



# Far North District Council



## AGENDA

### Ordinary Council Meeting

**Thursday, 27 June 2019**

**Time:** 10.00 am  
**Location:** Far North Reap, Kauri Room  
33 Puckey Avenue  
Kaitaia

**Membership:**

Mayor John Carter - Chairperson  
Cr Tania McInnes  
Cr Ann Court  
Cr Felicity Foy  
Cr Dave Hookway  
Cr Colin (Toss) Kitchen  
Cr Sally Macauley  
Cr Mate Radich  
Cr John Vujcich  
Cr Kelly Stratford

**COUNCIL MEMBERS REGISTER OF INTERESTS**

<b>Name</b>	<b>Responsibility (i.e. Chairperson etc)</b>	<b>Declaration of Interests</b>	<b>Nature of Potential Interest</b>	<b>Member's Proposed Management Plan</b>
Hon John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Programme		
	Carter Family Trust			
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.		<p>I will abstain from any debate and voting on proposed plan change items for the Far North District Plan.</p> <p>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.</p> <p>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.</p>
	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, Seaview Road and Allen Bell Drive.		
	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, Allen Bell Drive.	
	Foy Farms partnership	Owner and partner in		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
		Foy Farms - a farm in three titles on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for 6 dwellings on Church Road, Kaingaroa and 1 dwelling at 64 Allen Bell Drive, Kaitaia, and one property at 96 North Road, Kaitaia		
	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			
Dave Hookway	Resident shareholder in Kerikeri Irrigation			Declare if issues arise.
	Shareholder in Farmlands.			Declare if issues arise.
	Employee – Northland District Health Board – Public Health Unit – Health Improvement Advisor		Am employee have no personal gain.	Declare employment should issues concerning the Northland DHB arises.
	On property in Waipapa West Rd.		Possible issues relating to the street or zoning.	Declare when appropriate.
Colin Kitchen	No form received			
Tania McInnes	Director – GBT Ventures Ltd	Company not currently operational		Will notify Council if company becomes operational.
	Member of Northland Conservation Board		Conservation matters not aligned with Council policy.	Will notify Council should a perceived conflict arise.
	Trustee – Northland Youth Education Trust		No perceived conflicts	Will notify Council should a perceived conflict arise.
	Founder – Bay of Islands Women's Nexus	No perceived conflicts. An informal organisation		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Own a section on Seaview Road, Paihia 0200			
	Having worked within the organisation in the early 2000's, I know a number of staff, none of which I am close with.			
Mate Radich	No form received			
Ann Court	Waipapa Business Association	Member		
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	No FNDC Controls
	Kerikeri Irrigation	Supplies my water		No EM intervention in disputes
	Top Energy	Supplies my power		No other interest greater than the publics
	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 policy change 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/ determination? Pre-	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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				balanced. Be fair.
		My husband is a builder and may do work for Council staff		
Warren Pattinson (Husband)	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Kurbide 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 District Health Board	Matters pertaining to health issues re Fluoride and freshwater as an example.	Declare a perceived conflict.
	Chairman	Oranga Tamaraki - Ministry of Vulnerable Children- Northland Community Response Forum	Matters pertaining to this ministry	Declare a perceived conflict.
	Judicial Justice of the Peace	Visitations to Ngawha Prison	Matters pertaining to Judicial Issues re Ngawha Prison	Declare a perceived 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	Issues pertaining to the	Declare a conflict

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
		Marine	application of support funds	of interests
	Secretary/Trustee	Kerikeri 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	Palmer Macauley Offices- Kerikeri and Kaikohe	Infrastructural matters with FNDC	Declare a conflict
	Private property of which there would not be any conflict.			
	Paihia, Kerikeri, Kaikohe			
Peter Macauley (Husband)	Senior Partner	Palmer Macauley		
	Peter Macauley	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			
	Kerikeri, Paihia - no contents.			
John Vujcich	Board Member	Ngati Hine Health Trust	Matters pertaining to property or decisions that may impact of their health services	Declare interest and abstain
	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company	Declare interest and abstain

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			services	
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest
	Member	Kaikohe Business Association	Possible funding provider	Declare a Conflict of Interest
Mike Edmonds	Chair	Kaikohe Mechanical and Historic Trust	Council Funding	Decide at the time
	Committee member	Kaikohe Rugby Football and Sports Club	Council Funding	Withdraw and abstain
Adele Gardner	N/A - FNDC Honorarium			
	The Far North 20/20 , ICT Trust	Trustee		
	Te Ahu Charitable Trust	Trustee		
	ST Johns Kaitaia Branch	Trustee/ Committee Member		
	I know many FNDC staff members as I was an FNDC staff member from 1994-2008.			
Partner of Adele Gardner	N/A as Retired			
Terry Greening	Greening Family Trust	Beneficiary		Highly unlikely to interface with FNDC
	Bay of Islands Walking Weekend Trust		Potential of seeking funds	Step aside from any requests or decisions regarding requests
	Russell 2000 Trust (Chairman)			Trust is about to wind up.
	Russell Centennial Trust (Chairman)	Manages Russell Museum	Seeks funds from council	Step aside from any requests or decisions regarding requests
	Residence at Kaha Place,	Nil	Nil	N/A

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Russell			
Terry Greening (Wife)	Greening Family Trust	Beneficiary	N/A	N/A
	Residence at Kaha Place, Russell			
Cr Kelly Stratford	Office manager at Kinghans.			
	Denture assistant at Kawakawa denture Services self-employed as book keeper Kelly@ksbookkeeing.net	None	None	
	KS Bookkeeping and Administration	Business owner, bookkeeping and development of environment management plans for clients.	None perceived	I'd step aside from decisions that arise, that may have conflicts.
	Kinghans Accounting	Office Administration	None perceived	I'd step aside from decisions that arise, that may have conflicts.
	Waikare Marae Trustees	Trustee	May be perceived conflicts	Case by case basis
	Kawakawa Business & Community Association	Committee member/newsletter editor and printer	None perceived	If there was a perceived conflict, I will step aside from decision making
	Bay of Islands College	Parent elected trustee	None perceived	If there was a perceived conflict, I will step aside from decision making
	Karetu School Bay Cosmos Soccer	Parent elected trustee. Committee member and coach	None perceived	If there was a perceived conflict, I will step aside from decision making
	Property in Waikare and Moerewa			If there was a perceived conflict, I will step aside from decision making
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
Kelly Stratford (Husband)	Property in Moerewa		N/A	N/A

**Far North District Council**  
**Ordinary Council Meeting**  
**will be held in the Far North Reap, Kauri Room, 33 Puckey Avenue,**  
**Kaitiaki on:**  
**Thursday 27 June 2019 at 10.00 am**

## Order Of Business

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13.9	Procurement Plan for the Extension of Hokianga Ferry Operations and Maintenance Contract to 31 January 2020	<b>Supplementary Agenda</b>
<b>14</b>	<b>Infrastructure and Asset Management Group</b>	
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**1 PRAYER****2 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 MAYORAL ANNOUNCEMENTS****4 DEPUTATIONS**

11:15 Our Kerikeri

11:30 Food & Plant Research

## **5 CONFIRMATION OF PREVIOUS MINUTES**

### **5.1 CONFIRMATION OF PREVIOUS MINUTES**

**File Number:** A2495294

**Author:** Melissa Wood, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Governance Support

#### **PURPOSE OF THE REPORT**

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

#### **RECOMMENDATION**

**That Council confirms the minutes of the Council meeting held 17 April 2019 as a true and correct record**

#### **1) BACKGROUND**

Local Government Act 2002 Schedule 7 Section 28 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.

#### **ATTACHMENTS**

- 1. Unconfirmed Minutes - Council meeting 17 April 2019 - A2448248**  

**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 <a href="#">Council's Significance and Engagement Policy</a>	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 FAR NORTH DISTRICT COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON WEDNESDAY 17 APRIL 2019 AT 10:00 AM**

**PRESENT:** Mayor John Carter (HWTM), Cr Tania McInnes (Deputy Mayor), Cr Ann Court, Cr Felicity Foy, Cr Dave Hookway, Cr Colin (Toss) Kitchen, Cr Sally Macauley, Cr Mate Radich, Cr John Vujcich

**IN ATTENDANCE:** Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson), Terry Greening (Bay of Islands-Whangaroa Community Board Chairperson), Adele Gardner (Te Hiku Community Board Chairperson), Shaun Baker - Northland Transport Alliance, Shaun Reilly - Kaikohe-Hokianga Community Board Member

**STAFF PRESENT:** Shaun Clarke - Chief Executive Officer, Janice Smith - General Manager Corporate Services (Acting), Andy Finch - General Manager - Infrastructure and Asset Management, Dean Myburgh - General Manager - District Services, Darrell Sargent - General Manager - Strategic Planning and Policy, Jaime Dyhrberg - Executive Officer, Glenn Rainham - Manager Alliances, Sheryl Gavin - Manager Corporate Planning and Engagement, Jill Coyle - Manager People and Capability, Tanya Proctor - Team Leader Infrastructure Programmes, Gayle Anderson - Executive Assistant to GM SPP, Aisha Huriwai - Team Leader Governance Support, Melissa Wood - Meetings Administrator, Marlema Baker - Meetings Administrator, Michelle Sharp - Manager Project Management, Roger Ackers - Manager Strategy Development, George Swanepoel - InHouse Counsel, Richard Edmondson - Manager Communications

## 1 PRAYER

His Worship the Mayor commenced the meeting with a prayer.

## 2 APOLOGIES AND DECLARATIONS OF INTEREST

Moved: Mayor John Carter

Seconded: Deputy Mayor McInnes

**That the apology from Councillor Stratford be accepted and leave of absence granted**

**CARRIED**

## 3 DEPUTATIONS

Bart Van der Meer representative from Volunteering Northland provided a report to Council on their activities.

## 4 MAYORAL ANNOUNCEMENTS

Provincial Growth Fund updates

## **5 CONFIRMATION OF PREVIOUS MINUTES**

### **5.1 CONFIRMATION OF PREVIOUS MINUTES**

#### **RECOMMENDATION**

Moved: Mayor John Carter  
Seconded: Cr Tania McInnes

**That Council confirm the minutes of the:**

- a) Council meeting held 28 February 2019 as a true and correct record**
- b) Extraordinary Council meeting held 4 April 2019 as a true and correct record**

**CARRIED**

## **6 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD**

### **6.1 LEASE RUSSELL TOWN HALL SHOP**

#### **RECOMMENDATION**

Moved: Mayor John Carter  
Seconded: Cr Colin Kitchen

**That Council**

- a) enters into a 3x3x3 year commercial lease of the Russell Town Hall Shop with Bay of Islands Kayak Tours Ltd.**
- b) approves that the General Manager Infrastructure and Asset Management is authorised to negotiate and agree to the terms and conditions of the lease on the premises on commercial terms and subject to relevant Council policies and legislation.**
- c) agrees that in accordance with Section 94 of the Reserves Act 1977, Council authorizes the use of the Local Purpose (Public Hall) Reserve in front of the premises by Bay of Islands Kayak Tours Ltd to park and display kayaks during business hours.**
- d) agrees that the General Manager Infrastructure and Asset Management is authorised to negotiate and agree to the terms and conditions of the permit to use the reserve, subject to relevant Council policies and legislation.**

**CARRIED**

## **DEPUTATIONS (CONTINUED)**

Myles Taylor representative from Fire Emergency New Zealand (FENZ) spoke regarding the local community profiling project.

## **7 AUDIT, RISK, AND FINANCE COMMITTEE**

### **7.1 AMENDMENTS TO RATING RELIEF POLICIES**

Councillor Court declared an interest and withdrew from the table

#### **RECOMMENDATION**

Moved: Cr John Vujcich  
Seconded: Mayor John Carter

**That Council approves the following amendments to the Rating Relief Policies prior to consultation:**

- a) **The Transitional Farmland policy is re-instated**
- b) **The Treaty Settlement Lands policy is amended to include settlements approved prior to 1 July 2018**
- c) **The Common Use Properties policy is amended to include commercial enterprises and residential properties**
- d) **The Landlocked Land policy is amended to refer Maori land issues to the Maori Land Court for decision**
- e) **The Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes policy is amended to include covenants approved under the Heritage New Zealand Pouhere Taonga Act 2014 (or Historic Places Act 1993)**
- f) **The Residential Rates for Senior Citizens policy is amended to provide clarity for conditions 1 and 4 to allow staff to apply the conditions fairly to all applicants.**

**CARRIED**

Councillor Court returned to the table

## **DEPUTATIONS (CONTINUED)**

Representatives from Far North Youth Mentoring Programme, accompanied by Council staff, Bay of Islands-Whangaroa Community Board Member Rachel Smith, and Councillor Kelly Stratford introduced themselves to Mayor and Councillors.

Attendance: Councillor Hookway left the meeting at 10:55 am and returned to the meeting at 10:57 am.

## **8 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP**

### **8.1 MAROMAKU DOMAIN NETBALL COURTS**

#### **RECOMMENDATION**

Moved: Mayor John Carter  
seconded: Cr Felicity Foy

**That the Council:**

- a) **uplift the report Maromaku Domain Netball Courts from the table**
- b) **note the report Maromaku Domain Netball Courts**
- c) **approve the use of the existing budget of \$371,370 less expenditure previously incurred, to progress the project having the following scope:**
  - i. **Demolish the existing three netball courts.**
  - ii. **Provide two full size netball courts, two tennis courts, and a hockey training facility.**
  - iii. **Playing surfaces finished with artificial turf.**
- d) **continue to seek a contribution from the community, comprising funding, materials or labour.**

**CARRIED**

Councillors Foy and McInnes requested their votes against the motion be recorded

## **8.2 INCLUSION OF TE RANGI CROSS ROAD IN THE SCHEDULE OF THE FAR NORTH DISTRICT COUNCIL MAINTAINED ROADS**

This item was withdrawn at the request of the Chief Executive

## **8.3 PROGRESS UPDATE ON THE DEVELOPMENT OF A DISTRICT WIDE PRIORITISATION MATRIX TO ENABLE FORWARD WORK PROGRAMME FOR 2019-2020 FY**

This item was withdrawn at the request of the Chief Executive

## **9 DISTRICT SERVICES GROUP**

### **9.1 RESOURCE MANAGEMENT ACT DELEGATIONS**

Councillor Foy declared an interest and withdrew from the discussion in regard to this item

#### **RECOMMENDATION**

Moved: Mayor John Carter

Seconded: Cr Ann Court

**That Council approve the delegations set out in the Resource Management Act Delegations Schedule 2019 with effect from 19 April 2019.**

**CARRIED**

## **10 STRATEGIC PLANNING AND POLICY GROUP**

### **10.1 SPEED LIMITS BYLAW REVIEW**

#### **RECOMMENDATION**

Moved: Mayor John Carter

Seconded: Cr Mate Radich

**That the Council:**

- a) adopt the Proposed Speed Limits Bylaw 2019 for consultation (Attachment 1).**
- b) authorises the Chief Executive Officer to make any necessary minor edits or amendments to the attached Proposed Speed Limits Bylaw 2019 prior to consultation to correct any spelling or typographical errors.**

**CARRIED**

## **11 CORPORATE SERVICES GROUP**

### **11.1 LEASE COUNCIL BUILDING 11 PARNELL STREET, RAWENE**

#### **RECOMMENDATION**

Moved: Cr John Vujcich

Seconded: Cr Felicity Foy

**That the matter be referred back to staff and returned to the table with the appropriate community board recommendation.**

**CARRIED**

## **11.2 LOCAL BILL AMENDING THE ELECTRICITY INDUSTRY ACT 2010**

Councillor Court declared an interest and withdrew from the table

### **RECOMMENDATION**

Moved: Mayor John Carter  
Seconded: Cr Tania McInnes

**That the Far North District Council supports and adopts an amended local bill that will:**

- a) Have the effect of removing the application of the Electricity Industry Act 2010 insofar as it relates to prohibitions on common management of distributors with interests in generation in the Far North District; and**
- b) In substitution empower the Council to set requirements relating to common management of such distributors; and**
- c) Approve the principles set out in the attached Schedule upon which an application which is made by a distributor under the terms of the bill will be considered.**

**CARRIED**

Councillor Court returned to the table

## **11.3 ELECTED MEMBER REPORT - INCLUSIVE GROWTH SUMMIT 19 MARCH 2019 AND ROAD CONTROLLING AUTHORITIES FORUM 29 MARCH 2019**

### **RECOMMENDATION**

Moved: Cr John Vujcich  
Seconded: Cr Tania McInnes

**That Council note the report entitled “Elected Member Report - Inclusive Growth Summit, 19 March 2019 and Road Controlling Authorities Forum, 29 March 2019”.**

**CARRIED**

## **11.4 CEO REPORT TO COUNCIL 01 FEBRUARY 2019 - 31 MARCH 2019 - SUPPLEMENTARY AGENDA**

### **RECOMMENDATION**

Moved: Cr John Vujcich  
Seconded: Mayor John Carter

**That the Council receive the report “CEO Report to Council 01 February 2019 - 31 March 2019”.**

**CARRIED**

Attendance: Mayor Carter left the meeting at 11:43 am and returned at 11:45 am.

Attendance: Councillor Kitchen left the meeting at 12:23 pm and returned at 12:26 pm.

The meeting was adjourned at 12:14 pm and resumed at 1:50 pm

**12 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

Moved: Mayor John Carter

Seconded: Cr Colin Kitchen

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

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

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>12.1 – Confirmation of Previous Minutes – Public Excluded</b>	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>12.2 - Te Pu o Te Wheke project</b>	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority  s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities  s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

**CARRIED**

**13 MEETING CLOSE**

The meeting closed at 2:41 pm.

The minutes of this meeting were confirmed at the meeting held on 27 June 2019

.....  
**CHAIRPERSON**

## **6 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD**

### **6.1 ADOPTION OF THE KERIKERI DOMAIN RESERVE MANAGEMENT PLAN**

**File Number:** A2478426

**Author:** Rachael Pull, Specialist Planner - Urban Design

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

#### **PURPOSE OF THE REPORT**

- To seek adoption of the Kerikeri Domain Reserve Management Plan.

#### **EXECUTIVE SUMMARY**

Administration, with the support of the Bay of Islands-Whangaroa Community Board (Community Board), consultants, key stakeholders, iwi and the public have created a Reserve Management Plan for the Kerikeri Domain to meet obligations under Section 41 of the Reserves Act 1977. The Kerikeri Domain Reserve Management Plan (Management Plan) has been through a public notification process and submissions were heard at a hearing on 9 April 2019.

The Community Board was presented the Kerikeri Domain Reserve Management Plan at their meeting on 20 May 2019. The Community Board made some changes to the Management Plan which have been incorporated in the attached version for Council to adopt.

The Community Board also recommended that the reserve management plan be adopted and that a governing body for the Kerikeri Domain be established.

#### **RECOMMENDATION**

##### **That Council:**

- a) adopts the Draft Kerikeri Domain Reserve Management Plan 2019 pursuant to its powers under section 41 of the Reserves Act 1977**
- b) Requests that Council urgently establish a reserve management committee for the Kerikeri Domain, to manage the domain and its use, and that the committee seek to be an incorporated society.**

#### **1) BACKGROUND**

In June 2017, Council gave public notice of its intention to create a Management Plan for the Kerikeri Domain. One of Council's responsibilities under the Reserves Act 1977 is to prepare Management Plans for all of its gazetted reserves. A Management Plan sets out how Council intends to provide for the use, enjoyment, maintenance, protection, preservation and, when appropriate, development of a reserve.

The Management Plan was written by Administration, with support from the Community Board and consultants, following consultation with key stakeholders, iwi and the public.

The Management Plan was publicly notified on 17 December 2018, with submissions closing on 15 March 2019. A total of 151 submissions were received, with 32 submitters requesting to be heard. The submissions were in general support of having a Management Plan, with the majority requesting changes to the Management Plan as they wanted to have additional facilities and references to certain groups and activities provided at the Kerikeri Domain. Some of the submissions also related to matters out of scope, which can't be controlled by the Management Plan and are better managed by Council's Bylaws and the Long Term Plan.

At the 13 December 2018 Council meeting it was resolved that the Community Board would hear the submissions received on the Management Plan, and that they would deliberate on whether to make any changes to the Management Plan before recommending adoption by Council.

The public hearing was held by the Community Board on 9 April 2019, with deliberations held on 20 May 2019 at which time the Management Plan was amended.

## 2) DISCUSSION AND OPTIONS

The Community Board recommends that Council adopt the amended Kerikeri Domain Reserve Management Plan.

### Options

The available options include Council either adopting the amended Management Plan or resolving to prepare a new Management Plan.

#### Option 1

The Community Board has reviewed the submissions made by the public and considers that there should be some minor changes made to the Management Plan to achieve a more integrated document, which also addresses concerns raised by the community. The following changes were made:

- a) Amended/additional action points to improve/increase how the Kerikeri Domain is developed

Submissions were received suggesting expanding the actions in the Management Plan to provide more facilities and to more specifically address concerns about implementation. It is considered that the following action points be amended:

Action Point	Amendment
Short Term	
Council develop a maintenance and management plan for the Domain	Expand action point to include the following within the maintenance plan: <ul style="list-style-type: none"> <li>- community planting/weeding days.</li> <li>- recognition of additional maintenance requirements for sports (e.g. turf management).</li> <li>- the ethics of ako (teaching and learning), manaakitanga (hospitality/teamwork), whānaungatanga (relationships) and Kotahitanga (unity).</li> </ul>
Action items to be designed, costed and approved by Council	Expand the design criteria to include the Crime Prevention Through Environmental Design principles. Add landscaping and an interactive water play area to the list.
	New short term action point: Within six month Council design a horticultural landscape plan for the Kerikeri Domain in accordance with this document and undertake the first stage of plantings to provide shade opportunities.
	New short term action point: Council to develop a shared use arrangement with Kerikeri High School regarding shared infrastructure and the use of the Kerikeri Domain and adjoining Ministry of Education owned land.
	New short term action point:

	Within six months Council in partnership with the Community Board and community consider the establishment of an incorporated society representing the community to manage and oversee the Domain.
Medium Term	
Water fountains and rubbish bins	Move from medium term action point to short term action point and expand to specifically reference human and dog water fountains and rubbish bins and recycling.
Lighting	Expand reference to lighting to include feature and security lighting. Remove reference to excluding sport lighting.
Upgrade footpaths	Amend to consider new footpath connections and be a minimum width of 2.2 metres.
Locations of key amenities	Hitching posts added as an example.
	New Medium term action point: Provide CCTV cameras in appropriate locations to enhance safety.
	New Medium term action point: Establish barbeque areas around the domain outside the perimeter pathway.
	New Medium term action point: Establish safe and accessible play areas for children.
	New Medium term action point: Upgrade the parking next to the library to provide space for people with accessibility concerns and parents.
	New Medium term action point: Provide access onto the Domain for heavy vehicles for permitted activities.
	Move from medium term action point to short term action point: Upgrade existing basketball court to enable opportunities for all ball sports.

A general amendment to remove reference to 'FNDC' by each action point (except those specific to Council) will mean that any group can fundraise or develop these facilities as long as they are in accordance with the Management Plan. This is backed up by an additional statement in the 'Implementation and Funding' section of the Management Plan.

It is considered that amending/adding these action points will meet the vision and objectives of the plan and provide more clarity to Council and groups using and developing the Kerikeri Domain.

b) Amend Concept Plan to be more flexible

Several submitters provided alternative concept plans. All are based on a similar theme of infrastructure and planting surrounding a green space. Where they differ is regarding the amount of green space, activities outside the scope of the Management Plan and some specific activities within the Kerikeri Domain. It is considered that adopting elements from each of these plans will create a more comprehensive plan that reflects the vision for the Kerikeri Domain and the submissions.

c) Changes to improve clarity

Submissions were received to make minor changes to the document to better reflect users, facilities onsite, cultural history, policies, action points, the concept plan and the different outcomes for the pavilion. As these changes enhance the usability of the management plan it is considered that these changes will enhance the outcomes of the document.

d) Changes to governance

22 submissions were received for a governance structure to manage the Kerikeri Domain. An action point for Council to consider having the Kerikeri Domain managed by an incorporated society has been created as a short term action point (1-3 years).

## Option 2

The Council may consider that they do not agree with all or some of the recommendations made in Option 1. Therefore the Council has the option of recommending starting the Management Plan process again.

### **Reason for the recommendation**

Option 1 is recommended to the Council. It is considered that the recommended amendments will address the majority of concerns raised in the submissions, and create a more integrated Management Plan. Council is required to have a Management Plan for Kerikeri Domain.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Associated administrative tasks and costs. These costs will be met through the existing 2018/19 operational budget for the development of the management plan.

None of the actions included in Option 1 are guaranteed and are subject to either community funding or inclusion in a future Long Term Plan.

There are no financial implications for the Council in relation to the resolution.

## **ATTACHMENTS**

1. **Kerikeri Domain Reserve Management Plan - A2494927** [↓](#) 

**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 <a href="#">Council's Significance and Engagement Policy</a>	This report will have low level of significance as it is a legislative requirement and has already been consulted on. The Management Plan will facilitate the development and enhancement of a large recreational area to the benefit of the local community and wider district residents and be consistent with existing plans and policies.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Reserves Act 1977 – outlines process for writing and adopting reserve management plans.
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's views have been considered through the establishment of the Community Reference Group to determine who the stakeholders were and the workshop that the Community Board members were invited to on 17 September 2018.  The Community Board's views were further considered through the delegation given to hear and deliberate on submissions and make a recommendation to 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.	Māori have been, and will continue to be, consulted on the issues outlined in the Management Plan.
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.	As part of the legislative process, the Management Plan was open to the public for three months for submissions, which were heard by the Community Board.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no immediate financial implications associated with the recommended resolutions, as outlined in Section 3 of this report.
Chief Financial Officer review.	The CFO has reviewed this report.





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## 1. Purpose of the Reserve Management Plan

**The purpose of the Reserve Management Plan is to provide direction for the management and development of the Kerikeri Domain. (Domain)**

The Reserve Management Plan provides the community with certainty about the function and management of the reserve. It helps to make sure management decisions are consistent with the Reserves Act 1977.



## 2. Statutory context for reserve management

The Reserves Act 1977 (the Act) governs the management and control of reserves in New Zealand. The Act requires the administering body (the Council) to prepare Reserve Management Plans (section 41). The Council has resolved to prepare a Reserve Management Plan which outlines the general intentions for the balanced use, development and protection of the Domain for the next 10 years.



### Reserve Management

#### How reserve management fits with legislation and other Council documents

##### Legislation

- Reserves Act 1977
- Resource Management Act 1991
- Health and Safety at Work Act 2015
- Local Government Act 2002
- Conservation Act 1987
- Heritage New Zealand Pouhere Taonga Act 2014

##### Other relevant documents

- Northland Regional Plan
- Iwi / Hapū Management Plans
- Northland District Health Board - Health In All Policies
- Sustainable District Strategy
- Far North District Plan (District Plan)
- Far North District Council Long Term Plan
- Far North District Council Reserves Policy
- Asset Management Plans
- Annual Plan

##### Other bylaws and policies

- Northland Sports Facilities Plan 2014
- Halls and Facilities Policy 2015
- Council Bylaws e.g. public places, dog control etc.

### 3. Reserve classification

The Domain is classified as a Recreation Reserve under section 17 of the Reserves Act 1977. Section 17 (1) states the purpose of recreation reserves is for:

**'Providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.'**

What this means is that the purpose of the Domain as a recreation reserve is primarily for providing areas for events and recreational opportunities for the well-being and enjoyment of the wider community, and to protect the natural environment.

### 4. Domain ownership and management

The key responsibilities of the Council under the Act are to:

- Classify and manage its reserve land according to its primary purpose.
- Prepare a Reserve Management Plan, open to continuous review.

A Reserve Management Plan shall provide for and ensure the use, access, enjoyment, maintenance, protection, preservation and development (as appropriate) of the reserve for the purpose for which is classified under the Reserves Act 1977.

To inform the development of the Reserve Management Plan for the Domain, the Council was required to consult with iwi and the community in order to identify their wishes and aspirations for the Domain. This consultation was undertaken through a survey in June-July 2017 and workshops during August and September 2018.

There are the following leases on the Domain:

#### Lessee

Kerikeri Bowling Club

#### Leased area

18 Cobham Road  
Kerikeri 0230  
Part Lot 1 DP 21496

#### Terms of lease

Council Lease Expiry: 31/03/2020

## 5. Site context

Under the District Plan, the Domain is zoned for recreational use and is an open space for the use of the general public. The Domain is bordered by a commercial zone on the south, north and west boundaries and residential to the east. It is known informally as the 'heart' of Kerikeri.

The main entrance to the Domain is located on Cobham Road. This is the entrance for the park's facilities including the squash clubrooms and pavilion (currently damaged from fire), public toilets, basketball court and skate park. The Procter Library is located adjacent on the south-western corner and has a large carpark adjacent that borders the west side of the Domain. In front of this carpark are retail shops and eateries which line Kerikeri's main street.

Pedestrian access from Kerikeri Road through to the Domain is limited and unclear, although it is evident people in particular students accessing the high school access the Domain through the carpark in between the main street shops. The Domain has a perimeter loop path that provides access to the surrounding facilities such as the New World supermarket, Procter Library

and Kerikeri High School on the east boundary of the site. The reserve is well utilised by young children on bikes, dog walkers, visitors tourists and families as well as a perimeter walk by the residents in the nearby retirement villages.

It is a significant district wide asset and is used by groups/ individuals outside of Kerikeri.

Figure 2: Site context map



## History of Kerikeri Domain

In July 1819, Samuel Marsden came to the Bay of Islands with the intention of forming a new settlement at Kerikeri. Hongi Hika told Samuel Marsden that he was free to choose a site on either side of the Kerikeri River. Samuel Marsden was satisfied with the safety of the anchorage, the richness of the soil, and availability of fresh water on the north side of the river, and so he accepted the offer.

The land that was purchased on behalf of the Church Missionary Society at Kerikeri amounted to 13,000 acres for which Hongi Hika was paid 48 axes. The Deed was signed on 4 November 1819 and stated that this area was bounded on the South East by the district of the Chiefs Te Morenga and Waitara.

The deed also included an area known as the 'Peoples Reserve/ Childrens land' which was intended to benefit the people of the land. It stretched between the Kerikeri River and what is now the town centre. This was taken as part of the Bay of Islands Settlement Act 1858 and is now a subject of a Treaty of Waitangi Claim.

Overtime much of this land has been developed and the Domain is all that remains of this reserve space within the town centre. The area of land which now comprises the the Domain was first used for the purpose of sport and recreation

in 1928 by the settlers of Kerikeri. The Riddell family of Kerikeri, being third generation Kerikeri citizens, offered use of their land, which forms part of the Domain today, for the laying out of a nine-hole golf course which was utilised until 1941. The Kerikeri Recreation Reserve (inc.) Society was formed in 1934 by the Kerikeri Settlers Association for the purpose of purchasing land and administering and 'preserving for all time the land as a Community Recreation Ground'.

Settlers contributed a fund from as early as 1933 which shows the level of commitment of these early community members particularly as this was during the 'Depression era.' In 1953 the Domain block was transferred to the Crown creating a 'Recreation Reserve' under the Public Reserves, Domains and National Parks Act of 1928. The Kerikeri Domain Board was set up to administer the Domain at this time.

In 1954 and 1992 two additional parcels of land (2.5 acres and 215sq. metres) were added to the Domain. The Kerikeri Domain Board was appointed to control and manage the reserve in 1953. How and when the Domain Board came to demise is unknown.

The current land area of the Domain is now just over three hectares and is still Crown owned but is managed by the Council.



## Cultural heritage

Kerikeri is a place immersed in the cultural narrative of Māori settlement. It is a historic place of national importance. Several different hapū settled in Kerikeri hundreds of years ago due to the good quality soil conditions being ideal for growing produce such as kumara and taro. Tangata whenua's main area of occupation was at Te Waimate which is on the perimeter of their tribal land. They used it as a seaport, a place to gather food and keep their canoes. Kororipo Pā, now a historic reserve managed by the Department of Conservation, is a terraced site located above the Kerikeri Basin and provides shelter to the town.

The location overlooks surrounding bush of Rewa's Village and has views to the Kerikeri River. The Pā site was once the

meeting place where Māori and European's came to trade and converse. In 1835, Ngāti Rehia hosted the signing of the Declaration of Independence.

Kerikeri has a cultural environment that encompasses many memories and values of Māori. It is important that any new developments within the Domain respect these values.

New developments within the Domain should include collaboration with the local tangata whenua, to discuss the development and management of what is proposed. This will ensure what is proposed aligns with the principles outlined in any iwi / hapū management plan or other documents.

## Landscape

The Domain is a key meeting/ recreational space for the people of Kerikeri. A focal point within the Domain is the sculpture 'Te Whiringa o Manoko' by local artist Chris Booth and installed in 2009. It's translation is 'the interweaving of the cultures of Kerikeri'. It comprises of stacked stone boulders and bronze elements. As outlined by the Artist, the sculpture has a direct correlation with the surrounding landscape of Kerikeri. It is a reflection of the tall Kauri forests, volcanic boulders from the soils of the area and shell elements derived from the forest Kauri snails.

Around the perimeter of the site is a path that provides a connection to each of the amenities on site and weaves over mounded land, providing a border to the open green space of the Domain.

## Reserve use

The Domain is used by the public for informal active recreation including basketball, skating and a children's playground as well as organised sports including squash, rugby league and cricket. The Pavilion that the squash club previously used as their clubrooms is currently out of use due to fire damage.

The library is situated on the Cobham Road corner and is well-utilised.

Bordering the east of the Domain is the Kerikeri Bowling Club. The activities adjacent to the site such as the Kerikeri High School make use of the park for access through the main retail and commercial centre on Kerikeri Road.



## 6. Vision

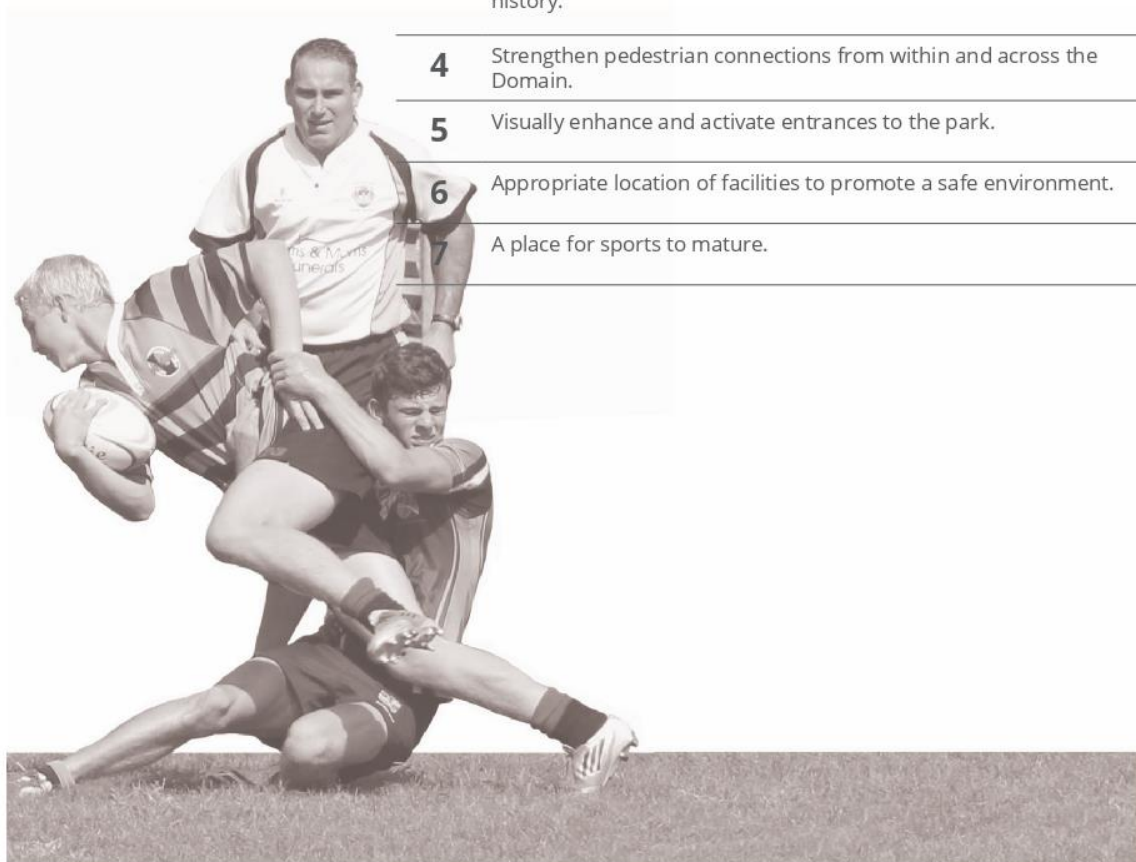
**To provide a vibrant and well used green space and community area for all ages and abilities that reflects the identity of the community through:**

- 1** Promoting the culture and heritage of the Kerikeri community for future generations.
- 2** A safe accessible environment for the community.
- 3** A building for a range of community activities that acts as a community centre to revive the heart of the community.
- 4** Flexible green open space.

## 7. Domain opportunities

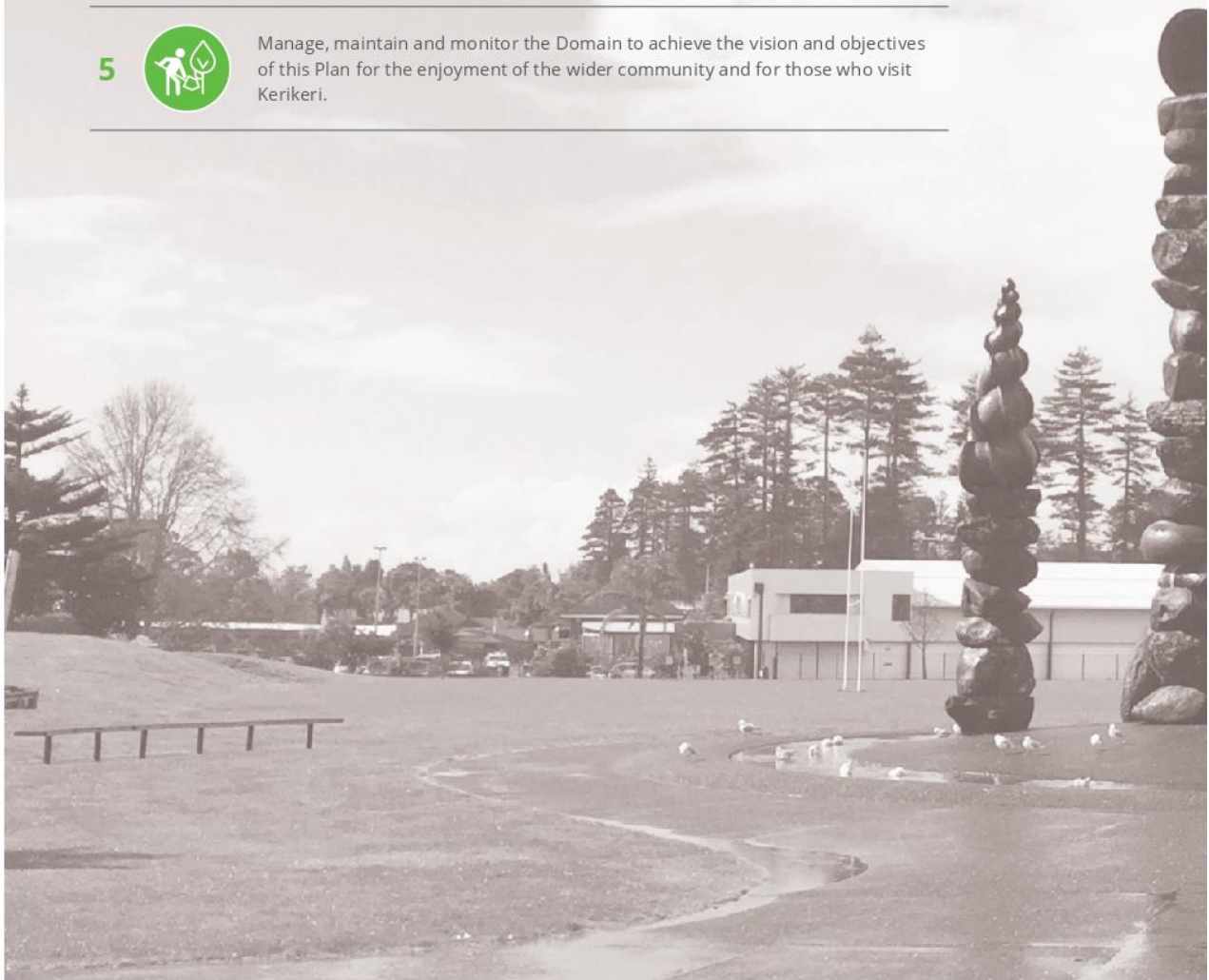
**Kerikeri Domain currently presents the following opportunities:**

- 1** A multi-use facility that caters for a range of group activities.
- 2** An assessable place for the diverse community and its visitors to connect.
- 3** Signage and wayfinding to enhance access and explain local history.
- 4** Strengthen pedestrian connections from within and across the Domain.
- 5** Visually enhance and activate entrances to the park.
- 6** Appropriate location of facilities to promote a safe environment.
- 7** A place for sports to mature.



## 8. Objectives

- 1  Integrate the local cultures and history into the Domain development to nurture a sense of place and cultural identity.
- 2  A flexible, vibrant and well utilised Domain with passive and active recreational opportunities for all ages and abilities.
- 3  To ensure that all development provides for the safe usage of the Domain and will enhance the health and well-being of the community.
- 4  Provide a multi-use facility that reflects the diverse culture and history of Kerikeri, providing opportunities to accommodate a range of activities and facilities for the benefit of the community.
- 5  Manage, maintain and monitor the Domain to achieve the vision and objectives of this Plan for the enjoyment of the wider community and for those who visit Kerikeri.

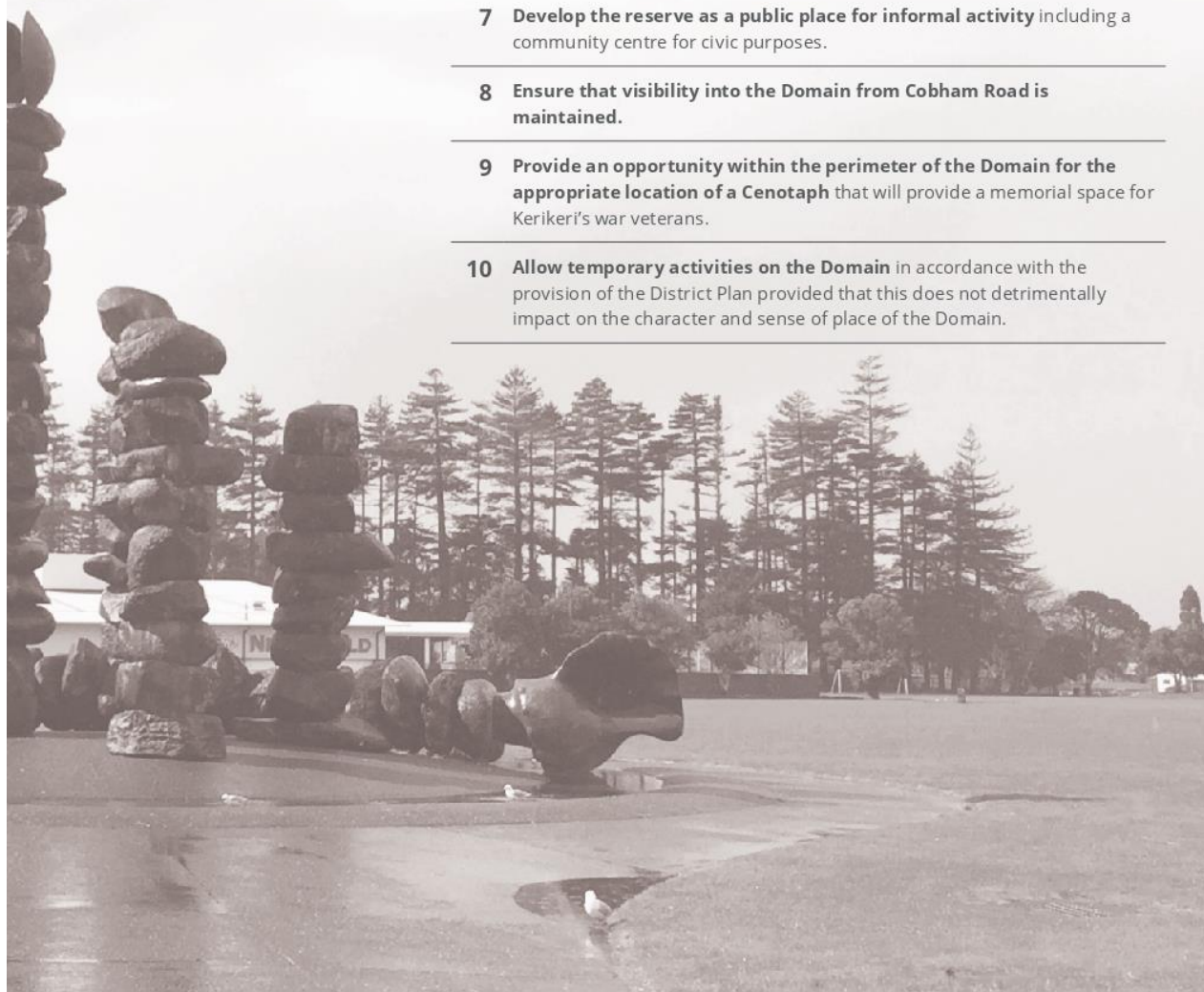


## 1. Character/ Sense of place



**Integrate the local cultures and history into the Domain development to nurture a sense of place and cultural identity**

- 1 Acknowledge the layers of cultural history** of the local area in the building facilities, signage and other structures.
- 2 Recognition of the Domain as part of the original 'people's reserve,'** through providing a diverse range of spaces and activities.
- 3 Provide distinctive wayfinding and signage** that reflects the culture and heritage of the Domain and connects to the Kororipo Pā and the Stone Store.
- 4 Increase the amount of native planting** on the Domain to reflect culture and encourage native birds.
- 5 Avoid the establishment of permanent commercial advertising, activities and signage** within the domain exclusive of signs within buildings and where they cannot be seen by the users in the green space.
- 6 Retain sufficient open green space** to accommodate a wide range of activities.
- 7 Develop the reserve as a public place for informal activity** including a community centre for civic purposes.
- 8 Ensure that visibility into the Domain from Cobham Road is maintained.**
- 9 Provide an opportunity within the perimeter of the Domain for the appropriate location of a Cenotaph** that will provide a memorial space for Kerikeri's war veterans.
- 10 Allow temporary activities on the Domain** in accordance with the provision of the District Plan provided that this does not detrimentally impact on the character and sense of place of the Domain.



## 2. Reserve activities



A flexible, vibrant and well utilised Domain with passive and active recreational opportunities for all ages and abilities

- 1 **Provide opportunities for informal play spaces** that are diverse and accommodate all ages.
- 2 **Support informal recreational activity** (i.e. exercise groups) where the impact and effect does not unreasonably limit the ability of the public to use and enjoy the Domain.
- 3 **Support community initiatives and groups** that benefit the Kerikeri community to operate within the Domain.
- 4 **Encourage events** to take place in the Domain including structures and commercial activities.
- 5 **Provide for the continued use of the Domain** for bowling, skate-boarding, organised sports and library usage.
- 6 **Allow parking on the green spaces** for Council approved temporary activities.
- 7 **Establish a learning trail** along the perimeter pathway using art and interpretation boards to display historical and cultural narratives.
- 8 **Limit the activities on the reserve** to those that do not create prolonged adverse noise effects on the surrounding neighbourhood.
- 9 **Support families and their pets/companions to use the Domain** in accordance with the Dog Management Bylaw and any other relevant bylaws.
- 10 **Provide for multi-purpose infrastructure** e.g. exercise and landscaping.
- 11 **Provide for new activities** on the Domain that do not unfairly affect existing reserve users and activities.



