recent retirees with a planning background (this is proving to be difficult).
    - Securing internal resources (up to ten hours per week in overtime arrangements) from other departments (District Plan team).
    - Recruiting to fill further vacancies due to staff turnover.

Other Projects within Resource Consents

Scanning and Digitisation

- All completed resource consent applications are now being scanned to the appropriate property file. Some resource consent applications are being received digitally via pdf email thus removing the need for paper copies and scanning.

Financial Reconciliation and Invoicing

- A backlog in invoicing has been given priority which should reflect in the revenue figures during the second half of the 2017/18 Financial Year.

Infrastructure and Asset Management

Severe Weather Event – 4 and 5 January 2018

- The Far North experienced a severe event (along with the rest of New Zealand) on the first Thursday and Friday after Christmas. Whilst not as significant as it could have been and as forecast there were still strong winds and heavy rainfall. This resulted in some minor localised road flooding, power outages and roads obstructed by trees. The Incident Response Plan was not activated.
- Overall the response from staff and contractors was good. However, there are some minor learnings around providing up to date information through to the call centre

Mawson Avenue Water Supply

- On 10 January 2018 Council received a written request that Council takes over a private water supply serving approximately 68 customers in Waipapa. Officers are currently working through the implications of this in terms of risk, rating and any technical issues.

Havelock North Stage 2 Report

- In August 2016 there was a major outbreak of Campylobacteriosis in Havelock North resulting in several deaths and over 5,000 people becoming ill. The source of this contamination was the Havelock North community water supply.
- To determine the causes and options to prevent further contamination, the Government undertook two enquiries: the first being specific to the Havelock North incident being the

Stage 1 report. The second relating to issues with the wider water industry, being the Stage 2 report.

- The Stage 2 report is a 286 page document containing a significant amount of information. The full report is accessible via the internet link below: https://www.dia.govt.nz/Report-of-the-Havelock-North-Drinking-Water-Inquiry---Stage-2
- The Havelock North incident was caused through contamination of what was classified as a secure ground water source and was untreated. FNDC does not have any ground water bores that are classified as secure and all ground water sources are treated. All FNDC water supply schemes including the ground water sources have multiple treatment barriers and treat water to comply with the Drinking Water Standard.
- The Inquiry was critical of how poorly Councils in general have provided potable water, and how little accountability Councils have for failure to provide potable water. It also identified a lack of specific focus on the delivery of safe drinking water which is leading inefficient and ineffective decisions to the supply of safe drinking water.
- The Inquiry has recommended that Government effect significant governance and management changes to the water sector.
- The Inquiry focused on Local Government as the primary suppliers of water. However in Northland there are a large number of standalone community water supply schemes. It is likely any changes and higher standards will also be imposed on these private schemes. It is possible that the financial risks and regulatory requirements for running these small private schemes may force them to close. Officers are currently reviewing the number and risks associated with these private water suppliers.

Asset Management System

- The procurement of a new asset management system is a key initiative for the Council.
- Following scoping of technical and business requirements, a Request for Information (RFI) was released to market on 23 October 2017 with nine responses received before the closing date of 17 November 2017. The information provided by potential suppliers has been used to gain a full appreciation of the services and functionality currently offered by vendors, and to inform the FNDC's specific requirements.
- Contract documents are now being prepared with a view to issuing a Request for Proposal in the second half of 2018.