### 3. Safety and accessibility



To ensure that all development provides for the safe usage of the Domain and will enhance the health and well-being of the community

- 1 **Provide on-site vehicle access to formed parking areas, as well as pathways** that enable safe and accessible connections for all ages and abilities.
- 2 **Provide sheltered places to rest with protection** from weather to enhance amenity and encourage picnics and socialisation.
- 3 **Provide fresh drinking water facilities.**
- 4 **Integration of fruit trees into the future plantings** surrounding the Domain perimeter to promote healthy eating (heirloom where possible).
- 5 **Provide an environment that is safe and inclusive for all ages** with adequate lighting alongside facilities, paths and carparks without areas of concealment.
- 6 **Widen pathways** to accommodate a range of users and enhance safety.
- 7 **Provide for cultural protocols.**
- 8 **Allow emergency helicopter landings.**
- 9 **Identify appropriate heavy vehicle access** onto the Domain for events that takes into account the health and safety of all users.



#### 4. Multi-Use community facility



Provide a multi-use facility that reflects the diverse culture and history of Kerikeri, providing opportunities to accommodate a range of activities and facilities for the benefit of the community

- 1 **Allow the deployment of a temporary building to support existing community activities** from the Pavilion, while planning and works of a multi-use facility is taking place or restoration of the pavilion.
- 2 **Provide a multi-use facility** with a diverse range of spaces for community groups that reflects the needs of the community and users.
- 3 **Provide a facility that is a memorable iconic building** that the community will be proud of.
- 4 **A multi-use facility that visually connects to both the street and the Domain** and promotes passive surveillance of the street and the park.
- 5 **Promote shared use** of the facility.



## 5. Maintenance



Manage, maintain and monitor the Domain to achieve the vision and objectives of this Plan for the enjoyment of the wider community and for those who visit Kerikeri

- 1 **Promote, facilitate and support community** led groups and initiatives which enhance the appropriate usage of the domain.
- 2 **Ensure that vegetation is maintained** in accordance with the standards and techniques of approved arboriculture practice.
- 3 **Identify and promote opportunities to enhance passive surveillance** of the Park from adjacent public and private areas.
- 4 **Maintain and manage existing buildings, structures, vegetation, paved areas** and features to uphold health and safety standards.
- 5 **Create a distinctive design for all signage** on the park in compliance with the provisions of the District Plan and bylaw.
- 6 **All upgraded garden beds and low vegetative cover shall consider the integration of native species.**
- 7 **Work with Kerikeri High School to develop and maintain infrastructure and community initiatives** related to the use of the Domain and the adjoining Ministry of Education owned land.



## 9. Actions

The actions outlined below reflect the objectives and policies, give effect to the concept plan and set priorities for actions set by the community. The actions focus on the key objective themes shown in the previous section:



**Character/  
Sense of Place**



**Reserve  
Activities**



**Safety and  
Accessibility**



**Multi-use  
Community  
Facility**



**Maintenance**

However, priority actions are subject to change through the Long Term Plan process and outside/community fundraising. The next Long Term Plan will be developed for the Council in 2021.

### SHORT TERM 1-3 YEARS



Within six months, Council in partnership with the Community Board and community consider the establishment of an incorporated society representing the community to manage and oversee the Domain



Within six months Council to develop maintenance and management plan for the Domain that includes:

- Community planting/weeding days
- Recognition of green space requirements for organised sports (turf management)
- The ethics of Ako, Manaakitanga, Whanaungatanga and Kotahitanga.



Council to commission business case for a multi-use facility with flexible spaces that can accommodate a range of community activities and initiatives



Council to investigate the best configuration of built facilities along the boundaries to enhance passive surveillance, safety, connectivity and enhance the Domain as the heart of Kerikeri



The following action items need to be designed (according to Crime Prevention Through Environmental Design principles), costed and approved by Council:

- Lighting
- Shade and shelter
- Playground
- Public toilets
- Art installations to perimeter of Domain
- Interactive water play area
- Landscaping
- Heavy vehicle access



Within six months Council design a horticultural landscape plan for the Domain in accordance with this document and undertake the first stage of plantings to provide shade opportunities



Council to develop a shared use arrangement with Kerikeri High School regarding shared infrastructure, maintenance and use of the Domain and the adjoining Ministry of Education owned land



Upgrade existing basketball court to enable a wider range of sports



Establish water fountains and recycling/ rubbish bins across the Domain which link with the existing pathways and facilities for users and dogs

### MEDIUM TERM 3-5 YEARS



Plant fruit trees around the perimeter of the Domain



Ensure all proposed and existing vegetation is maintained at an appropriate scale to provide clear sightlines along footpaths and from carpark areas to the road



Install feature and security lighting to areas adjoining facilities, pathways and carparks. Integrate power points onto light poles for use during temporary events



Provide all accessible and inclusive seating and picnic tables with appropriate shade and shelter for various sized groups



Council to develop play spaces with a variety of equipment and structures that will provide play options for all ages and abilities



Upgrade existing paths to a minimum of 2.2 metres and consider new connections



If Council approves the business case for multi-use facility, prepare design brief for, commission design and undertake works to consent and construct multi-use facility



Council to identify appropriate locations of key amenities e.g. hitching posts and public toilets located to best serve Domain users



Provide CCTV cameras in appropriate locations to enhance safety



Partner with tangata whenua artists to provide distinctive wayfinding signage, pou and information boards to exhibit and educate the Kerikeri community and future generations with tangata whenua history and stories



Encourage art installations around the perimeter of the Domain in partnership with the community to highlight the stories of the land and enhance cultural identity and amenity



Provide additional native trees and planting around the perimeter of the Domain in accordance with landscape plan



Upgrade existing skate park and ensure spaces surrounding the park are open and safe for all users



Construct a fitness trail with a number of activity stations adjacent to the perimeter pathway



Install bike stands adjacent to skate boarding and court facilities and within the car park within the Domain



Establish BBQ areas around the Domain adjacent to the perimeter pathway



Establish safe and accessible play areas for children



Upgrade the parking next to the library to provide spaces for people with accessibility concerns and parents



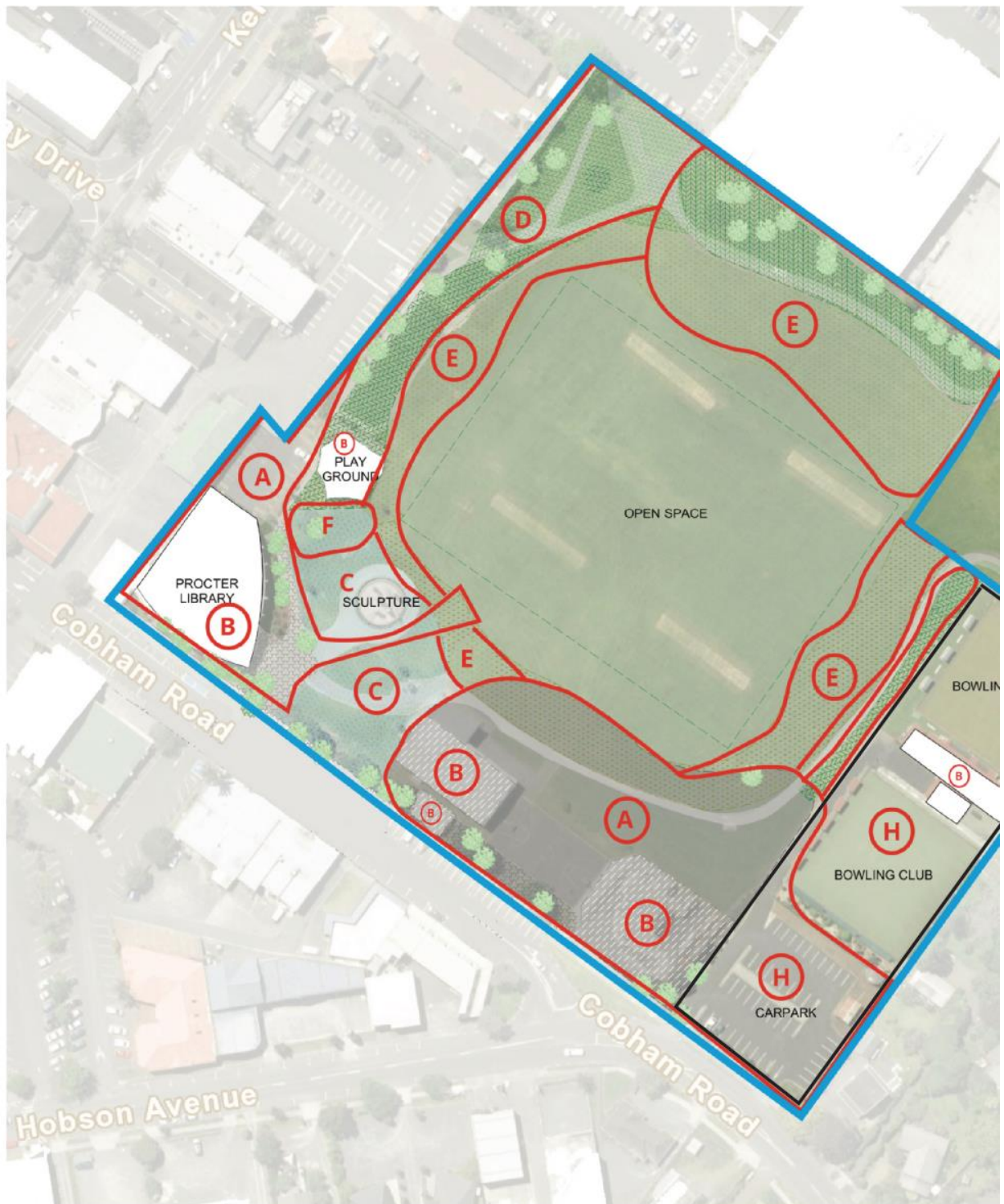
Provide access onto the Domain for heavy vehicles for permitted activities

#### LONG TERM 5-10 YEARS



Investigate demand for bike skills or pump track elements adjacent to the perimeter pathway

## 10. Concept plan





1:1000

# LEGEND

**A** BUILT ZONE - PAVILLION, SCATE PARK, BASKETBALL COURTS, VEHICULAR ACCESS TO OPEN SPACE, CAR PARKING

**B** EXISTING STRUCTURES

**C** WATER ZONE - PLAY SCULPTURE, LANDSCAPE, PLANTING, PATHS AND CYCLEWAY

**D** MIXED USE ZONE - SHELTER, EXERCISE, PLAY, LANDSCAPE, PLANTING, SCULPTURE

**E** BUFFER ZONE - MIXED USE ZONE OR OPEN SPACE - TO BE DETERMINED BY COMMUNITY VISION

**F** LOCATION FOR CENOTAPH MEMORIAL

**G** OPEN SPACE - BROKEN LINE DEPICTS RUGBY FIELD INC DEAD BALL ZONE

**H** LEASE AREA

**RESERVE BOUNDARY**

## 11. Implementation and funding

This Reserve Management Plan provides a vision, goals, objectives, policies and actions that determine the appropriate use and development of the Domain.

Decisions relating to the funding and priority for works described in this Reserve Management Plan will be undertaken within Council's Long Term Plan and Annual Plan.

Action points are able to be brought forward in partnership with community and other organisations through the governing body.

It is important to note that, if a particular action has been included within this Reserve Management Plan, that Council will not necessarily make funding available for those works.

## 12. Preparing the Reserve Management Plan

Section 41 of the Act sets out the process that must be followed when preparing a Reserve Management Plan.

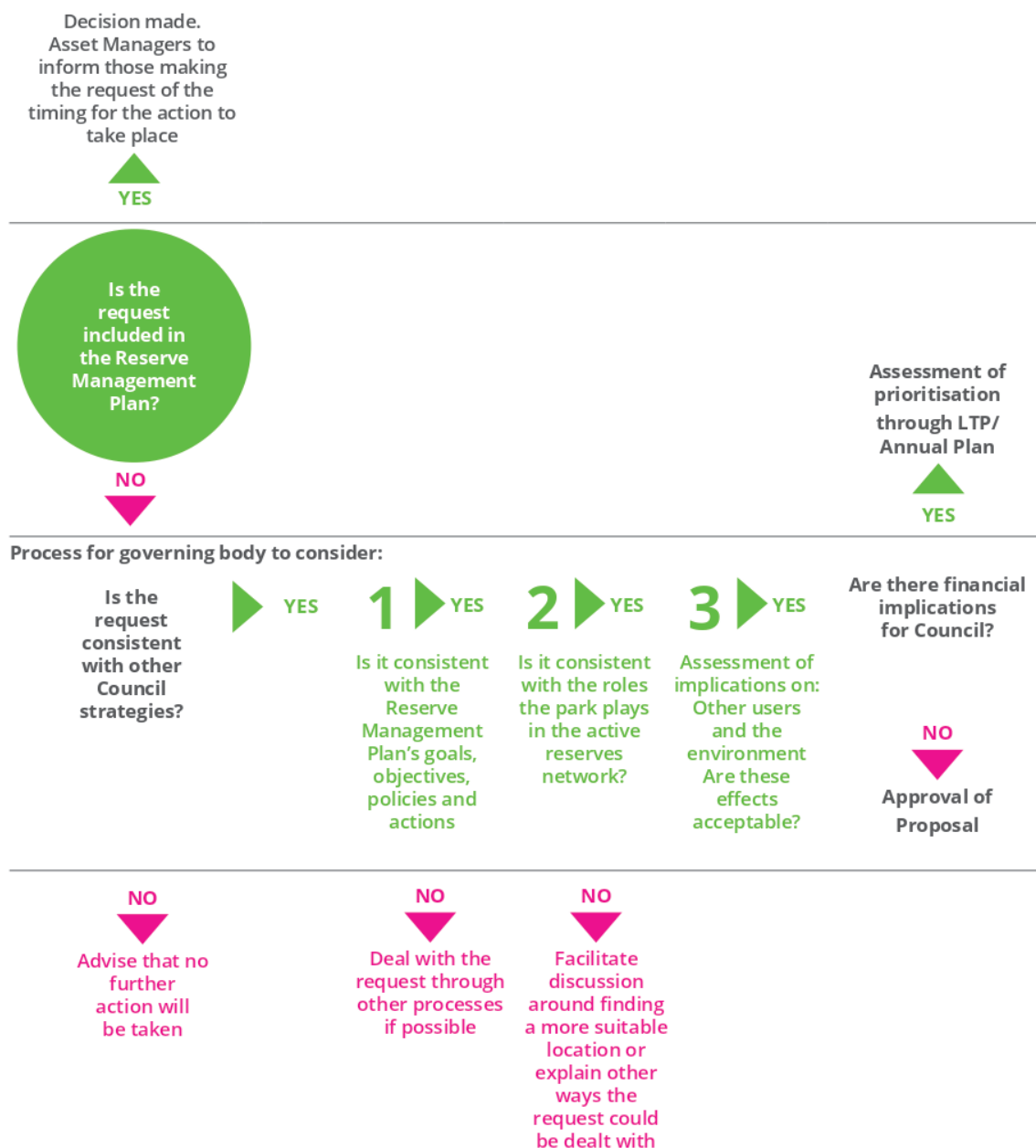
The following steps illustrate the process:



### 13. Decision-making process for requests not specifically included in the Reserve Management Plan

The Reserve Management Plan is developed for a ten-year term. Because of the length of time there are likely to be proposals made for the Domain not specifically included as actions in the Reserve Management Plan.

The following process were used to decide whether or not to proceed with any such proposals.



## 14. Administrative information

### Process for preparing a Reserve Management Plan for the Domain

Section 41 of the Act sets out the process that must be followed when preparing a Reserve Management Plan.

#### The following steps outline the process:

1	Council publicly notified its intention to prepare the Reserve Management Plan and invited interested parties / persons to send in written suggestions on the proposed plan within a set time period (usually one month). This was done by on-line survey.	June – July 2017
2	A draft Reserve Management Plan was prepared giving consideration to comments received.	August – October 2018
3	The draft Reserve Management Plan is adopted and advertised for public submissions and made available for viewing for a minimum of two months.	December 2018 – March 2019
4	Consideration was given to submissions and objections received and a hearing was held.	March – May 2019
5	Appropriate changes were made to the Reserve Management Plan.	May 2019
6	As the Domain is a recreation reserve vested in the Council, the final Reserve Management Plan was approved and adopted by Council, with no requirement for Ministerial approval.	June 2019
7	The final Reserve Management Plan was produced. Implementation commenced. All those who made submissions were notified that the plan has been finalised and is available if they require a copy. Kerikeri Domain Reserve Management Plan will also be available on-line.	June 2019
8	Kerikeri Domain Reserve Management Plan is kept under continuous review by Council.	Ongoing

## 15. Reserve legal description

The Domain is located on Cobham Road, Kerikeri. It covers a total area of approximately three hectares. The legal description is:

- |  |   |   |
|--|---|---|
| <p><b>1</b> Part Lot 1 DP 21496, SO 60707, SO 70848<br/>Public Domain, Subject to the provisions of Part II of the Public Reserves and Domains Act 1928<br/>North Auckland<br/>Title: NA736/108<br/>Survey Area: 30387</p> | <p><b>3</b> Part Old Land Claim 3<br/>Local Purpose Reserve (Public Library Site) Kerikeri Domain<br/>NZ Gazette 1985 p141<br/>Survey Area: 678</p>   | <p><b>5</b> Lot 7 DP 155316<br/>DP 155316<br/>Recreation Reserve, Subject to Reserves Act 1977<br/>North Auckland<br/>Title: NA92D/223<br/>Survey Area: 215</p> |
| <p><b>2</b> Lot 5 DP 41265<br/>Domain, Gazette 1954 p 1339<br/>North Auckland<br/>Survey Area: 9925</p>  | <p><b>4</b> Lot 1 DP 340854<br/>Recreation Reserve, Subject to Part IV A Conservation Act 1987, Subject to Section 11 Crown Minerals Act 1991, Subject to Reserves Act 1977<br/>North Auckland<br/>Title: 167968<br/>Survey Area: 194</p> | <p>Refer to Appendix 1 for Gazette notices</p>  |

Figure 1: Reserve legal description



## Appendix 1

### Gazette notices and land online information



## COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy



R. W. Muir  
Registrar-General  
of Land

**Identifier** NA736/108  
**Land Registration District** North Auckland  
**Date Issued** 02 October 1940

#### Prior References

NA640/119

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<b>Estate</b>	Fee Simple
<b>Area</b>	3.0387 hectares more or less
<b>Legal Description</b>	Part Lot 1 Deposited Plan 21496
<b>Purpose</b>	Public Domain

#### Proprietors

Her Majesty the Queen

#### Interests

SUBJECT TO THE PROVISIONS OF PART II OF THE PUBLIC RESERVES AND DOMAINS ACT 1928

Fencing Agreement in Transfer 326489 - 2.10.1940

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Transaction Id  
Client Reference smarshall003

Search Copy Dated 3/09/18 2:51 pm, Page 1 of 2  
Register Only

## Appendix 1

### Gazette notices and land online information



## View Statutory Action

**Parcel** Lot 5 Deposited Plan 41265  
**Current Purpose** Domain

**Parcel Status** Current

Statutory Action	Type	Recorded	Action	Status
New Zealand Gazette 1954 p 1339	Gazette Notice	04/04/2002	Create	Current

**Statute**  
**Purpose** Domain  
**Name** Kerikeri Domain  
**Comments**

\*\*\* End of Report \*\*\*



## View Statutory Action

**Parcel** Part Old Land Claim 3  
**Current Purpose** Local Purpose Reserve (Public Library Site)

**Parcel Status** Current

Statutory Action	Type	Recorded	Action	Status
New Zealand Gazette 1953 p 1514	Gazette Notice	04/04/2002	Create	Current

**Statute**  
**Purpose** Domain  
**Name** Kerikeri Domain  
**Comments**

Statutory Action	Type	Recorded	Action	Status
New Zealand Gazette 1985 p 141	Gazette Notice	04/04/2002	Create	Current

**Statute**  
**Purpose** Local Purpose Reserve (Public Library Site)  
**Name** Kerikeri Domain  
**Comments**

\*\*\* End of Report \*\*\*

19 August]

## THE NEW ZEALAND GAZETTE

1339

the south-western corner of Section 168, Prescott Settlement; thence along the northern side of Pencose Road to the south-western corner of Lot 1, on D.P. 18413, being part of Allotment 33 of Section 12, Suburbs of Auckland; thence northerly along the western boundary of the aforesaid Lot 1, to and along the western boundary of Lot 1 on D.P. 34145, being part of the aforesaid Allotment 33, crossing the intervening Auckland-Hamilton Motorway, and along the western boundary of part Allotment 33 of the aforesaid Section 12 (Transmission Lane), to and along the south-western boundaries of Lots 5 and 4 on D.P. 41128, a right line across Gavin Street, to and along the south-western and north-western boundaries of Lot 6 on the aforesaid plan 41128, the aforesaid lots being parts of the Allotment 28, Section 12, aforesaid, along another right line across Gavin Street, to and along the north-western boundaries of Lot 1 on D.P. 41128 and part Lot 1 on D.P. 40112, both being parts of the aforesaid Allotment 28, the north-western boundary of the part of Allotment 28 of the aforesaid Section 12, taken for quarry purposes and shown on S.O. Plan 33897, the north-western boundaries of part Lot 1 on D.P. 8015 and Lot 1 on D.P. 37619, both lots being parts of the aforesaid Allotment 28, to and along the south-eastern boundary of Lot 10 on D.P. 30443, being part of Allotment 27 of the aforesaid Section 12, to its northern corner; thence along a right line across the Ellerslie-Panmure Main Highway to the junction of its northern side with the north-western side of Ballant Street at the angle in the southern boundary of Lot 22 on D.P. 13931, being part of Allotment 27 aforesaid; thence along the generally western side of Ballant Street aforesaid to the north-eastern boundary of Lot 1 on Deeds Plan 8, 28, being part of Allotment 26, Section 12, Suburbs of Auckland; thence easterly generally along the boundary of the City of Auckland, as heretofore described, to the point of commencement.

Dated at Wellington, this 17th day of August 1954.

W. A. BODKIN, Minister of Internal Affairs.  
(L.A. 103/5/178)

*Stamp Duties Act 1925—Mode of Stamping by Inland Revenue Department*

**WHEREAS** it is intended to discontinue the use of adhesive stamps for the purpose of stamping instruments required to be stamped by the Inland Revenue Department and to use in substitution therefor impressed stamps to be created by special accounting and stamping machines situated at the offices of District Commissioners of Stamp Duties:

Now, therefore, in pursuance of section 10 (1) of the Stamp Duties Act 1925, it is hereby directed, and notice is hereby given, that on and from the 1st day of September 1954—

1. Impressed stamps for expressing or denoting any duty, or the fact that any duty or fine has been paid, or that an instrument is duly stamped or is not chargeable with any duty, may be created by special accounting and stamping machines situated at the offices of District Commissioners of Stamp Duties.

2. Such impressed stamps shall comprise two lines of print and shall be of either of the following classes:

Class "A"—Bearing in one line the inscription "N.Z. Stamp Duty" in 14 point Cloister Black type, followed by letters indicating the office in which the instrument has been stamped, and bearing in another line (at a distance of nine sixteenths of an inch below) numerals indicating the date of stamping, a serial number, code letters, letters indicating the category of stamp, and figures signifying the amount paid.

Class "B"—Bearing in one line the inscription "N.Z. Stamp Duty" in 14 point Cloister Black type, followed by letters indicating the office in which the instrument has been stamped, and bearing in another line (at a distance of seven thirty-seconds of an inch above) numerals indicating the date of stamping, a serial number, and figures signifying the amount paid.

3. For the purposes of section 30 (2) of the said Act, the duty paid on an instrument (other than a duplicate or counterpart) shall be denoted by either—

(a) A Class "A" impressed stamp with the letters "DTY" indicating the category of stamp; or  
(b) A Class "B" impressed stamp.

4. For the purposes of section 169 of the said Act, the duty paid on a duplicate or counterpart shall be denoted by either—

(a) A Class "A" impressed stamp with the letters "CPT" indicating the category of stamp; or  
(b) A Class "B" impressed stamp over-written in 12 point type with the word "Counterpart."

5. For the purposes of section 30 (3) of the said Act, an instrument which is not liable to duty shall be stamped by either—

(a) A Class "A" impressed stamp with the letters "N.L." indicating the category of stamp, and figures 0 signifying the amount paid; or  
(b) A Class "B" impressed stamp with figures 0 signifying the amount paid.

C

6. For the purposes of section 33 of the said Act, a penalty paid on an instrument shall be denoted by either—

(a) A Class "A" impressed stamp with the letters "P.P." indicating the category of stamp; or  
(b) A Class "B" impressed stamp over-written in 12 point type with the words "Fine paid."

7. For the purposes of section 64 of the said Act, a denoting-stamp shall be either of the impressed stamps provided for in paragraph 3 hereof over-written in 12 point type with the word "Denoting."

8. Gift duty paid on a gift within the meaning of Part IV of the Death Duties Act 1921 may be denoted by either of the impressed stamps provided for in paragraph 3 hereof.

9. Every instrument stamped with such an impressed stamp shall also be impressed with the official seal.

Dated at Wellington, this 12th day of August 1954.

CHAS. M. BOWDEN, Associate Minister of Finance.

*Declaring Land to Form Part of Titahi Bay Domain*

**PURSUANT** to the Reserves and Domains Act 1953, the Minister of Lands hereby declares the reserve described in the Schedule hereto to be a public domain subject to the provisions of the said Act, to form part of the Titahi Bay Domain to be administered as a public domain by the Domain Board.

## SCHEDULE

## WELLINGTON LAND DISTRICT

Lot 19, Deposited Plan No. 10464, being parts Subdivisions 6 and 7, Koangaumu Block, situated in Block XI, Paekakariki Survey District: Area, 3 acres and 13-84 perches, more or less. Part certificate of title, Volume 418, folio 236.

Dated at Wellington, this 10th day of August 1954.

E. B. CORBETT, Minister of Lands.

(L. and S. H.O. 1/920; D.O. 8/614)

*Declaring Lands to Form Part of Nukumarua Domain*

**PURSUANT** to the Reserves and Domains Act 1953, the Minister of Lands hereby declares the reserves described in the Schedule hereto to be a public domain subject to the provisions of the said Act, to form part of the Nukumarua Domain to be administered as a public domain by the Domain Board.

## SCHEDULE

## WELLINGTON LAND DISTRICT

Lot 2, Deposited Plan No. 4187, being part Section 305, Okutuku District, situated in Block XII, Wairoa Survey District: Area, 5 acres and 15-2 perches, more or less. All certificate of title, Volume 268, folio 187.

Also Section 71, Mowhanna Village, situated in Block XV, Nukumarua Survey District: Area, 1 acre 2 rods 25 perches, more or less. (S.O. Plan 14657.)

Also part Section 50, Waitotara District, situated in Block XIII, Nukumarua Survey District: Area, 2 acres 1 rod 3 perches, more or less. All certificate of title, Volume 301, folio 238. (D.P. 3974.)

Dated at Wellington, this 10th day of August 1954.

E. B. CORBETT, Minister of Lands.

(L. and S. H.O. 1/39; D.O. 8/106)

*Declaring Land to Form Part of Kerikeri Domain*

**PURSUANT** to the Reserves and Domains Act 1953, the Minister of Lands hereby declares the reserve described in the Schedule hereto to be a public domain, subject to the provisions of the said Act, to form part of the Kerikeri Domain to be administered as a public domain by the Domain Board.

## SCHEDULE

## NORTH AUCKLAND LAND DISTRICT

Lot 5, Deposited Plan No. 41265, being part Old Land Claim No. 3, situated in Block XI, Kerikeri Survey District: Area, 2 acres 1 rod 32-4 perches, more or less. Part certificate of title, Volume 855, folio 128.

Dated at Wellington, this 15th day of July 1954.

E. B. CORBETT, Minister of Lands.

(L. and S. H.O. 1/959; D.O. 8/1456)

*Land Reserved in the Land District of Wellington and Vested in the Hunterville Rabbit Board*

**PURSUANT** to the Land Act 1948, the Minister of Lands hereby sets apart the land described in the Schedule hereto as a reserve for Rabbit Board buildings, and, further, pursuant to the Reserves and Domains Act 1953, vests the said reserve in the Hunterville Rabbit Board, in trust, for that purpose.

17 JANUARY

## THE NEW ZEALAND GAZETTE

141

*Vesting a Reserve in the Lake County Council*

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby vests the reserve, described in the Schedule hereto, in the Lake County Council in trust for a recreation reserve with effect from 1 April 1983.

## SCHEDULE

## OTAGO LAND DISTRICT—LAKE COUNTY—WANAKA RECREATION RESERVE

11,470 hectares, more or less, being Section 12 (formerly Sections 1-4, Block XIV, part Sections 1, 4 and 1300R, and Sections 2, 3, Block XV, part Section 1 and Sections 2-14 and 1533R, Block XVI, Sections 1-16 inclusive, Block XVII, Sections 1-7, Block XIX, and Sections 3-6 and 10, Block XX), Block XV, Town of Wanaka. Part certificate of title 8A/952, part *Gazette* notice 242, 328, all *Gazette* notice 398, 852 all *New Zealand Gazette*, 1940, pages 1793 and 3727, and part *New Zealand Gazette*, 1925, page 2130. S.O. Plan 20847.

2000 square metres, more or less, being Section 10 (formerly part Sections 1 and 1300R, Block XV, part Section 1, Block XVI), Block XV, Town of Wanaka. Part certificate of title 8A/952. S.O. 19311.

Dated at Dunedin this 8th day of January 1985.

J. R. GLEAVE,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 12/2/232; part Res. 12/2/126, D.O. 8/3/218)

3/1

*Declaration that Land is a Reserve*

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby notifies that the following resolution was passed by the Bay of Islands County Council on the 16th day of November 1983:

"That in exercise of the powers conferred on it by section 14 of the Reserves Act 1977, the Bay of Islands County Council hereby resolves that the piece of land held by the said County in fee simple and, described in the Schedule hereto, shall be, and the same is hereby, declared to be a local purpose (site for a public library) reserve within the meaning of the said Act."

## SCHEDULE

## NORTH AUCKLAND LAND DISTRICT—BAY OF ISLANDS COUNTY

678 square metres, more or less, being part Old Land Claim No. 3, being part of the land shown on D.P. 24476, situated in Block XI, Kerikeri Survey District. All certificate of title 632/250.

Dated at Auckland this 24th day of December 1984.

R. F. SMITH,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 2/2/318; D.O. 8/3/296)

3/1

*Classification of Parts of a Reserve*

PURSUANT to the Reserves Act 1977, and to a delegation from the Minister of Lands, the Assistant Commissioner of Crown Lands hereby classifies that part of the reserve, described in the First Schedule hereto, as a recreation reserve, and further, classifies that part of the reserve, described in the Second Schedule hereto, as a local purpose (cemetery) reserve subject to the provisions of the said Act.

## FIRST SCHEDULE

## SOUTH AUCKLAND LAND DISTRICT—HAMILTON CITY

50,8149 hectares, more or less, being Allotment 483 and part Allotment 252A, Kirikiriroa Parish, and Sections 25 to 28 and part Sections 23, 24, 30 and 31, Hamilton East Town Belt, all situated in Block II, Hamilton Survey District. Part certificate of title 121/121, Part *New Zealand Gazette*, 1879, page 683, 1977, page 2699 and 1984, page 3174. S.O. Plans 2217, 40722, 49083 and D.P. 21975.

C

## SECOND SCHEDULE

3,2366 hectares, more or less, being part Allotment 252, Kirikiriroa Parish, situated in Block II, Hamilton Survey District. Part certificate of title 121/121, Part *New Zealand Gazette*, 1868, page 403, S.O. Plans 143<sup>3</sup> and 33208 and L.T. Plan 1126<sup>6</sup>.

Dated at Hamilton this 10th day of January 1985.

G. L. VENDT,

Assistant Commissioner of Crown Lands.

(L. and S. H.O. Res. 3/2/25; D.O. 8/405/4)

3/1

*Setting Apart Maori Freehold Land as a Maori Reservation*

PURSUANT to section 439 of the Maori Affairs Act 1953, the Maori freehold land described in the Schedule hereto is hereby set apart as a Maori Reservation for the purpose of a meeting place for the common use and benefit of the members of the Ngati He subtribe of the Ngaiterangi tribe and the residents of the locality.

## SCHEDULE

## SOUTH AUCKLAND LAND DISTRICT

ALL that piece of land situated in Block XI, Tauranga Survey District and described as follows:

Area m <sup>2</sup>	Being
1011	Maungatapu No. 1P Block as created by a Partition Order of the Maori Land Court dated 22 April 1910.

Dated at Wellington this 14th day of January 1985.

B. S. ROBINSON,

Deputy Secretary for Maori Affairs.

(M.A. H.O. 21/3/4; D.O. T284)

6/1A1/2CL

*Setting Apart Maori Freehold Land as a Maori Reservation*

PURSUANT to section 439 of the Maori Affairs Act 1953, the Maori freehold land described in the Schedule hereto is hereby set apart as a Maori reservation as a place of historical significance to the Ngati Rangiwewehi in particular and the people of New Zealand generally.

## SCHEDULE

## SOUTH AUCKLAND LAND DISTRICT

ALL that piece of land situated in Block XII, Rotorua Survey District and described as follows:

Area m <sup>2</sup>	Being
5362	Mangorewa Kaharoa Church Reserve as created by partition order dated 10 August 1912.

Dated at Wellington this 14th day of January 1985.

B. S. ROBINSON,

Deputy Secretary for Maori Affairs.

(M.A. H.O. 21/3/5; D.O. Appln. 28604)

6/1A1/2CL

*Maori Land Development Notice*

PURSUANT to section 332 of the Maori Affairs Act 1953, the Board of Maori Affairs hereby gives notice as follows:

## NOTICE

1. This notice may be cited as Maori Land Development Notice Rotorua 1985, No. 2.

2. The notice referred to in the First Schedule hereto is hereby revoked.

3. The lands described in the Second Schedule hereto are hereby released from Part XXIV of the Maori Affairs Act 1953.

1514

## THE NEW ZEALAND GAZETTE

[No. 52]

**Recreation Reserve in North Auckland Land District Brought Under Part II of the Public Reserves and Domains Act 1928**

C. W. M. NORRIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 16th day of September 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**P**URSUANT to section 34 of the Public Reserves and Domains Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby orders and declares that the reserve for recreation in the North Auckland Land District described in the Schedule hereto shall be and the same is hereby brought under the operation of and declared to be subject to the provisions of Part II of the said Act, and such reserve shall hereafter be known as the Kerikeri Domain and be managed, administered, and dealt with as a public domain.

**SCHEDULE****NORTH AUCKLAND LAND DISTRICT**

PART Lot 1, Deposited Plan No. 21496, being part Old Land Claim No. 3, situated in Block XI, Kerikeri Survey District: Area, 7 acres 2 roods 1-4 perches, more or less. All certificate of title, Volume 736, folio 108.

T. J. SHERRARD,

Clerk of the Executive Council.

(L. and S. H.O. 1/950; D.O. 8/1456)

**Recreation Reserve in South Auckland Land District Brought Under Part II of the Public Reserves and Domains Act 1928**

C. W. M. NORRIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 16th day of September 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**P**URSUANT to section 34 of the Public Reserves and Domains Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby orders and declares that the reserve for recreation in the South Auckland Land District described in the Schedule hereto shall be and the same is hereby brought under the operation of and declared to be subject to the provisions of Part II of the said Act, and such reserve shall hereafter be known as the Mount Maunganui Golf Course Domain, and shall be managed, administered, and dealt with as a public domain.

**SCHEDULE****SOUTH AUCKLAND LAND DISTRICT**

PART Lot 1, Deposited Plan No. 34345, being part Omana Nos. 1, 2A, and 2B Blocks. All certificate of title, Volume 1050, folio 142. Lot 2, Deposited Plan No. 8 1500, being part Omana No. 2A 2 Block. All certificate of title, Volume 1042, folio 344. Lot 1, Deposited Plan No. 35675, being part Section 8, Block XI, Tauranga Survey District. All certificate of title, Volume 933, folio 75.

Situated in Blocks VII and XI, Tauranga Survey District: Total area, 122 acres 1 rood 21 perches, more or less.

T. J. SHERRARD,

Clerk of the Executive Council

(L. and S. H.O. 1/1245/1; D.O. 8/1081)

**Domain Board Appointed to Have Control of the Kimbolton Domain**

C. W. M. NORRIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 16th day of September 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**P**URSUANT to section 41 of the Public Reserves and Domains Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby appoints

John Maurice Hocking,  
Denis George Jensen,  
David William Hugh McKay,  
Arthur Harold Montagu Maurice,  
Walter Scott,  
Neville Hayne Short,  
Geoffrey Field Summerville,  
Duncan George Watt, and  
John Stevenson Watt

to be the Kimbolton Domain Board, having control of the land described in the Schedule hereto; and hereby appoints Monday, the 28th day of September 1953, at 8 o'clock p.m., as the time when, and the Town Hall, Kimbolton, as the place where, the first meeting of the Board shall be held.

**SCHEDULE****WELLINGTON LAND DISTRICT—KIMBOLTON DOMAIN**

SECTION 16, Suburbs of Kimbolton, situated in Block XIII, Apti Survey District: Area, 20 acres and 3 perches, more or less.

Also Section 92c, Block XIII, Apti Survey District: Area, 17 acres, more or less.

Also Section 92b, Block XIII, Apti Survey District: Area, 26 acres 3 roods 7 perches, more or less.

Also Section 92a, Block XIII, Apti Survey District: Area, 5 acres, more or less.

Also Section 1 (formerly Lot 3, D.P. 781, being part Rural Section 265, Township of Sandon), Block 1, Pohangina Survey District: Area, 3 acres 3 roods 26-5 perches, more or less.

Also part Rural Section 265, Township of Sandon, situated in Block 1, Pohangina Survey District: Area, 1 rood 3-4 perches, more or less. All certificate of title, Volume 221, folio 292.

Also Section 15, Township of Kimbolton, situated in Block XIII, Apti Survey District: Area, 5 acres 2 roods 27 perches, more or less.

Also Lot 1, Deposited Plan No. 14893, being part Rural Section 265, Township of Sandon: Area, 1 rood 3-4 perches, more or less.

Also Lot 2, Deposited Plan No. 14893, being part Rural Section 265, Township of Sandon: Area, 1 rood 14-21 perches, more or less.

T. J. SHERRARD,

Clerk of the Executive Council.

(L. and S. H.O. 1/502; D.O. 8/409)

**Domain Board Appointed to Have Control of the Makaka Domain**

C. W. M. NORRIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 16th day of September 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**P**URSUANT to section 44 of the Public Reserves and Domains Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby appoints

Allan Martin Barker,  
Ivo Gordon Barron,  
Richard Kennard Edgcombe,  
Edward George Henry Phillips, and  
Clarence Raymond Whiting

to be the Makaka Domain Board, having control of the land described in the Schedule hereto; and hereby appoints Monday, the 14th day of September 1953, at 8 o'clock p.m., as the time when, and the Makaka School as the place where, the first meeting of the Board shall be held.

**SCHEDULE****TARANAKI LAND DISTRICT—MAKAKA DOMAIN**

SECTIONS 1, 2, and 43, Block X, Kaipokokuri Survey District: Total area, 16 acres, more or less. (S.O. plan 7737.)

T. J. SHERRARD,

Clerk of the Executive Council.

(L. and S. H.O. 1/279; D.O. 8/50)

**Constituting the Borough of Otorohanga**

C. W. M. NORRIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 16th day of September 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

**W**HEREAS, pursuant to section 135 of the Municipal Corporations Act 1933, a petition was presented to the Governor-General praying that the area comprising the Town District of Otorohanga be constituted a borough;

And whereas, pursuant to section 21 of the Local Government Commission Act 1946, the said petition was referred to the Local Government Commission;

And whereas, pursuant to the Local Government Commission Act 1946, the Local Government Commission has made inquiry into the proposal and has as final a scheme bearing date the 21st day of August 1953, providing for the said area to be constituted a borough;

And whereas it is deemed expedient to give effect to the final scheme as hereinafter appearing;

Now, therefore, pursuant to the Local Government Commission Act 1946, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council hereby orders and declares:

(1) That as on and from the 1st day of October 1953, the area described in the Schedule hereto shall be constituted a borough.

(2) That the name of the said borough shall be the Borough of Otorohanga.

(3) That the number of Councillors of the said borough shall be eight, exclusive of the Mayor.

## Appendix 2

### Existing site photographs (taken August 2018)

1. Existing fire damaged Pavilion



2. Chris Booth sculpture Te Whiringa o Manoka, New Zealand's Public Sculpture



3. Existing playground



4. Rugby field



5. Open green space as seen from perimeter path. View towards Kerikeri High School



6. Existing basketball court and skate park



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## 6.2 COBHAM ROAD BUS STOP

**File Number:** A2497323

**Author:** Mike Fox, Project Manager - Transport and Roading

**Authoriser:** Andy Finch, General Manager - Infrastructure and Asset Management

### PURPOSE OF THE REPORT

This report is to confirm the Bay of Islands-Whangaroa Community Board's decision to adopt the current layout of the bus stop and to amend the Traffic and Parking Bylaw to ensure that the bus stop is legally enforceable, as well as request that the Commercial Operators provide a suitable bus shelter for patrons.

### EXECUTIVE SUMMARY

- After a fire in May 2016, the Cobham Road bus stop was temporarily relocated to outside 13 and 15 Cobham Road
- There have been complaints about the location of the bus stop and reports of unsafe use of the bus stop by the bus companies (double parking)
- In response to the above, community feedback has been sought for a trial layout consisting of a double bus park outside the Proctor library. Mixed results have been received
- The Community Board was asked to consider this feedback and determine what layout they support
- The Bay of Islands-Whangaroa Community Board considered this report at their meeting on 20 May 2019 and makes the following recommendation to Council.

### RECOMMENDATION

#### That Council

- a) **adopt the current layout and amend the Traffic and Parking Bylaw to ensure that the bus stop is legally enforceable**
- b) **request that staff ask the Commercial Operators to provide a suitable bus shelter for patrons**

### 1) BACKGROUND

The Cobham Road bus stop historically was located outside numbers 9 and 11 Cobham Road, Kerikeri. This layout was formally adopted under the Parking and Traffic Control bylaw, so is enforceable. This layout is shown on Attachment 1.

After a fire in May 2016, the bus stop was temporarily re-located to its current location outside numbers 13 and 15 Cobham Road. This was to avoid bus passengers being exposed to construction hazards during repair of the buildings. This layout was not formally adopted under the Parking and Traffic Control bylaw, and is therefore not enforceable. This layout is shown on Attachment 2.

Since then, complaints by businesses relating to the loss of car parking spaces outside their premises have been received and safety concerns have been raised regarding the manner in which some bus companies are using the bus-stop, particularly the practice of double parking buses. Some bus companies have also advised that at both this and the original layout, their vehicles are unable to park close enough to the kerb to use disabled access ramps because of the shop awnings.

Far North District Council has written to bus companies to reinforce that they are responsible for safe use of the bus stop. The companies were reminded that double parking of vehicles is not

permitted in the Road Code, and were asked to review their procedures to ensure that their operations are safe, legal and appropriate at the Cobham Road bus stop.

Council representatives also met with some of the parties involved at the site, and mapped out a trial layout consisting of a double bus park outside the Proctor library. This layout is shown on Attachment 3. The trial layout was subject to a Road Safety Audit, and directly affected parties were asked for feedback.

Facilities for public transport in Kerikeri will be reviewed as part of the District Transport Strategy, so the bus facilities on Cobham Road may be changed or relocated when the strategy is adopted.

## **2) DISCUSSION AND OPTIONS**

### **Original and Current Layouts**

The components of the original and current layouts as shown in Attachments 1 and 2 are relatively straight forward. Changes that would be required to revert to the original layout would include:

- a) Reinstatement of the original bus stop and loading zone outside numbers 9 and 11 Cobham Road.
- b) The reinstated bus stop and loading zone would be in place of four parking spaces, though three parking spaces would be reinstated outside 13 and 15 Cobham Road. There would therefore be a one less car parking space provided than currently.
- c) As the original layout is the current enforceable layout, no bylaw change would be necessary.

No road safety audit has been completed for either of these layouts, nor has feedback been sought from the community.

### **Trial Double Bus Park outside the Library**

As shown in Attachment 3, this layout involves the following changes:

- a) A new double bus park is provided outside the library. The provision of a double bus park with a P30 time limit is in response to the current issue of double parking by coaches transferring passengers on Cobham Road.
- b) The new double bus park is in place of one disability parking space, two other parking spaces, and one loading zone.
- c) A replacement disability parking space is located on the Kerikeri-centre side of the current loading zone, with a lowered kerb to facilitate better accessibility.
- d) Three parking spaces are provided in the current location of the bus stop outside numbers 13 and 15 Cobham Road. These replace the two parking spaces taken up by the new double bus park and the parking place taken up by the relocated disability parking space. There is therefore no reduction in the number of parking spaces provided.
- e) The loading zone will not be replaced.

It was proposed that this layout could be trialled for twelve months, and if successful adopted as part of the District Transport Strategy.

The double bus park layout has been subject to an independent road safety audit by Northern Civil Consulting (Attachment 4). The audit found that:

- both the location and the proposed layout are fit for purpose
- the proposed double length bus park should eliminate the existing 'double parking' of buses that is currently occurring in the majority, if not all circumstances
- there are no significant safety implications of the use of the one-way system by a relatively small number of buses

- the raised crossing point immediately east of the proposed bus park and the zebra crossings at the intersection of Cobham Road and Kerikeri Road make good provision for bus passengers to cross the road and change to alternative modes of transport.

The audit did not recommend any changes to the layout.

There has been a considerable amount of local interest in the Cobham Road bus stop. A range of interested parties were therefore asked for written feedback on the trial double bus park layout.

A total of sixteen feedback responses were received. Ten of these were against this proposal, four supported this proposal and two were neutral. However, a simple majority count to determine support is not appropriate. This is because feedback has been obtained from a mix of individuals and representative organisations, and the various parties have or represent differing interests which must be interpreted.

A table with all of the responses is included as Attachment 5.

### **Options**

Taking into account the trial double bus park layout concept, the road safety audit and the feedback received, the Community Board was asked to deliberate on the three options:

- Option 1 No changes are made to the current layout (do nothing, but recommend that the Parking and Traffic Control bylaw be changed); or
- Option 2 The layout is changed back to the original layout (complete works, no Parking and Traffic Control bylaw change necessary); or
- Option 3 The trial layout consisting of a double bus park outside the library is adopted for twelve months (complete works and recommend that the Parking and Traffic Control bylaw be changed).

The Community Board resolved to recommend Option 1- that Council adopt the current layout and amend the Traffic and Parking Bylaw, and also resolved to request that staff ask the Commercial Operators to provide a suitable bus shelter for patrons. In making the second part of this resolution, it was recognised by the Community Board that provision of a suitable bus shelter cannot be required (i.e. the resolution is to ask only).

### **Changing the Parking and Traffic Bylaw**

Administration consider the proposed changes to the Parking and Traffic Bylaw as meeting the threshold for the criteria of level of public interest as per Councils Significance and Engagement Policy. This is because the proposed change will generate considerable interest and community views that may render the community deeply divided.

Therefore as per the requirements of 156 (1) (a) (i) of the Local Government Act, Council must use the special consultative procedure when amending or revoking a bylaw that meets a threshold within a Councils Significance and Engagement Policy.

Section 83 of the Local Government Act, sets out the requirements of the special consultative procedure. These include the adoption of a statement of proposal by Council, one month of consultation and the provision of a reasonable opportunity for persons to present their views to the Council in a spoken manner before any amendment to the bylaw can be put to Council for adoption.

If the recommendation of the Community Board is adopted, the current situation (i.e. the bus-stop not being covered by the bylaw) will therefore persist during the time this takes.

### **Reason for the recommendation**

The Community Board was asked to recommend a layout for Council to adopt because:

- a) whilst the trial double bus park layout is technically sound and safe, mixed feedback was received; and

- a. the trial double bus park layout is a change in the level of service provided by Council that will advantage a particular group (provision of a double bus space with 30 minute parking, which will benefit bus companies and their passengers); and
- b) the trial double bus park layout is a change in the level of service provided by Council that will dis-advantage a particular group (removal of a loading zone outside the library, which may require changes to library operations);
- c) the choice between layouts involves consideration of public interests better represented by the board than by staff.






The Community Board was also asked to recommend that Council make any necessary change to the Traffic Control and Parking bylaw as this is required to make any selected layout enforceable. No bylaw change is required if the recommendation is to return to the original layout, as this is already included in the bylaw.

### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

The work involves placement of signs, line marking and minor civil engineering works, so the financial implications of this work are not significant. The work will be funded as minor safety works under the Low Cost Low Risk category.

No physical works will be required by Council if the Community Board resolution is adopted, as their recommendation is to adopt the currently marked and signposted layout.

### ATTACHMENTS

1. **Original Bus Stop Layout - A2446508** [↓](#) 
2. **Current Temporary Bus Stop Layout - A2446503** [↓](#) 
3. **Trial Double Bus Park Layout - A2446505** [↓](#) 
4. **Road Safety Audit - A2446502** [↓](#) 
5. **Summary of Feedback - A2446509** [↓](#) 

**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 <a href="#">Council's Significance and Engagement Policy</a>	This report has the potential to trigger high significance depending on the preferred option of Council. Any changes to bylaws would require consultation before they could be enforced.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Parking and Traffic Control bylaw must be changed if necessary to make the selected layout enforceable.
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 Bay of Islands-Whangaroa Community Board's views have been sought and included in this 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.	There are no special implications for Māori.
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.	Local groups, businesses and bus companies have been asked for feedback. Bus passengers are considered to be represented by the bus companies and the wider public by the Kerikeri Residents and Ratepayers Association, Vision Kerikeri and the Community Board itself.
State the financial implications and where budgetary provisions have been made to support this decision.	If required, there is capacity in the Low Cost Low Risk funding category.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report







# Objective Reference: A2446502

## Cobham Road Bus Stop Relocation, Kerikeri

Road Safety Audit  
Concept Design  
March 2019



 **NCC**  
consulting engineers

 Far North  
District Council



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
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### Document Status

Rev No.	Project No.	Author	Reviewer		Approved for Issue		
			Name	Signature	Name	Signature	Date
A		David Spoonley	Mike Sullivan		Mike Sullivan		18/03/19
B							
C							
D							
E							
F							

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## 1. Introductory statement

### 1.1. Introduction

This report presents the findings of a concept design stage safety audit for the relocation of the bus stop on Cobham Road from the south side of the road to the north side of the road. This report considers the safety implications of the proposal on Cobham Road and also the wider implications on the Kerikeri town centre.

The concept design was developed by Far North District Council.

### 1.2. Road environment

Cobham Road is a road linking from central Kerikeri to the eastern suburbs. Traffic volumes using Cobham Road are estimated to be 8500 AADT (2016), as measured by the Mobile Roads website. Heavy Commercial Vehicles is estimated at 5%.

### 1.3. Audit team

The audit team comprised of:

Mike Sullivan (Team Leader)	CPEng, BE (Civil), MIPENZ Director NCC – Consulting Engineers, Whangarei
David Spoonley	BEng, CEng, CIHT MICE Project Manager / Road Safety Engineer NCC – Consulting Engineers, Whangarei

### 1.4. Previous audit

There has been no previous audit on this project.



### 1.5. Audit methodology

This audit has been carried out for Mike Fox, Project Manager, Far North District Council.

The audit follows the guidelines contained within the NZ Transport Agency document "Road Safety Audit Procedures for Projects, Guidelines, Interim Release, May 2013" and is complemented by the auditors' experience with other audits.

This audit should not be regarded as a complete "quality check" of the project. It focuses essentially on safety issues that are considered significant in regard to the proposed design.

The auditors have identified road safety concerns and have made recommendations about corrective actions. Whilst these recommendations may indicate the nature or direction of a solution, they do not provide specific details of how to address or resolve that concern.

Responsibility for the solution of any safety issue identified in this audit remains with the designer.

### 1.6. Project documentation

Far North District Council provided an indicative sketch design included in **Appendix A** for the audit. The project involves relocating the existing bus stop from the south side of Cobham Road outside "Spa and Pool Bay of Islands" further west to the north side of Cobham Road outside Kerikeri Library. This relocation will necessitate buses from SH10 to the relocated bus stop having to circulate the Kerikeri one-way system. The proposal involves no net loss of parking.

### 1.7. Briefing meeting

A briefing meeting was held between the auditors and Mike Fox (FNDC Project Manager) on site on 14 March 2019.

### 1.8. Site visit

The audit team also visited the site on 14 March 2019.

### 1.9. Ranking system

The potential road safety problems identified have been ranked as follows:

The probable crash frequency is qualitatively assessed based on expected exposure (how many road users will be exposed to a safety issue) and the probability of a crash resulting from the presence of the issue. The likely severity of a crash outcome is qualitatively assessed based on factors such as expected speeds, type of collision, and type of users involved.

Reference to historic crash rates or other research for similar elements of projects, or projects as a whole; have been drawn on where appropriate to assist in understanding the likely crash types, frequency and likely severity that may result from a particular concern.

The frequency and severity ratings are used together to develop a combined qualitative ranking for each safety issue using the Concern Assessment Rating Matrix in **Table 1** below. The qualitative assessment requires professional judgement and a wide range of experience in projects of all sizes and locations.

**Table 1: Assessment matrix**

Likelihood of Fatality or Serious Injury	Probability of a Crash Occurring			
	Frequent	Common	Occasional	Infrequent
Very Likely	Serious	Serious	Significant	Moderate
Likely	Serious	Significant	Moderate	Moderate
Unlikely	Significant	Moderate	Minor	Minor
Very Unlikely	Moderate	Minor	Minor	Minor

While all safety concerns should be considered for action, the client or nominated project manager will make the decision as to what course of action will be adopted based on the guidance given in this ranking process with consideration to factors other than safety alone. As a guide, a suggested action for each concern category is given in **Table 2** below.

**Table 2: Categories of concern**

CONCERN	Suggested action
Serious	Serious concern that must be addressed and requires changes to avoid serious safety consequences.
Significant	Significant concern that should be addressed and requires changes to avoid serious safety consequences.
Moderate	Moderate concern that should be addressed to improve safety
Minor	Minor concern that should be addressed where practical to improve safety.

In addition to the ranked safety issues, it is appropriate for the safety audit team to provide additional comments with respect to items that may have a safety implication but lie outside the scope of the safety audit. A comment may include items where the safety implications are not yet clear due to insufficient detail for the stage of the project, items outside the scope of the audit such as existing issues not impacted by the project or an opportunity for improved safety but not necessarily linked to the project itself. While typically comments do not require a specific recommendation, in some instances the auditors may give suggestions.



### 1.10. Decision tracking process

Decision tracking is an important part of the road safety audit process. A decision tracking table is embedded into the report format at the end of each set of recommendations to be completed by the designer, safety engineer and client for each issue documenting the designer response, client decision (and asset manager's comments in the case where the client and asset manager are not one and the same) and action taken.

A copy of the report including the designer's response to the client and the client's decision on each recommendation shall be given to the road safety audit team leader as part of the important feedback loop. The road safety audit team leader will disseminate this to team members.

### 1.11. Disclaimer

The findings and recommendations in this report are based on an examination of available relevant plans, the specified road and its environs, and the opinions of the audit team. However, it must be recognised that eliminating safety concerns cannot be guaranteed since no road can be regarded as absolutely safe and no warranty is implied that all safety issues have been identified in this report. Safety audits do not constitute a design review or an assessment of standards with respect to engineering or planning documents. Readers are urged to seek specific technical advice on matters raised and not rely solely on the report.

While every effort has been made to ensure the accuracy of the report, it is made available on the basis that anyone relying on it does so at their own risk without any liability to the safety audit team or their organisations.

## 2. Safety audit findings and recommendations

### 2.1. Bus Stop Location

The project is to relocate the existing single bus stop currently located outside "Spa and Pool Bay of Islands" to outside Kerikeri Library. Details of the proposal include;

- The removal of 3 existing parking spaces outside Kerikeri Library,
- The creation of 3 parking spaces outside "Spa and Pool Bay of Islands" to replace the existing bus stop,
- The creation of a double (2 x 13.5m) bus stop, time limited to 30 minutes outside Kerikeri Library,
- The removal of one drop off bay outside Kerikeri Library, (time limited to 30 minutes),
- The relocation, but retention outside Kerikeri Library of the existing accessible parking space.

The footway outside the library is of good quality, wide and has some seating, a small amount of shelter is also provided by the canopies of the library. Furthermore, there exists an opportunity associated with the library building to improve facilities in the future for waiting passengers.

When compared with the existing bus stop location, the proposed location is nearer the facilities on Kerikeri Road. The auditors consider that both location and the proposed layout is fit for the purpose. The proposed double length bus stop should eliminate the existing 'double parking' of buses that is currently occurring in the majority, if not all circumstances. The proposed location for the bus stop is shown in **Figure 1**.



Figure 1: Location of proposed bus stop

### Recommendation

No recommendations are made.

Overall Rating: Comment

Frequency Rating: -

Severity Rating: -

Designer Response:

Safety Engineer:

Client Decision:

Action Taken:

## 2.2. Effect on Kerikeri one-way system

Currently buses using the existing bus stop outside "Spa and Pool Bay of Islands" traverse a triangle of roads formed by Hobson Avenue, Cobham Road and Kerikeri Road.

In order to relocate the bus stop outside the library buses arriving from SH10 will have to traverse the existing Kerikeri one-way system to get to the proposed bus stop. This will involve a small increase in journey length and journey time. **Figure 2** shows the existing (in red) and proposed (in green) route of the buses.



Figure 2: Existing (in red) and proposed (in green) route of the buses

The auditors considered the potential safety implications of the buses circulating the one-way system;

- **Traffic volume.** The existing traffic flow on the one-way system is 7-11,000 vehicles per day. The addition of a small number of buses is unlikely to have a significant effect on the operation of the one-way system;
- **Pedestrian/vehicle interface.** The existing one-way system has a speed limit and, from observations on site, a speed environment of 30km/h. There are also several raised platforms to assist in regulating vehicle speeds. At this speed environment a collision between a vehicle and a pedestrian is unlikely to result in death or serious injury;
- **Use of the one-way system by large vehicles.** As it is used by large vehicles to service existing businesses and by buses to reach the Stone Store the existing one-way system is designed for the swept path of large vehicles.

The auditors, therefore, consider that there are no safety implications of the use of the one-way system by a relatively small number of service buses. However, whilst not within the scope of this audit, the auditors consider that there are aspects of the one-way system, particularly the raised platforms that could be enhanced to improve road safety.



Figure 3 Traffic circulating on the existing one way system.

### Recommendation

No recommendations are made.

Overall Rating: Comment	
Frequency Rating: -	Severity Rating: -
Designer Response:	
Safety Engineer:	
Client Decision:	
Action Taken:	

### 2.3. Pedestrians crossing Cobham Road.

It is likely that the arrival of a bus will necessitate pedestrians having to cross Cobham Road, as the passengers change from the bus to other modes of transport.

Immediately east of the proposed bust stop is a crossing point on a raised platform with kerb extensions. (refer to **Figure 4**).



**Figure 4: Cobham Road, crossing point on a raised platform with kerb extensions**

To the west of the proposed bus stop there is the intersection of Cobham Road and Kerikeri Road, at this location there are three zebra crossings (refer to **Figure 5**).

The auditors consider that in this situation, this is a good provision of facilities to enable bus passengers to change to alternative modes of transport.



**Figure 5 : Pedestrian Crossings on raised platforms at the intersection of Cobham Road and Kerikeri Road.**

**Recommendation**

No recommendations are made.

**Overall Rating: Comment**

**Frequency Rating: -**

**Severity Rating: -**

Designer Response:

Safety Engineer:

**Client Decision:**

Action Taken:

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### 3. Audit Statement

We certify that we have used the available plans, and have examined the specified roads and their environment, to identify features of the project we have been asked to look at that could be changed, removed or modified in order to improve safety. The problems identified have been noted in this report.

Signed: 

**Mike Sullivan, BE (Civil), MIPENZ**  
Director, NCC Consulting Engineers, Whangarei

Date: 18/03/2019

Signed: 

**David Spoonley BEng, CEng, CIHT MICE**  
Project Manager / Road Safety Engineer NCC – Consulting Engineers, Whangarei

Date: 18/03/2019

**Designer:**

Name: ...N/A- In house FNDC..... Position: .....

Signature: .....

Date: .....

**Safety Engineer:**

Name: ...Nick Marshall..... Position: Team Leader Northland Road Safety & Traffic Engineering (NTA)

Signature: 

Date: ....Reviewed 27 March 2019.....

**Project Manager:**

Name: ...Michael Fox..... Position: Project Manager Transportation (NTA)

Signature: 

Date: ....Reviewed 27 March 2019.....

**Action Completed:**

Name: ....None required..... Position: .....

Signature: .....

Date: .....

**Project Manager to distribute audit report incorporating decision to designer, Safety Audit Team Leader, Safety Engineer and project file.**

Date: .....15 April 2019.....

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## **Appendices**

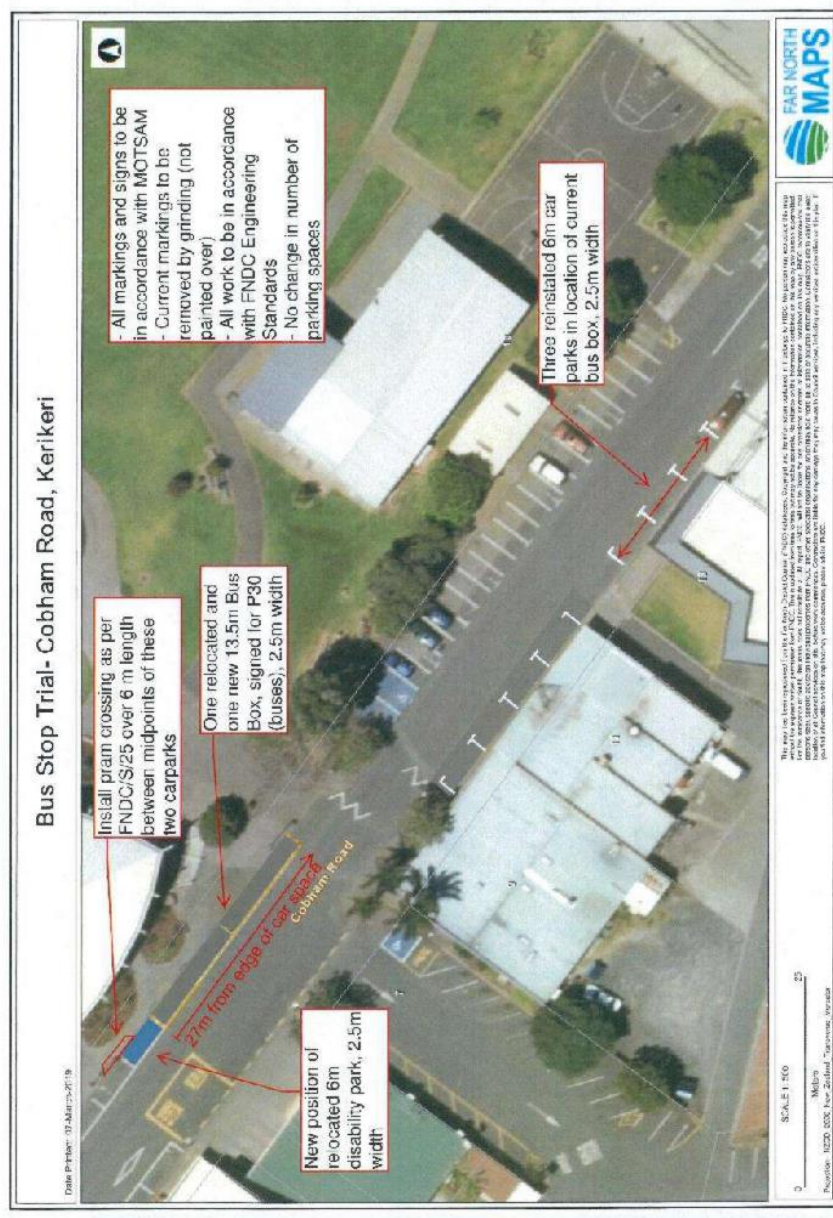
Appendix A: Concept Design Drawing



## Appendix A: Concept Design Drawing

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## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Parts of the Community have been asked for feedback on the proposal to install two bus parks outside the Library on Cobham Road. Feedback in this table includes both that sought by Far North District Council in late 2018 / early 2019, and by the Northland Transportation Alliance in April 2019.

The results are as follow. Blanks response fields are included where parties have been requested for feedback, but no response has been received.

Stakeholder	For / Against Library	Comments	Alternatives
Groups and Elected Community Representatives			
Disability Action Group			
Kerikeri District Business Association			
Kerikeri Residents and Ratepayers Association	Against	<p>The Kerikeri Ratepayers Association asks that a single bus stop be relocated back in its position prior to the fire at the laundromat.</p> <p>We do not support the creation of a new double length bus stop on the other side of Cobham Rd, due to the loss of car-parking spaces in an area in high demand for car-parking by users of the Domain facilities. We do not agree with forcing people to park at distance from the Domain, and to have to cross the road to reach the playground, the domain or to use the public toilets. DO NOT displace those car-parks. If there is no need for the loading zone, then we propose you convert that area into more on-street parking in close proximity to the community facilities in the Domain.</p> <p>The dedicated bus stop is not well utilised, rather it is infrequently used. Rather than there being a great need for additional dedicated (exclusive for bus use) bus stops, we urge you to liaise with the few bus-operators that do service Kerikeri, to ensure better time-tabling so that their buses are not arriving at the same time, but so that their arrival and departure times do not overlap (requiring just one bus stop, and not two).</p> <p>The bus stop is also not a 'bus-depot', where a bus can park up for some lengthy time, waiting till their next</p>	Single Bus stop outside 9 and 11 Cobham Road

## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Stakeholder	For / Against Library	Comments	Alternatives
		trip. As a bus-stop, it should only be in use to pick-up and drop-off passengers – not to have buses parked up for a long time. There is ample room further down Cobham Rd (or at the Turners Centre) for buses to park – between journeys, that do not require 'dedicated' (exclusive) road markings for buses, that preclude other road uses from parking there.	
Vision Kerikeri	Against	<p>It is Vision Kerikeri's view that the proposed relocation would be at best a stop gap measure, and would create as many problems as it might appear to solve. The focus should be on determining a long term solution, the establishment of a coach stop or depot that will meet current and future demand, and we are aware that a number of proposals have been made in this regard.</p> <p>The short term safety issue, caused by buses double-parking at the existing stop, should be addressed simply by requiring the bus operator(s) to instruct their drivers that they must comply with road rules and to desist from the practice. It ought not to be too big a demand on the companies to 'stagger' arrival and departure times to maintain some separation between buses.</p> <p>The proposed new location, outside the Proctor library, would require buses to drive around the already congested one-way system. The footpath is quite narrow for much of the length of the proposed stop and alongside the proposed new disabled space, which is likely to result in damage to the established plantings and to create congestion outside the entrances to the Citizen's Advice Bureau and the Community Meeting Room.</p> <p>The only shelter from rain or sun available to passengers, and others awaiting bus arrivals or departures, would be outside the entrance to the Proctor library – even a small number of passengers and their</p>	

## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Stakeholder	For / Against Library	Comments	Alternatives
		<p>luggage would present difficulties and inconvenience for library users.</p> <p>The loss of one of the few loading zones in the township is not desirable, and would presumably be of greatest inconvenience to the library's regular receipt and dispatch of books.</p> <p>There is no doubt a public good element to the provision of road transport services, but it is primarily a commercial operation. The majority of the cost of establishing and operating a dedicated bus depot should therefore be carried by the commercial operators.</p>	
Ward Councillor	Against	<p>Loss of high use parking spaces near CBD and reduced accessibility for library and information centre services</p> <p>Council has no obligation to provide bus transfer facilities in road reserve, especially for commercial (non contracted) operations</p>	
Community Board Member	Against	<p>Net loss of car park spaces totally unacceptable</p> <p>Council has no obligation to provide bus transfer facilities in road reserve</p> <p>There has only ever been one bus stop so no need for two</p>	
Community Board Chair	Against	<p>Council has no obligation to provide bus transfer facilities in road reserve</p>	<p>Bus company used to have an off road depot near town that they used for transfers. Why can't they re-establish.</p> <p>69 Cobham Road (Recreational vehicle dump site) offers potential for lease by bus companies. Council could consider assisting with a toilet / shelter</p> <p>Kerikeri Road has 4 little used spaces opposite SPCA but no</p>

## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Stakeholder	For / Against Library	Comments	Alternatives
			facilities
Premises in the immediate area			
3 Cobham Road.			
5 Cobham Road			
7 Cobham Road			
9 Cobham Road			
11 Cobham Road			
13 Cobham Road (Spa and Pool)	For	Extremely supportive of this. The sooner this can happen the better as I think a bullet has been dodged here in that no serious accidents or injury have occurred.	
15 Cobham Road			
4 Cobham Road			
6,8 Cobham Road Proctor Library Staff Toy Library CAB Staff	Against	<p>Would lose 5 spaces on the library side, not 3. Net loss is 3 car parks</p> <p>Loss of optimal location for heavily used disability park</p> <p>Relocated disability park likely to be difficult to use and taken by non disabled</p> <p>Reduced access for elderly or customers with children due to loss of high use car parks</p> <p>Kerikeri parking is at a premium</p> <p>Lack of space for library service users already pushing overflow parking into designated staff parking spaces</p> <p>Loss of loading zone for couriers frequently delivering heavy goods</p> <p>Overall health and safety including visibility and road crossing issues between buses</p> <p>People and baggage congestion around the library side and front door</p>	<p>Using the parking bay outside of the public toilets further down the road. Although this would result in a higher net loss of parking spaces than the current proposal, it would move the bus parks off the main roadway and solve many of the potential issues regarding health and safety, and reduce congestion issues around the library plus there is seating and toilet access very near this area.</p> <p>Having one bus park on this side of the road rather than two (and perhaps retaining the current stop also?). The proposal for two adjacent bus parks is felt to be potentially less effective at</p>

Stakeholder	For / Against Library	Comments	Alternatives
		<p>No luggage or seating facilities (particularly in poor weather)</p> <p>Loss of Toy Library users due to reduced accessibility. Given this has charitable status, the proposal is not community-oriented</p>	<p>controlling traffic and reducing congestion than planned but if there is a definite need for two this may be more effective. Alternatively, perhaps the first two parks before the disability park could be turned into 10 minute parks, and this (along with the disability park when not in use) could form a secondary overflow bus park instead of having two parking spaces.</p> <p>Other locations to be suggested are: BP gas station as is common in many smaller townships, the parking spaces in front of McDonalds (potentially commercially attractive for McDonalds and less FNDC oversight required?), behind or in front of JBC although I believe there is development occurring behind this site(?), the bowling club, the short-time parks close to the Post Shop, and the pump-out station site for motorhomes past Great Northern Traders.</p> <p>1. Getting the bus companies to timetable their pickups and drop-offs so only one park is needed – not sure how feasible this is but according to the intercity website there should be very few overlaps so perhaps this could be looked at.</p>
Far North District Council and Northland Transportation Alliance Roding/Parking Staff			
Corridor Access	For	Near to CBD and facilities	Previous bus companies had a depot

## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Stakeholder	For / Against Library	Comments	Alternatives
Engineer		Procter building offers shelter under verandahs	off Inlet Road that they used for bus parking and transfers (like Kaikohe does) Knows bus operators sometimes share off road premises Norfolk Place, off Mill Lane Also knows that bus drivers have dropped off and gone around the block to park for mandatory breaks
Area Roading Engineer	Neutral	Only available shelter is entranceway to the library Concern about funding work	
Parking Team Leader	Against	Buses would need to negotiate the one way system's turns and intersections There is continuing congestion problem with large buses in the CBD	Provide an area away from the CBD to free up much needed parking in the centre of town A dedicated bus stop / transfer area could invite a small business opportunity
Parking Warden	Against	<ol style="list-style-type: none"> <li>Will increase congestion with large vehicles on one way system</li> <li>Space too precious to have empty for long periods</li> <li>Parking close to CBD in high demand</li> </ol>	<ol style="list-style-type: none"> <li>Kerikeri road. Just past the Kings road intersection on the northern side of the road are 4 xP120 spaces that are seldom utilised and that have not monitored timewise. This would provide a safe drop off for passengers coming from Auckland, is close to accommodation providers, supermarket etc yet far enough away from the main traffic density. On the southern side of the road there are currently 7 spaces marked with no time restrictions showing. And could be the drop point for the Kaitaia bus who could wait until the Auckland bus departed via the Heritage bypass and</li> </ol>

## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Stakeholder	For / Against Library	Comments	Alternatives
			<p>Waipapa to utilise kent rd to turn around pick up any North bound passengers and depart. Downside is no shelter or toilets.</p> <p>2. 69 Cobham Road (Recreational vehicle dump site). Buses access as they do now via Hobson ave, but do not congest traffic by stopping in the CBD. Brings parking back for shoppers in central CBD. There is an extensive space for Buses to turn around and opportunity for Intercity to fund a bus stop as the pumping station for waste removal is already on site. And a simple shelter. Less likely to promote littering as no close takeaways compared to the current Cobham rd location.</p>
Other Far North District Council Staff			
Manager Community and Customer Services	Against	<ol style="list-style-type: none"> <li>Issues with parking all around the Library area. One of the things customers complain about most</li> <li>Car parks are well used (easy access to CAB, Community Meeting Room etc.)</li> </ol>	
Team Leader Resource Consents	Against	<ol style="list-style-type: none"> <li>Agree with Manager Community and Customer Services</li> <li>A petition was submitted some time ago for a pedestrian crossing outside the library</li> <li>Potential for swept path conflict between Fire Trucks and Buses / Passengers</li> </ol>	
Northland Regional Council Staff			
NRC Transport Project Officer	Neutral	<ol style="list-style-type: none"> <li>Supportive of any decision Council wishes to make</li> <li>NRC only look after a couple of smaller operators</li> </ol>	<ol style="list-style-type: none"> <li>Any transfer area on the outskirts of the CBD would not affect</li> </ol>

## Attachment 5: Summary of Feedback on Cobham Road Bus-stop

A2446509

Stakeholder	For / Against Library	Comments	Alternatives
		<p>using 12 seater vans so no issue with existing stop</p> <p>3. Would welcome increase in bus stop size to allow increased services</p>	existing public bus services which use smaller (12m) buses and do not transfer passengers. Their destination is Kerikeri CBD so they would need the existing bus stop to remain outside Spa and Pool for that purpose
<b>Bus Companies</b>			
Buslink			
Clarks Coachlines			
Fullers			
Intercity	For	<p>We support and would be fine with the double decker buses being routed through Kerikeri's one way system to use the bus stop outside the Proctor Library on Cobham Road. We thought that this was no longer on the table but is our preferred option as long as there is space to fit our two buses at any given time. The current stop you know is a H &amp; S issue with the buses unable to park close to the kerb due to the overhang of the terrace. This means that the passengers have issues getting on and off the buses.</p>	
Ritchies	For	<p>Ritchies Buses support any options which relocate stop (or stops) to outside the library</p> <p>Drivers of minibuses from Kaitaia park off-site when not transferring passengers</p>	

## **7 KAIKOHE-HOKIANGA COMMUNITY BOARD**

### **7.1 BASKETBALL COURT PROJECT - MEMORIAL PARK, KAIKOHE**

**File Number:** A2515853

**Author:** Robert Willoughby, Community Development Advisor

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

#### **PURPOSE OF THE REPORT**

To seek approval from Council to build the asset when sufficient funding has been secured.

#### **EXECUTIVE SUMMARY**

A proposal by residents requesting a basketball court on Memorial Park in Kaikohe was received in 2018. The Kaikohe Community Youth Charitable Trust (KCYCT) was formed to raise funds to build the Basketball Court. Quotes from two parties have been obtained. The estimated cost of the project is \$100,000. To date the Trust has raised \$72,000, a shortfall of \$28,000.

A preferred location for the asset has been agreed and Council confirms there are no consenting requirements. The Trust has asked Council to manage the project, and the Trust would like Council to maintain the asset in perpetuity.

Legal opinion confirms that the asset will automatically vest in Council by virtue of being on the reserve.

This report recommends that Council build the asset when sufficient funding has been secured.

The Kaikohe-Hokianga Community Board considered this report at their meeting on 5 June 2019 and makes the following recommendation to Council.

#### **RECOMMENDATION**

**That**

- a) approval be given to construct a basketball court on Memorial Park reserve once the Kaikohe Community Youth Charitable Trust has secured sufficient funding.**
- b) Council staff manage the project using funds received from the Kaikohe Community Youth Charitable Trust.**
- c) sufficient operational funding be allocated in the 2020/21 Annual Plan and subsequent Long Term Plans to maintain, insure and depreciate the asset.**

#### **1) BACKGROUND**

A public petition of 1500 signatures to the Far North District Council requesting a basketball court on Memorial Park in Kaikohe was received in 2018. The cost of the project has been quoted at \$100,000. The Kaikohe Community Youth Charitable Trust was formed to raise funds to build the asset. To date the Trust has raised \$72,000 from the following donors:

Oxford Trust	30,000
Pub Charity	10,000
Kaikohe-Hokianga Community Board	20,000
Northland District Health Board	5,000
Te Kotahitanga e Mahi Kaha Trust	5,000
Ngapuhi Runanga	1,500
New World Kaikohe	500
Total Raised	72,000

There is a short-fall of funding.

Council and KCYCT have agreed a preferred location for the court and Council staff confirm that there are no consenting requirements. Memorial Park does not have a reserve management plan in place. There is therefore no restriction on the placement of an asset such as this.

A concept plan has been developed by the community, led by AKAU, to articulate the design, size and structure of the court and the surrounding area.

KCYCT wants Council to manage the project and own and maintain the court once it is completed.

## **2) DISCUSSION AND OPTIONS**

### **Project management, ownership and responsibility for maintenance**

Council automatically becomes the owner of the asset once it has been constructed on a Council reserve. Operating costs have been estimated at \$5,000 per year including maintenance, insurance and depreciation.

Assuming that the asset will be constructed in 2019/20, operating costs will not arise until 2020/21. These costs will therefore be included in the 2020/21 Annual Plan and subsequent LTP.

Should the project go ahead, Council will need to manage the construction of the asset to ensure it is fit for purpose, constructed to the required standard and safe for users.

### **Funding shortfall**

KCYCT are \$28,000 short of the quoted cost. The Trust itself has sought the quotes the funding target is based on. Since Council will project manage and own the resulting asset, it is necessary for Council's procurement process to be followed and therefore more work done on securing quotes to lay the foundation. Two quotes have also been received for the astro-turf and court fitout element. Foundation costs seem to vary depending upon the locality of the contractor. It is possible that the cost for foundation could be reduced.

Options are:

**Option 1 (preferred):** Work with KCYCT to review the quoted cost using Council contractors. The Trust has received two quotes. Given the cost variances between them a third quote is being sought. Staff recommend the asset should not be built until the funding streams have been secured.

**Option 2:** KCYCT continues its fundraising efforts and works with Council to phase the project so that funds already raised can be put to use. Although this mitigates the risk of having to repay donor funds, Council faces the possibility that the Trust is unsuccessful in raising the rest of the money, leaving Council with the cost of completing the build.

### **Approval to construct the asset on Memorial Park Reserve**

The Community Board does not have the delegated authority to approve construction of the asset on a reserve. Therefore, Council approval needs to be sought.

### **Reason for the recommendation**

The project is recognised by Council as an excellent place-making initiative that will attract substantial use by the youth of Kaikohe and visitors. The community has done a good job of raising a significant amount of funding and is close to target but requires more time to get to their goal.

Since the asset will be owned and maintained by Council it is important that Council's procurement and construction processes be adhered to. For this reason the recommendation is to proceed only when Council-approved quotes have been received and sufficient funding has been confirmed.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Assuming that the asset will be constructed in 2019/20, operating costs will not arise until 2020/21. These costs are estimated at \$5,000 annually to cover maintenance, insurance and depreciation will therefore be included in the 2020/21 Annual Plan and subsequent LTP.

The capital to build the asset will be provided to Council from KCYCT.

### **ATTACHMENTS**

- 1. AKAU Kaikohe Basketball Report - A2515837**  

### 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 <a href="#">Council's Significance and Engagement Policy</a>	The project holds a high level of significance for the youth of Kaikohe to engage in positive recreational activity. Urban basketball is a growing sport with increasing participation rates.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The projects sits well as a place making activity for Kaikohe and fits within the social development goals of the Kaikohe Community Plan to engage youth in developing programs and activities for their community.
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.	<p>The Kaikohe-Hokianga Community Board supports, in principle, the proposal to install a basketball court to Memorial Park, Kaikohe at no cost to Council (excepting potential funding grants), subject to</p> <ol style="list-style-type: none"><li>i) All funds for the project being secured by 1 December 2018 (subsequently reviewed to 1st April 2019).</li><li>ii) The final location and design being approved by the board and subject matter Council staff</li><li>iii) Funds for maintaining the court until the next Long Term Plan budget (2021-31) is set are provided by the petitioner</li></ol> <p>b) The Board notes that the petitioner will work with Council staff to meet legal and safety requirements regarding this project.</p>
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.	There are no foreseen implications for Maori. The project is supported by Ngapuhi Runanga who have contributed to the project
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration	The basketball court will be constructed at the recreational end of Memorial Park. No encumbrances to access are foreseen. Kaikohe Police have been engaged in the project and support its purpose and

to their views or preferences.	outcomes. The area is under regular surveillance.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications until the 2020/2021 where budget provision will be provided for in the Annual Plan and subsequent LTP.
Chief Financial Officer review.	The Chief Financial Officer (Acting) has reviewed this report.





ÄKAU

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# About the ĀKAU Foundation

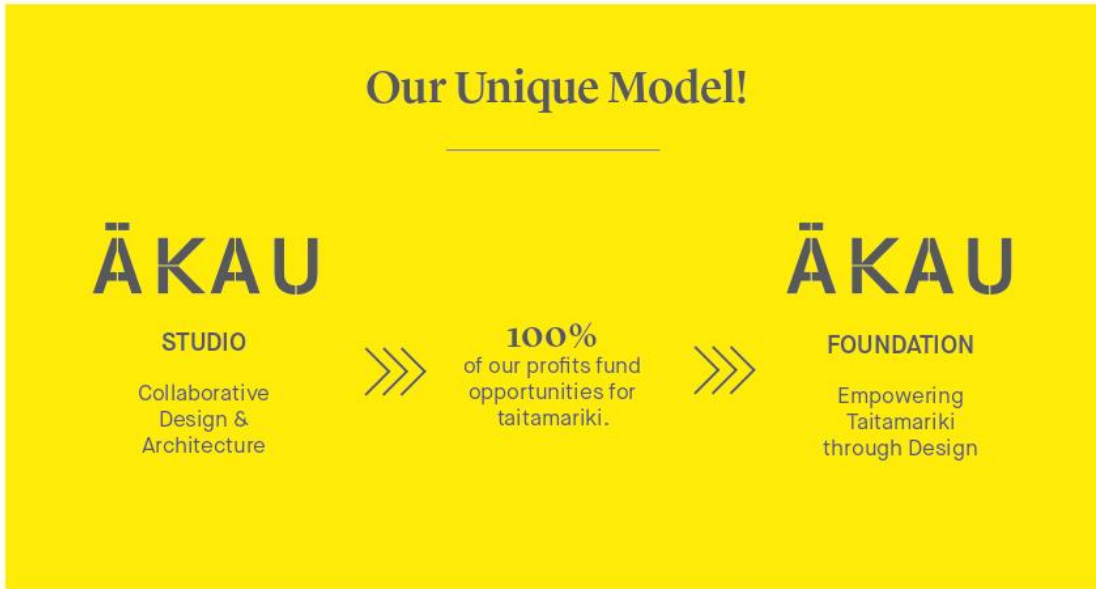
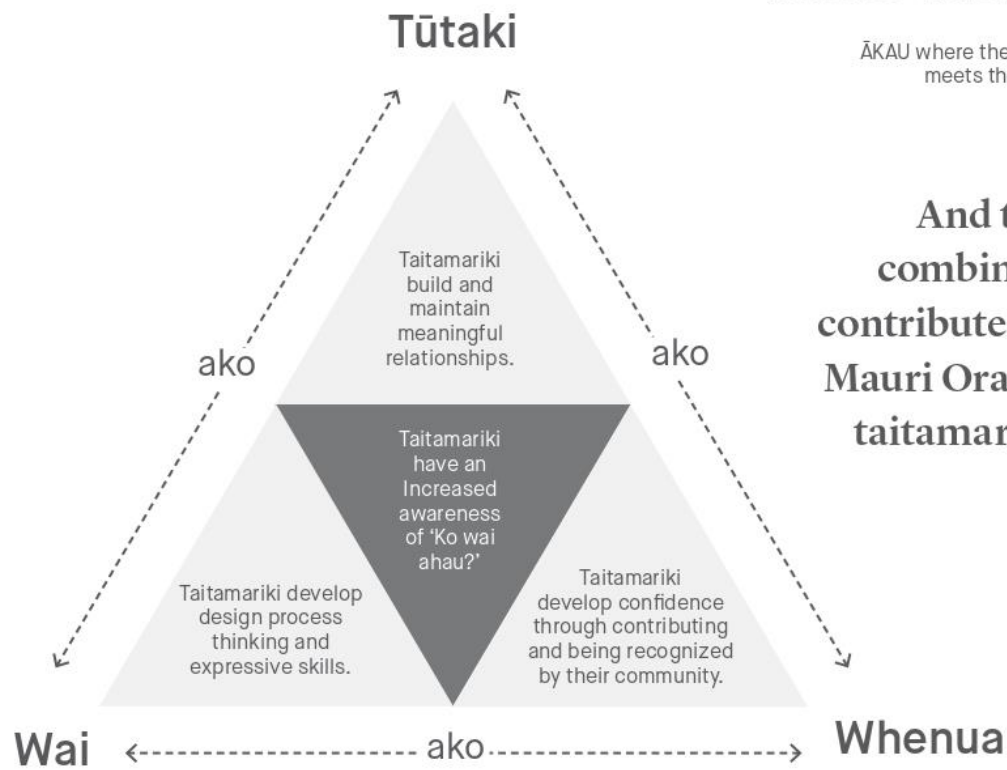
We value the ideas young people have for making their environment more awesome. By using design to engage taitamariki we hope to walk alongside them from exclusion, to inclusion, to greatness.

The ĀKAU Foundation strives to empower taitamariki around Aotearoa to feel more connected and creative so that they can navigate the future with confidence. We help taitamariki recognize and harness the creativity of their tupuna by involving them in tangible projects that have real impact for taitamariki, their whānau and their community.

The Foundation is connected to the ĀKAU Studio which is a unique design and architecture practice that places people and community at the heart of our projects. Profits from the Studio help fund more opportunities for young people.



Through ĀKAU...



# About the ĀKAU Studio

ĀKAU is a unique design and architecture practice that places people and community at the heart of our projects. Our intention is for every project to create positive impact beyond its built outcome.

We see ourselves as a connection point between client, consultants, taitamariki and the wider community. We value a collaborative design approach because this allows us to engage with communities in an authentic way. As a result, project outcomes are more meaningful, appropriate and speak of the people and place in which they are built.

Our team is made up of architects, interior designers, graphic designers and artists. We offer complete architectural services, taking projects from the seed of an idea to completed construction. We can deliver all stages of projects including community engagement, concept design, construction documentation and building contract administration.

The Studio work's alongside the ĀKAU Foundation ensuring taitamariki are engaged in the design process of each of our projects.

ĀKAU is a social enterprise and 100% of our profits support the ĀKAU Foundation.

# About the Project

## PROJECT OUTLINE

This project has been driven by the local community and is currently being led by Renee Reilly.

“In 2017 the New Zealand Breakers offered a local Kaikohe school the opportunity to play the curtain raiser basketball game at the North Shore Events Centre. We traveled to Auckland and stumbled across the ‘Boroughs Project’ - full sized outdoor basketball courts, free for the community to utilise with free Wi-Fi included. The kids of Kaikohe decided WE NEED THIS in our community!”

ĀKAU were engaged to assist on this project to develop an overall vision for the site encompassing the dreams, aspirations and stories of the community. The original scope was thought to include the following:

- New full size Outdoor Basketball Court with Acrylic court finish.
- Tables, seating, rubbish bins, shade elements, water fountains etc.
- Reinvigoration of Skate-bowl.
- Consideration of Links to surrounding areas and amenities.

# Concept Design Workshop

The desire to engage whānau and community is key to leading a successful community focused design project such as this kaupapa. For this reason the ĀKAU Foundation engaged taitamariki in the design process for this proposed community led development.

**WORKSHOP DETAILS**  
31st January, 2019  
10am - 3pm

**WHO:** 8 Tamariki from local basketball teams, 7 Community members with an interest in basketball and the development of the community.  
**Russell Cooper** (WSP-Opus), **Tukaha Milne**, **Ana Heremaia** & **Matenga Ashby** (ĀKAU).  
**WHERE:** ĀKAU Studio, Kaikohe & the proposed site for the Basketball Court.

The following is a summary of the taitamariki and community design outcomes from the workshop.



# The Process

## DESIGN CHALLENGE

To develop design concepts for the Kaikohe Basketball Court that reflects stories and concepts reflective of Kaikohe, its culture and community.



### 01 SHARING KNOWLEDGE

Russell from the WSP-Opus team inspired the taitamariki with innovative designs of recently built basketball courts all over the country that takes a simple lined court and turns it into an impressive community feature. The workshop participants used this new found knowledge to create graphical and visual concepts that connect all of the spaces in Kaikohe together.



### 02 SITE ASSESSMENT

After the project brief was outlined to the participants our taitamariki explored the site and identified its' strengths and opportunities. Some of the strengths were identified as large amounts of free space and trees for shelter from weather conditions. Some of the weaknesses were being too close to the WINZ, Child Youth and Family Buildings. The skatebowl was seen as potentially hazardous due to its steepness and a lack of whanau areas.



### 03 EXPLORING KO WAI AHAU

Part of the way Akau does things to inspire creativity is to have them design spaces using ko wai ahau - who am i. This exercise is a way to understand what people value and draw from the common themes that arise from all of the individuals in the room.



### 04 DEVELOPING CONCEPTS

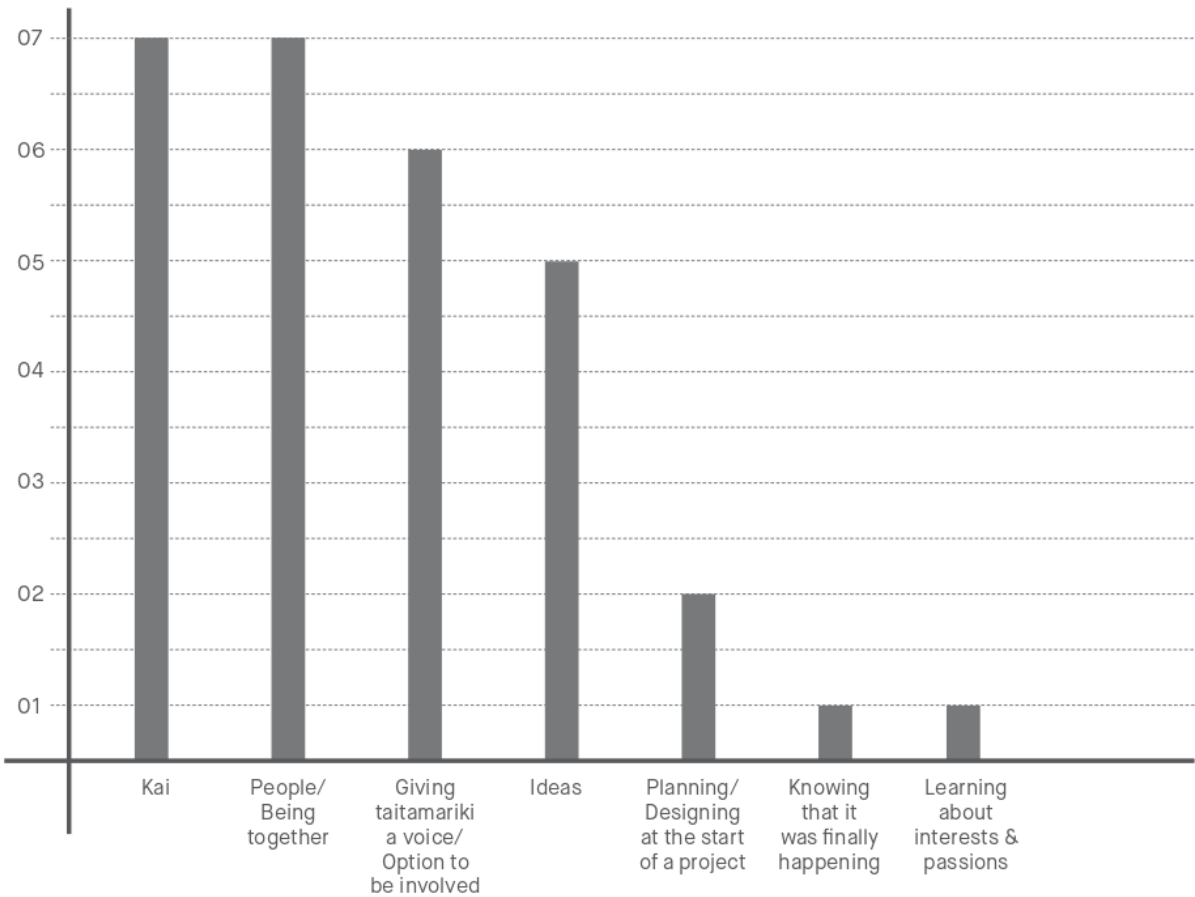
In groups the tamariki and community members focused on aspects that were important to them when in a public sharing space. They developed their concepts based on ko-wai-ahau in context to their kainga. This phase really pushed our taitamariki outside their comfort zone but it was AMAZING seeing how they all translated their ideas into a visual format.

# Taitamariki and Community Outcomes

01 WHAT DID TAITAMARIKI SAY THEY LOVE ABOUT THE WORKSHOPS?

“ I enjoy basketball and I wanted to be a part of this.

~ Taitamariki Workshop Participant  
Age 15



02 WHAT DID TAITAMARIKI SAY THEY LEARNT DURING THE WORKSHOP?

- Being open minded
  - Thinking outside the box
  - Getting thoughts and ideas out
  - Different ways to design
  - Meeting new people
  - Modelling
  - Designs
- Size of court/dimensions
  - The design process
  - How to utilize and consider an outdoor space
  - How things can be purposeful for our rangatahi, community and whanau

03 HOW DID TAITAMARIKI FEEL ABOUT BEING GIVEN THE OPPORTUNITY TO CONTRIBUTE TO THIS PROJECT?

88% COOL!  
12% OK!  
0% STINK!

- WHY?
- “Our community doesn’t really have things so this is cool to do”
  - “Feels like we were giving back”
  - Community involvement
  - Different and informative
  - “Because of the outcome”
  - “Coming up and letting people know what the community may like”
  - “Increased understanding”

“ It was cool because we were all on the same waka.

~ Taitamariki Workshop  
Participant, Age 16

04 DID TAITAMARIKI HAVE FUN? AND WHY?

100% YES!  
0% NO!

- WHY?
- Seeing Rangatahi work together
  - Whanau oriented
  - Hanging with friends
  - “Got to see my basketball family”
  - “Because I’m passionate about basketball”
  - “Dreams come true”
  - “Creating and drawing”

05 WHAT COULD WE DO BETTER NEXT TIME?

- Dream boards to take home
- Find more people and include them
- Not stand out in the sun too long when doing site visits

# Taitamariki

## Site Assessment



Taitamariki assessing the site.

- 01

WHAT THINGS WORKED WELL IN THE SPACE?

- Plenty of trees for shade
  - Huge grassy area to run around
  - Close to food/Mcdonalds
  - Good place to hang out with friends
  - Open community area
- 02

WHAT THINGS ARE NOT SO GOOD ABOUT THE SPACE?

- The new extension to the skatebowl is too steep for our taitamariki, collects rubbish and is used for things other then skating/biking. Use your imagination (!)
  - Not many whānau areas to sit down together.
  - Public toilets are too far from the park itself (McDonalds)
  - Lack of seating
- 03

WHAT ARE SOME THINGS THAT COULD BE INCLUDED IN THE SPACE?

- Whānau oriented
  - FUN (whanaungatanga)
  - Welcoming and open
  - Multi-purpose and functional
  - A space that helps to develop taitamariki
  - Basketball Court at an international standard
  - Cultural element/ Pride
  - Inspirational space
  - Utilised by more local people
  - Water fountain
  - More shade
  - Fences/ball guard
  - Storage area and ball pumps
  - Exercise equipment
  - Seating/benches
  - Bike stands
  - BBQ Area
  - Score system



Community leaders developing their ideas!

# Taitamariki and Community Design Concepts

The following are key concepts that came from the design process facilitated with community members.

## 01 WHĀNAU FIRST

This was a common theme throughout the activities and steered a lot of the conversations throughout the day. The concepts developed by our taitamariki and community members had a central heart space dedicated to whānau to be able to come together. This central space allowed whānau to eat, play, hangout and train together while having a view to all the adjacent areas. This is not only for safety but to also retain the sense of inclusion that they are all there, enjoying their time together.



The central element of this concept designed by local young people features a central whānau BBQ area.



Taitamariki developing their concepts with the help of some professional advice from OPUS.

## 02 OPEN SPACE

During the design workshop, taitamariki indicated that one of the highlights for them after a visit to the site was the sense of open space. The wide-open space they believe contributed to be the space being welcoming, inviting and positive. Design elements were to enhance this and not to detract from it, which led to the placement of bench seating, storage of personal belongings and also included the design of a back netting (to stop balls from damaging vehicles or the hassle of retrieving balls from car parks adjacent) as well as the flow of the foot paths all of which must consider utilizing materials and design which is functional whilst not detracting from the free flowing open space.



# Taitamariki and Community Design Concepts

## 03 GRAPHIC FEATURES

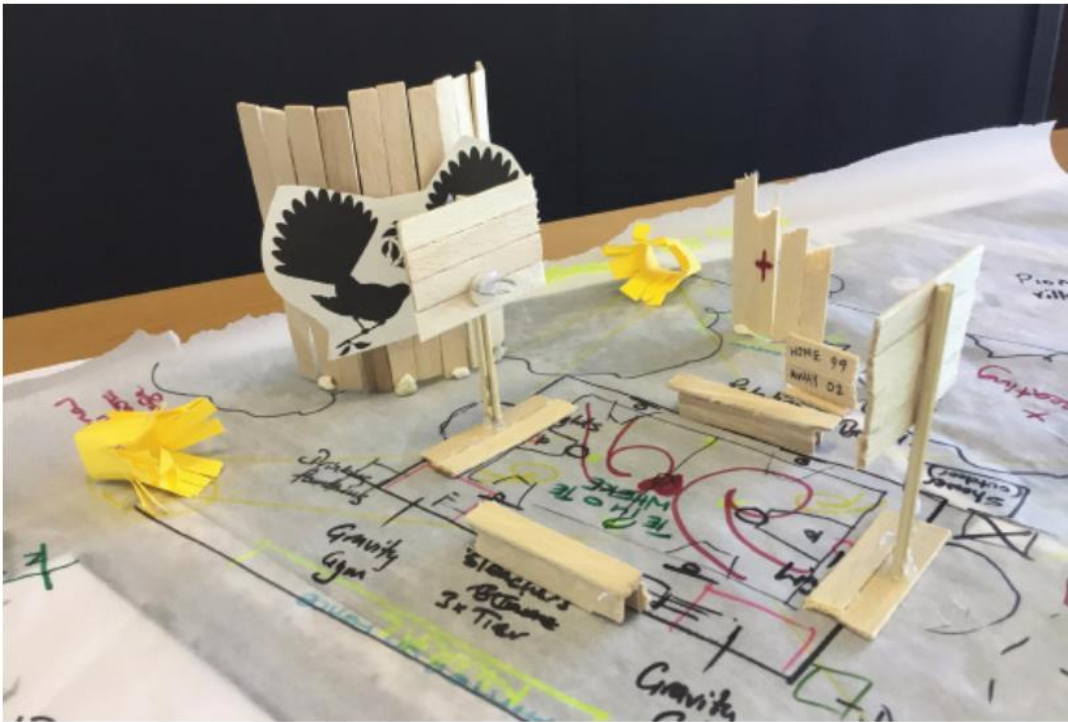
The tai tamariki and whānau participating in this workshop were keen on integrating graphic design and art into the design of the basketball court as well as the surrounding features and amenities.

There was a few ideas discussed and at the heart of the discussions the tai tamariki were in agreeance that the design needed to be reflective of them and their identity. Although no definitive conclusion was agreed upon as to exactly what that would be there were some common themes:

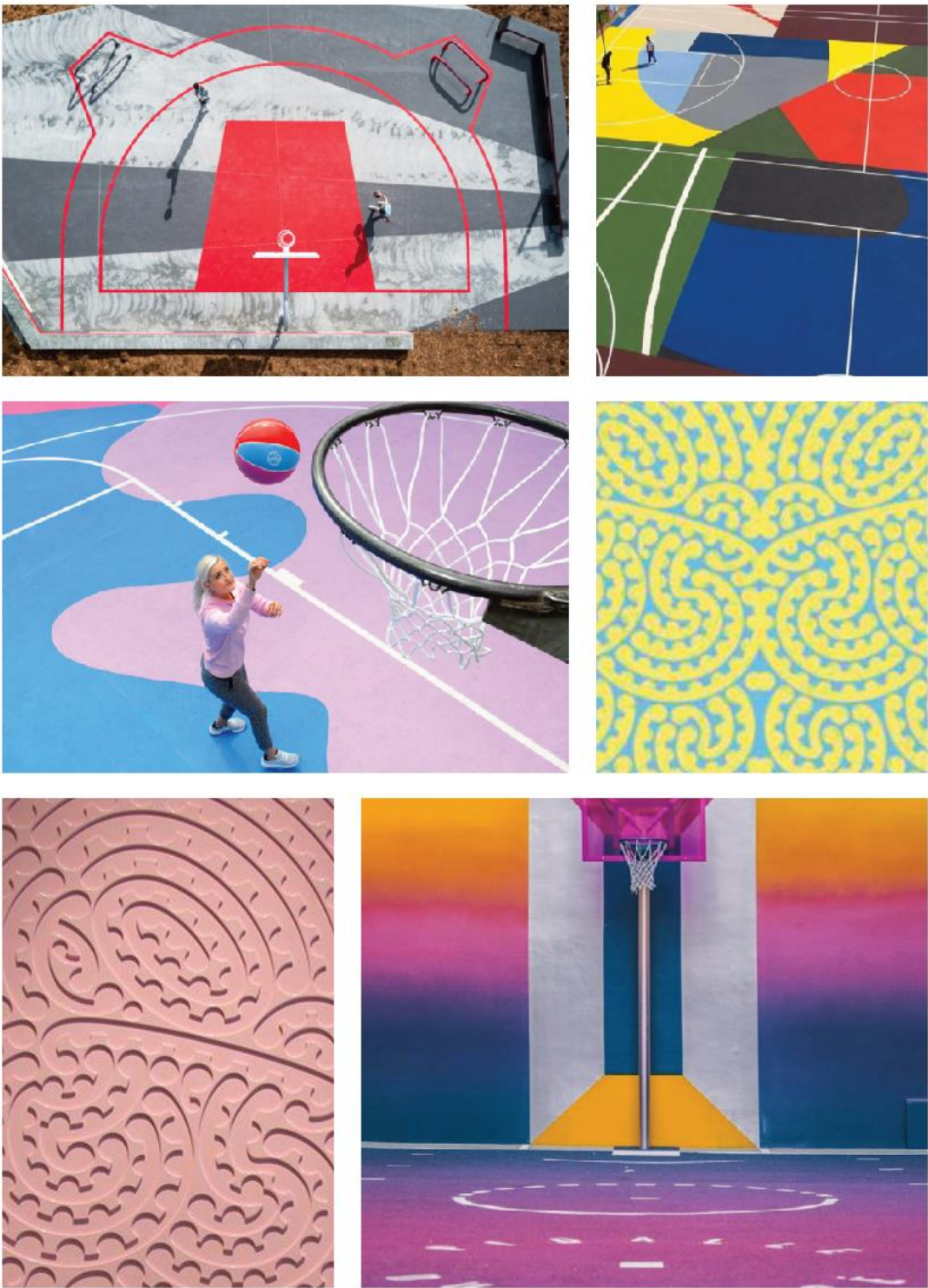
- Nature inspired e.g. birds, animals, trees etc...
- Contemporary Māori art inspired
- Bright vibrant colors
- Minimalistic but eye catching.



Some of the explorative basketball court designs by taitamariki.

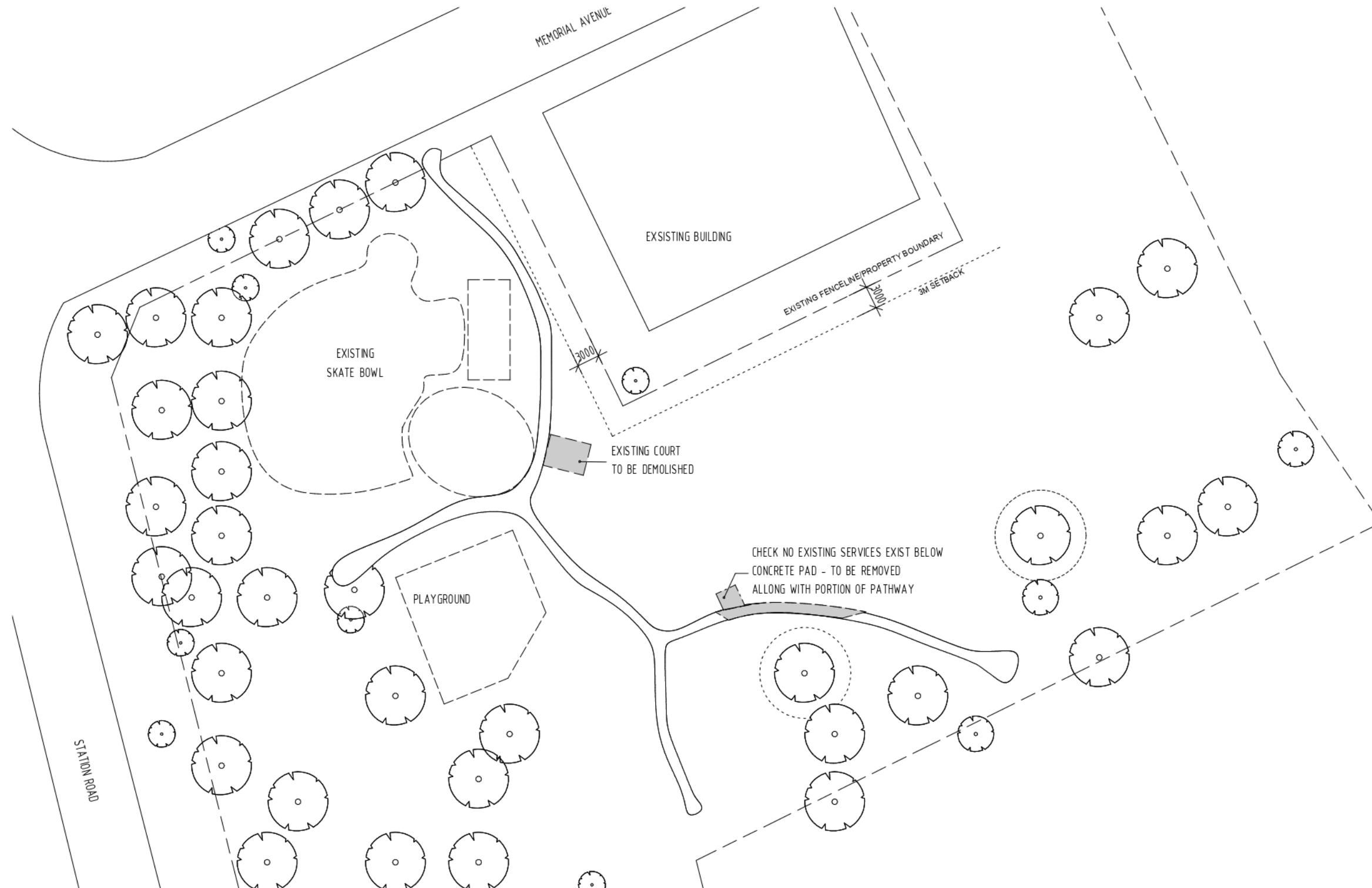


# Inspiration!



# Existing Site Plan

SCALE 1:1000@A3



# Proposed Site Plan

SCALE 1:1000@A3



# Proposed Plan

SCALE 1:200@A3



# Design Elements

## 01 BASKETBALL COURT

### Orientation

During the workshops it was discussed at what times the court would mainly be occupied. Taitamariki decided that they would predominately use the court after school into the evening. The location and direction of the court has been positioned to avoid direct sun at either ends of the court during this time so as to not interfere with people shooting.

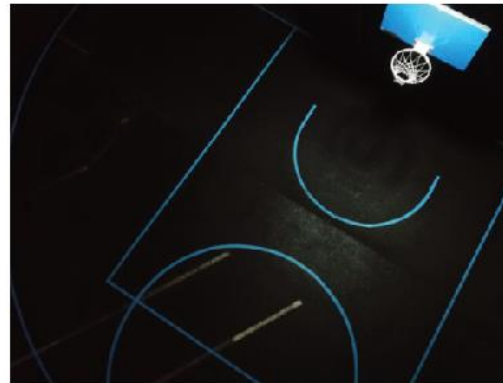
### Lighting

Taitamariki said they would love to play Basketball late into the evening and considered all sorts of lighting from glow in the dark court lines, glow in the dark hoops and more standard lighting fixtures. As a community the decision for lighting needs to be considered, as lighting up areas can have both negative and positive impacts.

### Graphics

The integration of dynamic graphics was a desire during the workshop. We imagine this would be developed in the next phase of this project and could be a collaboration between local artists and local taitamariki.

This is one example of how we can further develop the concept of 'whānau first' through the design. A ponahi design with its central spiral anchored in the centre of the whānau area. Unaunahi pattern flowing out from this space representing movement, growth and aspiration of our people.



One lighting solution could be the solar powered ParkLight which is fitted to Basketball Towers to allow for play after dark.



Graphics can be installed to most outdoor basketball court applications.



## 02 WHĀNAU SPACE

### Orientation

This space would be located central to the design to enable a connection between all areas of the park.

### Features

Taitamariki imagined this would be a place for BBQ's, shared kai and general hang out space.

### Shade

It is important that this space would incorporate shade which could include natural tree shade as well as picnic tables that had a space to BYO picnic umbrellas. It was noted that whānau do not like the monolithic concrete style picnic tables so other options would need to be explored.



No concrete eating tables here thanks!

## 03 BENCH SEATING

Custom Bench seating would be used throughout the whānau zone and around the Basketball Court. This would be a combination of single tier as well as multiple tier seating around the basketball court for bigger community matches.



The whānau area would incorporate curved elements and a central focal area.

## 04 CUSTOM BALL SCREEN

The adjacency of the Basketball court to Work and Income NZ can be resolved by a combination of planting and a sculptural ball screen to provide a barrier between this court and this space. This concept will be developed further in the next phase of this project.

## 10 EXISTING PATHS

We have utilised existing paths but one concept derived from taitamariki was to have a consistent graphic spiraling from the centre whānau space out to the skatepark, pathways and basketball court. Graphics could be paint applied, poured resin or other.



Resin Surfaces are the provider of premium decorative, architectural and coloured surfacing solutions.

## A hand-drawn sketch of a building with a sign that reads "PATIENTS ON PENNSYLVANIA FINES" and "DIFFERENT COURTESY FROM EACH SIDE". The building has a simple rectangular shape with a small window. To the left of the building is a small tree and a person sitting on a bench. The drawing is done in a simple, sketchy style with black lines on a white background.

06 EXERCISE ZONE

11 OTHER

- AED Equipment
- Storage of equipment for local organisations to be able to access for trainings.
- Reinstatement of the once existing toilet blocks. Currently whānau have to utilise the toilets at McDonalds.
- Scoring system.
- Outdoor Shower

## TWIN COAST DISCOVERY

with the team to help design and facilitate creative place-based workshops at each township along the Twincoast Discovery to enable the team to develop meaningful town designs for these communities. We believe this project is important to the townscape of Kaikohe and believe this can fit into the extended korero of this community and beyond.



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## 7.2 LEASE COUNCIL BUILDING 11 PARNELL STREET, RAWENE

**File Number:** A2516087

**Author:** Rob Koops, Property Services

**Authoriser:** William J Taylor MBE, General Manager - Corporate Services

### PURPOSE OF THE REPORT

That Council reconsider and decide on the matter of the lease for 11 Parnell Street, Rawene taking into consideration the recommendations of both the Kaikohe-Hokianga Community Board and Council staff.

### EXECUTIVE SUMMARY

- The attached report was submitted to Council on 17 April 2019 as an escalated report from the Kaikohe-Hokianga Community Board.
- Before the subject of the report was debated, Councillor Vujcich moved that: “the report is referred back to staff and returned to the table with the appropriate community board recommendation”.
- Discussion at the meeting highlighted concern that the report did not clearly outline the position of the Kaikohe-Hokianga Community Board.
- This report aims to provide clarity on both the recommendation made by the Kaikohe-Hokianga Community Board and the original recommendation made by staff.
- The Community Board is recognised as having an important role to represent the interests of their community. The recommendation of the Kaikohe-Hokianga Community Board is:  
*“That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND that Council approves that \$62,000 of available renewal funding is put towards the internal fit-out proposed by RAD”*
- The position of staff remains unchanged with the original staff recommendation remaining the preferred option, subject to the final decision of Council.

### RECOMMENDATION

**That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND recommend that Council approves that \$62,000 of available renewal funding is put towards the internal fit-out proposed by RAD.**

### 1) BACKGROUND

On 13 February 2019 the Kaikohe Hokianga Community Board was asked to make a recommendation to Council on the use of part of 11 Parnell Street in Rawene currently leased to Rawene & Districts Community Development Inc (RAD) as well as the appropriateness to spend renewal money towards internal lessee fit-out.

In its report to the Kaikohe-Hokianga Community Board meeting on 13 February staff recommended (Option 1) that Council:

- a) Invite expressions of interest from local groups and organisations with a full proposal for the use of the premises located at 11 Parnell Street, Rawene in accordance with section 61(2A) of the Reserves Act 1977; and*
- b) Based on the expressions of interest received the Kaikohe-Hokianga Community Board will make a recommendation to Council in regards to the preferred future use, contribution to fit-out and new tenant for the premises.*

The Kaikohe-Hokianga Community Board made an amendment to the recommendation, as follows:

*“That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND that Council approves that \$62,000 of available renewal funding is put towards the internal fit-out proposed by RAD”.*

The report was subsequently tabled for discussion at Council on 17 April 2019 and it was immediately moved that the report be referred back to staff and tabled at the next Council meeting, with the appropriate community board recommendation.

This report aims to provide clarity on both the recommendation made by the Kaikohe-Hokianga Community Board and the original recommendation made by staff.

## **2) DISCUSSION AND OPTIONS**

### **a) Community Board Recommendation**

On 13 February 2019 The Kaikohe-Hokianga Community Board made the following recommendation to Council:

*“That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND that Council approves that \$62,000 of available renewal funding is put towards the internal fit-out proposed by RAD”.*

Reasons for the Kaikohe-Hokianga Community Board recommendation included that:

- Council should support community groups and that
- The lease of each Council owned building should be considered on a case by case basis.

### **b) Original Staff Recommendation**

In its report to the Kaikohe-Hokianga Community Board meeting on 13 February staff recommended (Option 1) that Council:

- a) Invite expression of interest from local groups and organisations with a full proposal for the use of the premises located at 11 Parnell Street, Rawene in accordance with section 61(2A) of the Reserves Act 1977; and*
- b) Based on the expressions of interest received the Kaikohe-Hokianga Community Board will make a recommendation to Council in regards to the preferred future use, contribution to fit-out and new tenant for the premises.*

Reasons for the staff recommendation included that:

- By advertising for expressions of interest the decision on future use and tenancy, the expectation on rental income and the contribution by Council toward lessee fit-out (if any) would follow a transparent process ensuring every community group and organisation is given equal opportunity to present its case.

### **c) Additional Options previously presented**

Further options presented in the original report were:

Option 2:

That Council offers a new lease to RAD on standard commercial terms and at market rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND recommend that Council approves that [\$\_\_\_\_\_] of available renewal funding is put towards the internal fit-out proposed by RAD.

Option 3:

That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND recommend that Council approves that [\$\_\_\_\_\_] of available renewal funding is put towards the internal fit-out

proposed by RAD. This option became the substantive recommendation of the Kaikohe-Hokianga Community Board.

**d) Additional Considerations**

- As a result of the earlier LTPs, Council now charges market rent on its properties (other than sportsgrounds, halls, etc. or where existing leases predate the 2012 LTP). Changing this to a nominal rent for one tenant could set a precedent and other non-profits currently leasing from Council could request the same.
- Local Government Act 2002 section 101(1) states 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.
- Under the 2018 Community Grant Policy, community organisations (regardless whether they lease from Council or the private sector) have the ability to apply for grants towards rent as well as place making and infrastructure projects.

**Reason for the staff recommendation**

The Community Board recommendation has become the substantive recommendation for this report.

However, advertising for expressions of interest would ensure a transparent process and ensures every community group and organisation is given equal opportunity to present its case.

A nominal rent for one community group could set a precedent for existing and future leases on Council owned buildings district wide that are currently rented on commercial terms.

Tenant fit-out is generally not something a landlord would pay for unless this was incorporated in the rent or amortized over the term of the lease.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Immediate implication as per previous report.

In addition, Council owned buildings (excluding strategic assets, campgrounds, etc.) currently generate approximately \$83,000 rental income per annum from both commercial and non-commercial tenants.

**ATTACHMENTS**

1. **Copy of Report to Council 17 April 2019 Item 11.1 Lease Council Building, 11 Parnell Street, Rawene - A2521771** [!\[\]\(a5e2b3b998e4e3f35a50aa957c349ab3\_img.jpg\) !\[\]\(a9e021c23ae34ae5ba274fdfb85c3e94\_img.jpg\)](#)

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Reserves Act 1977 section 61 FNDC Community Grant Policy 2018 LTP 2018-28: Communities that are healthy, safe, connected and sustainable.  Local Government Act 2002 section 101(1), "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."
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 decision could affect leases on Council owned buildings district wide.
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 specific implications to Maori.
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 community groups and non-profit organisations in the district have an interest in this matter. None of them will want to pay rent or fit out a building.
State the financial implications and where budgetary provisions have been made to support this decision.	Advertising for expressions of interest \$1,500+GST Market rental assessment 11 Parnell Street \$6,405+GST per annum

	Renewal funding available \$62,420 Potential rental income at stake \$83,000+GST per annum.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

**11.1 LEASE COUNCIL BUILDING 11 PARNELL STREET, RAWENE****File Number: A2374390****Author: Rob Koops, Property Services****Authoriser: Janice Smith, General Manager - Corporate Services (Acting)****PURPOSE OF THE REPORT**

To obtain a resolution from Council to invite expressions of interest for the lease of the premises located at 11 Parnell Street in Rawene.

**EXECUTIVE SUMMARY**

- The property at 11 Parnell Street, Rawene is classified a Local Purpose (Public Building) Reserve.
- A nine year lease to Rawene and Districts Community Development Inc has expired.
- The Kaikohe-Hokianga Community Board was asked to recommend on the future use of the premises.
- Their recommendation opposes the staff recommendation and if adopted by Council could have a significant impact on the future leasing of Council owned buildings.

**RECOMMENDATION****That Council:**

- invite expressions of interest from local groups and organizations with a full proposal for the use of the premises located at 11 Parnell Street, Rawene in accordance section 61(2A) of the Reserves Act 1977; and**
- based on the expressions of interest received the Kaikohe-Hokianga Community Board will make a recommendation to Council in regards to the preferred future use, contribution to fit-out and new tenant for the premises.**

**1) BACKGROUND**

Rawene and Districts Community Development Inc (RAD) lease 180 square metres (more or less) of the building known as the Rawene Service Centre, 11 Parnell Street, Rawene.

The property is classified a Local Purpose (Public Building) Reserve. In accordance with section 61(2A) of the Reserves Act 1977, Council as the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes: community building, playcentre, kindergarten, plunket room, or other like purposes.

The lease to RAD commenced on 1 January 2010 with an initial term of three years and two rights of renewal by the tenant of three years each. The first right to renew was exercised by RAD in 2013. The second request from RAD to renew the lease in 2016 came with three conditions:

- 1) Council should waive payment for rent, rates, insurance and fire safety inspections;
- 2) Council should bring the building up to a suitable standard;
- 3) Council should refit the building including alterations to the interior layout.

A report on the matter was tabled at the Kaikohe Hokianga Community Board meeting of 28 June 2015. The matter was left to lie on the table and the lease was not formally renewed. To date improvements to the exterior of the building (item 2 above) have been made but the matter of (1) rent and (3) internal fit-out remain unresolved. Part of the 2015 staff recommendation to the Community Board was that the cost of alterations to the internal layout [as requested by RAD] and

the decision whether Council should pay all or part of it, should be made as part of the renewal funding budget 2019/20.

Despite the lease not being formally renewed, RAD has remained in occupancy and has continued to pay the rent and a proportion of outgoings agreed to on the renewal in 2013. Assuming the lease had been renewed in 2015, the final 3 year term would have expired on 31 December 2018. Council now has the option to review the most appropriate use for the premises and invite expressions of interest from suitable organisations that may wish to take on the lease.

## 2) DISCUSSION AND OPTIONS

A right of renewal means that a tenant can exercise the right to continue to lease the premises for a further term (or terms) on the same conditions the lease was entered into. A landlord cannot terminate the lease during the term (or terms). Neither the tenant nor the landlord can change the conditions of the lease other than by mutual agreement. On final termination of the lease (once all rights of renewal have been exercised or a tenant declines the right to renew), a landlord is free to offer a lease to anyone it deems appropriate.

In order to be transparent and even-handed Council charges market rent on its buildings (other than sportsgrounds, halls, etc.) regardless of the type of organisation leasing it. Under the Local Community Grant Scheme, Community Boards have the ability to provide grants towards rent to certain groups or charitable organisations as they deem appropriate and regardless who these organisations lease from.

Option 1 (recommended):

That Council invite expressions of interest from local groups and organisations (including RAD) to provide a detailed proposal for the use of the premises in accordance with section 61(2A) of the Reserves Act 1977. Then, based on the expressions of interest received, the Community Board will make a recommendation to Council in regards preferred future use, contribution to fit-out and new tenant for the premises.

Option 2:

That Council offers a new lease to RAD on standard commercial terms and conditions and at market rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND that Council approves that [\$ \_\_, \_\_ \_\_] of available renewal funding is put towards the internal fit-out proposed by RAD.

Option 3:

That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND recommend that Council approves that [\$ \_\_, \_\_ \_\_] of available renewal funding is put towards the internal fit-out proposed by RAD.

### Reason for the recommendation

A decision on future use and tenancy of the building, the cost to Council for fit-out and an expectation on rental income of the premises based on expressions of interest received ensures a transparent process is followed whereby all community groups and organisations are given the opportunity to put their case forward.

At their meeting on 13 February 2019 the Kaikohe Hokianga Community Board was asked to recommend on the most appropriate use of the premises and the most appropriate way to spend renewal money regardless of the current use or tenancy of the building.

The Kaikohe-Hokianga Community Board made the following recommendation to Council:

"That Council offers a new lease to RAD at nominal (peppercorn) rent, still allowing RAD to sub-let part of the premises to other groups and organisations AND recommend that Council approves that \$62,000 of available renewal funding is put towards the internal fit-out proposed by RAD".

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Advertising in local newspapers for expressions of interest will cost approximately \$1,500.00+GST. The Market rental for the premises has been assessed at \$6,405.00+GST per annum. There is currently \$84,344 in year 19/20 for renewal of the internal fit-out for the service centre building. This would need to be prorated across the FNDC Service Centre and the area occupied by RAD.

It needs to be noted that the renewal of fit-out is like for like (ie old kitchen out, new kitchen in, etc.) not for additions or relocation of services (plumbing, electrical).

**ATTACHMENTS**

1. **KHCB Report + Resolution 230516 - A2328837**

COPY

## Ordinary Council Meeting Agenda

17 April 2019

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	S61(2A) of the Reserves Act 1977 LTP 2018-28: Communities that are healthy, safe, connected and sustainable.
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 view of the relevant Community Board was sought and its recommendation is noted under "Discussion and Options" of this 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.	Nothing specific to Maori that is not also relevant to the wider Rawene community.
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 future use of the premises potentially affects all members of the Rawene community.
State the financial implications and where budgetary provisions have been made to support this decision.	Advertising for expressions of interest cost \$1500+GST. Market rental assessed at \$6,405 +GST per annum. Renewal funding available \$ 62,420
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

## **8 GOVERNANCE AND STRATEGIC RELATIONSHIPS COMMITTEE**

### **8.1 DISTRICT PLAN UPDATE - APPENDIX 7 STATUTORY ACKNOWLEDGEMENTS**

**File Number:** A2512970

**Author:** Theresa Burkhardt, Policy Planner

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

#### **PURPOSE OF THE REPORT**

Administration seeks support from the Governance and Strategic Relationships Committee for the district plan update of Appendix 7 – Statutory Acknowledgements to take into account the inclusion of Appendix 7F – Ngātikahu ki Whangaroa Claims Settlement Act 2017.

#### **EXECUTIVE SUMMARY**

The Ngātikahu ki Whangaroa Claims Settlement Act 2017 includes statutory acknowledgement areas which form cultural redress as part of the claim settlement. These statutory acknowledgement areas must be recorded in the district plan. To date the district plan includes 5 statutory acknowledgements and it is now proposed to include Appendix 7F – Ngātikahu Claims Settlement Act 2017.

The Governance and Strategic Relationships Committee considered this report at their meeting on 30 May 2019 and makes the following recommendation to Council.

#### **RECOMMENDATION**

**That Council undertake as soon as possible, a separate exercise to update appendix 7 of the district plan and notify the relevant Iwi authority, plan holders and the general public of the additions and amendments to the plan to incorporate the statutory acknowledgements.**

#### **1) BACKGROUND**

The Operative District Plan 2009 presently includes in its appendices, Appendix 7 – Statutory Acknowledgements. In treaty settlements between Iwi and Crown, statutory acknowledgements are a formal recognition, by the Crown, of the particular cultural, spiritual, historic and traditional associations that an Iwi has with a statutory area. Council is legally obliged to have regard to statutory acknowledgements and record them in the district plan. The inclusion of statutory areas is for the purpose of public information only and is not subject to the provisions of Schedule 1 of the Resource Management Act 1991. The statutory areas have particular relevance in regard to the resource consenting process.

To date the district plan has included five statutory acknowledgements in Appendix 7:

- Appendix 7A - Te Roroa Claims Settlement Act 2008
- Appendix 7B - Ngāti Kurī Claims Settlement Act 2015
- Appendix 7C - Te Aupouri Claims Settlement Act 2015
- Appendix 7D - NgāTakoto Claims Settlement Act 2015
- Appendix 7E - Te Rarawa Claims Settlement Act 2015

See attachment for proposed Appendix 7F – Ngātikahu ki Whangaroa Claims Settlement Act 2017.

## 2) DISCUSSION AND OPTIONS

The district plan update of Appendix 7 – Statutory Acknowledgements is a requirement of the Ngātikahu ki Whangaroa Claims Settlement Act 2017 legislation and the options are outlined below:

- Option 1    Undertake as soon as possible, a separate exercise to update appendix 7 of the district plan and notify the relevant Iwi authority, plan holders and the general public of the additions and amendments to the plan to incorporate the statutory acknowledgements.
- This would be the most time efficient option. The changes will be available online for download and if printed versions are requested Council can seek cost recovery.
- Option 2    Integrate the notification of the update to appendix 7 with future plan changes.
- Some cost saving may be achieved but as there is uncertainty in regard to the exact timing of future plan changes, there may be further time delays.
- Option 3    Do nothing.
- Council would not be carrying out its statutory obligations as outlined in the claims settlement legislation, therefore this option is not considered acceptable.

It is recommended that the Governance and Strategic Relationships Committee endorse and support the recommendations in this report as outlined in Option 1.

### Reason for the recommendation

The reasons for the recommendation contained in this report, are that the Far North District Plan is required to be updated to include the addition in appendix 7 of new appendix 7F – Ngātikahu ki Whangaroa Claims Settlement Act 2017.

## 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

The cost of the update of the district plan Appendix 7 – Statutory Acknowledgements, can be provided for within existing budgetary allocation.

## ATTACHMENTS

1.    **Appendix 7F - Ngatikahu ki Whangaroa ClaimsSettlement Act 2017 - A2512859**  

**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 <a href="#">Council's Significance and Engagement Policy</a>	This district plan update is considered to have a medium degree of significance in that it is anticipated that the costs of it can be met within existing budgets.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	There are a range of Council policies and plans which impact on Māori in the community and the inclusion of statutory area information in the district plan will better inform these.
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 views of the Community Boards have not been sought as the district plan update is a legislative requirement and for information purposes only.
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.	It is anticipated that the inclusion in the district plan of the statutory areas identified as being of particular cultural, spiritual, historic and traditional association by Ngātikahu ki Whangaroa, will have positive implications for the relationship of Māori with their ancestral land, water, wāhi tapu, valued flora and fauna, and other taonga.
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.	As the inclusion of statutory acknowledgments in the district plan are for information purposes it is considered that consultation is not required to be carried out.
State the financial implications and where budgetary provisions have been made to support this decision.	There is sufficient operational budget within the Strategic Planning and Policy Group to cover the cost of the update.
Chief Financial Officer review.	The Chief Financial Officer has approved this report.

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Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

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**APPENDIX 7F: NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017**

The following provisions are an extract from the Ngātikahu ki Whangaroa Claims Settlement Act 2017, Part 2 - Subpart 2 and Schedule 1. The numbering used in this appendix reflects that which is contained in the act.

**Subpart 2—Statutory acknowledgement and deed of recognition****27 INTERPRETATION**

In this subpart,—

**relevant consent authority**, for a statutory area, means a consent authority of a region or district that contains, or is adjacent to, the statutory area

**statement of association**, for a statutory area, means the statement—

(a) made by Ngatikahu ki Whangaroa of their particular cultural, historical, spiritual, and traditional association with the statutory area; and

(b) set out in part 2 of the documents schedule

**statutory acknowledgement** means the acknowledgement made by the Crown in section 28 in respect of the statutory areas, on the terms set out in this subpart

**statutory area** means an area described in Schedule 1, the general location of which is indicated on the deed plan for that area

**statutory plan**—

(a) means a district plan, regional coastal plan, regional plan, regional policy statement, or proposed policy statement as defined in section 43AA of the Resource Management Act 1991; and

(b) includes a proposed plan, as defined in section 43AAC of that Act.

*Statutory acknowledgement***28 STATUTORY ACKNOWLEDGEMENT BY THE CROWN**

The Crown acknowledges the statements of association for the statutory areas.

**29 PURPOSES OF STATUTORY ACKNOWLEDGEMENT**

The only purposes of the statutory acknowledgement are—

(a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 30 to 32; and

(b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with sections 33 and 34; and

(c) to enable the trustees and any member of Ngatikahu ki Whangaroa to cite the statutory acknowledgement as evidence of the association of Ngatikahu ki Whangaroa with a statutory area, in accordance with section 35.

**30 RELEVANT CONSENT AUTHORITIES TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT**

(1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.

(2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.

(3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

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**Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017**

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**31 ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT**

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- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

**32 HERITAGE NEW ZEALAND POUHERE TAONGA AND ENVIRONMENT COURT TO HAVE REGARD TO STATUTORY ACKNOWLEDGEMENT**

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- (1) This section applies to an application made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under section 48, 56, or 62 of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
  - (a) in determining whether the trustees are persons directly affected by the decision; and
  - (b) in determining, under section 59(1) or 64(1) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

**33 RECORDING STATUTORY ACKNOWLEDGEMENT ON STATUTORY PLANS**

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- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
  - (a) a copy of sections 28 to 32, 34, and 35; and
  - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
  - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
  - (a) part of the statutory plan; or
  - (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

**34 PROVISION OF SUMMARY OR NOTICE TO TRUSTEES**

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- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
  - (a) if the application is received by the consent authority, a summary of the application; or
  - (b) if notice of the application is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

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**Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017**


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- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
  - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
  - (b) before the relevant consent authority decides under section 95 of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
  - (a) waive the right to be provided with a summary or copy of a notice under this section; and
  - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
  - (a) under section 95 of the Resource Management Act 1991, whether to notify an application;
  - (b) under section 95E of that Act, whether the trustees are affected persons in relation to an activity.

**35 USE OF STATUTORY ACKNOWLEDGEMENT**


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- (1) The trustees and any member of Ngatikahu ki Whangaroa may, as evidence of the association of Ngatikahu ki Whangaroa with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
  - (a) the relevant consent authorities; or
  - (b) the Environment Court; or
  - (c) Heritage New Zealand Pouhere Taonga; or
  - (d) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
  - (a) the bodies referred to in subsection (1); or
  - (b) parties to proceedings before those bodies; or
  - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
  - (a) neither the trustees nor members of Ngatikahu ki Whangaroa are precluded from stating that Ngatikahu ki Whangaroa has an association with a statutory area that is not described in the statutory acknowledgement; and
  - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

*Deed of recognition*
**36 ISSUING AND AMENDING DEED OF RECOGNITION**


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- (1) This section applies in respect of the statutory area listed in Part 2 of Schedule 1.
- (2) The Minister of Conservation and the Director-General must issue a deed of recognition in the form set out in part 3 of the documents schedule for the statutory area.
- (3) The Minister of Conservation and the Director-General may amend the deed, but only with the written consent of the trustees.

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**Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017**

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*General provisions relating to statutory acknowledgement and deed of recognition*

**37 APPLICATION OF STATUTORY ACKNOWLEDGEMENT TO RIVER OR STREAM**

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If any part of the statutory acknowledgement applies to a river or stream, including a tributary, that part of the acknowledgement—

- (a) applies only to—
  - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
  - (ii) the bed of the river or stream, which is the land that the waters of the river or stream cover at their fullest flow without flowing over the banks of the river or stream; but
- (b) does not apply to—
  - (i) a part of the bed of the river or stream that is not owned by the Crown; or
  - (ii) an artificial watercourse.

**38 EXERCISE OF POWERS AND PERFORMANCE OF FUNCTIONS AND DUTIES**

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- (1) The statutory acknowledgement and the deed of recognition do not affect, and must not be taken into account by, a person exercising a power or performing a function or duty under an enactment or a bylaw.
- (2) A person, in considering a matter or making a decision or recommendation under an enactment or a bylaw, must not give greater or lesser weight to the association of Ngatikahu ki Whangaroa with a statutory area than that person would give if there were no statutory acknowledgement or deed of recognition for the statutory area.
- (3) Subsection (2) does not limit subsection (1).
- (4) This section is subject to—
  - (a) the other provisions of this subpart; and
  - (b) any obligation imposed on the Minister of Conservation or the Director-General by the deed of recognition

**39 RIGHTS NOT AFFECTED**

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- (1) The statutory acknowledgement and the deed of recognition—
  - (a) do not affect the lawful rights or interests of a person who is not a party to the deed of settlement; and
  - (b) do not have the effect of granting, creating, or providing evidence of an estate or interest in, or rights relating to, a statutory area.
- (2) This section is subject to the other provisions of this subpart.

*Consequential amendment to Resource Management Act 1991*

**40 AMENDMENT TO RESOURCE MANAGEMENT ACT 1991**

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- (1) This section amends the Resource Management Act 1991.
- (2) In Schedule 11, insert in its appropriate alphabetical order "Ngatikahu ki Whangaroa Claims Settlement Act 2017".

**Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017**

<b>Schedule 1</b> <b>Part 1</b> <b>Ngātikahu ki Whangaroa Statutory areas</b>	
<b>Statutory area</b>	<b>Location</b>
Coastal marine area	As shown on OTS-116-18
Oruaiti River and its tributaries within the Ngatikahu ki Whangaroa area of interest	As shown on OTS-116-19
Paekauri Conservation Area	As shown on OTS-116-17
<b>Part 2</b> <b>Ngātikahu ki Whangaroa area subject to both statutory acknowledgement and deed of recognition</b>	
Akatāreere Historic Reserve	As shown on OTS-116-16

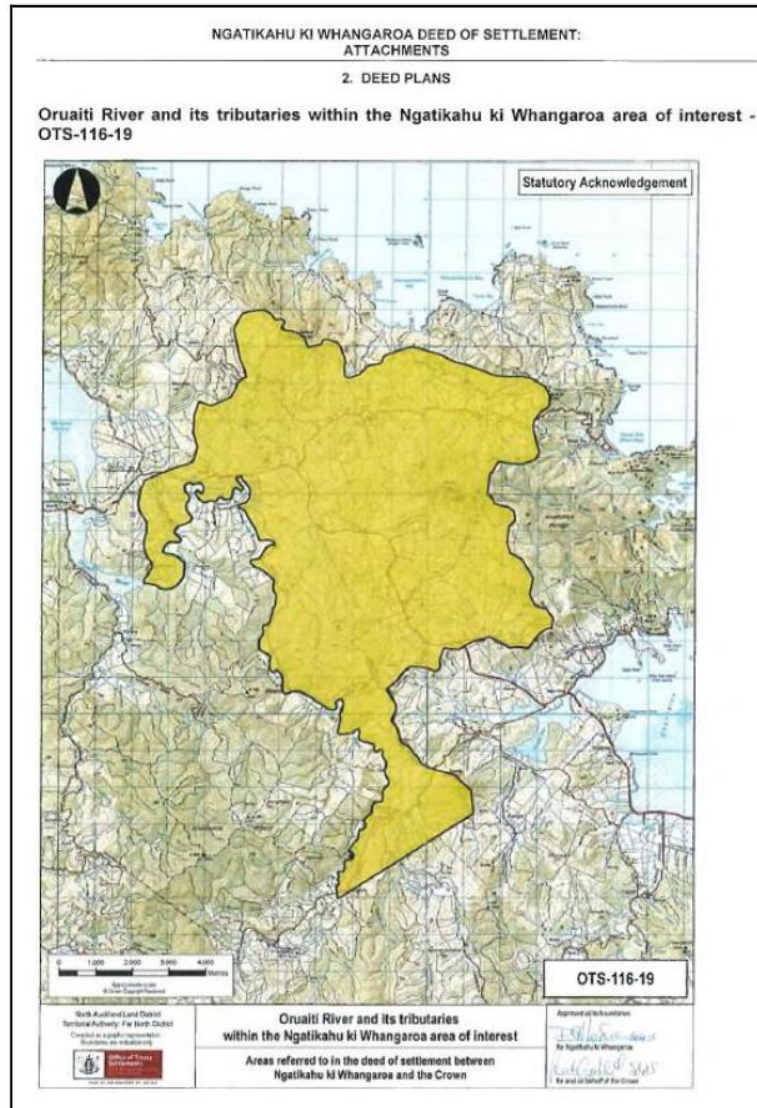
Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

COASTAL MARINE AREA (OTS-116-18)



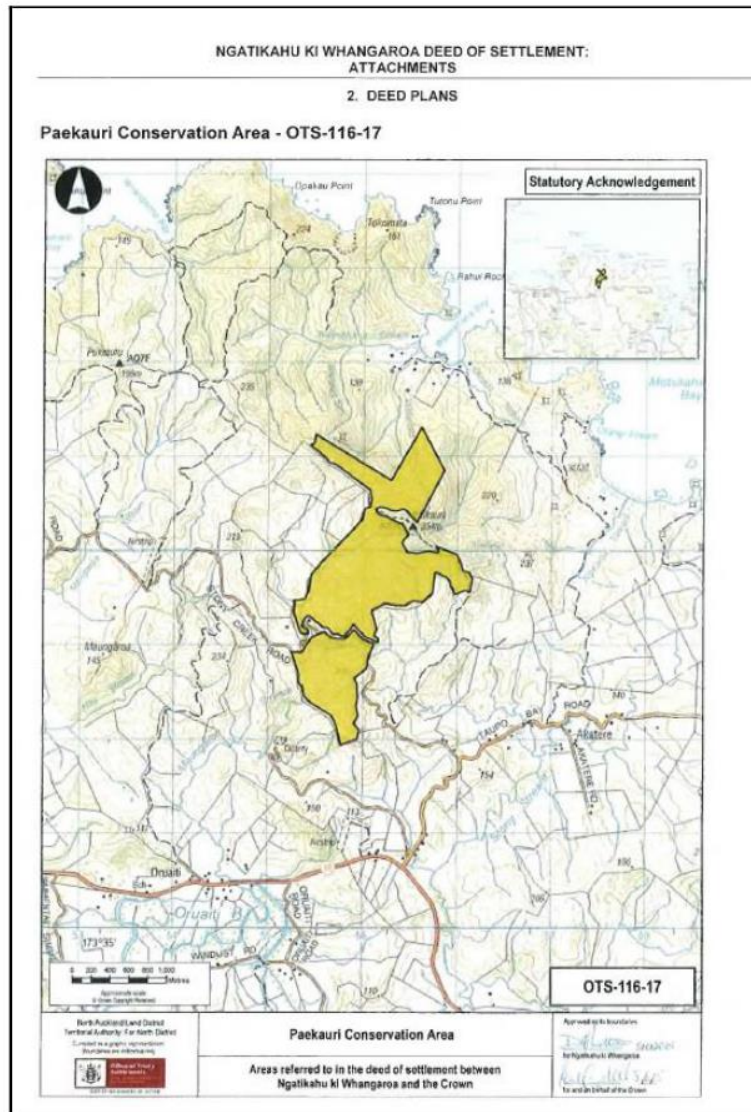
Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

**ORUAITI RIVER AND ITS TRIBUTARIES WITHIN THE NGATIKAHU KI WHANGAROA AREA OF INTEREST (OTS-116-19)**



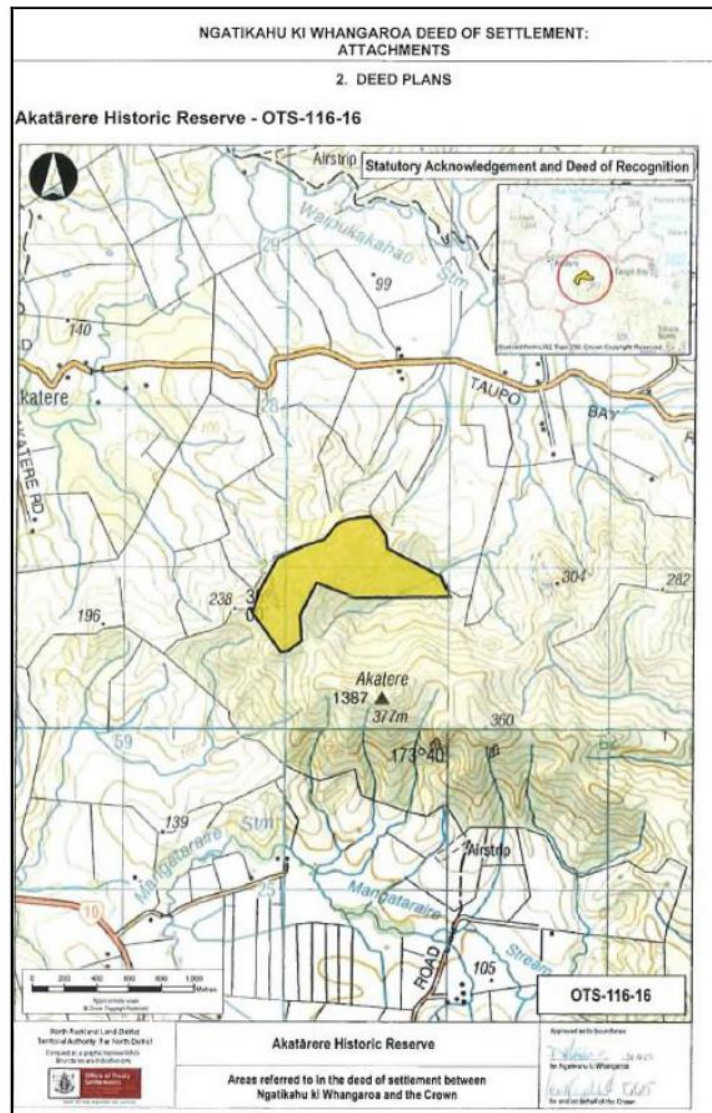
Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

**PAEKAURI CONSERVATION AREA (OTS-116-17)**



## Appendix 7F – NGĀTIKAHU KI WHANGAROA CLAIMS SETTLEMENT ACT 2017

## AKATĀRERE HISTORIC RESERVE (OTS-116-16)



## **9 STRATEGIC PLANNING AND POLICY GROUP**

### **9.1 APPROVAL OF WORK PROGRAMME FOR REVOKED BYLAWS**

**File Number:** A2498471

**Author:** Roger Ackers, Manager - Strategy Development

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

#### **PURPOSE OF THE REPORT**

To adopt statements of proposal for public consultation on the Control of Land Drainage Bylaw and the Control of Earthworks Bylaw.

To approve the work programme to make new bylaws to replace those automatically revoked.

#### **EXECUTIVE SUMMARY**

Seven Council bylaws have been automatically revoked and two more bylaws will automatically revoke by February 2020. The lists of affected bylaws are;

- i. Control of Amusement Devices and Entertainment Premises
- ii. Land Drainage
- iii. Trade Waste
- iv. Control of the Use of Public Places
- v. Control of Vehicle Crossings
- vi. Mobile Shops and Hawkers
- vii. Reserves
- viii. Keeping of Animals, Poultry and Bees
- ix. Control of Earthworks

Administration has reviewed these nine bylaws and determined that the majority should be replaced.

This report provides Council with four options to address the issue of the automatic revocation of the following bylaws. Administration recommends going out for consultation on two bylaws, deferring one bylaw to be part of the Revenue Review Project and workshopping the rationalisation of five bylaws down to new bylaws that apply best practice in bylaw making.

Administration has identified one bylaw, Control of Amusement Devices and Entertainment Premises, as not needing to be replaced due to legislation changes.

#### **RECOMMENDATION**

**That Council approve the following approach to address the revocation of bylaws and those due to be revoked in February 2020**

- a) **Adopt the statement of proposal for a Land Drainage Bylaw 2019**
- b) **Adopt the statement of proposal for a Control of Earthworks Bylaw 2019**
- c) **Workshop local regulation and controls contained in the following revoked and soon to be revoked Bylaws to provide clear direction on the development of new bylaws:**
  - i) **Control of the Use of Public Places**
  - ii) **Control of Vehicle Crossings**
  - iii) **Mobile Shops and Hawkers**
  - iv) **Reserves**
  - v) **Keeping of Animals, Poultry and Bees**
- d) **Defer the making of a new Trade Waste Bylaw until a clear policy direction has been considered as a result of the Revenue Review Project.**

## 1) BACKGROUND

A request for information on the current state of Council bylaws was lodged under the Local Government and Official Information and Meetings Act in December 2019. Council replied to the request in January 2019. The customer who made the official information request passed on the Council's reply to the Ombudsman asking that the reply be investigated. The Ombudsman then made a request to the Chief Executive of the Far North District Council to undertake further investigation into the currency of all bylaws.

An investigation was initiated in March 2019. This investigation confirmed that the following 7 bylaws as being automatically revoked on the dates provided in the table below:

Number	Bylaw	Date at which the bylaw automatically revoked
1	Control of Amusement Devices and Entertainment Premises	16 October 2016
2	Land Drainage	16 October 2016
3	Trade Waste	16 October 2016
4	Control of the Use of Public Places	25 March 2017
5	Control of Vehicle Crossings	26 May 2017
6	Mobile Shops and Hawkers	29 July 2017
7	Reserves	9 December 2017

The investigation also identified that the following bylaws are due to be automatically revoked on the dates provided in the table below:

Number	Bylaw	Date at which the bylaw will be automatically revoked
8	Keeping of Animals, Poultry and Bees	13 September 2019
9	Control of Earthworks	February 2019

FNDC commissioned a consultant to undertake an in-depth review of the nine bylaws listed above. The attached report Review of Revoked Bylaws is the result of the investigation.

## 2) DISCUSSION AND OPTIONS

### **Option one: do nothing**

Under Option one no replacement bylaws would be made to control or regulate the perceived local problems enforced by the revoked bylaws.

The options analysis contained in sections 5 to 13 of the attached report Review of Revoked Bylaws has identified the need for at least one of the following controls or regulations to be considered for inclusion in new bylaws that will replace the revoked bylaws;

- General provisions required for nuisance and/or health and safety concerns
- Specific standards to allow for the control of activities identified in the revoked Bylaws
- Permitting and licencing to control activities identified in the revoked Bylaws.

If this option is adopted then Council loses the opportunity to consider local controls and regulations that are appropriate to the Far North District. This option is not recommended.

**Options two: Council goes out for consultation on all revoked bylaws at the same time:**

Option two would see all of the revoked bylaws out for consultation at the same time. The nine bylaws would be put out without any modification of the content or wording other than updating the bylaws to reflect current legislation and moving the content into the current standard bylaw template.

Section 3.4 Current Best Practice (Page 8) of the attached report titled Review of Revoked Bylaws has identified a general move to minimise the extent of regulation and a trend towards making bylaws easier to navigate and understand. The report also notes that subject matter areas are being combined into one bylaw, rather than split over two or more bylaws, with a trend towards a reduction in the number of bylaws in force at Councils across New Zealand. There has also been a focus across the Country on ensuring that simplified and plain English writing is contained within bylaws. Section 3.4 also identifies Auckland Council's Animal Management Bylaw as an example of a Council using minimum standards supported by binding controls and non-binding guidelines as way of simplifying a bylaw in content and administration while also allowing for modifications of a bylaw outside of the prescribed consultation requirements in the Local Government Act.

Feedback from Council Staff that were interviewed as part of developing the attached report indicated that the list of currently revoked bylaws contain unnecessary controls, are difficult to understand and in some cases contradict each other.

If this option is adopted then the opportunity to take a best practice approach to the making of new bylaws is lost. This option is not recommended.

**Option three (recommended option):**

Option three proposes an approach based on the proposed work programme contained in section 4 (page 10) of the attached report titled Review of Revoked Bylaws. Administration considers that the creation of new bylaws meets the threshold for the level of public interest criteria as per Council's Significance and Engagement Policy. Therefore the plan detailed below follows the special consultative procedure as per section 156 (1) (a) of the Local Government Act.

**Priority One revoked Bylaws: Immediate action**

Section 4.2 – Proposed work programme in the attached report titled Review of Revoked Bylaws has identified the Land Drainage and Earthworks Bylaw as priority one due to them not requiring substantive changes from what is already in place within the body of the revoked bylaws. Furthermore the Land Drainage and Earthworks bylaws do not regulate any medium or high risk issues as identified in the attached report Review of Revoked Bylaws. The following high level dates provide a timeframe for making new bylaws to replace the revoked Land Drainage and Earthworks bylaws;

1. Adopt the attached statements of proposal and draft Bylaws for consultation based on the following plan:
2. July – August 2019: Consultation and deliberations
3. 3 October 2019: Adoption of two new Bylaws for Earthworks and Land Drainage. October 3 is the next available Council meeting date post consultation and deliberations.

**Priority Two revoked Bylaws: Short term action**

1. July – August 2019: A facilitated workshop based on a best practice approach to the making of bylaws that considers rationalising the local controls and regulations contained in the following revoked and soon to be revoked bylaws;
  - Control of the Use of Public Places Bylaw
  - Control of Vehicle Crossings Bylaw

- Mobile Shops and Hawkers Bylaw
  - Reserves Bylaw
  - Keeping of Animals, Poultry and Bees
2. January – February 2020: Consultation on the proposed new bylaws to replace the above listed bylaws
  3. April 2020: Adopt new bylaws that replace the above listed bylaws.

**Priority 3 revoked Bylaw: Longer term action**

1. Review the Trade Waste Bylaw in sync with the Revenue Review Project. This will ensure that the equitable and fair charging of discharge of trade waste in the Council wastewater network will be considered at the same time as a new Trade Waste Bylaw is made.

**Priority 4: No action**

1. As per the analysis and options assessment in section 5 Council does not need to make a new Control of Amusement Devices and Entertainment Premises Bylaw as existing legislation is considered by Administration as sufficient to ensure effective controls and regulations are in place to address the issues that warranted the original bylaw. As the bylaw automatically revoked on 16 October 2016 there is no requirement for a resolution of Council to revoke the Bylaw again.

**Option four: Address revoked Bylaws once the new Council is formed**

Option four proposes starting the work programme as identified in Option three above once the new Council has been formed post the elections in October 2019. Option four would see statements of proposals for the new bylaws being considered at the first Council meeting in the new triennium. As the calendar of formal meetings has not been confirmed then it is assumed that the first Council meeting would be in mid-December 2019.

Under this option consultation on the new Earthworks and Land Drainage bylaws and a facilitated workshop to rationalise the controls and regulations of five of the revoked bylaws would occur in February and March 2020 at the earliest. Under option three these steps in proposed work programme are planned to start in July and August 2019.

The analysis completed as a result of the investigation into the currency of the bylaws has identified when all Council bylaws are due for review. This investigation has informed a work programme for the making and reviewing of all Council bylaws in the coming years. This work programme has identified the following bylaws, all of which exceed the thresholds in Council's Significance and Engagement Policy, as being due for review before 1 July 2020:

1. Water Supply: controls and regulations of the supply of water including fittings, materials and installation, protection of supply and prevention of contamination
2. Vehicles on beaches: control of vehicle access on beaches
3. Control of On-Site Wastewater Disposal Systems
4. Parking and Traffic Control: controls and regulates the use of public parking areas and sets out parking restrictions for these areas.

If the above listed bylaws are not reviewed within the prescribed timeframes then they will also automatically revoke two years after the review dates for each of the bylaws unless new bylaws are made within the two year timeframe that allows for the making of new bylaws post the review date.

Administration and the Elected Council does not have the capacity to plan for and consider the bylaws that are due for review before 1 July 2020 as well as consider the new bylaws that address

the issues and problems covered in the revoked bylaws at the same time. If this option is approved then the review dates for the bylaws above will be missed and Council runs the risk of continuing with a pattern of bylaws automatically revoking in the coming years. Therefore this option is not recommended.

### **Reason for the recommendation**






Option three is recommended for the following reasons;

1. It addresses the issue of the automatic revocation of bylaws in a timely and considered manner
2. It allows Council time to consider and rationalise the revoked bylaws using current best practice
3. It allows for a more planned and even work programme for reviewing and making of bylaws over the next 12 to 18 months.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

The financial implications of the recommended option can be accommodated in the current budgets.

### **ATTACHMENTS**

1. **Review of Revoked Bylaws Report - A2511778** [↓](#) 
2. **Statement of Proposal - Proposed Land Drainage Bylaw - A2511782** [↓](#) 
3. **Draft Land Drainage Bylaw 2019 - A2511783** [↓](#) 
4. **Statement of Proposal - Proposed Control of Earthworks Bylaw 2019 - A2511780** [↓](#) 
5. **Draft Control of Earthworks Bylaw 2019 - A2511779** [↓](#) 

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 Section 77 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 <a href="#">Council's Significance and Engagement Policy</a>	The recommendation in itself contained in this report does not meet the thresholds as set in the Council's Significance and Engagement Policy.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The recommendation contained in this report is aimed at complying with the requirements of Part 8 – Regulatory, enforcement, coercive powers of local authorities of the Local Government Act.
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.	Decision making on the reviewing and making of Bylaws is not delegated to the Community Boards. Community Board views are received via the consultative process that is followed for each bylaw.
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 recommendation contained in this report has no direct impact on Māori. However execution of the recommended option to address the revoked bylaws will require engagement with iwi, hapū on each individual bylaw.
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 recommendation in this report has no direct impact on any particular interested party or individual. However the execution of the recommended option to address the revoked Bylaws will require engagement with interested persons and parties.
State the financial implications and where budgetary provisions have been made to support this decision.	The financial implications of this proposal have been made under section 3 of this report. There is no requirement for additional capital or operational budget to be requested beyond what is already budgeted for in the 2019-20 Annual Plan.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report



## **Far North District Council**

### **Review of Revoked Bylaws**

5 June 2019

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Far North District Council  
June 2019

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## 1 EXECUTIVE SUMMARY

Far North District Council (FNDC) has several bylaws that have automatically revoked (or will soon be revoked). A prioritised work programme is required to determine which bylaws should be enacted or rolled over and in what order.

A review of the history, purpose and content of each bylaw was undertaken, based on the wording of the bylaw, historical FNDC records, and staff interviews. This was supplemented by a desktop review of the relevant legislation and the approach taken by other councils. An assessment of risk and need for each bylaw was then undertaken to develop a proposed prioritised work programme (noting that the actual order in which bylaws are developed and their scope, is a policy decision for elected members of Council).

The proposed work programme is set out below. This also incorporates current best practice trends within the sector. In particular, there is a trend towards less regulation, making bylaws easier to navigate and understand, combining policy areas within one bylaw (rather than split over two or more bylaws), and the use of controls, guidelines and explanatory notes to supplement a bylaw. The cumulative effect of these trends is to simplify bylaws with the end user in mind, while also ensuring that the perceived problems are appropriately regulated by the local authority.

### Proposed Prioritised Bylaw Work Programme

Recommendation	Category/Bylaws	Rationale/Action
<b>Priority 1:</b> <i>Immediate action</i>	Land Drainage Bylaw Earthworks Bylaw	Bylaws can be enacted/rolled over in current form, with minor amendments.
<b>Priority 2:</b> <i>Short term action</i>	Control of the Use of Public Places Bylaw Control of Vehicle Crossings Bylaw Mobile Shops and Hawkers Bylaw Reserves Bylaw Keeping of Animals, Poultry and Bees Bylaw	Bylaws require updating and simplification. Possibly restructure into three bylaws covering: Public Places and Reserves Trading and Signage Animal Management
<b>Priority 3:</b> <i>Longer term action</i>	Trade Waste Bylaw	A review has been undertaken and Council has requested further policy work on this bylaw as part of the rating and revenue policy project.

Recommendation	Category/Bylaws	Rationale/Action
<i>No action</i>	Control of Amusement Devices and Entertainment Premises Bylaw	No longer required

## 2 INTRODUCTION

The Far North District Council (FNDC) has discovered that seven bylaws have been automatically revoked under the operation of s160A of the Local Government Act 2002 (LGA). A further two bylaws will be automatically revoked in the near future if they are not reviewed. These bylaws are detailed in the table below.

Bylaw	Date Revoked <sup>1</sup>
Control of Amusement Devices and Entertainment Premises ("Amusement Devices Bylaw")	16 October 2016
Land Drainage ("Drainage Bylaw")	16 October 2016
Trade Waste ("Trade Waste Bylaw")	Review was completed 5 June 2016. However no new bylaw was made within two years of this review date so reverts back to being automatically revoked on 16 October 2016.
Control of the Use of Public Places ("Public Places Bylaw")	25 March 2017
Control of Vehicle Crossings ("Vehicle Crossings Bylaw")	26 May 2017
Mobile Shops and Hawkers ("Mobile Shops Bylaw")	29 July 2017
Reserves ("Reserves Bylaw")	9 December 2017
Keeping of Animals, Poultry and Bees ("Animals Bylaw")	Will be automatically revoked in September 2019
Control of Earthworks ("Earthworks Bylaw")	Will be automatically revoked in February 2020

<sup>1</sup> Revocation dates provided by FNDC

The purpose of this report is to provide an expert analysis of each bylaw that identifies the need for new bylaws and an absolute ranking for the bylaws based on a needs and risk assessment. It considers the following questions:

- What was the purpose and relevant issues relating to each revoked bylaw?
- What is the FNDC's policy position on the relevant issues that related to each revoked bylaw?
- What is the consequence to FNDC of not creating new bylaws to address the issues and problems regulated via the revoked bylaws?
- What is current best practice and what action is recommended for each revoked bylaw?

This report is structured in the following way.

- Section 3 contains an overview of the analysis undertaken, setting out the approach used.
- Section 4 sets out a proposed work programme.
- Sections 5 to 13 contain a review of each revoked (and soon to be revoked) bylaw.
- Appendices 1 to 4 contain more detailed information.

### 3 OVERVIEW OF ANALYSIS

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#### 3.1 Data Collection and Analysis

The following data was collected and reviewed.

- A desktop review was undertaken of the FNDC bylaws and associated documents, including historical council reports and statements of proposal relating to the adoption of each revoked bylaw.
- Relevant legislation and central government processes and policies were reviewed.
- FNDC staff who have policy and operational knowledge of the bylaws were interviewed. A list of the staff interviewed is contained in **Appendix 1**.
- A desktop review was undertaken of the approach taken by other local authorities. This included reviewing relevant bylaws, council reports, and statements of proposal **Appendix 2**.

Each revoked bylaw was reviewed to determine the purpose, history, use, and policy rationale for the bylaw.

#### 3.2 Control Options

The analysis of each revoked bylaw considered the options available to control or regulate the perceived problem. These are as follows.

- **Rely on alternative means of regulation.** Some activities are regulated by other government legislation and agencies.
- **Non-regulatory approaches.** This includes relying on education, guidelines and signage.
- **Bylaw: General nuisance provision.** Under this approach, a bylaw would have a general nuisance provision which places a general obligation to ensure that an activity does not cause a nuisance to any other person or property owner.
- **Bylaw: Specific standards.** The bylaw would include specific controls or standards. These would set out in some detail the specific actions or standards that must be complied with.
- **Bylaw: Permit/Licence.** The bylaw would require a permit, licence, or some other form of written approval for certain activities.

These options are not mutually exclusive. For example, a bylaw may include specific standards as the main control, supported by a requirement for a permit or licence in certain circumstances. Alternatively, it may be appropriate to include a general nuisance provision, supported by non-regulatory approaches such as guidelines.

A recommended approach to control options is made for each revoked (and soon to be revoked) bylaw

### 3.3 Prioritisation

A prioritisation exercise that considered risk and need was undertaken. This used a two-pronged approach using a risk matrix and then an assessment of need.

#### ***Risk Matrix***

A risk matrix was developed to identify and prioritise the risk of the perceived problems associated with each revoked (or soon to be revoked) bylaw. This matrix uses a combination of likelihood and consequence to assess and analyse risk (which is a standard approach to risk evaluation). Details are set out in **Appendix 3**.

Each bylaw was assessed against nine criteria: nuisance, public health and safety, offensive behaviour in a public place, effect on public infrastructure, environmental protection, economic factors, operational factors, public interest and reputation, and financial impacts. These factors were assessed based on the likelihood and consequence of risk associated with that revoked bylaw. They were then given a rating and scored. These were then converted into a rank of high, medium and low risk. The outcomes of this risk assessment are contained in section 4 of this report.

#### ***Assessment of Need***

Each bylaw was assessed based on the following questions.

- Is a bylaw needed?
- Does the bylaw regulate a medium or high risk issue?
- Are substantive changes required to the revoked/soon to be revoked bylaw?
- Was the bylaw being actively applied prior to revocation?

Based on these questions the revoked/soon to be revoked bylaws were given a priority. This is set out in the proposed work programme in section 4 of this report.

### 3.4 Current Best Practice

The review considered the approach to bylaws taken by other local authorities to determine current best practice. This review highlights the following best practice trends.

There is a general move to minimise the extent of regulation and there is a trend towards making bylaws easier to navigate and understand. Subject matter areas are being combined into one bylaw, rather than split over two or more bylaws, which is trending towards a reduction in the number of bylaws in force. As well, there is a focus on simplified and plain English writing.

An emerging practice relates to the use of controls, explanatory notes and guidelines to supplement a bylaw. Section 151(2) of the LGA provides as follows.

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*A bylaw may leave any matter or thing to be regulated, controlled or prohibited by the local authority by resolution either generally, for any specified class of case, or in a particular case.*

As an example, Auckland Council has used controls and guidelines in its Animal Management Bylaw 2015. It has specified minimum standards in the bylaw, supplemented and supported by binding controls and non-binding guidelines. These controls and guidelines cover beekeeping in urban areas, keeping stock in urban areas, and horse riding in a public place. The guidelines assist the public to understand and comply with the bylaw and provide additional sources of best practice information.

Non-binding explanatory notes within the text of a bylaw are also used by Auckland Council and some other councils to provide additional guidance and information.

The approach of using controls and guidelines and explanatory notes produces a simplified bylaw, supported by controls on specific issues, which can be more easily amended by council as circumstances and understanding of best practice changes. The bylaw will though, need to provide clarity on which provisions are enforceable and binding (versus non-binding guidelines and information).

## 4 PROPOSED WORK PROGRAMME

### 4.1 Bylaw making powers

Sections 145 and 146 of the LGA provide councils with the following bylaw-making powers.

#### **145 General bylaw-making power for territorial authorities**

*A territorial authority may make bylaws for its district for 1 or more of the following purposes:*

- (a) protecting the public from nuisance:*
- (b) protecting, promoting, and maintaining public health and safety:*
- (c) minimising the potential for offensive behaviour in public places.*

#### **146 Specific bylaw-making powers of territorial authorities**

*Without limiting section 145, a territorial authority may make bylaws for its district for the purposes—*

- (a) of regulating 1 or more of the following:*
  - (i) on-site wastewater disposal systems:*
  - (ii) waste management:*
  - (iii) trade wastes:*
  - (iv) solid wastes:*
  - (v) keeping of animals, bees, and poultry:*
  - (vi) trading in public places:*
- (b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:*
  - (i) water races:*
  - (ii) water supply:*
  - (iii) wastewater, drainage, and sanitation:*
  - (iv) land drainage:*
  - (v) cemeteries:*
  - (vi) reserves, recreation grounds, or other land under the control of the territorial authority:*

Sections 145 and 146 of the LGA do not require a council to enact specific bylaws or prescribe the form of a bylaw<sup>2</sup>. It does not for example, require a separate bylaw for each of the matters specified in s146. It is open for a council to enact a bylaw that covers several related issues.

### 4.2 Proposed work programme

The review of the revoked (and soon to be revoked) bylaws assessed the risk associated with each bylaw.

This is set out in **Appendix 3**. The overall risk ranking was as follows.

<sup>2</sup> An exception is the Dog Control Act 1996, which requires a council to have a policy and bylaw for dog control. It is also noted that section 148 of the LGA sets out special process requirements for bylaws relating to trade waste.

Bylaw	Risk Score	Risk Rating
Amusement Devices and Entertainment Premises Bylaw	11	Low
Keeping of Animals, Poultry and Bees Bylaw	16	Medium
Control of Earthworks Bylaw	18	Medium
Land Drainage Bylaw	15	Medium
Mobile Shops and Hawkers Bylaw	21	High
Control of the Use of Public Places Bylaw	22	High
Reserves Bylaw	24	High
Trade Waste Bylaw	16	Medium
Control of Vehicle Crossings Bylaw	19	Medium

As well, a needs assessment was undertaken to determine a proposed work programme for review (which used risk as one factor to determine priority for review). This is set out below and in more detail in

#### Appendix 4.

	Amusement Devices	Earthwork	Land Drainage	Animals	Mobile Shops	Public Places	Reserves	Vehicle Crossings	Trade Waste
Is a bylaw needed?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Does the bylaw regulate a medium or high risk issue?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Are substantive changes required to the revoked/current the Bylaw?		No	No	Yes	Yes	Yes	Yes	Yes	Yes
Was the bylaw being actively applied prior to revocation?				Yes	Yes	Yes	Yes	Yes	No

Prioritisation	No Priority	Priority 1	Priority 1	Priority 2	Priority 2	Priority 2	Priority 2	Priority 2	Priority 3
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Priority 1	Immediate action recommended
Priority 2	Short-term action recommended
Priority 3	Longer-term action recommended
No priority	No action recommended

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Based on the needs assessment, a proposed work programme is set out below (noting though, that this is will be a policy issue for elected members of Council to make).

Recommendation	Category/Bylaws	Rationale/Action
<b>Priority 1:</b> <b>Immediate action</b>	Land Drainage Bylaw Earthworks Bylaw	Bylaws can be rolled over in current form, with minor amendments.
<b>Priority 2:</b> <b>Short term action</b>	Control of the Use of Public Places Bylaw Control of Vehicle Crossings Bylaw Mobile Shops and Hawkers Bylaw Reserves Bylaw Keeping of Animals, Poultry and Bees Bylaw	Bylaws require updating and simplification. Possibly restructure into three bylaws covering: Public Places and Reserves Trading and Signage Animal Management
<b>Priority 3:</b> <b>Longer term action</b>	Trade Waste Bylaw	A review has been undertaken and Council has requested further policy work on this bylaw as part of the rating and revenue policy project.
<b>No action</b>	Control of Amusement Devices and Entertainment Premises Bylaw	No longer required

## 5 CONTROL OF AMUSEMENT DEVICES AND ENTERTAINMENT PREMISES

### BYLAW

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#### 5.1 Purpose of the Bylaw

The purpose of the Amusement Devices Bylaw is to ensure amusement devices and entertainment premises used by the public are managed and operated in a safe manner.

The bylaw addresses three key issues:

- a. Amusement devices
- b. Entertainment premises
- c. Shooting galleries

The Amusement Devices Bylaw is fundamentally intended to address issues of public health and safety, amenity and nuisance.

#### 5.2 Core Provisions

##### 5.2.1 Amusement devices

This aspect of the Amusement Devices Bylaw covers the licencing and operation of amusement devices, being power driven devices such as a Ferris wheel, merry-go-round or roller coaster.

The Amusement Devices Bylaw relates to the Amusement Devices Regulations 1978. These regulations were originally made under the Machinery Act 1950. They are now governed by the Health and Safety at Work Act 2015 (HSWA).

The regulations require as follows:

- Amusement devices must be registered with Worksafe, which requires a certificate of examination from a registered engineer.
- Once registered, a permit to operate is required from the appropriate council. The regulations set out site safety requirements for the issue of a permit, namely:
  - a. the ground on which the device is erected is capable of supporting it without risk of subsidence
  - b. there is sufficient clearance between any part of the device and any fixed or moving objects in its vicinity to prevent injury to any person when the device is in operation
  - c. such protective fences or barriers as the local authority may require are erected
  - d. in all other respects, the erection and proposed operation of the device complies with the local authority's bylaws.
- A permit can also be cancelled if the council is satisfied that the device cannot be operated safely.

Ongoing safety to workers and others (including customers and the public) is also covered by the HSWA.

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The Amusement Devices Bylaw regulates the requirements for the granting of a permit by the council and provides additional conditions relating to ongoing operational safety.

### **5.2.2 Entertainment premises**

This aspect of the Amusement Devices Bylaw requires entertainment premises to be licensed.

Entertainment premises include fairs, amusement parks, amusement galleries, video game parlours, skating rinks, billiard rooms, shooting galleries, and other places of entertainment for the public.

The core provisions of this aspect of the Bylaw are as follows.

- Regulates the granting of a licence to person of good character to operate an entertainment premises. These are required to be renewed each year.
- Restricts hours of business.
- Specifies building conditions, relating to toilets, cleanliness and maintenance.
- Places prohibitions on alcohol, gambling, and disorderly or threatening behaviour.

### **5.2.3 Shooting galleries**

This aspect of the Amusement Devices Bylaw regulates the construction, operation and maintenance of shooting galleries<sup>3</sup>, including provisions relating to firearms and projectiles used, to ensure the safety of people using the premises and the general public.

## **5.3 Bylaw History and Use**

This bylaw was automatically revoked in October 2016.

The bylaw was reviewed by the Far North District Council in 2009. During that review, the following issues were identified:

*Problems will arise if there is no legal framework within which the Council can manage and control the use of public places, or ensure premises or facilities that provide entertainment to the general public (which have the potential to cause harm or injury) are monitored and controlled to ensure all safety measures are in place.*

*The cost of processing and assessing applications for those wishing to operate from a public place, or operate amusement devices or premises, will not be recoverable if Council does not have the authority to set certain fees and charges for licenses that are required to be issued for the use of public places and relevant places of entertainment.*

Currently FNDC receives around eight applications a year for a permit to operate an amusement device at events held within the District. The permit is granted if the applicant has a certificate of registration from

<sup>3</sup> Note: This Bylaw is not intended to cover gun clubs or rifle ranges.

Worksafe. No inspections are carried out by FNDC. No licences have been issued for entertainment premises or shooting galleries.

#### 5.4 Control Options

##### 5.4.1 Options analysis

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Amusement Devices	✓✓				
Entertainment Premises	✓✓				
Shooting Galleries	✓✓				

##### 5.4.2 Discussion

Alternative methods exist to regulate these activities other than through a bylaw.

- Safety for all activities is regulated through the HWSA .
- Safety in relation to amusement devices is regulated through the Amusement Devices Regulations.
- The fee payable to council for a permit for an amusement device is contained in the Amusement Devices Regulations.
- Alcohol is regulated through Sale and Supply of Alcohol Act 2012 (with licences issued by District Licensing Committees).
- Gambling is regulated through the Gambling Act 2003 by the Department of Internal Affairs.
- The Police have powers to deal with a number of matters relating to nuisance and offensive behaviour.

FNDC is one of only a small number of councils that regulates these activities through a bylaw, suggesting that this is no longer best practice. None of the larger local authorities regulate these activities through a specific bylaw (see **Appendix 2**). FNDC staff also confirmed that there are no policy reasons to continue to regulate these activities through a bylaw.

#### 5.5 Prioritisation

The risk assessment for this bylaw is rated as low (see **Appendix 3**). A bylaw is no longer necessary to address the perceived problem. Based on the needs assessment, it is not a priority for renewal (see **Appendix 4**).

#### 5.6 Recommendations

Take no further action as alternative methods exist to address the perceived problem.

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## 6 LAND DRAINAGE BYLAW

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### 6.1 Purpose of the Bylaw

The purpose of the Land Drainage Bylaw is to enable regulation of privately-owned drainage assets within the Far North District. It covers four drainage districts, which are overseen by Land Drainage Committees: Kaitaia, Kaikino, Waiharara and Motutangi drainage areas.

Council is empowered to make this bylaw under s145 and s146(b)(iv) of the LGA. Other relevant legislation includes:

- Land Drainage Act 1908
- Local Government Act 1974

The Land Drainage Bylaw is fundamentally intended to address issues of public health and safety, property damage, nuisance, and environmental protection.

### 6.2 Core Provisions

The Land Drainage Bylaw addresses the following key issues:

- a. Requirement by the landowner to maintain access to drainage channels.
- b. Restrictions on connection of private drains to drainage channels.
- c. Requirement on the landowner to ensure no obstructions interfere with the flow of water in a drainage channel or any damage to occur. Council can require the removal of any obstructions and repair of any damage.
- d. Restrictions on modification to drainage channels.
- e. Prohibition on discharge of pollutants into the drainage channel which may cause a nuisance or be injurious to health or the proper care of the drainage channel.
- f. Restrictions on crossings of drainage channel and access by stock.
- g. Provisions relating to inspections and penalties for breach.

### 6.3 Bylaw History and Use

The Land Drainage Bylaw was automatically revoked in October 2016.

FNDC's website advises the the Land Drainage Bylaw relates to:

*The Kaitaia, Kaikino, Waiharara and Motutangi drainage areas, all of which are in the Te Hiku Ward. The origin of many of these drainage areas date back to the early 20th century, when they were developed for the purpose of converting wetlands and swamps into productive farm land. They were then expanded to provide a measure of safety for the district's urban areas. Now, the land drainage areas reduce flooding in urban Kaitaia and Awanui, while also protecting rural land, lowering groundwater levels to improve productivity.*

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*Recently the management of these drainage areas was split between the Far North District Council (we manage farm drainage) and the Northland Regional Council (rivers and main tidal flows) to maintain the standard/quality of land and drainage. This management is overseen by relevant drainage committees.*

The Land Drainage Bylaw was reviewed by the Far North District Council in 2009. During that review, the following issues were identified:

*Improperly managed and maintained land drainage assets can impact negatively on contiguous properties. This bylaw is a necessary tool required to ensure the efficient management of the key assets within these designated areas.*

*This bylaw:*

- *Ensures the safe and efficient creation, operation, maintenance and renewal of all public land drainage networks;*
- *Ensures proper hazard management to prevent or minimise flooding and erosion;*
- *Minimises adverse effects on the local environment particularly freshwater ecological systems quality, and assists in maintaining receiving water quality;*
- *Ensures that land drainage networks are properly maintained;*
- *Ensures protection of Council land drainage assets and the health and safety of employees;*
- *Sets out acceptable types of connection to land drainage networks.*

The Land Drainage Bylaw is used as a mechanism to require landowners to maintain and keep drains clear. It also ensures FNDC has access to maintain the flow of water within the drainage channel. It does this primarily through weed control.

#### **6.4 Control Options**

##### **6.4.1 Options analysis**

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Management of Land Drainage Assets				✓✓	

##### **6.4.2 Discussion**

The Land Drainage Bylaw is necessary to ensure the proper functioning of the drainage channels within the four drainage districts. Without a bylaw, there is a risk of damage and obstruction to the channels

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and the flow of water. This could have a significant impact on affected rural landowners. FNDC's ability to require remediation works and recover costs would be affected.

Specific bylaw provisions are required relating to matters such as access, maintenance, remediation, and penalties. The Land Drainage Bylaw could be enacted in its current form, with some updating to ensure it is easy to understand.

#### **6.5 Prioritisation**

The risk assessment for this bylaw is rated as medium (see **Appendix 3**). Based on the needs assessment, the Land Drainage Bylaw is a high priority for renewal (**Appendix 4**).

#### **6.6 Recommendations**

Take immediate action to enact a Land Drainage Bylaw.

## 7 TRADE WASTE BYLAW

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### 7.1 Purpose of the Bylaw

The purpose of the Trade Waste Bylaw is to control trade waste discharged into the sewerage system to ensure the protection of the wastewater treatment personnel and assets, to meet the requirements of the Resource Management Act, and to provide equitable spread of costs between domestic and trade waste discharges.

The Council is empowered to make this Bylaw under s145 and s146(a)(i11) of the LGA. Other relevant legislation includes:

- Resource Management Act 1991
- Health Act 1956
- Building Act 2004
- Waste Minimisation Act 2008
- Health and Safety at Work Act 2015
- Hazardous Substances and New Organisms Act 1996

The Trade Waste Bylaw is fundamentally intended to address issues of public health and safety, environmental protection, and key public infrastructure (the public sewer) from damage.

### 7.2 Core Provisions

The Trade Waste Bylaw addresses the following key issues:

- Control of discharge of trade waste into the sewerage system and consents requirements.
- Trade waste approval criteria.
- Sampling, testing and monitoring requirements.

### 7.3 Bylaw History and Use

The Trade Waste Bylaw was automatically revoked in October 2016.

The Bylaw was reviewed by the Far North District Council in 2016 and 2017. That review identified that:

*If not controlled, trade waste can be harmful to our wastewater treatment process, or use a disproportionate percentage of the reticulation and/or the treatment capacity.*

It also identified that:

*The recommended approach is to continue to have a Trade Waste Bylaw for the District, and, to revise the existing Bylaw. The existing Bylaw has not been operationalised and charges have not been levied to date under the Trade Waste Bylaw for discharges into the Council wastewater network. The scope and extent of trade premises discharges is not currently known. This work*

*needs to be undertaken as part of developing a revised Bylaw. Voluntary agreements with trade waste premises can be reached to help minimise harm to the natural environment.*

Council adopted the Statement of Proposal for the Trade Waste Bylaw on 11 May 2017, and consultation ran from 26 June - 28 August 2017, with 18 submitters making formal submissions. Of these submissions, 16 oppose the proposed changes and two support them. Nine submitters asked to speak at the hearing. A new bylaw has not been adopted. The Strategy Committee resolved on 11 October 2017:

- a) That the report entitled "Proposed Trade Waste Bylaw Consultation" be left to lie on the table.*
- b) And that Council staff organise workshop(s) with elected members and community representatives.*
- c) And that a subsequent report be brought back to the Strategy Committee.*

The outstanding issue relates to fees and charges payable pursuant to the Bylaw. This issue is to be addressed as part of FNDC's rating and revenue project.

#### **7.4 Control Options**

##### **7.4.1 Options analysis**

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Discharge of trade waste				✓✓	✓✓

##### **7.4.2 Discussion**

The Trade Waste Bylaw has been substantively revised. Council staff advise that it will be progressed once further work is undertaken on the fees and charges to be levied, as part of the rating and revenue project.

#### **7.5 Prioritisation**

The risk assessment for this bylaw is rated as medium (see **Appendix 3**). Based on the needs assessment, the Trade Waste Bylaw is a low priority for review (see **Appendix 4**). Substantive policy work is required on fees and charges to be levied pursuant to the bylaw.

#### **7.6 Recommendations**

Progress the Trade Waste Bylaw once further policy work on fees and charges is completed.

## 8 CONTROL OF THE USE OF PUBLIC PLACES BYLAW

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### 8.1 Purpose of the Bylaw

The purpose of the Public Places Bylaw is to regulate the use of public places including the road reserve.

The Council is empowered to make this bylaw under s145 and s146 of the LGA. Other relevant legislation includes:

- Resource Management Act 1991

The bylaw is fundamentally intended to address issues of public health and safety, amenity and nuisance.

### 8.2 Core Provisions

The core provisions of the bylaw are:

- a. Control of advertising
  - (i) Restricting the number of signs that can be placed on private property but viewed from a public space.
  - (ii) Placing posters on public or private property.
  - (iii) Erecting signs which are discriminatory, objectionable, offensive or insulting.
  - (iv) Placing signs on or over roads or footpaths in public places.
  - (v) Controlling the display of real estate signs.
  - (vi) Controlling signs that either create traffic safety issues or are distractions to drivers.
  - (vii) Controls on the lighting of signs.
  - (viii) Control of signs on parked vehicles.
  - (ix) Temporary signs advertising events.
- b. Control of public places
  - (i) Obstruction of a public place, particularly the entrances to facilities.
  - (ii) Controls on the damage and repair to public places. This includes issues like damage to fields and landscape areas, pollution, damage or defacing of public buildings, use of vehicles or animals inappropriately in parks, or modifications to the public drainage systems.

- (iii) Control of activity in public places focused on littering, inappropriate use of skateboards and rollerblades, motorcycles etc in inappropriate locations, depositing materials in a public place other than in appropriate refuse facilities.
- (iv) Construction of awnings or blinds over a public place.
- (v) Projections on or over public places. Control of barbed wire and electric fences adjoining public places.
- (vi) Assembly and busking in a public place. The ability for Council to name roads and number properties.
- (vii) Control of alfresco dining.
- c. Livestock and animals
  - (i) Control of animals in public places including on roads. This includes the hours at which stock may be driven on roads, and roads where stock are not allowed. It restricts the use to stock that can only come onto roads because there is no other practical alternative. T

### 8.3 Bylaw History and Use

The Public Places Bylaw was automatically revoked in March 2017.

The Bylaw was reviewed by the Far North District Council in 2009. That review identified that:

*The Council requires a bylaw to facilitate the effective management of public places, ensuring that the use, or misuse of those places does not pose a risk to the health, wellbeing and interests of all members of the public.*

### 8.4 Control Options

#### 8.4.1 Options analysis

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Advertising			✓	✓✓	✓
Activities and behaviour in public places			✓	✓✓	✓
Livestock			✓		

#### 8.4.2 Discussion

The Public Places Bylaw has a broad scope addressing a variety of different factors which impact public places.

- Key health and safety issues are able to be proactively managed through the bylaw controls, such as matters relating to traffic safety, pedestrian safety on footpaths, parks and other public places.
- The street naming and street numbering system is for the convenience of residents and visitors to the district, but is also essential to emergency services.
- Other aspects of the bylaw relate to nuisance amenity values such as signage, busking and fencing.

For the vast majority of individuals and business, the bylaw has no impact where they exercise sound judgment that respects public health, safety, amenity and nuisance. Sensible movement of livestock on the roads in farming circumstances where this is essential, is a good example. However, in those small number of occasions when people or business elect not to operate in an appropriate manner, then the public safety bylaw is essential to enable the Council to enforce key public health and safety standards, and to retain community amenity and prevent nuisance.

The nature of this bylaw covering a broad range of factors impacting public places, means that some elements are critical to public health and safety, amenity and nuisance, whereas others are less sensitive. However, given the broad nature of the bylaw, it is efficient and appropriate for the Council to deal with all aspects comprehensively.

- The road naming and street numbering section is constantly used by the Council to provide robust identification of properties based on new subdivision and development.
- The alfresco dining bylaw is used to control outdoor dining in our retail centres. Alfresco dining is to be encouraged. The bylaw enables the Council to control the extent of dining to ensure safe public use of the footpaths is retained and enables a licencing regime with annual inspections.
- The signage controls are used extensively to reinforce public safety around pedestrian areas, avoid driver distraction, and obscuring of driver visibility. The main body of complaint received by Council relates to real estate signs.

Some matters the subject of this bylaw can only be controlled by the Council through either its bylaw or Resource Management Act powers. Signage is the main example. The detailed review of the bylaw (if approved by Council) could examine the best method available to manage signage. However, if neither of these techniques are used, then the Council will not have the ability to control signage in or adjacent to public places. Many territorial authorities manage signs via a bylaw for ease of administration and enforcement. Generally, where this is the case, only signs associated with a development requiring resource consent are assessed under the RMA. In the larger towns and cities, particularly those with large urban populations, signs are contained in a separate bylaw. There is no requirement to have a

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separate bylaw for signs, rather the manner in which they are addressed is left to the territorial authority to determine. There are no issues that have been raised during this review that would indicate the need to have a separate signs bylaw.

The Police have powers to deal with a number of nuisance and offensive matters. Major offence and nuisance is not subject to the bylaw and is controlled through other mechanisms including the Crimes Act. The type of nuisance issues controlled in this bylaw are most practically administered by the Council given the deployment of Council resources through the district and the benefit of Council officers having the ability to respond to complaints or issues raised by ratepayers and residents. It is far more practical for the officer to have the powers and delegations to deal comprehensively with the matter in the location, rather than having to get the Police involved on what for them would be low priority matters.

There are parts of this bylaw which are of key health and safety matters which are only able to be controlled through bylaw making powers. This would include some of the issues around signage screening or competing with normal traffic safety signage, and obstructions on footpaths.

There is also no alternative to street naming and numbering which has helpful information for the public but is also essential information for emergency services.

#### **8.5 Prioritisation**

The risk assessment for this bylaw is rated as high (see **Appendix 3**). Based on the needs assessment, the Public Places Bylaw is a short-term priority for renewal (see **Appendix 4**). It would benefit from updating and simplification and could be restructured and combined with the Reserves Bylaw.

#### **8.6 Recommendations**

It is recommended that a bylaw be enacted within the short term to regulate activity in public places.

## 9 CONTROL OF VEHICLE CROSSINGS BYLAW

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### 9.1 Purpose of the Bylaw

The purpose of the Control of Vehicle Crossings Bylaw is to regulate the use, construction and maintenance of vehicle crossings giving access from public roads to private properties. It requires compliance with the FNDC's construction and maintenance standards for vehicle crossings.

The Council is empowered to make this bylaw under s145 of the LGA. Other relevant legislation includes:

- Resource Management Act 1991

The Vehicle Crossings Bylaw is intended to ensure vehicle crossings are constructed in a safe and durable manner and that they are appropriately maintained.

The Bylaw applies to all types of vehicle crossings, including those in residential (urban), commercial, industrial and rural areas, where such crossings give access from public roads.

### 9.2 Core Provisions

The Vehicle Crossings Bylaw addresses the following key issues:

- a. Requires a permit to construct, reconstruct or relocate a vehicle crossing.
- b. Construct and maintain vehicle crossings according to standards
- c. Provisions for temporary vehicle crossings
- d. Removal of redundant crossings.

### 9.3 Bylaw History and Use

The Vehicle Crossings Bylaw was automatically revoked in May 2017.

The bylaw was reviewed by the Far North District Council in 2010. That review identified that:

*This bylaw only applies to the creation of new vehicle crossings on existing land parcels and the maintenance of existing crossings. It was introduced in December 2002 after problems were identified with poorly constructed vehicle crossings that caused damage or increased maintenance to Council roads and storm water assets, e.g. loose metal filling drains, which had potential for causing injury if a crossing were to collapse.*

*The key elements of the current bylaw are:*

- *Property owners must apply for a permit to construct a vehicle crossing from a Council controlled road to their property, and*
- *Construction of crossings must conform to Council's Engineering Standards and Guidelines (June 2000).*
- *Provision is made for the repair of dangerous or poorly maintained existing crossings*

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- Rural properties have a RAPID number.

#### 9.4 Control Options

##### 9.4.1 Options analysis

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Vehicle crossings are built to required standards and appropriately maintained				✓✓	✓✓

##### 9.4.2 Discussion

The Vehicle Crossings Bylaw regulates the construction, reconstruction and relocation of vehicle crossings works in the road reserve. The bylaw captures all vehicle crossing works that do not fall within a subdivision or land-use consent.

While vehicle crossing standards are included in the District Plan, the bylaw provides the necessary controls to ensure vehicle crossings are built to specific standards and appropriately maintained in a safe manner. The bylaw allows the Council to require a property owner to upgrade or maintain a vehicle crossing and undertake remedial work and charge the property owner. The bylaw provides an easier mechanism to achieve this than relying on s17 of the RMA (duty to avoid, remedy and mitigate adverse effects). The bylaw also enables a permit process for the construction and inspection of vehicle crossings.

The existing bylaw includes vehicle crossing permit application forms. The inclusion of the permit forms within the bylaw makes the process for amendments difficult. The forms are not required to be included in the bylaw and could form part of the guidelines.

#### 9.5 Prioritisation

The risk assessment for this bylaw is rated as medium (see **Appendix 3**). Based on the needs assessment, renewal of this bylaw is a short term priority (see **Appendix 4**). While a bylaw is required, minor changes are required to the form and content of the bylaw. It could also be incorporated into a public places bylaw.

#### 9.6 Recommendations

It is recommended that a bylaw be enacted within the short term to regulate vehicle crossings (either as a stand-alone bylaw or incorporated within a public places bylaw).

## 10 CONTROL OF MOBILE SHOPS AND HAWKERS

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### 10.1 Purpose of the Bylaw

The purpose of the Mobile Shops Bylaw is to regulate the use of public places for the purposes of roadside or street trading. It relates to the use of public places for trading of all kinds, the display of advertising signs, and the general use and prohibiting of nuisance to the public.

Council is empowered to make this bylaw under s145, s145(a)(vi) and s145(b)(vi) of the LGA. Other relevant legislation includes:

- Food Act 2014

The bylaw is fundamentally intended to address issues of nuisance, public health and safety, and protection of public infrastructure.

### 10.2 Core Provisions

The bylaw addresses the following key issues:

- a. Licence requirements to sell goods in a public places as a mobile shop or hawker. The FNDC may impose conditions such as restricting the time and place trading is permitted, the types of goods that can be sold, safety and hygiene requirements, and the use of signage.
- b. Restrictions on where a mobile shop or hawker can operate. Specifically, a mobile shop is not permitted to operate within 400 metres of an established retail outlet or within areas specifically defined in the schedule to the Bylaw. FNDC has issued a schedule of restricted trading areas in Kerikeri, Russell, and Pahia.
- c. Requirement for a licence to operate a street stall. A permit is not required where the stall operates on not more that two occasions per year and for charitable purposes only.
- d. Restrictions on the size and placement of advertising signs related to a mobile shop or street stall.

### 10.3 Bylaw History and Use

The Mobile Shops Bylaw was automatically revoked in July 2017.

The bylaw was reviewed by the Far North District Council in 2010. During that review, the following issues were identified:

*The current bylaw has been enforced to good effect, however, there is anecdotal evidence that increasing numbers of mobile shops and hawkers has begun to affect retail operators, bringing about more interest and concern about where mobiles shops should be allowed to operate from, and possibly how many. This is particularly prevalent in Paihia...*

*In more recent times there has been an increased interest in the number of licences issued to mobile shop and hawker operators, and in particular, where they are allowed to set up and trade from, and the number of operators permitted in any one location, particularly in Paihia.*

*The key issues are in relation to the distance a mobile shop must operate from an established retail outlet, and the term 'principal business' and how that is determined when assessing and issuing a licence to operate.*

*It is also envisaged that the bylaw will specify areas of the District in which Mobile Shops will not be permitted to operate (the proposed First Schedule)*

*Because the location of these sites may be a matter of interest to the existing traders and the Community generally it is proposed that these be identified through a separate process and be subject to a separate consultation before being incorporated into the bylaw.*

FNDC issues in the region of 100 licences a year. It also receives a number of inquiries each year relating to whether a trader has a licence to operate. The most significant area of concern is reported to relate to the trader's proximity to a retail operator.

#### **10.4 Control Options**

##### **10.4.1 Options analysis**

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Mobile shops and hawkers	✓		✓		✓✓
Street stalls	✓		✓		✓✓

##### **10.4.2 Discussion**

Without regulation, FNDC would have little or no power to control operators of mobile shops, or hawkers trading in public places. Left unregulated, these activities can give rise to negative effects and problems in public places. They can impact on the enjoyment, character and amenity of the area, cause health and safety issues, and have financial impacts on established retailers. The District Plan makes provision for retail businesses setting up on private property, according to the appropriate 'zoning'. However, this does not capture 'mobile' operations and hawkers operating in public places.

The Mobile Shops Bylaw specifically prevents a mobile shop from operating within certain specified areas (set out in a schedule to the bylaw). This could be reviewed to determine if it remains appropriate from a public policy perspective. Staff advise that the schedule is arguably redundant as most, if not all, mobile

shops that would operate within those areas would be within 400 metres of an established retail outlet selling similar goods. This would prevent the mobile shop from operating within that area.

Changes to the Food Act now enable a street stall to be operated up to 20 times a year for charitable purposes. The Mobile Shops Bylaw needs updating to reflect this. It is still considered necessary though, for all other street stalls to obtain a permit. This enables FNDC to monitor street stalls to ensure that those who are making a profit or operating in excess of 20 times a year are properly licensed.

This bylaw covers activities within a public place. It could be incorporated into the Public Places Bylaw. Alternatively, activities that are similar between the two bylaws could be combined into a bylaw which covers trading and events in public places. This could cover outdoor dining and street performances (busking) for example.

#### **10.5 Prioritisation**

The risk assessment for this bylaw is rated as high (see **Appendix 3**). Based on the needs assessment, renewal of this bylaw is a short term priority (see **Appendix 4**). While a bylaw is required, changes are required to the form and content of the bylaw.

#### **10.6 Recommendations**

It is recommended that a bylaw be enacted within the short term to regulate trading in public places.

## 11 RESERVES BYLAW

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### 11.1 Purpose of the Bylaw

The purpose of the bylaw is to regulate the use of reserves including beaches, coastal areas, foreshore and lakes.

Council is empowered to make this bylaw under s145 (a)-(c) and s146 (b) of the LGA.

Other relevant legislation includes:

- Resource Management Act
- Local Government Act
- Reserves Act
- Land Transport Act

The bylaw is fundamentally in place to protect the public from nuisance, to support public health and safety and to minimise the potential for offensive behaviour on Council reserves (including beaches, foreshore and lakes).

### 11.2 Core Provisions

The bylaw addresses the following key issues:

- a. Restricting access to a reserve when closed and used for a specified use (i.e. a fee paying event).
- b. Controlling obstructions of any of the approaches, entrances, exits, thoroughfares, walkways, or roads to or within any reserve
- c. Controlling the use of water to avoid wastage of water for the filling of utensils for drinking, cooking, or washing purposes and protect against pollution of any water supply in any reserve.
- d. Restricting riding or driving of vehicles to formed areas and limiting speed to 15km/h.
- e. Restricting repairs to or maintenance work on any vehicle, or boat without permission and restricting storage of boats or vehicles on reserves without permission.
- f. Restricting camping to reserves allocated for the purpose or for temporary use where authorised.
- g. Controlling nuisance including wilful obstruction, disturbance, annoyance, or in any way interfere with any other person in their use or enjoyment of any reserve.
- h. Restricting public gatherings and assembly in reserves without authorisation.

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- i. Restricting sports and games unless authorised to do so.
- j. Requiring dogs to be on leash unless in an area specified by the Council's Dog Control Bylaw.
- k. Restricting the landing of aircraft or flying machine without permission except in an emergency.
- l. Restricting commercial activities unless licenced by Council.
- m. Provide for the ability to set aside reserves for specified activities or limit activities.
- n. Providing the ability to remove people or vehicles from reserves.

### 11.3 Bylaw History and Use

The Reserves Bylaw was automatically revoked in July 2017.

The bylaw was reviewed by the Far North District Council in 2010. During that review, the following issues were identified:

*Councils have the power to make bylaws for the purpose of regulating, managing and controlling use and access to reserves. The Council's Parks and Reserves bylaw and the Beaches: Bathing and Control bylaw provide for regulation of behaviour and misuse of reserves. The bylaws are generally not actively enforced unless complaints are lodged.*

*The two bylaws have been in place since 1989 and will lapse from 1 July 2010. Given Council's significant workload with bylaws over the past year, these bylaws have not been accorded priority and are only now being reviewed. The anticipated adoption date is 9 December 2010, in time for the height of the tourist season.*

*It is proposed to amalgamate the two bylaws (which are out of date and out of step with current legislation) into one.*

*It is proposed that the two bylaws will be combined and reduced into a much shorter, simplified bylaw which focuses on key requirements:*

- *Access to reserves*
- *Behaviour on reserves*
- *Special events and commercial activities on reserves*

*One of the key issues is the proposed clause which will tighten controls on "freedom" camping. It is also proposed that the by-law will include new schedules to identify reserves where activities are not permitted e.g. vehicles or horses. This is considered a better approach than a blanket ban across the district.*

## 11.4 Control Options

### 11.4.1 Options analysis

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Nuisance, public safety and health			✓	✓	
Activity on reserves	✓			✓	✓

### 11.4.2 Discussion

The Reserves Bylaw controls behaviour and activity within Council owned reserves. Reserve is broadly defined to include any open space, plantation, park, garden or ground set apart for public recreation or enjoyment, and any esplanade, foreshore or beach associated with any water way, lake or coastal area where such is included within the District, which is vested in or under the control of the Council.

While the District Plan regulates land use activities on reserves, the bylaw includes activities more suited to a permit or licence process such as temporary and commercial activities. Left unregulated, these activities can give rise to negative effects and problems in public places. They can impact on the enjoyment, character and amenity of the reserve, cause nuisance or health and safety issues.

The bylaw also regulates nuisance and controls the behaviour of people on reserves to ensure that people do not interfere with any other person in their enjoyment or use of the reserve. The Police have powers to deal with nuisance and offensive behaviour through the Crimes Act. The type of nuisance issues controlled in this bylaw are those most practically administered by the Council given the deployment of Council resources through the district and the benefit of Council officers having the ability to respond to complaints or issues raised by ratepayers and residents. It is far more practical for the officer to have the powers and delegations to deal comprehensively with the matter in the location, rather than having to get the Police involved on what for them would be low priority matters.

There are gaps in the existing bylaw that should be addressed including the removal, cutting and poisoning of trees on reserves, encroachment on esplanade reserves and dumping of rubbish (fly tipping). Currently Council officers have limited powers to respond to these matters. Additional controls to address these matters could be included in revised bylaw.

The control of dogs on reserves is currently included in the Reserves bylaw with a cross reference to the Dog Control bylaw. This could be incorporated into the Dog Control bylaw.

While the use of aircraft (including flying machines) on reserves is covered in the bylaw, there are no specific provisions that deal with the use of drones on public reserve land. Many territorial authorities have specific controls relating to drones. This could be addressed in the updated bylaw

Currently, freedom camping is not explicitly addressed in the bylaw. Rather, FNDC has prepared a comprehensive Camping in Public Places policy to identify where people may camp in public places, ensure visitors are safe, prevent nuisance and prevent damage to the environment and facilities. The policy links to the Reserves bylaw, which restricts camping to allocated reserves.

The Reserves bylaw could be updated to include freedom camping or a separate bylaw could be created. While many territorial authorities have a specific freedom camping bylaw and have adopted the template prepared by Local Government New Zealand, there is no prescribed approach, and rather it is left to each territorial authority to determine the best approach for their district. The Camping in Public Places policy already addresses matters that would be included in a bylaw and links to the Reserves bylaw to enable enforcement of illegal camping nuisance and antisocial behaviour and environmental impacts. If this approach is retained, more explicit cross referencing to the policy could be included in the bylaw.

#### **11.5 Prioritisation**

The risk assessment for this bylaw is rated as high (see **Appendix 3**). Based on the needs assessment, the Reserves bylaw is a short-term priority for renewal (see **Appendix 4**). It would benefit from updating and simplification, and could be restructured and combined with the Public Places Bylaw.

#### **11.6 Recommendations**

It is recommended that a bylaw be enacted within the short term to regulate activity in reserves. This could be combined with a bylaw covering public places.

## 12 KEEPING OF ANIMALS, POULTRY AND BEES BYLAW

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### 12.1 Purpose of the Bylaw

The purpose of the Animals Bylaw is to regulate the keeping of animals, poultry or bees so they do not cause a danger, nuisance or health risk.

A council is empowered to make this bylaw under the general provisions of s145 of the LGA and the specific provisions of s146, which provides the power to make a bylaw to regulate the keeping of animals, bees and poultry. A council is also has the power under section 23(a) of the Public Health Act to make bylaws to improve, promote and protect public health within its district.

Other relevant legislation includes:

- Animal Welfare Act 1999
- Bio security Act 1993
- Resource Management Act 1991
- Reserves Act 1977
- Wildlife Act 1953

The Animals Bylaw is fundamentally intended to address issues of nuisance, public health and safety, and environmental protection.

### 12.2 Core Provisions

The Animals Bylaw addresses the following key issues:

- a. Keeping of pigs: restrictions on where they can be kept, environmental and public health protections, and bio security considerations.
- b. Keeping of horses, goats, sheep cattle: restrictions on where they can be kept.
- c. Keeping of poultry: restrictions on number and where they can be kept, as well as environmental and public health protections.
- d. Keeping of bees: requirement to obtain a licence where bees are to be kept on properties with certain zoning, provides council with authority to prescribe the location and number of hives, and enables council to prevent the keeping of bees where they could become a nuisance, annoyance, or be potentially dangerous or injurious to health.
- e. Keeping of cats: restrictions on the number of cats that can be kept in certain areas and enables council to prohibit the keeping of cats where they are likely to become a nuisance, are dangerous or injurious to health, or are a danger to wildlife.
- f. Killing of animals, poultry or birds: prohibition in certain areas without written council approval
- g. Removal of unauthorised work where it is likely to become a nuisance or annoyance or potentially dangerous or injurious to human health.

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### 12.3 Bylaw History and Use

The Animals Bylaw will be automatically revoked in September 2019 if no action is taken.

It was last reviewed by the Far North District Council in 2007. During that review, the following issues were identified:

*The keeping of animals is still a matter that attracts concerns for the public in relation to health nuisance and effects on lifestyle, particularly with property sizes reducing in size due to subdivision, which brings human and animal habitation closer together.*

*The manner in which some animals are kept, their conditions and general habitat has been the cause of an increasing number of complaints during the last year, particularly in relation to the keeping of pigs. This has involved a great deal of time being spent by both Monitoring and Environmental Health Officers in seeking compliance and enforcement action when dealing with the keepers of those animals.*

*Public concern was shown for the keeping of cats in the district, particularly in residential and protected wildlife zones, and this was especially evident in the submissions received by the Council when carrying out the recent consultation on the review of its Dog Control Act Policies and Bylaws, where the keeping of cats was not a matter for that bylaw. However, those submissions were considered in the review of Chapter Thirteen.*

*In particular it was identified that that with respect to the keeping of pigs further clarity is required to identify where pigs maybe kept and under what criteria.*

FNDC receives a number of complaints each year relating to animals covered by this bylaw (such as noise from roosters). The requirement to contain animals within a property is also an issue.

Permits are issued under the Animals Bylaw on occasion. However, the provisions of the bylaw (including permitting and approval requirements) are enforced on a reactive rather than proactive basis.

### 12.4 Control Options

#### 12.4.1 Options analysis

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Keeping of Stock (including poultry and pigs)			✓	✓✓	✓
Keeping of Bees				✓✓	✓
Keeping of Cats			✓		
Killing of Animals				✓	
Removal of unauthorised work or nuisance	✓				

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#### **12.4.2 Discussion**

##### ***Animal welfare generally***

Owners of animals are required to meet animal welfare standards under the Animal Welfare Act and regulations made under that Act (such as the Animal Welfare (Care and Procedures) Regulations 2018). Therefore, it is not necessary to include general animal welfare provisions within a council bylaw.

##### ***Provisions relating to stock generally***

It is appropriate for Council regulate the keeping of stock (including pigs and poultry) through a bylaw. This would:

- place a general obligation on the owner to ensure the animal does not create a nuisance or a risk to public health and safety.
- restrict the types of areas where stock may be kept
- specify certain standards relating to the manner in which they are held (including for example, stock numbers)
- contain specific provisions relating to the slaughter or killing of animals
- include a licence provision in specific circumstances (where someone wishes to keep more than a specified number of animals or on land within a specific zoning)

This is necessary to prevent nuisance, risk to public health and safety, ensure amenity values of adjoining properties are maintained, and provide environmental protection.

It would be possible to consolidate the provisions within the current bylaw to make these provisions simpler, easier to understand, and flexible enough to accommodate changing circumstances, such as the changing nature of land use (including reduction in property sizes).

##### ***Special requirements***

###### ***Generally***

Certain types of animals raise specific nuisance, health and safety, and environmental issues. The keeping of bees and cats are discussed below.

###### ***Keeping of Bees***

- Bee Welfare: Bee colony health and biosecurity risks are managed by the Ministry for Primary Industries. There is no need therefore, for council to address bee welfare in a bylaw.
- Nuisance and public safety: Potential public health, safety and nuisance impacts resulting from the keeping of bees are issues for the council to address. These include areas where bees can be kept and restrictions on the number of hives. This can be achieved through specific standards within a bylaw.

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- **Licensing:** All beekeepers in New Zealand have a legal obligation under the Biosecurity Act 1993 to register as a beekeeper. Part of the registration process involves registering apiaries Biosecurity (National American Foulbrood Pest Management Plan) Order 1998. Potentially, the requirement to licence hives with the council would generally be an unnecessary duplication, given the registration requirements under the Biosecurity Act.

#### *Keeping of cats*

Cats can present a nuisance to neighbouring property owners, pose a public health risk, and raise environmental concerns due to predation of native birds. A bylaw provides a mechanism to restrict the number of cats that can be kept at a property as a response to these perceived problems.

#### *Removal of unauthorised work or nuisance*

This provision does not appear to specifically relate to animal management. Unauthorised works would be better controlled under the Building Act or if this does not adequately address the underlying perceived problem, through a general nuisance bylaw.

#### **Gaps and amendments**

Areas that either require clarification or could be covered within the bylaw include:

- A requirement to contain an animal within the property boundary
- Clarification of relevant zoning restrictions that apply to the keeping of different types of animals

#### **Other bylaw provisions**

The Public Places Bylaw contains provisions relating to the wandering, tethering and droving of livestock and animals. These provisions could be incorporated into the Animals Bylaw.

#### **12.5 Prioritisation**

The risk assessment for this bylaw is rated as medium (see **Appendix 3**). Based on the needs assessment, renewal of this bylaw is a short term priority (see **Appendix 4**). While a bylaw is required, changes are recommended to the form and content of the bylaw.

#### **12.6 Recommendations**

A bylaw is required to cover animal management issues. It is recommended that all animal management issues (excluding those related to dogs) be consolidated into one bylaw. There is also scope to simplify and streamline the bylaw in line with current best practice, through the use of supplementary controls and guidelines to support the bylaw provisions.

## 13 CONTROL OF EARTHWORKS BYLAW

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### 13.1 Purpose of the Bylaw

The purpose of the Earthworks Bylaw is to control excavation, filling, or cellar work on private property where a resource consent under the District Plan is not required, and to control erosion and sedimentation created by that work.

Council is empowered to make this bylaw under s145 of the LGA.

Other relevant legislation includes:

- Resource Management Act
- Building Act

The Earthworks Bylaw is fundamentally intended to address issues of public health and safety, nuisance, and environmental protection.

### 13.2 Core Provisions

The Earthworks Bylaw addresses 3 key issues:

- a. Requirement for a permit for specified excavation, cellar construction or filling (which Council may issue with conditions to control risks to public safety, subsidence or sediment controls, or any matter considered appropriate). The permit application is to include evidence of satisfactory erosion and sediment controls.
- b. Requirements relating to the undertaking and completion of the work, including liability for damage to a road or public property.
- c. Penalties for breach of the Bylaw

### 13.3 Bylaw History and Use

The Earthworks Bylaw will automatically revoke in February 2020.

The bylaw was reviewed by the Far North District Council in 2007. During that review, the following issues were identified.

*Whilst the District Plan does have some controls for earthworks, they do not cover the full extent of the type of earthworks that are carried out throughout the district, but tend to cover the more major earthworks.*

*Until further District Plan changes are possible, it is considered necessary for a Control of Earthworks bylaw to remain. However, the current criteria of the existing bylaw is considered inappropriate and in need of review and change. Matters of erosion control and sedimentation*

control indicate the need to continue with a bylaw. Complaints about earthworks are common and an increasing concern for the public.

### 13.4 Control Options

#### 13.4.1 Options analysis

Issue/Problem	Rely on alternative regulation	Non-regulatory approaches	Bylaw: General provision (nuisance and health and safety)	Bylaw: specific standards	Bylaw: Permit/Licence
Earthworks and/or filling	✓			✓✓	✓

#### 13.4.2 Discussion

##### Best practice

Best practice indicates that regulation of earthworks is now more appropriately addressed through a council's district plan, with few councils using a bylaw for this purpose. This approach provides a wider toolkit for regulation, monitoring and enforcement of earthworks activities.

FNDC is reviewing its district plan. As part of this review, it is intending to incorporate all earthworks controls into the district plan. This will make the Earthworks Bylaw redundant. However, the new district plan will not be operative before the bylaw is revoked.

A bylaw is therefore, required in the interim period until the new district plan becomes operative (and any relevant appeals have been resolved) for the following reasons.

- The district plan provisions do not cover the full extent of the type of earthworks that are carried out throughout the district. They tend to only cover the more major earthworks.
- There are no earthworks controls in the district plan for certain zones (commercial/industrial). Earthworks in these areas are solely controlled by the bylaw.

#### 13.5 Prioritisation

The risk assessment for this bylaw is rated as medium (see **Appendix 3**). Based on the needs assessment, the Earthworks Bylaw is a high priority for renewal (see **Appendix 4**).

#### 13.6 Recommendations

The Earthworks Bylaw should be rolled over prior the date of revocation, as an interim measure, until the new district plan becomes operative (and any relevant appeals are resolved). The Earthworks Bylaw can then be revoked. However, it must be noted that s156 of the LGA applies to a proposal to revoke a bylaw (using the special consultative procedure).

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## APPENDIX 1

## List of FNDC Staff Interviewed

Bylaw	FNDC Staff
General questions and matters of FNDC policy and process	Roger Ackers, Chris Sargent,
Control of Amusement Devices and Entertainment Premises	Darren Edwards, Ian Wilson, Manuel Loffley, Kellee Morunga
Land Drainage	Steve Little, Sophie Jones
Trade Waste	Melissa Parlane
Control of the Use of Public Places	Darren Edwards, Ian Wilson, Nina Gobie, Rachael Pull
Control of Vehicle Crossings	Darren Edwards, Ian Wilson, Manuel Loffley, Katie Waiti-Dennis, Brad Hedger
Mobile Shops and Hawkers	Darren Edwards, Ian Wilson, Manuel Loffley, Katie Waiti-Dennis, Kellee Morunga
Reserves	Nina Gobie, Rachael Pull
Keeping of Animals, Poultry and Bees	Darren Edwards, Ian Wilson, Sam Van Ameringen
Earthworks	Tammy Wooster, Louise Wilson, Brad Hedger

## APPENDIX 2

## List of Relevant Bylaws Enacted by Other New Zealand Councils

Council	Relevant Bylaws
Whangarei	Animals Public Places Stormwater Management Trade Waste
Kaipara	General Bylaws <ul style="list-style-type: none"> <li>Public Places</li> <li>Trading in Public Places</li> <li>Amusement Galleries</li> <li>Keeping of Animals, Poultry and Bees</li> <li>Land Drainage</li> </ul>
Auckland	Animal Management Public Safety and Nuisance Stormwater Trading and Events in Public Places Trade Waste
Waikato	Keeping of Animals Public Places Reserves and Beaches Trade Waste and Wastewater
Hamilton City	Animal Nuisance Parks, Domains and Reserves Public Places Safety in Public Places Stormwater Trade Waste and Wastewater Trade Waste
Matamata Piako	Public Amenities Stormwater Management Trade Waste
Thames-Coromandel	Activities in Public Places Nuisances
Tauranga City	Beaches Keeping of Animals Stormwater (Pollution Prevention) Bylaw Street Use and Public Places Trade Waste
Hauraki	Public Safety Trade Waste and Wastewater Land Drainage
Rotorua	General Bylaw <ul style="list-style-type: none"> <li>Public Places</li> <li>Trading in Public Places</li> <li>Keeping of Animals, Poultry and Bees</li> </ul> Water Services and Trade Waste
Taupo	Animals, Birds and Bees Reserves and Public Places

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Council	Relevant Bylaws
	Trade Waste Trading in Public Places
Hastings	Public Places Nuisances: Stock, Poultry and Bees
Gisbourne	Keeping of Animals, Poultry and Bees Mobile Shops and Other Traders Public Places Reserves
Masterton	Public Places Trading in Public Places The Keeping of Animals, Poultry and Bees Wastewater Drainage Trade Waste
Wellington City	Consolidated Bylaw <ul style="list-style-type: none"> <li>• Animals</li> <li>• Public Places</li> <li>• Water Services</li> </ul> Wellington Trade Waste
Porirua City	Keeping of Animals Public Places Reserves Trade Waste
Upper Hutt City	Hutt Valley Trade Wastes Keeping of Stock, Poultry and Bees Public Places
Nelson	City Amenity Urban Environments Wastewater
Christchurch City	Parks and Reserves Public Places Stock on Roads Trade Waste Water Supply, Wastewater and Stormwater
Ashburton	Keeping of Animals, Bees and Poultry Mobile Shops, Stalls and Hawkers Open Spaces Public Places Trade Wastes Wastewater Drainage
Selwyn	Parks and Reserves Public Places Trade Waste Stormwater and Drainage
Central Otago	Public Places Keeping Animals, Poultry and Bees Trade Waste
Dunedin City	Keeping of Animals (Excluding Dogs) and Birds Bylaw Mobile Trading and Temporary Stall Bylaw Reserves and Beaches Bylaw Roeading Trade Waste




Council	Relevant Bylaws
	Water
Queenstown	Activities in Public Places Trade Waste
Southland	Keeping of Animals, Poultry and Bees Subdivision, Land Use and Development Trading in Public Places Wastewater Drainage Trade Waste

## APPENDIX 3

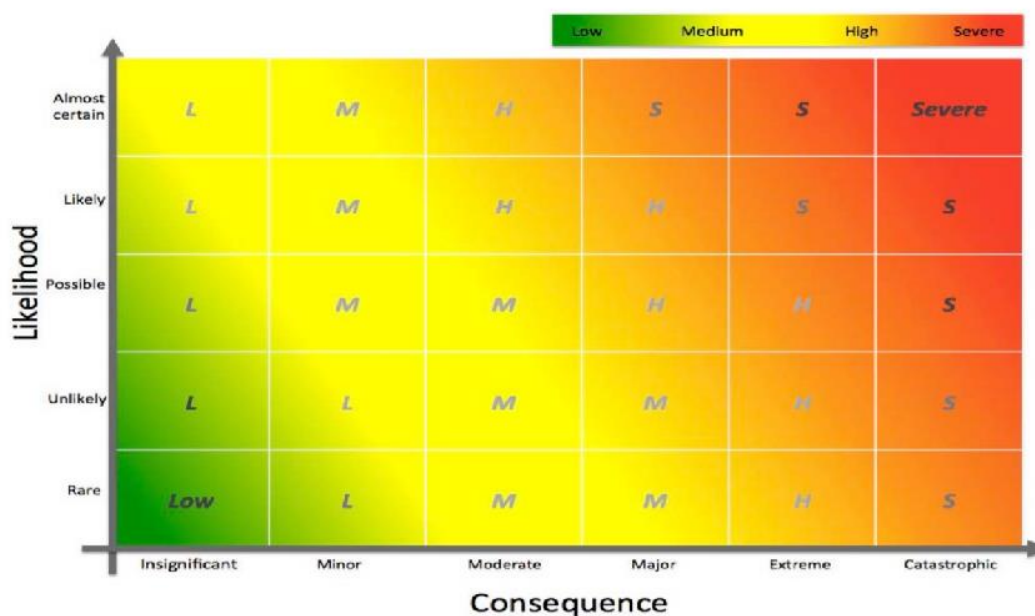
**Risk Matrix****Overview of approach**

Risk was assessed for each bylaw using Likelihood and Consequence scales.

Likelihood Scale	Description
Almost certain	Actual, expected to happen several times a year or constant
Likely	Expected to happen each year
Possible	Theoretical, intermittent, may happen every couple of years
Unlikely	Infrequent, temporary, not expected to happen within a five year period
Rare	No known event, never expected to happen

Consequence Scale	Description
Catastrophic	Life-threatening or disastrous, complete breakdown of service
Extreme	Significant, permanent and/or prolonged, irreversible impact
Major	Serious event, some irreversible impact, long term damage
Moderate	Short-term disruptions, impact is reversible
Minor	Minor disruption or adverse effects, low impact
Insignificant	No known or measurable impact

These were rated into Low, Medium, High, and Severe using the following risk evaluation chart.



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A score was allocated as follows:

Overall Rating Score	
Low	1
Medium	2
High	3
Severe	4

Risk was assessed for each bylaw using the above approach against nine criteria. This enabled a risk score to be calculated for each bylaw.

Bylaw	Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
<i>Name of Bylaw</i>	Nuisance					
	Public Health and Safety					
	Offensive Behaviour in a Public Place					
	Effect on Public Infrastructure					
	Environmental Protection					
	Economic Factors					
	Operational Factors					
	Public Interest/Reputation					
	Financial Impact					
	<b>Total Score</b>					

**Risk assessments and scores**

**Amusement Devices and Entertainment Premises Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Rare	Insignificant	L	1	No nuisance events reported
Public Health and Safety	Unlikely	Minor	M	2	Can be managed through Worksafe registration and HSWA
Offensive Behaviour in a Public Place	Unlikely	Insignificant	L	1	Any impact can be managed by other means (Police)
Effect on Public Infrastructure	Rare	Insignificant	L	1	No known impact
Environmental Protection	Rare	Insignificant	L	1	No known impact
Economic Factors	Rare	Insignificant	L	1	No known impact
Operational Factors	Rare	Insignificant	L	1	No known impact
Public Interest/Reputation	Unlikely	Insignificant	L	1	Possibility of reputational risk if someone is hurt
Financial Impact	Unlikely	Moderate	M	2	Low risk of financial impact for Council if someone is hurt
<b>Total Score</b>				<b>11</b>	

**Keeping of Animals, Poultry and Bees Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Likely	Moderate	H	3	Some animals can pose a nuisance to neighbours. Impact is higher in urban areas
Public Health and Safety	Possible	Moderate	M	2	Health and safety impacts associated with some animals (pigs, bees)
Offensive Behaviour in a Public Place	Rare	Insignificant	L	1	No known impact
Effect on Public Infrastructure	Rare	Insignificant	L	1	No known impact
Environmental Protection	Possible	Minor	M	2	Environmental issues with effluent and with predation by cats
Economic Factors	Unlikely	Minor	L	1	Possible economic impacts where animals held for commercial gain
Operational Factors	Possible	Minor	M	2	Need for clear specifications and controls from an operational perspective
Public Interest/Reputation	Likely	Major	H	3	Demonstrated public interest (history of complaints).
Financial Impact	Unlikely	Insignificant	M	1	Low risk of financial impact for Council
<b>Total Score</b>				<b>16</b>	

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**Control of Earthworks Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Likely	Moderate	H	3	Unregulated earthworks can cause a nuisance to neighbouring property
Public Health and Safety	Possible	Moderate	M	2	Subsidence impacts to health and safety
Offensive Behaviour in a Public Place	Rare	Insignificant	L	1	No known impact
Effect on Public Infrastructure	Possible	Moderate	M	2	Impact on unregulated earthworks on neighbouring public property, including damage to public infrastructure (such as roads and drains)
Environmental Protection	Possible	Major	H	3	Possibility of environmental impacts, particularly from subsidence and runoff
Economic Factors	Unlikely	Minor	L	1	No significant economic impact
Operational Factors	Rare	Insignificant	L	1	No known operational impacts
Public Interest/Reputation	Likely	Moderate	H	3	Reputation risk is likely, depending on the nature of the works
Financial Impact	Possible	Moderate	M	2	Financial risk to Council if public infrastructure affected. Also potential financial impact for affected neighbouring properties.
<b>Total Score</b>				<b>18</b>	

**Land Drainage Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Possible	Moderate	M	2	Poor maintenance or obstructions could cause a significant impact to properties, but limited in extent of impact
Public Health and Safety	Possible	Minor	M	2	Health and safety impacts associated with inability to drain adjacent rural land
Offensive Behaviour in a Public Place	Rare	Insignificant	L	1	No known impact
Effect on Public Infrastructure	Rare	Insignificant	L	1	No known impact
Environmental Protection	Possible	Minor	M	2	Pollutants entering the drainage channels and potentially flooding adjacent rural land could have a significant environmental impact.
Economic Factors	Possible	Moderate	M	2	Could have a significant impact on rural production for the affected landowners if land is not properly drained.




Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Operational Factors	Possible	Minor	M	2	Inability to access land adjacent to drainage channels to carry out work to ensure the flow of water.
Public Interest/Reputation	Unlikely	Minor	L	1	Potentially limited to directly affected landowners.
Financial Impact	Possible	Minor	M	2	Financial risk to Council if it cannot enforce maintenance and remediation obligations.
<b>Total Score</b>				<b>15</b>	

**Mobile Shops and Hawkers Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Likely	Moderate	H	3	Mobile traders likely to be a nuisance if unregulated
Public Health and Safety	Possible	Moderate	M	2	Unregulated traders can create a public safety hazard depending on where they are situated. Possible health implications where food is involved.
Offensive Behaviour in a Public Place	Possible	Minor	M	2	Depends on the nature of the trader
Effect on Public Infrastructure	Possible	Moderate	M	2	Situated on public property so will have an impact on public infrastructure
Environmental Protection	Unlikely	Minor	L	1	No significant impacts
Economic Factors	Likely	Moderate	H	3	Unregulated traders can have an impact on established retail shops and traders
Operational Factors	Likely	Moderate	H	3	Impact on other Council services (street cleaning etc)
Public Interest/Reputation	Likely	Major	H	3	Likely to be a significant public interest, which will affect Council's reputation
Financial Impact	Possible	Moderate	M	2	Financial risk to Council if it cannot enforce maintenance and remediation obligations.
<b>Total Score</b>				<b>21</b>	

**Control of the Use of Public Places Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Almost certain	Moderate	H	3	Unregulated activities likely to cause nuisance and require increased compliance and monitoring

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Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Public Health and Safety	Likely	Moderate	M	2	Health and safety impacts associated with lack of control of activity on public places
Offensive Behaviour in a Public Place	Almost certain	Moderate	H	3	Offensive and anti-social behaviour impacts on peoples use an enjoyment of public space
Effect on Public Infrastructure	Possible	Moderate	M	2	Situated on public property so could impact on public infrastructure
Environmental Protection	Possible	Moderate	M	2	Pollutants entering public infrastructure may have environmental impact
Economic Factors	Possible	Moderate	M	2	Unconstrained advertising in public places may have impact on businesses
Operational Factors	Likely	Moderate	H	3	Impact on other Council services
Public Interest/Reputation	Likely	Major	H	3	Likely to be significant public interest, which will affect Council's reputation
Financial Impact	Possible	Moderate	M	2	Financial risk to Council if public places damaged or other Council services impacted, eg street cleaning, rubbish collection
<b>Total Score</b>				<b>22</b>	

**Trade Waste Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Possible	Minor	M	2	Possibility of some nuisance
Public Health and Safety	Possible	Moderate	M	2	May have a health impact if not properly managed
Offensive Behaviour in a Public Place	Rare	Insignificant	L	1	No known impact
Effect on Public Infrastructure	Possible	Moderate	M	2	Possibility of negative impact on Council wastewater infrastructure
Environmental Protection	Possible	Moderate	M	2	Trade Waste has environmental impacts if not appropriately controlled
Economic Factors	Possible	Moderate	M	2	Management of trade waste and associated costs have economic impacts
Operational Factors	Possible	Moderate	M	2	Operational consequences if trade waste risk is not well managed
Public Interest/Reputation	Rare	Insignificant	L	1	Not a high risk issue
Financial Impact	Possible	Moderate	M	2	Financial implications to Council if trade waste




Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
					damages Council infrastructure
<b>Total Score</b>				<b>16</b>	

**Reserves Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Almost Certain	Moderate	H	3	Unregulated activities likely to cause nuisance and require enforcement
Public Health and Safety	Almost Certain	Moderate	H	3	Health and safety impacts associated with lack of control in reserves
Offensive Behaviour in a Public Place	Almost Certain	Moderate	H	3	Offensive and anti-social behaviour impacts on peoples use and enjoyment of reserves
Effect on Public Infrastructure	Likely	Major	H	3	Situated on public property so could impact public infrastructure
Environmental Protection	Likely	Major	H	3	Potential impact on beaches, coastal areas and waterways
Economic Factors	Unlikely	Minor	L	1	No significant impacts
Operational Factors	Likely	Moderate	H	3	Potential impact on other Council services
Public Interest/Reputation	Likely	Major	H	3	Likely to be significant public interest, which will affect Council's reputation
Financial Impact	Possible	Moderate	M	2	Financial risk to Council is reserves damaged or other Council services impacted
<b>Total Score</b>				<b>24</b>	

**Control of Vehicle Crossings Bylaw**

Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Nuisance	Likely	Moderate	M	2	Unsafe vehicle crossing could impact neighbouring properties and road users
Public Health and Safety	Likely	Major	H	3	Unsafe vehicle crossings have potential to result in accidents (pedestrian and vehicle)
Offensive Behaviour in a Public Place	Possible	Moderate	M	2	Sustained nuisance or accident may lead to offensive behaviour
Effect on Public Infrastructure	Possible	Moderate	M	2	May impact adjoining footpath/road surfaces




Criteria	Likelihood	Consequence	Risk Rating	Overall Rating Score	Notes
Environmental Protection	Possible	Moderate	M	2	Unformed or sub-standard crossings could lead to increased run-off to stormwater system
Economic Factors	Possible	Moderate	M	2	Could impact traffic flow
Operational Factors	Possible	Moderate	M	2	Could impact access to properties and traffic flow, may also impede pedestrian connections
Public Interest/Reputation	Possible	Moderate	M	2	Could impact pedestrians and road users and therefore affect Council's reputation as road controlling authority
Financial Impact	Possible	Minor	M	2	Financial risks to Council if cannot enforce maintenance of vehicle crossing
<b>Total Score</b>				<b>19</b>	

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## APPENDIX 4

## Needs Assessment

	Amusement Devices	Earthworks	Land Drainage	Animals	Mobile Shops	Public Places	Reserves	Vehicle Crossings	Trade Waste	Prioritisation Impact
Is a bylaw needed?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No further action required on the revoked Amusement Devices and Entertainment Premises Bylaw
Does the bylaw regulate a medium or high risk issue?	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	All bylaws (with the exception of the Amusement Devices Bylaw) warrant action from a risk perspective.
Are substantive changes required to the revoked/current the bylaw?		No	No	Yes	Yes	Yes	Yes	Yes	Yes	The Earthworks and Land Drainage Bylaws can be rolled over without the need for substantive amendment.
Was the bylaw being actively applied prior to revocation?				Yes	Yes	Yes	Yes	Yes	No	Trade Waste Bylaw was not being actively applied. Significant further policy work is required.
Prioritisation	No Priority	Priority 1	Priority 1	Priority 2	Priority 2	Priority 2	Priority 2	Priority 2	Priority 3	

Priority 1	Immediate action recommended
Priority 2	Short-term action recommended
Priority 3	Longer term action recommended
No priority	No action recommended

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## Proposed Land Drainage Bylaw Statement of Proposal

### Introduction

A 'Statement of Proposal' (SOP) document is a legal requirement when Council is proposing to make, amend or revoke a bylaw. The SOP is the document that is made available to you as part of the consultation process to provide background information on the proposal to assist you in providing your thoughts to Council on the topic.

This SOP includes a summary of information and the proposed policy and bylaw.

### Reason for the proposal

There are four land drainage districts in the Far North District, all situated in the Northern Ward. These are:

- The Kaitaia Land Drainage district which covers the flood plain area from just south of Kaitaia Township through to Awanui and to its northern extremity at Paparore.
- Three smaller districts are the Motutangi district, Waiharara district and Kaikino district all situated on the eastern coast in their respective areas.

The origin of many of these drainage areas date back to the early 20th century, when they were developed for the purpose of converting wetlands and swamps into productive farm land. They were then expanded to provide a measure of safety for the district's urban areas. Now, the land drainage areas reduce flooding in urban Kaitaia and Awanui, while also protecting rural land, lowering groundwater levels to improve productivity.

The management of these drainage areas is split between the Far North District Council (which manages farm drainage) and the Northland Regional Council (rivers and main tidal flows) to maintain the standard/quality of land and drainage. These drainage districts are overseen by a Council officer and managed in conjunction with the landowners of the various districts through drainage committees. Targeted rates are collected separately in the respective areas.

The Local Government Act 1974 and the Local Government Act 2002 give the Council the power to make bylaws to regulate the use and management of these drainage assets.

The Far North District Council Land Drainage Bylaw 2009 regulated the drainage assets within these four land drainage districts. It was automatically revoked pursuant to section 160A of the Local Government Act 2002 on 16 October 2016.

An independent review has been undertaken of this revoked bylaw and it has been determined that a land drainage bylaw is the most appropriate way to regulate and manage drainage assets within the four land drainage districts situated within the Northern Ward.

## Summary

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### Problem definition

Improperly managed and maintained land drainage assets can impact negatively on contiguous properties. This proposed bylaw is a necessary tool required to ensure the efficient management of the key assets within these designated areas.

This proposed bylaw:

- Ensures the safe and efficient creation, operation, maintenance and renewal of land drainage networks;
- Ensures proper hazard management to prevent or minimise flooding and erosion;
- Minimises adverse effects on the local environment particularly freshwater ecological systems quality, and assists in maintaining receiving water quality;
- Ensures that land drainage networks are properly maintained;
- Ensures protection of Council land drainage assets and the health and safety of employees;
- Sets out acceptable types of connection to land drainage networks

### Options

In order to assess whether a bylaw is most appropriate method of addressing the perceived problem, the following options have been considered.

1. **Do not regulate (do nothing):** Effectively Council takes a “hands off” or reactive approach. The drainage assets would be regulated under the provisions of the Local Government Act 1974, Local Government Act 2002, and Drainage Act 1908. This would provide Council with limited powers to ensure the drainage assets are properly maintained, that the flow of water through the drainage channels is appropriately controlled, and any adverse effects on the local environment are minimised.
2. **Rely on non-regulatory options (such as education):** This brings similar issues as those associated with option 1. Education can be an effective supplement to regulation, but on its own, it has no legal standing and brings no enforcement powers.
3. **Enact a bylaw:** A bylaw enables Council to clearly articulate the expectations and obligations of landowners within drainage districts. The Land Drainage Bylaw 2009 has proven to be an effective method of addressing problems and issues associated with managing land drainage schemes.

Option 3 will deliver the required outcomes and is the recommended option.

### Key Features of the Proposed Bylaw

The proposed Land Drainage Bylaw 2019 is essentially the same as the previous Land Drainage Bylaw 2009 and contains the following provisions.

- Ensures Council access to and along the banks of a drainage channel and restricts landowner actions which may interfere with this access.
- Places restrictions on the connection of a private drain to a drainage channel.
- Places obligations on landowners and other persons to ensure that the drainage channel and the flow of water is not in any way obstructed (and requires the removal of obstructions if any occur)
- Contains provisions governing alterations to the drainage channel and the construction and use of stopbanks, crossings, and watering places.
- Sets out requirements relating to damage, maintenance and repair to drainage assets.
- Contains provisions relating to inspections, obstruction of officers, and penalties for breach of the bylaw.

### Regulatory Impact Statement

The proposed Land Drainage Bylaw 2019 will enable the Far North District Council to control and regulate the management and use of land drainage assets in the most effective manner.

### How to give us your feedback

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The community can give feedback on the Land Drainage Bylaw 2019 in July and August 2019. You can make a submission in support of the proposal as it is, or recommend changes be made to the policy or bylaw before final adoption. To make a submission you can:

- submit online at [insert]
- email your comments to [insert] will set up the email based on bylaw title)
- drop-off a written submission at any Council service centre or library
- post your submission to: Freepost Authority 6124  
Submissions – Land Drainage  
Far North District Council  
Private Bag 752  
Kaikohe 0440

**LAND DRAINAGE  
BYLAW**

2019

## 1. Title

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This Bylaw is the Land Drainage Bylaw 2019

## 2. Commencement

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This Bylaw comes into force on the [INSERT]

## 3. Application

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This Bylaw applies to the Far North District.

## 4. Purpose

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- 4.1 The purpose of this Bylaw is to regulate land drainage assets within the Far North District.
- 4.2 This Bylaw is made by the Far North District Council pursuant to section 145 and section 146(b)(iv) of the Local Government Act 2002, Part 29 of the Local Government Act 1974, the Land Drainage Act 1908, and every other enabling power and authority.

## 5. Interpretation

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- 5.1 In this Bylaw, unless the context otherwise requires -

**Authorised Person** means any person authorised in writing by the Council to act on its behalf.

**Council** means the Far North District Council.

**Drain** means that part of a Drainage Channel from the invert to the top of the bank on either side of the invert but does not include the land abutting the top of the banks of the drain.

**Drainage Assets** refers to land drainage works including drainage channels, stopbanks, flood storage areas, floodgates, overflow channels, channel throttling, and scour protection or riparian planting to throttle flows along waterways, which works are vested in the Council or acquired or constructed or operated under the control of the Council, as described in the attached Schedules and shown on the maps attached to this Bylaw and such other areas as may be included pursuant to the provisions of the Local Government Act 1974, Local Government Act 2002 and Land Drainage Act 1908.

**Drainage Channel** means every drain, passage or channel on or under the ground through which water flows, continuously or otherwise, and which -

- a) Immediately before the commencement of the Bylaw was a drainage channel under the control of the Council; or
- b) Is constructed by the Council as a drainage channel after the commencement of this Bylaw; or
- c) Is vested in the Council as a drainage channel; -

And includes the land occupied by the drain itself plus all that land abutting each side of the drain to a distance of 3.5 metres from the top of the banks of the drain, but does not include a water race.

**Landowner** means the owner of any property, or as applied to any land, building, or premises means any person for the time being entitled to receive the rack rent of such land, building, or premises, and where the content so requires or admits the expression shall include the habitant occupier of any such land, building or premises, and where such owner is absent from New Zealand the expression shall include his attorney or agent or any other person acting for him or on his behalf.

**Obstruction** includes earth, stone, timber and material of all kinds and trees, plants, rubbish, weeds and growths of all kinds.

**Person** includes a corporation sole, a body corporate, and an unincorporated body.

**Private drain** means any drain constructed by or vested in a private owner and not managed by Council.

5.2 Any explanatory notes and attachments are for information purposes only and do not form part of this Bylaw.

5.3 The Interpretation Act 1999 applies to this Bylaw.

## 6. Access to and Along Drains

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- 6.1 Without the prior consent of Council and then only subject to such conditions as Council shall impose, no owner of any land on the banks of any drainage channel shall plant or permit to grow any tree, shrub or hedge, or erect or maintain any fence, building, bridge or other construction or make any excavation in such a position as to interfere with or obstruct the free access of Council's workmen or agents, plant or machinery along such drain or to any part thereof, for a distance of 10 metres from the edge of the drain, or such other distance as Council may specify in respect to any drain or part thereof.
- 6.2 No person shall construct or maintain any road or accessway for the passage of stock, machines or other vehicles along the bank of any drain under the control of Council, within 3.5 metres of the edge of the drain, without having first obtained the prior written consent of Council, which may impose any conditions it thinks fit if such consent is granted.

## 7. Private Drain Connection

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- 7.1 No landowner shall connect a private drain with a drainage channel or enlarge a connected private drain or branches thereof, or add new branch drains thereto without obtaining the prior written consent of Council.
- 7.2 Any owner applying for such consent shall submit to Council such plans and specifications as may be required by Council showing the exact location of the private drain and branches (if any) giving details of the length, size and construction and indicating the approximate area to be drained.
- 7.3 Council may impose such conditions as it thinks fit upon the connection or continuance of the connection of private drains including the payment of a fee to cover the cost of inspection and report to Council relating to any such drain.

## 8. Obstruction to Flow

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- 8.1 No person shall stop, obstruct, increase or interfere with or divert the flow of water in any drainage channel, without the prior written consent of Council.
- 8.2 No owner of the land on either side of any drainage channel shall allow, permit, or suffer to grow therein or on the banks thereof any plant growth that may be likely to impede the flow of any water in any drainage channel.
- 8.3 No owner of the land on either side of any drainage channel shall throw into the drain, or cause, permit or suffer to be thrown or to fall therein any material that may be likely to impede the flow of water in any drainage channel.

- 8.4 No person shall deposit any debris or rubbish, in or on land in the drainage channel on which, if no such impediment was created, flood water might encroach and cause a nuisance.
- 8.5 No person shall stop or obstruct any drainage channel or erect any barrier (other than required by law), buildings, structures or alter level or grades of landscapes (e.g. filling), or defence against water in or near any drainage channel; (e.g. fencing not to cause a barrier).
- 8.6 No person shall allow any private channel or watercourse to become blocked in a way which may endanger or become a hazard or impede the water flow of any drainage channel or watercourse under the control of Council.
- 8.7 No person shall allow animals, or machines or other vehicles to damage drainage assets. Grazing cattle are to be kept a minimum distance of 2 metres from any drain.
- 8.8 Any damage so caused by animals or machines shall be reported immediately to Council and any costs associated with repairing such assets shall be the responsibility of the landowner concerned.
- 8.9 Any permitted development affecting or likely to affect any drainage channel shall be designed and carried out so as to safely accommodate a 100 year storm flow, and without causing more than minor damage.

## **9. Removal of Obstructions**

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- 9.1 The Council may require the removal of any growth or other obstruction that is, or is likely to obstruct the free flow of any water in any watercourse - and in default thereof Council may do the work required and recover the cost thereof from such owner or owners.

## **10. Alterations to Drainage Channel**

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- 10.1 No person shall widen or deepen a drainage channel, or stop or obstruct the same or alter the course thereof or in any way interfere with any drainage channel or associated works or structures without the prior written consent of Council.

## **11. Pollution and Nuisances**

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- 11.1 No person shall discharge or cause, permit or suffer to be discharged onto a drainage channel or private drain connected therewith, any liquid, gaseous or solid matter which shall be likely to be a nuisance or injurious to health or to the proper care of the drainage channel.
- 11.2 No owner or occupier of the land on either side of a drainage channel or private drain connected therewith, shall permit or suffer any dead stock or animals or any part thereof, to be or remain in any drainage channel or private drain connected therewith.

## **12. Stopbanks**

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- 12.1 No person shall erect or cause or permit to be erected any stopbank, on or along any drainage channel, without the prior written consent of Council and in accordance with such terms and conditions as Council may impose.
- 12.2 Every owner upon whose land a stopbank adjoining a drainage channel is located, whether for the protection of the land or not, shall not remove it or suffer or permit it to be removed, lowered or breached without the prior written consent of Council.

### **13. Crossings**

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- 13.1 No person shall cross or pass over a drainage channel with any vehicle, or drive any stock or convey any implement or machinery or goods or materials thereover except at crossings appointed by Council.
- 13.2 No person shall construct any culvert, bridge or crossing in upon or over any drainage channel without the prior consent of Council.
- 13.3 Council may require the owner or owners of properties on which there is a drainage channel, to construct, maintain or renew crossings at places and in such manner approved by Council and in default thereof Council may do the work required and recover the cost thereof from such owner or owners.

### **14. Watering Places**

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- 14.1 No owner shall construct in any drainage channel a watering place for stock or maintain or use the same without the prior consent of Council which may impose such conditions for mode of construction and for fencing and otherwise as it decides and such consent may be suspended or revoked at any time.
- 14.2 The owner or owners of land adjoining watering places shall use and maintain the same so that no damage to the drainage channel can result from their use. In the event of damage Council may call upon the owner or owners responsible to repair the same and in default thereof may do the work and recover the cost thereof from such owner or owners.

### **15. Damage, Maintenance and Repair**

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- 15.1 No person shall injure, destroy, cause damage to or interfere with any dam, reservoir, stopbank, headworks, building or any installation connected with drainage assets, or allow, permit or suffer any stock to damage or destroy the same.
- 15.2 Where any drainage channel is damaged by stock, or otherwise, Council may require the owner responsible for such damage to repair such drainage channel to the satisfaction of Council and on default thereof may have the necessary repairs executed and recover the costs thereof from the said owner.

### **16. Inspection**

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- 16.1 Council, members, officers, workmen or agents shall have the power, right, and authority to inspect any installation set up for the withdrawal or diversion of water from any drainage channel, whether authorised or not and the Council may direct any alteration or improvement to or replacement of such installation or request its removal or demolition at any time.

### **17. Obstruction to Officers**

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- 17.1 No person, whether on private land or not, shall obstruct any member, appointee, employee or agent of Council, with or without drain cleaning machinery or plant, in the performance of anything which such member, appointee, employee or agent is or may be required to do in the discharge of their duties.

## **18. Penalty**

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- 18.1 Any person who commits a breach of this Bylaw shall be liable to a fine not exceeding \$20,000 and in addition to any penalty imposed for breach of this Bylaw, Council may sue any person for the amount of damage done by them to the drainage assets and for any penalty fine or fee which is prescribed by any statutory enactment whatsoever.

## **19. Other Requirements**

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- 19.1 The provisions of this Bylaw do not remove the need for any resource or other consents required under the Resource Management Act 1991, Building Act 2004. Where consents are required under this chapter of this Bylaw and other acts or regulations, all shall be lodged with the Council at the same time.

## 20. Additional information to Land Drainage Bylaw 2019

This document is for information purpose only and does not form part of this Bylaw. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

### Section 1: History of the bylaw

Action	Description	Date of decision	Commencement

### Section 2: Related documents

Document	Description	Location	Date
<i>Reports to Council/Committee/Panels</i>			
Adoption of Statement of Proposal	Statement of Proposal including draft Bylaw adoption for public consultation		
Submissions	Public submissions on the Statement of Proposal		
Deliberations	Deliberations on submission issues raised		
?			

Document	Description	Location	Date
<i>Legislation</i>			
Local Government Act 2002	Provides the functions, duties, powers and penalties to make and enforce this Bylaw. Particularly sections 147A and 147B relating to the making of alcohol control bylaws.	www.legislation.govt.nz	NA
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws.	www.legislation.govt.nz	NA
Interpretations Act 1999	Provides for certain matters related to the interpretation of bylaws.	www.legislation.govt.nz	NA

### Section 3: Delegations

Clause	Function,Duty,Power to be delegated	Delegated Authority	Delegation date	Delegation active date

### Section 4: Enforcement powers

Legislative provision	Description

### Section 5: Offences and penalties

Provision	Description of offence	Maximum fine upon conviction	Infringement fee

### Section 6: Register of resolutions for controls


## Schedule of Drainage Assets of the Far North District Council

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### DRAINAGE ASSETS OF THE FAR NORTH DISTRICT COUNCIL

#### KAITIAI DRAINAGE DISTRICT LENGTH (m)      MAP No.

##### WAIPAPAKAURI COMPARTMENT

2

*All drains associated / connected to the Waipapakauri outfall from harbour end in order*

Waipapakauri Outfall	4,400
Paparore Bank	4,000
Waipapakauri Bank	1,710
Thodes	1,206
Evans	443
Yates	945
Sandhills	7,502
Westes	684
Birds Boundary	1,521
Abbots	422
Government Drain	3,012
Waimanone - Walkers	4,221
Spains Drain	3,490
<b>WAIPAPAKAURI TOTAL</b>	<b>33,556</b>

##### LOWER AWANUI COMPARTMENT

2

*All drains associated / connected to the Lower Awanui river From Puckeys Outfall to sea*

Prices Bank (Unahi)	2,615
McMillans - Tupes	6,840
Factory Bend-Michies	6,035
Flemings	764
H Subritzky's	1,127
Awanui	2,313
Gills	2,008
Sankeys No.1	362
Sankeys No.2	201
<b>LOWER AWANUI TOTAL</b>	<b>22,265</b>

##### PUCKEYS OUTFALL COMPARTMENT

2

*All drains associated / connected to Puckeys Outfall*

Puckeys Outfall	2,940
Foleys	656
Lisle	1,710
Wireless	1,800
Bells Rd	1,743
<b>PUCKEYS OUTFALL TOTAL</b>	<b>8,849</b>

**WHANGATANE COMPARTMENT****2***All drains associated / connected to Whangatane Spillway*

Maimaru	1,127
Johnsons	150
Kareponia	402
Kumi Road	1,006
Oinu Stream	1,650
Pairatahi Bank	2,716
Texifros	704
Birds	504
<b>WHANGATANE TOTAL</b>	<b>8,259</b>

**PUKEPOTO OUTFALL COMPARTMENT****3***All drains associated / connected to Pukepoto Outfall*

Pukepoto Outfall	5,100
Brass	1,388
W.Masters C.	1,207
W.Masters E.	1,207
Campbells	684
L Masters W.	1,046
L Masters C.	1,207
School	1,509
Reynolds (West Bank)	2,213
Maori	2,012
Pukepoto Creek	805
Houstons (West Bank)	2,213
Parkers	1,813
McKentys	483
Reids West	2,615
<b>PUKEPOTO OUTFALL TOTAL</b>	<b>25,502</b>

**KAITAIA COMPARTMENT****3***All drains associated / connected to Kaitaia urban surrounds*

Lewis Junction - Boundary	443
Lewis Junction - Road	322
Church Gully	3,500
Mathews Outfall	4,200
Wilds	503
Hanlons	322
<b>KAITAIA TOTAL</b>	<b>9,290</b>

**TANGONGE COMPARTMENT****3***All drains associated / connected to Tangonge Channel*

Reids East	3,017
Hoddles	1,667
Millers	2,615
McKenzies	634
Sharps	634
Lewis & Crown land	1,851
<b>TANGONGE TOTAL</b>	<b>10,418</b>

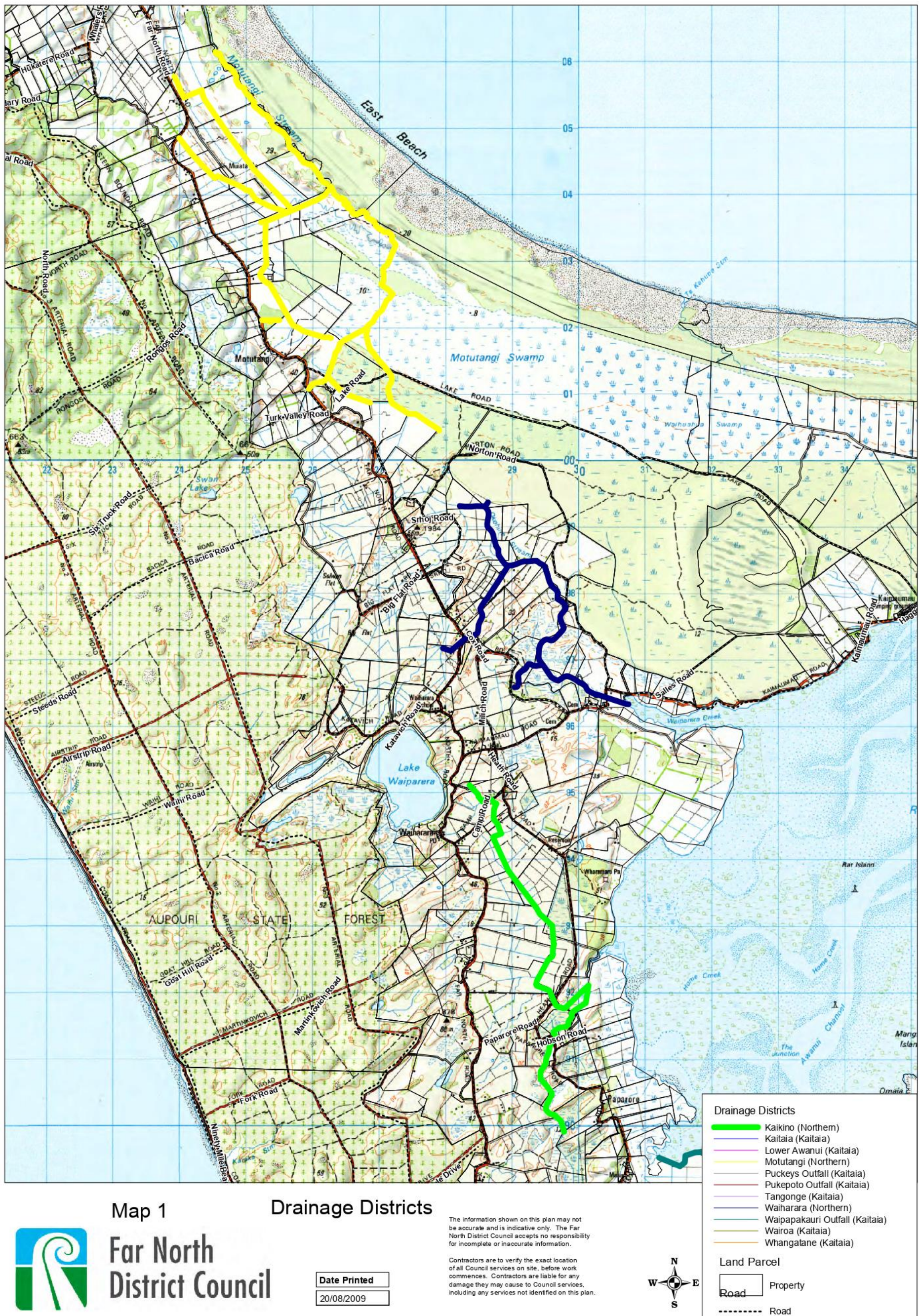
**WAIROA COMPARTMENT****3***All drains associated / connected to Wairoa River (Ahipara)*

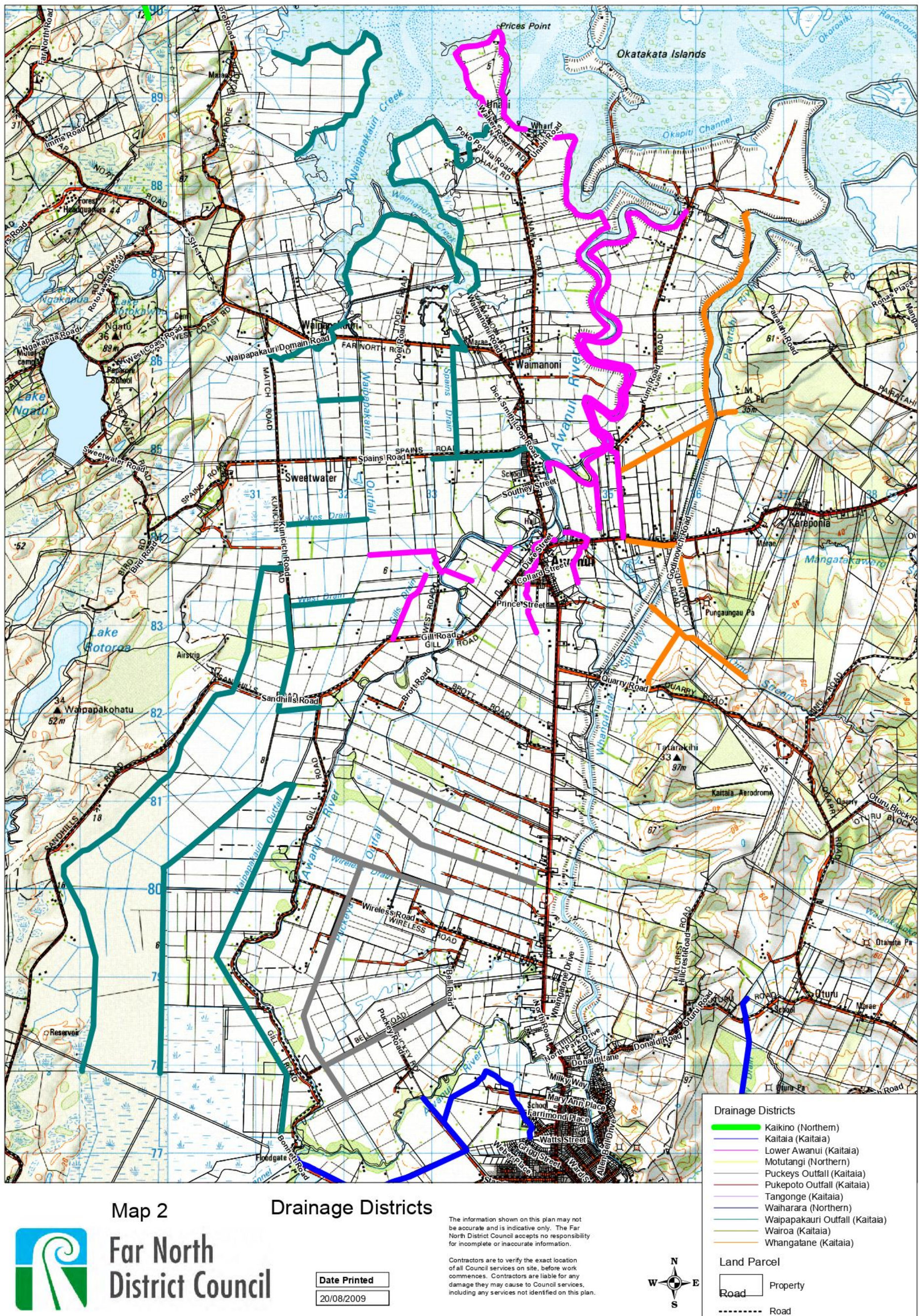
Berghans	1,005
Wairoa Stream	2,543
Blairs	805
<b>WAIROA TOTAL</b>	<b>4,353</b>

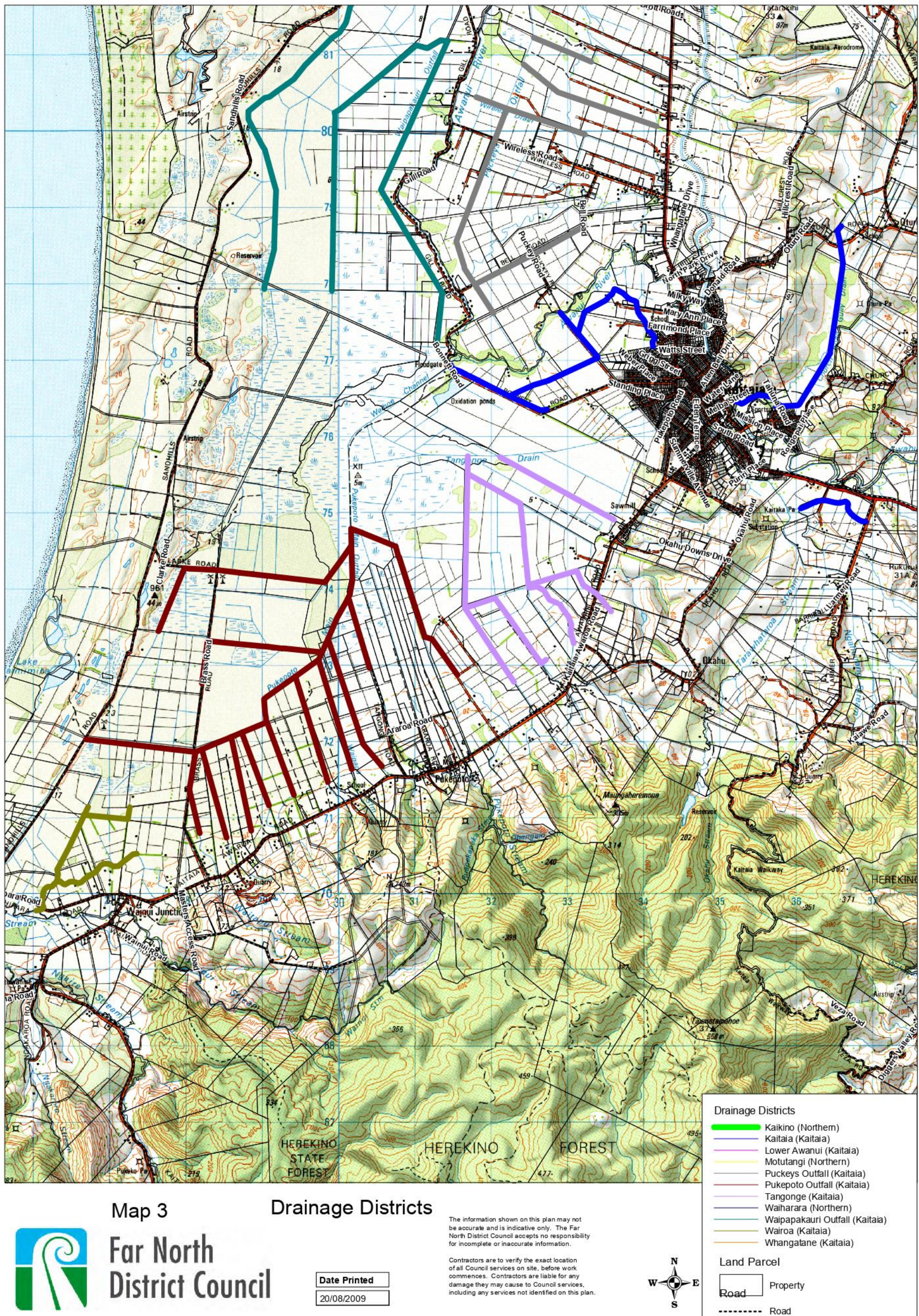
**TOTAL LENGTHS MAINTAINED BY FNDC****122,492**

# **NORTHERN DRAINAGE SCHEMES**

<b>DRAINAGE DISTRICT</b>	<b>LENGTH (m)</b>	<b>MAP No.</b>
<b><u>KAIKINO</u></b>		<b><u>1</u></b>
Kaikino	5,500	
Hobson	1,050	
Hobson extension	1,005	
<b>Total</b>	<b><u>7,555</u></b>	
<b><u>MOTUTANGI</u></b>		<b><u>1</u></b>
Motutangi Stream	4,225	
Main Outfall	1,147	
Bryan	2,716	
Beazley's	2,012	
Aspin	2,200	
Cut to lands end	1,609	
Selwyn	2,750	
Baclca's	2,414	
Seymour	800	
Subritzky	200	
<b>Total</b>	<b><u>20,073</u></b>	
<b><u>WAIHARARA</u></b>		<b><u>1</u></b>
Okohine	5,200	
Cox's Branch	805	
Bilcich Branch	800	
Tunnel traverse	100	
Bilcich ext.	1,000	
<b>Total</b>	<b><u>7,905</u></b>	
Assets includes 300mm floodgate		
<b>Total lengths maintained by FNDC</b>	<b><u>35,533</u></b>	









## Proposed Control of Earthworks Bylaw Statement of Proposal

### Introduction

A 'Statement of Proposal' (SOP) document is a legal requirement when Council is proposing to make, amend or revoke a bylaw. The SOP is the document that is made available to you as part of the consultation process to provide background information on the proposal to assist you in providing your thoughts to Council on the topic.

This SOP includes a summary of information and the proposed policy and bylaw.

### Reason for the proposal

Sections 145 and 146 of Local Government Act 2002 give Council the power to make a bylaw for its District for the purpose of regulating, managing and controlling activities that may pose a danger to the public, properties and the environment.

The reason for this proposal is to clarify when an earthworks permit is necessary in relation to specific building work. Whilst the Far North District Plan does have some controls for earthworks, they do not cover the full extent of the type of earthworks that are carried out throughout the district, but tend to cover the more major earthworks.

The current Control of Earthworks Bylaw 2009 will be automatically revoked in 2020. Until further District Plan changes are possible, it is considered necessary for a Control of Earthworks Bylaw to remain in place.

### Summary

#### Problem Definition

Council requires a legal framework within which it can manage and control earthworks to safeguard the public, their properties and the environment.

The main intentions of the proposed bylaw are:

- To protect the public from harm that may be caused as a result of unsafe earthworks activities.
- Ensure neighbouring property are not affected by uncontrolled earthworks activities.
- To safeguard the districts environment from uncontrolled earthworks activities.
- To meet the current social, cultural, environmental and economic well being of the community.

#### Options

In order to assess whether a bylaw is most appropriate method of addressing the perceived problem, the following options have been considered.

1. **Do nothing:** Council would need to rely on the current provisions of the District Plan to regulate earthworks. However, this only covers more major earthworks activities and some zones do not have any earthworks controls within the District Plan. This option would mean that, in the absence of new District Plan provisions, earthworks would be unregulated in certain circumstances and zones. This would have an impact on the safety of the public, their properties and the environment from certain uncontrolled earthworks.
2. **Rely on non-regulatory options:** This option relies on goodwill, existing legislation and public education to encourage people to undertake earthworks in a responsible and appropriate manner. Council would have very limited powers of enforcement, which may compromise its ability to address risks to the public, their properties and the environment.
3. **District plan change:** The level of control in the current District Plan does not capture earthworks at a level that is necessary and within all zones. While work is being undertaken on a revised District Plan, which is intended to incorporate revised earthworks controls, this will not be operative before the current bylaw is revoked.
4. **Replace the existing bylaw:** Replacing the existing bylaw would provide the Council with the regulatory mechanism to provide for the safety of the public, their properties and the environment from uncontrolled earthworks.

In balancing the assessments of these options, Option 4 will deliver the required outcomes and is the recommended option.

#### **Key Features of the Proposed Bylaw**

The proposed Bylaw covers the following principal areas related to controls over earthworks carried out throughout the District.

- Control of excavation and/or filling work, through a requirement for a permit for specified excavation and/or filling works.
- Setting out the information to be provided in an application for an earthworks permit and ability for the Council to issue a permit subject to conditions.
- Exclusion of Council liability for any damage caused during the carrying out of excavation or filling work from any defect in any public utility under the control of the Council (such as water supply, sewerage system).
- Provisions dealing with damage to a road or public property.
- Requirements to complete work under an earthworks permit as soon as reasonably practical.
- Provisions relating to bylaw breaches.

#### **Proposed Changes to the Bylaw**

The proposed Control of Earthworks Bylaw 2019 is essentially the same as the previous Control of Earthworks Bylaw 2009, with minor formatting changes to improve readability. However, a small number of changes are proposed to improve the operational application of the Bylaw.

- The definition of “commercial zone” has been deleted as it is not used in the Bylaw.

- Earthworks and fill related to retaining walls and swimming pools have generally been excluded as these works are more minor in nature and in most cases do not warrant an application for a permit.
- The guiding document for erosion and sediment control has been amended to the GDO5 (Auckland Council's Erosion and Sediment Control Guide for Land Disturbing Activities) as this has replaced the TP90 (Auckland Regional Council Technical Publication).
- Clause 7.1(b)(i) previously stated that an earthworks permit was required if the work "exceeds 500mm in depth, over a significant portion of an area which is less than 100m<sup>2</sup>". To remove confusion over the meaning of "significant portion", the wording has been refined to work that "exceeds 300mm to 500mm in depth, over an area of 50m<sup>2</sup>".
- Clause 7(d) has been amended to more clearly reference Part 3 of the District Plan, to aid understanding and interpretation.
- The application form has been removed from the Bylaw schedule, as this is an administrative matter.
- Footpaths and vehicle crossings have been added to the provisions relating to damage to roads or public property for the purposes of clarification.
- Clause 10.4, which relates to visual amenity of completed works, has been re-worded for the purposes of clarity.

A new clause 12 is also proposed as follows:

*The Council may, in its absolute discretion, exempt an owner or occupier from a requirement to obtain a permit under clause 7.1, provided that an application for an exemption is made in writing and accompanied by the payment of any required application and processing fees in accordance with Council's Fees and Charges Schedule. No exemption will be valid unless it is given to the applicant by the Council in writing*

This covers the situation where the proposed work may technically fall within the requirement for a permit but be minor in effect. In such cases, Council will have a discretion to exempt the owner or occupier from the need to apply for a permit (with the associated requirement to provide drawings and reports as set out in clause 7.2). This will reduce compliance costs.

### Regulatory Impact Statement

The proposed Control of Earthworks Bylaw 2019 will enable the Far North District Council to control and regulate earthworks and/or filling in the most effective manner to ensure the safety of the public, their properties and the district's environment.

### How to give us your feedback

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The community can give feedback on the proposed Control of Earthworks Bylaw 2019 in July and August 2019. You can make a submission in support of the proposal as it is, or recommend changes be made to the policy or bylaw before final adoption. To make a submission you can:

- submit online at [insert]
- email your comments to [insert] will set up the email based on bylaw title)

- drop-off a written submission at any Council service centre or library
- post your submission to: Freepost Authority 6124  
Submissions – Land Drainage  
Far North District Council  
Private Bag 752  
Kaikohe 0440



**CONTROL OF  
EARTHWORKS  
BYLAW**

2019

## 1. Title

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This Bylaw is the Control of Earthworks Bylaw 2019.

## 2. Commencement

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This Bylaw comes into force on the [INSERT]

## 3. Former Bylaw Repealed

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- 3.1 At the date this Bylaw comes into force, the Control of Earthworks Bylaw 2009 is repealed.
- 3.2 All approvals, permits and other acts of authority that originated under the Control of Earthworks Bylaw 2009 and all applications shall, for the purposes of this Bylaw, continue as if they had originated under this Bylaw.
- 3.3 The revocation of the Control of Earthwork Bylaw 2009 shall not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw, and such proceedings may continue to be dealt with and completed.

## 4. Application

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This Bylaw applies to the Far North District.

## 5. Purpose

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- 5.1 The purpose of this Bylaw is to control excavation, filling or cellar work on private property where a Resource Consent under the District Plan is not required, and also to control erosion and sedimentation created by such work.
- 5.2 This Bylaw is made by the Far North District Council pursuant to section 145 of the Local Government Act 2002 and every other enabling power and authority.

## 6. Interpretation

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- 6.1 In this Bylaw, unless the context otherwise requires -

**Abatement Notice** means any Abatement Notice issued under the Resource Management Act 1991.

**Cellar** means underground room or vault.

**Council** means the Far North District Council, including its authorised agents.

**Engineer** means a Chartered Professional Engineer (CPEng) with a current level of competency, as determined by, and who is registered with, the Institution of Professional Engineers of New Zealand Incorporated (IPENZ).

**Erosion** means the wearing away of land caused by action of water, wind, waves or similar actions.

**Excavation** means the digging out of materials from the ground, but does not include:

- (a) normal garden activities;
- (b) digging of post holes or trenches for drainage;
- (c) dam maintenance, driveway maintenance and drain maintenance;
- (d) normal rural practices;
- (e) septic tanks and associated drainage fields;
- (f) excavation for building foundations and stripping of topsoil to form a building footprint;
- (g) any works to public roads;
- (h) any quarry, public tip or similar use of land where fill is mined or stored pursuant to some other authorisation consent;
- (i) cuts behind retaining walls;
- (j) excavation of swimming pools if:
  - a. excavated material is removed from the property to a permitted dump site; or
  - b. excavated material remaining onsite meets the requirements of clause 7;
- (k) vehicle crossings.

**Existing ground level** means the ground level that exists on a property:

- (a) at the time this Bylaw came into force; or
- (b) following the completion of earthworks carried out in accordance with this Bylaw.

**Far North District** means the area within the boundaries under the territorial authority of the Far North District and includes all coastal areas to the line of mean low water springs.

**Far North District Plan** means the plan or plans (whether operative or proposed) for the time being in force in the district under the provisions of the Resource Management Act 1991.

**Fill or Filling** means to deposit soil, rock or other material not restricted by the requirements of the Far North District Plan in such a manner as to alter the natural and/or existing contour of the land, but does not include:

- (a) normal garden activities;
- (b) digging of post holes or trenches for drainage;
- (c) dam maintenance;
- (d) normal rural practices;
- (e) septic tanks and associated drainage fields;
- (f) filling of building foundation with granular fill under concrete slab foundation or filling with drainage metal behind retaining wall;
- (g) any works to public roads;
- (h) any quarry, public tip or similar use of land where fill is mined or stored pursuant to some other authorisation consent;
- (i) fill material behind retaining walls;
- (j) backfilling of swimming pools and associated drainage.

**GDO5** means Auckland Council's, "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region".

**Notice** means either a stop work notice, notice to fix, Abatement Notice, infringement notice or a notice requiring the work to be completed, or corrected, issued to the owner or occupier, for the reasons given in that notice.

**Occupier** means any person, other than the owner, who has a right to occupy the property, by virtue of a tenancy granted by lease, licence or other authority.

**Owner** means any person, as defined in the Building Act 2004.

**Person** includes a corporation sole, a body corporate, and an unincorporated body.

**Resource consent** means a resource consent issued under the Resource Management Act 1991.

**Water body** means any body of water as defined in the Far North District Plan and section 2 of the Resource Management Act 1991.

**Zone** means any zone defined in the Far North District Plan

6.3 Any explanatory notes are for information purposes only and do not form part of this Bylaw.

6.4 The Interpretation Act 1999 applies to this Bylaw.

## 7. Earthworks Application Required

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- 7.1 Where a Resource Consent for earthworks and/or filling is not required under the Far North District Plan, then no person shall carry out or cause to be carried out, any excavation, cellar construction or filling until the Council's approval has been obtained and a permit has been issued for work:
- (a) that is within 3 metres of any boundary or water body in all zones, except Minerals zone;
  - (b) that is beyond 3 metres of any boundary or water body, in any zone, except Minerals zone and Rural Production zone, and that exceeds:
    - (i) 300mm to 500mm in depth, over an area of 50m<sup>2</sup>; or
    - (ii) 100m<sup>2</sup>; or
    - (iii) 50m<sup>3</sup>;
  - (c) that is in a Rural Production zone, and beyond 3 metres of any boundary or water body, and that exceeds 1.5 metres in depth;
  - (d) in any area of natural or physical resource specified in Part 3 of the Far North District Plan

*Explanatory note: Examples of an area of natural or physical resource include landscape features and sites of cultural significance to Maori.*

- (e) that affects the flow of stormwater in such a way that it adversely impacts on adjoining properties.
- 7.2 Every application for a permit to undertake work pursuant to clause 7.1 shall:
- (a) contain a drawing of the location, scope and description, to scale, on a site plan, to the Council's approval;
  - (b) be supported by any engineering reports that may be required by the Council to assess the application;
  - (c) be accompanied by evidence, to Council's satisfaction, of erosion and sediment controls

- to be introduced for all work covered under the application, and to comply with GDO5;
- (d) be made in the prescribed form as specified by Council
- (e) be accompanied by the payment of any required application and processing fees in accordance with the Council's fees and charges schedule.

- 7.4 The Council shall issue a permit for earthworks upon satisfaction that all relevant information has been provided and the proposed works meets the criteria of this Bylaw.
- 7.5 Where approval is given to any application for an earthworks permit, such approval may be given under any conditions considered necessary by the Council to control risks to public safety, subsidence or sediment controls, or any other matter considered appropriate under the circumstances.

## 8. Exclusion of Liability

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- 8.1 No owner or occupier, nor their successors in title, of any property for which approval for excavation, fill or cellar work has been given, shall be entitled to claim against the Council for any damage caused during the carrying out of such work, or post-construction or latent defects, whether direct or indirect, from any defect in any water supply, sewerage system, or other public utility service under the control of the Council

## 9. Damage to Road or Public Property

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- 9.1 Where, in the course of the execution of works approved by a permit under this Bylaw, any damage is caused to public roads, carriageway, kerb, berm or verge, footpaths, vehicle crossings, underground services or property, the owner or occupier shall be liable for the full cost of any repairs required to re-instate the said road or property to its original condition.
- 9.2 Where, in the opinion of the Council there is a possibility of damage to public roads, carriageway, kerb, berm or verge, footpaths, vehicle crossings, underground services or property arising from works approved by a permit under this bylaw, a road damage deposit of such amount as may be determined by the Council shall be payable by the owner or occupier.
- 9.3 Where a road damage deposit has been paid in respect of works approved by a permit under this Bylaw, and in the opinion of the Council damage has been caused in the execution of those works, a Notice shall be sent to the owner or occupier, either during or after the execution of those works, requiring the re-instatement of the road or property, to its original condition. If within seven (7) days of the date of the Notice no action has been taken to affect the repairs stated in the Notice, the Council may arrange for the necessary repairs, and to retain the cost of those repairs from the road damage deposit.
- 9.4 Where a road damage deposit has been paid in respect of works approved by a permit under this Bylaw, and in the opinion of the Council, no damage has occurred to public roads or property in the execution of those works, the road damage deposit shall be refunded in full to the owner or occupier

## 10. Completion of work

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- 10.1 Every person, to whom an earthworks permit has been issued under this Bylaw, shall ensure that all work approved under the permit is completed as soon as practically possible, to Council's

satisfaction.

- 10.2 Every person, to whom an earthworks permit is issued under this Bylaw, shall ensure that any deposits of debris, mud, silt, sediment or residue of materials used shall be kept clear of road carriageways and road sides, at all times
- 10.3 Where such work, approved under the earthworks permit is, in the opinion of the Council, incomplete, the property owner or occupier shall be issued with a Notice requiring the work to be completed in a specified time detailed in that Notice, and such work shall also apply to any materials deposited, as described in clause 10.2.
- 10.4 Where in the opinion of the Council, the finished work is unsightly or unsatisfactory, a Notice may also include a requirement for the owner or occupier to complete such works that may be necessary to retain any visual amenities, by re-establishing vegetation cover, or by using some other appropriate method.
- 10.5 Where, in the opinion of the Council, the work to which a Notice to complete is still outstanding, the Council may organise the completion of that work and charge the owner or occupier with the full costs of that work, which may include all contractors costs, and the Council's administration, travel and inspection fees, at rates defined in the Council's Fees and Charges Schedules.
- 10.6 Where, in the opinion of Council, any incomplete work, or illegal work carried out without a earthworks permit, is considered to be a danger to persons, or property, the Council may immediately make safe that work, and charge the property owner or occupier with the full costs, which may include all contractors costs, and the Council's administration, travel and inspections costs, at the rates defined in the Council's Fees and Charges Schedules

## 11. Bylaw Breaches

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- 11.1 Every owner or occupier on whose property a breach of any of the provisions of this Bylaw is committed is liable, on summary conviction, to pay a fine not exceeding \$20,000.
- 11.2 Any person convicted of an offence, under clause 11.1 of this Bylaw, shall not be relieved of the obligation to comply with the requirements of this Bylaw, but shall do so either before or immediately after conviction and where applicable shall carry out such remedial works, which may include the construction of a retention area, removal of filling, reinstatement or such other works as may be deemed necessary by the Council.

## 12. Exemptions

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- 12.1 The Council may, in its absolute discretion, exempt an owner or occupier from a requirement to obtain a permit under clause 7.1, provided that an application for an exemption is made in writing and accompanied by the payment of any required application and processing fees in accordance with Council's Fees and Charges Schedule. No exemption will be valid unless it is given to the applicant by the Council in writing.

## Additional information to Control of Earthworks Bylaw 2019

This document is for information purpose only and does not form part of this Bylaw. It contains matters made pursuant to this Bylaw and information to help users to understand, use and maintain this Bylaw. The document may be updated at any time.

### Section 1: History of the bylaw

Action	Description	Date of decision	Commencement

### Section 2: Related documents

Document	Description	Location	Date
<i>Reports to Council/Committee/Panels</i>			
Adoption of Statement of Proposal	Statement of Proposal including draft Bylaw adoption for public consultation		
Submissions	Public submissions on the Statement of Proposal		
Deliberations	Deliberations on submission issues raised		
?			

Document	Description	Location	Date
<i>Legislation</i>			
Local Government Act 2002	Provides the functions, duties, powers and penalties to make and enforce this Bylaw. Particularly sections 147A and 147B relating to the making of alcohol control bylaws.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>	NA
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>	NA
Interpretations Act 1999	Provides for certain matters related to the interpretation of bylaws.	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>	NA

**Section 3: Delegations**

Clause	Function,Duty,Power to be delegated	Delegated Authority	Delegation date	Delegation active date

**Section 4: Enforcement powers**

Legislative provision	Description

**Section 5: Offences and penalties**

Provision	Description of offence	Maximum fine upon conviction	Infringement fee

**Section 6: Register of resolutions for controls**

## 9.2 SPEED LIMITS BYLAW

**File Number:** A2506824

**Author:** Roger Ackers, Manager - Strategy Development

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

### PURPOSE OF THE REPORT

To seek approval to amend the Speed Limits Bylaw 2005 as follows:

- renaming it the Far North District Speed Bylaw 2019 and
- updating the content of the Bylaw so that it is consistent with the equivalent Bylaws in the Kaipara and Whangarei District Council's and
- to reflect recent changes in legislation

### EXECUTIVE SUMMARY

Council approved a consultative procedure for proposed amendments to the Speed Limit Bylaw 2008 (Introductory Sections) at its meeting on 18 April 2019. This Report and the attached Speed Limit Bylaw Consultation – Submissions and Recommendations Report capture the consultation undertaken, including a summary of the submissions received and recommendations arising from an analysis of the submissions.

The recommended amendments to the Far North District Council Speed Limit Bylaw captured in this document ensures the Bylaw is consistent with other Speed Limit Bylaws in Northland, with new legislation and best practice for speed limit Bylaws.

### RECOMMENDATION

**That Council:**

- Make amendments to the Speed Limits Bylaw 2008 as set out in Appendix 3 of Attachment 1 – 'Speed Limit Bylaw Consultation – Submissions and Recommendations Report', pursuant to Section 22AB(1)(d) of the Land Transport Act 1998, with effect from 28 July 2019 and rename the Bylaw 'Speed Limits Bylaw 2019'**
- Authorises the Chief Executive Officer to make any minor edits or amendments to the Bylaw to correct any identified errors or typographical edits or to reflect the decisions made by Council**

## 1) BACKGROUND

Section 22AB(1)(d) of the Land Transport Act 1998 provides for a Road Controlling Authority (Council) to make a Bylaw that sets speed limits for the safety of the public, or for the better preservation of any road. Council made a Speed Limit Bylaw in 2005.

The national 'Safer Journey's Strategy' sets out an approach to road safety with the objective of reducing serious harm and fatal crashes on roads. Far North District, in its capacity as a Road Controlling Authority, is undertaking a rolling review of speed limits across the District as part of the national Safer Journey's Strategy. Amending the introductory sections of the Bylaw is the first stage of the review process.

It should be noted that the Speed Limits Bylaw is made under the Land Transport Act 1998. The five yearly review requirements of Bylaws made under the Local Government Act do not apply to the Speed Limits Bylaw

## 2) DISCUSSION AND OPTIONS

### Consultation process

Administration considered that the proposed changes to the Speed Limit Bylaw did not meet any of the thresholds as per Council's Significance and Engagement Policy. Therefore under section 156 of the Local Government Act 2002 consultation was undertaken in accordance with Sections 82 and 82A of the Local Government Act 2002 (principles of consultation).

The following was made publicly available on the Council's website and at Council offices, service centres and libraries:

- details of the proposed changes to the Bylaw
- the reasons for the proposal, including background information and how to make a submission
- an analysis of the reasonably practicable options

In addition, a public notice was placed in relevant media and several press releases were made, resulting in two articles being published in local and regional news publications.

The public submission period opened on 29<sup>th</sup> April 2019 and closed at 5pm on 27<sup>th</sup> May 2019.

### Consultation Outcomes

Five submissions were received by the Council. Four submissions sought relief outside of the scope of the matters being consulted on. These submissions are recorded and discussed within the Submissions and Recommendations Report. One submission sought an amendment to the proposed Bylaw. The Table below provides a summary of the submissions received.

5	Total submissions received
4	Out of Scope
1	Seeking amendments to the proposal
0	Opposing the proposed amendments

Submissions seeking changes to speed limits in specific areas have been noted and will be incorporated into the prioritisation process for the ongoing speed review project. Section 9 of the attached Submissions and Recommendations Report discusses these out of scope submissions.

Having read and considered all submissions made, it is recommended that Council adopt the proposed amendments to the Speed Limits Bylaw, as amended and set out in full in Appendix 3 of the attached Submissions and Recommendations Report.

An options assessment was undertaken as part of the Agenda item that Council adopted at its meeting on 18<sup>th</sup> April 2019. Council now has the following options:

### **Option one (recommended option)**

Approve the amendments to the Speed Limits Bylaw and make the Bylaw as amended and set out in appendix 3 of the attached Report. This will make the Speed Limits Bylaw consistent with new legislation and other bylaws in Northland. The recommended amendments have also been subject to a consultation process under Section 156(1) of the Local Government Act 2002.

### **Option two**

Council may reject the amendments to the introductory sections of the Speed Limits Bylaw. This option is not recommended. If Council decided to reject the amendments, the existing Speed Limits Bylaw would remain in place and would not be updated for new legislation and regional consistency.

### **Option three**

Council may make changes to the proposed amendments. This option is not recommended. Any changes would be out of the scope of what was notified and the changes that could be reasonably expected from the submissions received. Any changes may require re-notification.

### **Next steps**

It is proposed that the amendments to the Bylaw become operative on 28<sup>th</sup> July 2019. This provides sufficient time for the Bylaw to be updated and appropriate public notices to be made.

The first tranche of speed reviews in high priority areas are expected to commence in the second half of this year, with the proposed programme being subject to a separate agenda item.

### **Reason for the recommendation**

Amendments to the introductory sections of the Bylaw are being made to provide clarification that the Bylaw is made under the Land Transport Act 1998, and to ensure that the Bylaw is consistent with the Land Transport Act 1998; the Land Transport Rule: Setting of Speed Limits 2017; and other Speed Limit Bylaws operative in Northland.

The recommendations are consistent with the outcome of a public consultation process undertaken in accordance with Section 156 of the Local Government Act 2002

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no ongoing financial and budgetary implications of this decision.

### **ATTACHMENTS**

1. **Submissions and Recommendations Report - A2515294** [!\[\]\(878a05565a8330210571e5a62a51fe5c\_img.jpg\)](#) [!\[\]\(f37b3862710fc00b06ca8e81621559db\_img.jpg\)](#) I

**Compliance schedule:**

Full consideration has been given to the provisions of the Local Government Act 2002 Section 77 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 <a href="#">Council's Significance and Engagement Policy</a>	The recommendation in this report does not meet the thresholds contained within the Council's significance and engagement policy.
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 Land Transport Act 1998
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 recommendation in itself does not require a decision from each of the Community Boards.
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 recommendation contained in this report has no direct implications for Māori.
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 recommendation contained in this report has no direct impact for any individual person or group.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no ongoing financial and budgetary implications that would result for the recommendation contained in this report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report



## ***Far North District Council***

### ***Speed Limit Bylaw Consultation - Submissions and Recommendations Report***

Speed Limit Bylaw Review Submissions and Recommendations



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Speed Limit Bylaw Review Submissions and  
Recommendations



## 1 Introduction

Far North District Council (Council) is a Road Controlling Authority (RCA) within the Far North District; and has a statutory role in managing the District's local roads (except State Highways), including the setting of speed limits. This statutory role as an RCA is set out under the Land Transport Act 1998, which also enables Council to make a bylaw that fixes the maximum speed of vehicles on any road for the safety of the public, or for the better preservation of any road (Section 22AB(1)(d)).

In its capacity as a Road Controlling Authority, Far North District Council proposed amendments to the Speed Limit Bylaw 2008. The proposed amendments to the Far North District Council Speed Limit Bylaw included amendments to the introductory and interpretation clauses of the Bylaw (Appendix 2) so that they reference updated legislation and clarify the legislation under which the Bylaw is made. The proposed amendments were also aimed at achieving greater consistency between all three of Northland's Speed Limit Bylaws (Far North, Whangarei, and Kaipara District Council's).

A full report detailing the proposed amendments and background information was publicly notified on 18<sup>th</sup> March 2019.

The proposed amendments are set out in Appendix 2. A clear copy of the new Bylaw, as amended by the recommendations in this Report is included in Appendix 3.

## 2 Purpose and scope

The purpose of this report is to provide an overview of the submissions received on the proposed amendments to the Far North District Speed Limits Bylaw 2008, and to provide recommendations arising from those submissions.

This report meets the requirement of the Local Government Act (2002): Principles of Consultation (Section 82 and 82A). The report provides:

- A summary of the submissions received
- A discussion of the issues raised by submitters, either individually; or collectively where there are similar themes.
- The recommendations arising from the submissions, including the reasons for the recommendations.

All submissions are acknowledged in this report; but may not be specifically referenced within the body of this report due to the similarity of the decisions requested, reasons given, and the volume of submissions received.

## 3 Community consultation

The Far North District Speed Limits Bylaw is made pursuant to the Land Transport Act 1998. Section 22AD (1) of the Land Transport Act 1998 states that Section 156 of the Local Government Act 2002 applies. Section 156 (LGA) sets out the consultation requirements when making or amending a Bylaw.

Section 22AD (3) of the Land Transport Act sets out statutory consultees, who must be notified of changes to the Bylaw and given the opportunity to make submissions.

Following an assessment of the significance of the proposed amendments to the Bylaw, it was determined that Section 156(1)(b) applies, requiring Council to consult the community in a manner that gives effect to the requirements of Section 82 and 82A of the Local Government Act 2002 (Principles of Consultation).

## Speed Limit Bylaw Review Submissions and Recommendations



In accordance with Section 82 and 82A of the LGA 2002, the following was made publicly available on Council's website and at Council offices, service centres and libraries:

- details of the proposed changes to the Bylaw.
- the reasons for the proposal, including background information and how to make a submission
- an analysis of the reasonably practicable options

In addition, a public notice was placed in relevant media and several press releases were made, resulting in two articles being published in local and regional news publications.

The public submission period opened on 29<sup>th</sup> April 2019 and closed at 5pm on 27<sup>th</sup> May 2019.

### 4 Submissions overview

The proposed amendments to the Far North District Speed Limits Bylaw 2008 was publicly notified on 29<sup>th</sup> April 2019. Submissions closed at 5pm on 27<sup>th</sup> May 2019. A total of five submissions were received.

5	Total submissions received
1	Seeking amendments (in scope)
4	Seeking amendments (out of scope)
0	Opposing the proposed amendments
0	Opposing, but seeking amendments

### 5 Submitters wishing to be heard

Section 82 of the Local Government Act 2002 sets out the Principles of Consultation. Section 82(1)(d) of the LGA requires that persons who wish to have their views considered by the local authority should be provided with a reasonable opportunity to present those views in a manner and format that is appropriate to the preferences and needs of those persons. Section 82(3) and 82(4) provide Council with discretion in how it observes Section 82(1); and the matters that Council must have regard to in exercising its discretion under Section 82(3).

Submitters were provided an opportunity to indicate whether they wished to be heard on the submission form. One submitter (003) indicated they wished to be heard in support of their submission.

Submitter 003 was contacted by telephone (20 May 2019) to initially discuss their submission. During this conversation, it was noted that the relief being sought by the submitter (a speed limit for 2 wheeled vehicles on footpaths) is out of scope for the proposed changes to the Bylaw. It was also highlighted that the proposed changes to the Bylaw are intended to update the Bylaw for new legislation and regional consistency, as well as to enable ongoing speed reviews. Council are currently programming a staged review of speed limits throughout the District as part of a regionwide project.

With respect to Submitter 003's requested relief, Far North District Council is a Road Controlling Authority (RCA) under the Land Transport Act 1998. As an RCA, Council is an active member of the RCA Forum which works with various government committees and organisations to develop transport policy and, where appropriate, regulations.

The RCA Forum, through the Active Modes Infrastructure Sub-committee (Which FNDC has a representative) is currently reviewing potential rule changes for small wheeled recreation devices (like E-Scooters), including speed rules for footpaths and shared paths. This work is based on

Speed Limit Bylaw Review Submissions and Recommendations



national trials (such as lime scooters in Auckland, Wellington, Christchurch and Dunedin), as well as national and international research into footpath and shared path accidents.

Any changes to Bylaws, and a decision on the most appropriate form of Bylaw will be undertaken once this national research is complete and any associated rules have been consulted on and adopted at a national level.

During the telephone discussion, Submitter 003 also raised an issue of logging trucks being restricted to 40kmph on private forest roads but could do 90kmph on public unsealed roads. The submitters concern relates to health and safety, as well as the extensive damage being done to roads. The submitter was advised that the issue of logging trucks was outside the scope of the current consultation and that speed limits would be consulted on as part of a planned programme of reviews. The submitter lodged an additional submission on this point (Submission 004).

E-scooters and E-bikes on footpaths is outside of the scope of the Speed Limit Bylaw as the Bylaw only applies to public roads as defined by the Land Transport Act 1998. In addition, reviewing speed limits on specific road, including unsealed roads, and that of trucks on un-sealed roads is outside the scope of the current consultation.

On the basis that the submitters concerns would be reported through this Report; Submitter 003 (also 004) has withdrawn their wish to be heard.

On the basis of the above, there is no requirement to hold hearings into the proposed changes to the Speed Limits Bylaw.

## 6 Submission Opposed

There were no submitters opposed to the proposed amendments of the Far North District Speed Limits Bylaw 2008.

## 7 Submissions seeking amendment

The following submitters sought amendments to the proposed changes to the Far North District Speed Limits Bylaw 2008: **Submitter number 001, 002, 003, 004 and 005.**

Submitter 001 and 002 are seeking new signage and new speed limits. These submissions are out of the scope of the proposed amendments to the Bylaw and are addressed in Section 9 of this Report.

Submitter 003 has made two separate submissions, and these have been referenced as 003 and 004. Submission 003 seeks a speed limit for E-Scooters and E-Bikes on footpaths. The submission is out of the scope of the Bylaw. Submitter 003 initially expressed a wish to be heard in support of their submission, as such, this submission is addressed in Section 5 of this Report.

Submission 004 seeks a reduction in the speed limit for all heavy vehicles using un-sealed roads from 90kmph to 60kmph. The submission utilises the example of Hancock Forest Management Ltd who have a 40kmph speed limit on their private forestry roads. The submission is out of scope for the current consultation. Submitter 004 initially expressed a wish to be heard in support of their submission, as such, this submission is addressed in Section 5 of this Report.

Submitter 005 noted that the Maps set out in the 2008 Bylaw will continue to form an integral component of the Bylaw going forward, as these identify the location of speed limits. The submitter requested that Section 9 "Attachment to this Bylaw" and the associated table be retained.

## Discussion

The amendments sought by submitters 001, 002, 003 and 004 are out of scope. It should be noted that the governments "Safer Journey's Strategy" requires Road Controlling Authorities (Council) to review speed limits for roads they have responsibility for. This is a rolling review requirement with the initial focus on areas that will benefit the most from speed limit reviews. The Setting of Speed Limits Rule 2017 requires Council to consult the affected community when proposing a new speed limit. Public input is one component of an evidence-based assessment of priority areas.

## Speed Limit Bylaw Review Submissions and Recommendations



Submitter 005 is correct that the maps that Section 9 of the 2008 Bylaw refers are an integral part of the Bylaw and should be retained. The retention of Section 9 "Attachments to this Bylaw" provides appropriate clarity that the maps form part of the Bylaw. It is therefore recommended to retain this Section.

**Recommendation:** Retain "Section 9 Attachment to this Bylaw" and the associated table.

## 8 Submissions in support

There were no submissions expressing unqualified support for the amendments.

## 9 Submissions out of scope

The following submitters requested that Council address specific speed limits or other speed issues outside the scope of the current consultation. The submissions have been recorded and will be utilised when identifying and prioritising road catchment areas for speed reviews as part of an ongoing Speed Management Programme.

Submitter	Road / Road catchment area	Comment
001	Aucks Road near Russell Ferry – reduce speed to 50kmph, improve signage	Noted: Aucks Road is a high priority for speed review, expected to be programmed for early 2020.
002	Wiroa Road – reduce speed limit from 80kmph to 60kmph from Kerikeri to the Airport.	Noted: This area is considered a high priority for a speed review and is expected to be reviewed mid - 2020.
003	Speed Limits for vehicles such as E-Scooters on footpaths.	A review of regulations for small wheeled recreational vehicles on footpaths is underway at a national level. Regulations arising from this review will be incorporated into the appropriate Bylaw.
004	Speed Limits for ALL trucks on gravel public roads show be lowered from the current 90kmph down to 60kmph.	Council will be reviewing speed limits on all roads in the District, including unsealed roads.

## 10 Recommendations

Having provided reasonable opportunity for those submitters wishing to present their submissions in person to do so; and having read and considered all submissions received; the following recommendations are made:

- All submissions supporting the proposed changes to the Bylaw are **accepted**; and
- Submission 004, seeking the retention of section 9 and the associated table be **accepted**, all other submissions opposing and seeking amendment to the proposed changes to the Bylaw are **rejected**;

To the extent set out above, it is **recommended that Council make the amendments to the Speed Limits Bylaw as proposed and set out in full in Appendix 3 of this Report and rename the Bylaw "Speed Limits Bylaw 2019"**.

Speed Limit Bylaw Review Submissions and  
Recommendations



### Appendix 1: Submitters and Submission Summary

Number	Submitter Name	Support Opposed	Wishes to be Heard	Summary
001	c. Albrecht	Support	No	<p>Vehicles are over speeding on this section of Aucks Road exceeding 80kmph rushing trying to catch the vehicles ferry. This section is used by pedestrian to cross the main road to access Okiato Rd or Pipiroa Beach where part of the tourist walking trail "BOI Full Circle Day Walk" continue. There is a High danger of collision and pedestrian accident on that road section.</p> <p>Install a speed limit sign and pedestrian crossing, including a 50km/h or less signage with pedestrian warning.</p>
002	CD & CM Penny	Amend	No	<p>We live on Wiroa Road. Outside our front gate is a chevron arrow sign indicating a bend in the road with an advisory 55kph sign. The majority of traffic significantly exceeds this accompanied by regular squealing of tyres and presents a danger to the many pedestrians walking to &amp; from Kerikeri town particularly to Hideaway Backpackers, as there is no footpath.</p> <p>Reduce the speed limit from 80 kph to 60 kph from Kerikeri to the airport. There are many businesses along this road and a slower speed limit will make it safer for visiting traffic.</p>
003	S. Cornwall	Amend	Yes	<p>Make a speed limit for small two wheeled electric vehicles (E-Scooters etc.) of 10kmph when using footpaths and a requirement to give way to all pedestrians and vehicles turning into driveways.</p>
004	S. Cornwall	Amend	Yes	<p>Speed Limits for ALL trucks on gravel public roads show be lowered from the current 90kmph down to 60kmph.</p> <p>Hancock Forest Management, a large forest operator in the FNDC, has an enforced speed limit for trucks operating on gravel roads in their area of responsibility because:</p> <ol style="list-style-type: none"> <li>1. Hancocks, as a Company and as Employees, are directly responsible for incidents and injuries on their roads under NZ Industry Health and Safety Legislation. They can be fined and under certain circumstances be Imprisoned for up to 5 years.</li> <li>2. The speed limit ensures that their forest roads are not unduly damaged by high speeds and the effects of Kinetic Energy</li> </ol>
005	Northland Transport Alliance	Amend	No	<p>Retain Section 9 of the 2008 Bylaw and associated Table that identifies the maps that form part of the Bylaw.</p>

## **Appendix 2: Proposed Amendments to the Far North District Speed Limits Bylaw 2008 (as notified)**

*The following text is to be deleted and is indicated by strike-through font:*

### **FAR NORTH DISTRICT COUNCIL SPEED LIMITS BYLAW 2008**

In pursuance of the powers vested in it by Section 684(1)(13) of the Local Government Act 1974, Section 145(b) of the Local Government Act 2002 and the Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendment 2005 and Setting of Speed Limits Amendment 2007 Rule 54001 the Far North District Council makes this bylaw to set the speed limits as specified in the schedules.

#### **1. ~~TITLE AND COMMENCEMENT~~**

~~1.1 This Bylaw may be cited as the Far North District Council Speed Limits Bylaw 2008.~~

~~1.2 This Bylaw shall come into force on 14 December 2009.~~

~~1.3 The speed limits described in the schedules come into force on the dates specified in the schedules.~~

#### **2. ~~DEFINITIONS~~**

<b>Road</b>	has the same meaning as in Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendment 2005 and Setting of Speed Limits Amendment 2007 Rule 54001.
<b>Speed Limit</b>	has the same meaning as in Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendment 2005 and Setting of Speed Limits Amendment 2007 Rule 54001.
<b>Urban Traffic Area</b>	has the same meaning as in Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendment 2005 and Setting of Speed Limits Amendment 2007 Rule 54001.

#### **3. ~~SPEED LIMITS~~**

~~The roads or areas described in the schedules or as indicated on the maps referenced in the schedules are declared to be subject to the speed limits specified in the schedules, which are part of this bylaw.~~

#### **4. ~~BYLAWS TO BE REPEALED~~**

~~All bylaws concerning speed limits in force made by the Council or its predecessors are hereby repealed, provided that this repeal shall not affect the past operation of any such repealed bylaws, or the validity or invalidity of anything done or suffered, or any right required, or duty or liability incurred under those bylaws.~~

#### **5. ~~AMENDMENT TO THIS BYLAW~~**

~~5.1 The Council may by resolution in accordance with clauses 6.1 and 6.2 of this bylaw — make additions to, or alterations to, the bylaw speed limits for any roads or areas — listed in the schedules or shown on the maps referenced in the schedules.~~

5.2 The Council may by resolution in accordance with clauses 6.1 and 6.2 of this bylaw and in accordance with Section 4 of Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendment 2005 and Setting of Speed Limits Amendment 2007 make or alter bylaw speed limits for roads in any designated location within the District.

## **6. RESOLUTIONS**

6.1 Where Council wishes to create, amend, or alter any bylaw speed limit by way of resolution under clauses 5.1, 5.2, and 5.3 of this Bylaw, the consultation process in clause 7.1 of Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendments 2005 and Setting of Speed Limits Amendment 2007 must be followed.

6.2 Where Council intends to pass a resolution under clause 6.1 of this bylaw, consultation with the community in accordance with clause 7.1(2) of Land Transport Rules: Setting of Speed Limits 2003, Setting of Speed Limits Amendment 2005 and Setting of Speed Limits Amendment 2007 will be done by way of: a) writing to all owners and occupiers of property on the affected road, and giving them opportunity to submit and be heard, and b) public notice in a local newspaper giving the public the opportunity to submit and be heard by the Council, and c) consideration by Council before adopting the resolution.

## **7. OFFENCES AND PENALTIES**

Offences and penalties relating to infringement of speed limits are as provided for in the relevant provisions of the Land Transport Act 1998 and the Transport Act 1962. The NZ Police are responsible for enforcement of the speed limits set out in this Bylaw.

## **8. SCHEDULES**

Schedule 1:	Roads subject to a speed limit of 20 km/h
Schedule 2:	Roads subject to a speed limit of 30 km/h
Schedule 3:	Urban Traffic Areas – Roads subject to a speed limit of 50 km/h (closely populated areas)
Schedule 4:	Roads subject to a speed limit of 60 km/h
Schedule 5:	Roads subject to a speed limit of 70 km/h
Schedule 6:	Holiday Speed Limit – Roads subject to a speed limit of 70 km/h to be subject to a speed limit of 50 km/h
Schedule 7:	Roads subject to a speed limit of 80 km/h

## **9. ATTACHMENTS TO THIS BYLAW**

The following Far North District Council drawings form part of this bylaw:

<b>Drawing Number</b>	<b>Drawing and Sheet Title</b>	<b>Issue Date</b>
A1	Houhora/Pukenui	1 December 2008
A2	Kaimaumu	1 December 2008
A3	Waipapakauri Beach	1 December 2008
B4	Kaitaia	14 December 2009

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B2	Ahipara	1 December 2008
B3	Awanui	1 December 2008
B4	Pukepoto	1 December 2008
C1	Whatuwhiwhi/Tokerau Beach	1 December 2008
C2	Rangiputa	1 December 2008
E1	Coopers Beach/Mangonui	14 December 2009
E2	Taipa/Cable Bay	1 December 2008
F1	Hihi	1 December 2008
F2	Taupo Bay	1 December 2008
G1	Panguru	1 December 2008
H1	Broadwood	1 December 2008
H2	Kohukohu	1 December 2008
H3	Mangamuka	1 December 2008
I1	Kaeo	18 June 2009
I2	Whangaroa	1 December 2008
I3	Te Ngaere	1 December 2008
I4	Totara North	14 December 2009
I5	Tauranga Bay	14 December 2009
J1	Opononi/Omapere	1 December 2008
J2	Waimamaku	1 December 2008
K1	Rawene	1 December 2008
L1	Horeke	1 December 2008
M1	Kaikohe	14 December 2009
M2	Okaihau	18 June 2009
M3	Ohaeawai	1 December 2008
M4	Ngawha Township	1 December 2008
R1	Waipapa	1 December 2008
S1	Kerikeri	14 December 2009
S2	Rangitane	1 December 2008
T1	Paihia	1 December 2008
T2	Opua/Broadview/Oramahoe Road	1 December 2008
T3	Haruru Falls	1 December 2008

T4	Kawakawa	1 December 2008
T5	Moerewa	1 December 2008
T6	Te Haumi	1 December 2008
X1	Russell	1 December 2008
X2	Okiato	1 December 2008

The resolution to make this Bylaw was passed by the Far North District Council at an Ordinary Meeting on the 27th day of August 2009, and a resolution confirming the making of the Bylaw was passed by the Council at an Ordinary Meeting on the 26th day of November 2009. The Bylaw was ordered to come into force on the 14th day of December 2009.

The proposed Bylaw was publicly notified in the "Northern News" on the 02nd day of September 2009 and the "Northland Age" on the 03rd day of September 2009.

THE COMMON SEAL of the  
FAR NORTH DISTRICT COUNCIL  
was affixed hereto, in the presence of

\_\_\_\_\_  
CHIEF EXECUTIVE

***The following text is to be inserted:***

**Pursuant to the Land Transport Act 1998, Far North District Council  
makes the following Bylaw about speed limits and urban traffic areas  
in the Far North District.**

## **Contents**

1.0	Title .....	2
2.0	Commencement .....	2
3.0	Application.....	2
4.0	Purpose .....	2
5.0	Interpretation .....	2
6.1	Urban Traffic Areas.....	3
6.2	Speed Limits .....	3
6.3	Discrepancies between Descriptions and Maps .....	3
	Explanatory Note: .....	3



### 1.0 Title

This Bylaw is the Far North District Council Speed Limits Bylaw 2019.

### 2.0 Commencement

This Bylaw comes into effect on the [insert day, month] 2019 – **to be confirmed by Council resolution.**

### 3.0 Application

This Bylaw applies to roads under the care, control or management of the Far North District Council.

## Part 1 – Preliminary Provisions

### 4.0 Purpose

The purpose of this Bylaw is to allow Far North District Council to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2017 on all roads under the care, control or Management of Far North District Council.

### 5.0 Interpretation

In this Bylaw, unless the context otherwise requires –

<b>Act</b>	means the Land Transport Act 1998
<b>Council</b>	means Far North District Council
<b>ROAD</b>	has the same meaning as in section 2(1) of the Land Transport Act 1998
<b>SPEED LIMIT</b>	has the same meaning as in Part 2 (1) of the Land Transport Rule: Setting of Speed Limits 2017
<b>URBAN TRAFFIC AREA</b>	means an area designated as an Urban Traffic Area in accordance with Clause 3.5 of the Land Transport Rule: Setting of Speed Limits 2017:

## Part 2 – Speed Limits and Urban Traffic Areas

### 6.1 Urban Traffic Areas

Schedule 4 of this Bylaw details the areas designated as Urban Traffic Areas by Far North District Council.

### 6.2 Speed Limits

Schedules 1-3 and Schedules 5-12 of this Bylaw details the speed limits set by Council under this Bylaw.

### 6.3 Discrepancies between Descriptions and Maps

For the avoidance of doubt, where a speed limit or urban traffic area is described with both a map and a description, and there is an inconsistency between the map and the description, the description prevails.

#### Explanatory Note:

In setting speed limits and designating urban traffic areas, Council is required to comply with the requirements of the Land Transport Rule: Setting of Speed Limits 2017.

## Part 3: Enforcement, Offences and Penalties

Offences and penalties are provided for in the relevant provisions of the Land Transport Act 1998.

***The following Schedule numbering and naming system will be used. It should be noted that the content of the Schedules will remain unchanged.***

Schedule 1: 20kmph	
Schedule 2: 30kmph	
Schedule 3: 40kmph – <b><i>not currently in use</i></b>	<b><i>(New Schedule)</i></b>
Schedule 4: 50kmph and Urban Traffic Areas	
Schedule 5: 60kmph	
Schedule 6: 70kmph	
Schedule 7: 80kmph	
Schedule 8: 100kmph (Rural Areas) – <b><i>Not currently in use</i></b>	<b><i>(New Schedule)</i></b>
Schedule 9: Holiday Speed Limit	
Schedule 10: Variable Speed Limit – <b><i>not currently in use</i></b>	<b><i>(New Schedule)</i></b>
Schedule 11: Minimum Speed Limit – <b><i>not currently in use</i></b>	<b><i>(New Schedule)</i></b>
Schedule 12: School Zones – <b><i>not currently in use</i></b>	<b><i>(New Schedule)</i></b>

***Appendix 3: Far North District Speed Limit Bylaw 2019 full Copy – As Amended by Recommendations***

Pursuant to the Land Transport Act 1998, Far North District Council makes the following Bylaw about speed limits and urban traffic areas in the Far North District.

**Contents**

1.0	Title .....	2
2.0	Commencement .....	2
3.0	Application.....	2
4.0	Purpose .....	2
5.0	Interpretation .....	2
6.1	Urban Traffic Areas.....	3
6.2	Speed Limits .....	3
6.3	Attachments to this Bylaw .....	3
6.4	Discrepancies between Descriptions and Maps .....	4
	Explanatory Note: .....	4
	Schedules: .....	5



### 1.0 Title

This Bylaw is the Far North District Council Speed Limits Bylaw 2019.

### 2.0 Commencement

This Bylaw comes into effect on the 20<sup>th</sup> July 2019.

### 3.0 Application

This Bylaw applies to roads under the care, control or management of the Far North District Council.

## Part 1 – Preliminary Provisions

### 4.0 Purpose

The purpose of this Bylaw is to allow Far North District Council to set speed limits in accordance with the Land Transport Rule: Setting of Speed Limits 2017 on all roads under the care, control or Management of Far North District Council.

### 5.0 Interpretation

In this Bylaw, unless the context otherwise requires –

<b>Act</b>	means the Land Transport Act 1998
<b>Council</b>	means Far North District Council
<b>ROAD</b>	has the same meaning as in section 2(1) of the Land Transport Act 1998
<b>SPEED LIMIT</b>	has the same meaning as in Part 2 (1) of the Land Transport Rule: Setting of Speed Limits 2017
<b>URBAN TRAFFIC AREA</b>	means an area designated as an Urban Traffic Area in accordance with Clause 3.5 of the Land Transport Rule: Setting of Speed Limits 2017:

## Part 2 – Speed Limits and Urban Traffic Areas

### 6.1 Urban Traffic Areas

Schedule 4 of this Bylaw details the areas designated as Urban Traffic Areas by Far North District Council.

### 6.2 Speed Limits

Schedules 1-3 and Schedules 5-12 of this Bylaw details the speed limits set by Council under this Bylaw.

### 6.3 Attachments to this Bylaw

The following Far North District Council drawings form part of this Bylaw.

Drawing Number	Drawing and Sheet Title	Issue Date
A1	Houhora/Pukenui	1 December 2008
A2	Kaimaumu	1 December 2008
A3	Waipapakauri Beach	1 December 2008
B1	Kaitaia	14 December 2009
B2	Ahipara	1 December 2008
B3	Awanui	1 December 2008
B4	Pukepoto	1 December 2008
C1	Whatuwhiwhi/Tokerau Beach	1 December 2008
C2	Rangiputa	1 December 2008
E1	Coopers Beach/Mangonui	14 December 2009
E2	Taipa/Cable Bay	1 December 2008
F1	Hihī	1 December 2008
F2	Taupo Bay	1 December 2008
G1	Panguru	1 December 2008
H1	Broadwood	1 December 2008
H2	Kohukohu	1 December 2008
H3	Mangamuka	1 December 2008
I1	Kaeo	18 June 2009
I2	Whangaroa	1 December 2008
I3	Te Ngaere	1 December 2008
I4	Totara North	14 December 2009

I5	Tauranga Bay	14 December 2009
J1	Opononi/Omapere	1 December 2008
J2	Waimamaku	1 December 2008
K1	Rawene	1 December 2008
L1	Horeke	1 December 2008
M1	Kaikohe	14 December 2009
M2	Okaihau	18 June 2009
M3	Ohaeawai	1 December 2008
M4	Ngawha Township	1 December 2008
R1	Waipapa	1 December 2008
S1	Keriker	14 December 2009
S2	Rangitane	1 December 2008
T1	Paihia	1 December 2008
T2	Opua/Broadview/Oramahoe Road	1 December 2008
T3	Haruru Falls	1 December 2008
T4	Kawakawa	1 December 2008
T5	Moerewa	1 December 2008
T6	Te Haumi	1 December 2008
X1	Russell	1 December 2008
X2	Okiato	1 December 2008

#### 6.4 Discrepancies between Descriptions and Maps

For the avoidance of doubt, where a speed limit or urban traffic area is described with both a map and a description, and there is an inconsistency between the map and the description, the description prevails.

#### Explanatory Note:

In setting speed limits and designating urban traffic areas, Council is required to comply with the requirements of the Land Transport Rule: Setting of Speed Limits 2017.

### Part 3: Enforcement, Offences and Penalties

Offences and penalties are provided for in the relevant provisions of the Land Transport Act 1998.

**Schedules:**

Schedule 1: 20kmph

Schedule 2: 30kmph

Schedule 3: 40kmph – ***not currently in use***

Schedule 4: 50kmph and Urban Traffic Areas

Schedule 5: 60kmph

Schedule 6: 70kmph

Schedule 7: 80kmph

Schedule 8: 100kmph (Rural Areas) – ***Not currently in use***

Schedule 9: Holiday Speed Limit

Schedule 10: Variable Speed Limit – ***not currently in use***

Schedule 11: Minimum Speed Limit – ***not currently in use***

Schedule 12: School Zones – ***not currently in use***

THE COMMON SEAL of the

FAR NORTH DISTRICT COUNCIL

Was affixed hereto, in the presence of

\_\_\_\_\_  
CHIEF EXECUTIVE



### Schedule 1 Roads Subject to a Speed Limit of 20 km/h

The road lines shown in *light blue* on the Far North District Council drawings listed below are declared to be outside of the listed Urban traffic Areas and subject to a speed limit of 20 km/h with effect from 00:01 hours on the date listed below.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument
Russell	20 km/h	X1	01 December 2008	Far North District Council Speed Limits Bylaw 2019	Far North District Council Speed Limits Bylaw 2008

### Schedule 2 Roads Subject to a Speed Limit of 30 km/h

The road lines shown in *orange* on the Far North District Council drawings listed below are declared to be outside of the listed Urban traffic Areas and subject to a speed limit of 30 km/h with effect from 00:01 hours on the date listed below.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument
Kerikeri	30 km/h	S1	14 December 2009	Far North District Council Speed Limits Bylaw 2019	Far North District Council Speed Limits Bylaw 2008

### Schedule 3 Roads Subject to a Speed Limit of 40 km/h (Schedule 3 is not currently used in this Bylaw)

The road lines shown on the Far North District Council drawings listed below are declared to be outside of the listed Urban traffic Areas and subject to a speed limit of 40 km/h with effect from 00:01 hours on the date listed below.

Town	Speed Limit	Far North District Council	Date speed limit comes into	Legal Instrument	Previous Legal Instrument
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		Drawing Reference	force		
None	NA	None	NA	NA	NA

#### Schedule 4 Urban traffic Areas – Roads Subject to a Speed Limit of 50km/h (Closely Populated Areas)

The areas shaded pink on the Far North District Council drawings listed below are declared to be Urban Traffic Areas subject to a speed limit of 50 km/h with effect from 00:01 hours on the dates listed below.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Houhora/Pukenui	50km/h	A1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	10/05/1984, No. 75, page 1537
Kaimaumu	50km/h	A2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	22/10/1998, No. 176, page 4188
Waipapakauri Beach	50km/h	A3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/12/1973, No. 121, page 2764
Kaitaia	50km/h	B1	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	13/07/1989, No. 120, page 3008
Ahipara	50km/h	B2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	09/07/1992, No. 105, page 2377
Awanui	50km/h	B3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/08/2002, No. 5756, page 3384
Whatuwhiwhi/ Tokerau Beach	50km/h	C1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	11/12/1986, No. 199, page 5317
Coopers Beach/Mangonui	50km/h	E1	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	10/02/1994, No. 11, page 723
Taipa/Cable Bay	50km/h	E2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	10/02/1994, No. 11, page 723

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Hihi	50km/h	F1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	11/11/1993, No. 166, page 3372
Taupo Bay	50km/h	F2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	12/07/1984, No. 119, page 2694
Panguru	50km/h	G1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	16/12/1999, No. 193, page 4607

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Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Kohukohu	50km/h	H2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/10/1964, No. 67, page 1967
Kaero	50km/h	I1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	12/07/1984, No. 119, page 2694
Whangaroa	50km/h	I2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	12/07/1984, No. 119, page 2694
Te Ngaere	50km/h	I3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	12/07/1984, No. 119, page 2694
Tauranga Bay	50km/h	I5	14 December 2009	Far North District Council Speed Limits Bylaw 2019	Far North District Council Speed Limits Bylaw 2008
Opononi/Omapere	50km/h	J1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/11/2001, No. 8336, page 3942 12/06/1997, No. 60, page 1392 31/01/1974, No. 7, page 177
Rawene	50km/h	K1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	05/12/1974, No. 118, page 2787
Horeke	50km/h	L1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	Far North District Council Speed Limits Bylaw 2008
Kaikohe	50km/h	M1	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	23/07/1992, No. 114, page 2525
Okaihau	50km/h	M2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	07/12/1978, No. 105, page 3365
Ohaeawai	50km/h	M3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	04/03/1999, No. 27, page 713
Ngawha Township	50km/h	M4	1 December 2008	Far North District Council Speed Limits Bylaw 2019	23/09/1971, No. 71, page 1974
Kerikeri	50km/h	S1	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	18/06/1992, No. 90, page 2053
Rangitane	50km/h	S2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/11/2001, No. 8336, page 3942

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Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Paihia	50km/h	T1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/11/1998, No. 187, page 4408 19/06/1986, No. 93, page 2573
Opuā/Broadview/ Oramāhoe Road	50km/h	T2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/11/1998, No. 187, page 4408 02/05/1974, No. 44, page 871 19/06/1986, No. 93, page 2573
Haruru Falls	50km/h	T3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/11/1998, No. 187, page 4408 19/06/1986, No. 93, page 2573
Kawakawa	50km/h	T4	1 December 2008	Far North District Council Speed Limits Bylaw 2019	27/02/1986, No. 26, page 871
Moerewa	50km/h	T5	14 December 2009	Far North District Council Speed Limits Bylaw 2019	02/05/1974, No. 44, page 871
Te Haumi	50km/h	T6	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/11/1998, No. 187, page 4408 19/06/1986, No. 93, page 2573
Russell <sup>1</sup>	50km/h	X1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	05/04/1979, No. 28, page 1030
Okiato		X2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	24/04/1997, No. 39, page 941 02/09/1982, No. 101, page 2857

<sup>1</sup> **Exclusion:** Tapeka Point Road: from a point 180 metres measured southerly, generally, along the said road from Du Frense Place to a point 220 metres measured northerly, generally, along Tapeka Point Road from Wellington Street.

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### Schedule 5 Roads Subject to a Speed Limit of 60 km/h

The road lines shown green on the Far North District Council drawings listed below are declared to be outside of the listed Urban Traffic Areas and subject to a speed limit of 60 km/h with effect from 00:01 hours on the dates listed below.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Coopers Beach/Mangonui	60km/h	E1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	21/12/2006, No. 174, page 5106
Taipa/Cable Bay	60km/h	E2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	21/12/2006, No. 174, page 5106
Ohaeawai	60km/h	M3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	05/08/1999, No. 90, page 2148

### Schedule 6 Roads Subject to a Speed Limit of 70 km/h

The road lines shown yellow marked on the Far North District Council drawings below are declared to be subject to a speed limit of 70 km/h with effect from 00:01 hours on the dates listed below.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Houhora/Pukenui	70km/h	A1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/09/1998, No. 6679, page 3592
Kaitaia <sup>2</sup>	70km/h	B1	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	13/07/1989, No. 120, page 3008
Pukepoto	70km/h	B4	1 December 2008	Far North District Council Speed Limits Bylaw 2019	09/07/1992, No. 105, page 2377
Broadwood	70km/h	H1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/11/2001, No.8336, page 3942 12/06/1997, No. 60, page 1392

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Mangamuka	70km/h	H3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	11/03/1971, No. 18, page 412
Totara North	70km/h	I4	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	Far North District Council Speed Limits Bylaw 2008
Opononi/Omapere	70km/h	J1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/11/2001, No.8336, page 3942 12/06/1997, No. 60, page 1392
Waimamaku	70km/h	J2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	15/06/2000, No.65, page 1444
Kaikohe	70km/h	M1	1 December 2008 14 December 2009	Far North District Council Speed Limits Bylaw 2019	23/07/1992, No. 114, page 2525
Waipapa	70km/h	R1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	18/12/1975, No. 114, page 3011
Kenikeri	70km/h	S1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	18/06/1992, No. 90
Haruru Falls	70km/h	T3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/11/1998, No. 187, page 4408
Moerewa	70km/h	T5	1 December 2008	Far North District Council Speed Limits Bylaw 2019	18/05/2000, No.52, page 1148
Russell	70km/h	X1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	05/04/1979, No. 28
Okiato	70km/h	X2	1 December 2008	Far North District Council Speed Limits Bylaw 2019	24/04/1997, No. 39, page 941

<sup>2</sup> **Exclusion:** No.1 State Highway (Awanui-Bluff): from a point 100 metres measured northerly, generally, along the said State Highway from Donald Road to the northern boundary of Kaitiaki Township.

### Schedule 7 Roads Subject to a Speed Limit of 80km/h

The road lines shown dark blue on the Far North District Council drawings listed below are declared to be outside of the listed Urban Traffic Areas and subject to a speed limit of 80 km/h with effect from 00:01 hours on the dates listed below.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Waipapa	80km/h	R1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	18/12/1975, No. 114
Kerikeri	80km/h	S1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	Far North District Council Speed Limits Bylaw 2008

### Schedule 8 Rural areas - 100km/h

The roads not identified in Schedules 1-7 or 9-12 are declared to have a speed limit of 100 km/h

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
N/A	N/A	N/A	N/A	N/A	N/A

### Schedule 9 Seasonal Speed Limit

The roads marked on the Far North District Council drawings listed below are declared to be outside of the listed Urban Traffic Areas and subject to a speed limit of 50 km/h with effect from 00:01 hours from 01 December to 23:59 hours on 30 April of each year.

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
Opononi	50km/h	J1	1 December 2008	Far North District Council Speed Limits Bylaw 2019	29/11/2001, No. 8336, page 3942
Blackbridge - Paihia Road from Haruru Falls Road to Yorke Road	50km/h	T3	1 December 2008	Far North District Council Speed Limits Bylaw 2019	19/06/1986, No. 93, page 2573

### Schedule 10 Variable Speed Limit (Schedule 10 is not used in this Bylaw)

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a variable speed limit

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
N/A	N/A	N/A	N/A	N/A	N/A

### Schedule 11 Minimum Speed Limit (Schedule 10 is not used in this Bylaw)

The roads or areas described in this schedule or as shown on the maps referenced in this schedule are declared to have a minimum speed limit

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
N/A	N/A	N/A	N/A	N/A	N/A

### Schedule 12 School Zones (Schedule 12 is not used in this Bylaw)

A speed limit that is posted applies to the sections of roads listed below, except during the times set out on the fixed school zone signs, or when the speed limit signs are activated, during which times the speed limit shall be 40 kilometers per hour. At all other times, the permanent speed limit for the road applies.

In accordance with the Land Transport Safety Authority guidelines (traffic Note 37 – July 2002 and New Zealand Gazette Notice Number 3459, school zone variable speed limit signs will be operated for a maximum period of:

- a. 35 minutes before the start of school until the start of school
- b. 20 minutes at the end of school, beginning no earlier than 5 minutes before the end of school
- c. 10 minutes at any other time when at least 50 children cross the road or enter or leave vehicles at the roadside

Town	Speed Limit	Far North District Council Drawing Reference	Date speed limit comes into force	Legal Instrument	Previous Legal Instrument (New Zealand Gazette Notice Reference)
N/A	N/A	N/A	N/A	N/A	N/A

### 9.3 CLIMATE CHANGE UPDATE

**File Number:** A2513333

**Author:** Chris Sargent, Senior Strategic Planner

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

#### PURPOSE OF THE REPORT

To provide Council with an update of current Climate Change work.

#### EXECUTIVE SUMMARY

- Administration is currently working on a number of initiatives to address climate change. This report provides an update on these initiatives.
- The report furthermore discusses Administration's participation in a Northland-wide approach for consistency in climate change adaptation as well the associated approach to submitting on the recently released Climate Change Response (Zero Carbon) Amendment Bill.

#### RECOMMENDATION

**That Council:**

- a) accepts for information a summary of the work currently being undertaken in respect of climate change;**
- b) accepts for information a summary of the contents of the Climate Change Response (Zero Carbon) Amendment Bill;**
- c) accepts for information the approach taken to submitting on the Climate Change Response (Zero Carbon) Amendment Bill;**
- d) formally provides approval of Administration's participation in the Tai Tokerau Climate Change Adaption Working Group;**
- e) directs Administration to create a Council-wide working group to integrate and formulate strategies towards climate change in response to the Climate Change Response (Zero Carbon) Amendment Bill, the Tai Tokerau Climate Change Adaption Working Group's work program, and the further consideration of outcomes of this work in current Council-wide strategy and policy development.**

#### 1) BACKGROUND

Being a signatory to the Local Government Leaders Climate Change Declaration, Administration's work program includes a number of projects that focus on responding to the risks that climate change presents. In addition to this programed work there are a number of other initiatives through which Administration is proposing to address climate change.

Since mid 2018, Administration have been attending the Tai Tokerau Climate Change Adaption Working Group ('the Regional Group'), composed of representatives from Northland Councils. The work of this group is currently being formalised through a Terms of Reference, a draft communication plan and a work program.

In early May the Climate Change Response (Zero Carbon) Amendment Bill was released for public submissions, following first reading at Select Committee. Administration has reviewed the Bill together with our partners in the Regional Group, and is now preparing submissions.

Considering the identification of Climate Change as the number one risk to the Far North District Council, the work being undertaken by various parts of the organisation and the work currently being undertaken by the Regional Group and in consideration of the provisions proposed through

the Bill, greater oversight is required to ensure that Council is meeting its obligations under legislation.

This paper will outline the main components of the Climate Change Response (Zero Carbon) Amendment Bill, outline the strategic work currently being undertaken by Administration in respect of Climate Change and identify focus areas for Administration in the future.

## **2) DISCUSSION AND OPTIONS**

### **2.1 Current Climate Change Considerations by Far North District Council**

Far North District Council is considering climate change in a number of policy and strategy documents, which are currently being developed.

Far North 2100 will consider climate change and its effects through high level spatial planning, vision and goal setting. The Integrated Transport Strategy will provide for mitigation and adaptation measures to address the effects of climate change.

The review of the District Plan is incorporating adaptation to climate change through natural hazards assessment. LiDAR mapping, currently being undertaken by the Northland Regional Council will inform the distribution of land use within the District Plan. The District Plan, combined with Far North 2100, the Transportation and Infrastructure Strategies will present an integrated planning approach for the Far North District Council.

### **2.2 Tai Tokerau Climate Change Adaptation Working Group**

Over recent months, Administration has been collaborating with Northland Councils in the Tai Tokerau Climate Change Adaptation Working Group.

In 2017 FNDC became a signatory to the Local Government Leaders Climate Change Declaration in recognition of the need for responsive leadership and a holistic approach to climate change for the benefit of current and future generations. The declaration also called for a collaborative approach by central government and local government to address climate change.

Following the 2018 SOLGM Climate Change Summit, the Tai Tokerau Climate Change Adaptation Working Group ('TTCAWG'; 'the Regional Group') was formed, comprising of staff of the Northland Regional Council, Kaipara District Council, Whangarei District Council, and Far North District Council. This Regional Group has been created under the Northland Forward Chief Executives Forum

The purpose of the Regional Group is to develop a regional collaborative and consistent approach to climate change adaptation planning for local government in Northland. The work of the group will include the development of a draft climate change strategy for the Northland Region and an associated work programme that identifies and addresses priority issues at both a regional and district level. Implementation of such a strategy would remain the responsibility of the individual Councils. FNDC is represented at the group by both Strategic Planning and Policy and Infrastructure and Asset Management staff.

### **2.3 Climate Change Response (Zero Carbon) Amendment Bill**

The Climate Change Response (Zero Carbon) Amendment Bill ('the Bill') was released for public submissions, with the submission period closing on July 16, 2019. At this point in time it is anticipated that the Bill will pass into law in late 2019, and a Climate Change Commission would be established around the same time.

The purpose of the Bill is to provide a framework for New Zealand to develop and implement clear and stable climate change policies that contribute to the global effort under the Paris Agreement. The goal is to limit the global average temperature increase to 1.5° Celsius above pre-industrial levels.

The Bill proposes four main parts:

1. Setting of targets to cut greenhouse gas emissions;
2. Setting of budgets to achieve emission cuts;

3. Creation of a framework for adaptation to climate change effects;
4. Establishment of the Climate Change Commission.

The Bill follows the guiding principles of the all-of-government approach to climate change policy i.e. other government departments will be made responsible for implementation and accountable for meeting emission budgets. Regular monitoring and reporting will allow for adjustments of budgets under certain conditions to enable a just and inclusive economic transition in New Zealand which supports affected regions, sectors and communities. Consultation with iwi is a requirement to give effect to the Treaty of Waitangi.

### **2.3.1 Setting of targets to cut greenhouse gas emissions**

The Bill will set a long-term emissions reduction target for 2050. The target will require the reduction of greenhouse gas emissions to a level consistent with holding global warming to no more than 1.5 degrees Celsius above pre-industrial levels as per the Paris Agreement. Reviews of these targets will occur regularly, and an amendment may occur under certain conditions, including:

- global action;
- scientific understanding of climate change;
- New Zealand's economic or fiscal circumstances;
- New Zealand's obligations under relevant international agreements;
- technological developments or distributional impacts;
- equity implications (including generational equity).

### **2.3.2 Setting of budgets to achieve emission cuts**

Emissions budgets and implementation plans will be set through the Climate Change Commission and the responsible Minister. This will include the quantity of emissions permitted in a budget period, and realistic means of meeting them. It is unclear how far the public will be consulted with respect to the setting of these targets. Cabinet approval of budgets is required before they are gazetted.

The Bill recognises that:

- emissions budgets have “to be ambitious and also feasible”;
- public consultation will be required;
- emission budget distribution between regions, communities and generations must be considered (equity);
- there may be costs and benefits of early adoption;
- the global response to the Paris Agreement by other country has to be considered.

As part of the emissions budget provision, the Bill also provides for emissions banking and borrowing. In addition, the Bill discusses the New Zealand Emissions Trading Scheme ('ETS') and its use as a tool to reduce emissions. The ETS will be reviewed later in 2019 to ensure that it is appropriate to assist in reducing emission towards the 2050 target.

### **2.3.3 Creation of a framework for adaptation to climate change effects**

The Bill recognises that New Zealand will have to adapt to some effects of climate change through a National Climate Change Risk Assessment. This National Risk Assessment ('NRA') will improve the understanding of the climate risks New Zealand is facing. A National Adaptation Plan ('NAP') will outline the Government's approach to improving New Zealand's resilience to the effects of climate change, specifically risks identified as significant. Monitoring and reporting will form part of this response to ensure accountability. To get accurate local accounts for this purpose, the responsible Minister may require central and local government organisations and 'lifeline utility

providers' to report on adaptation. It is unclear at this point if the NRA and NAP require that local government approaches to climate change are consistent with that of central government.

#### **2.3.4 Establishment of the Climate Change Commission**

The proposed Climate Change Commission ('the Commission') will have advisory and monitoring functions, and will keep the Government accountable for its climate policy goals.

The Commission will be governed by a board of seven members with relevant expertise in a range of fields, selected or appointed. The Government can also ask the Commission for advice about other climate-related matters.

Commission will not have decision-making power, decisions on climate change responses will remain with the government.

### **2. 4 Submissions**

Far North District Council initially provided input into the Climate Change Response (Zero Carbon) Amendment Bill in mid 2018 when it was first put out for consultation. Council's main submission point at the time sought that the Bill takes into account any effects on rate payers across New Zealand.

#### **2.4.1 The Regional Submission**

In the current consultation and submission period on the Bill, the Tai Tokerau Climate Change Adaptation Group, of which Far North District Council is a member, is proposing a combined submission on the Adaptation section of the Bill, in accordance with Regional's Groups overall interests. At this point, each Council has provided comments on the Adaption section to a representative of the group to allow the drafting of a considered submission. When received, Administration will submit on behalf of Council in support of the development of a National Climate Change Risk Assessment, and the development of a National Climate Adaption Plan.

#### **2.4.2 The Far North District Council Submission**

Administration is proposing to draft an independent submission, as there are areas of the Bill that are considered to be important to the Far North District Council, that will not be part of the Regional Submission.

Far North District Councils submission will emphasize support for the following points:

1. Far North District Council's strong interest in corporate and environmental sustainability and our support for the addressing of the effects of climate change on our natural and built environment and our communities.
2. The support of the setting of three-yearly emission budgets and their review as a mechanism to enable fair and equitable transition for the District and our communities.
3. Requirements for consultation with any group or interested party regarding appointments to the Climate Change Commission, including iwi and Maori representative organisations, to ensure that our specific concerns will be adequately and equitably represented in central planning and reporting.
4. An emissions reduction plan to include a strategy to mitigate the impacts that reducing emissions will have on workers, regions, iwi and Maori, and the wider communities. It is important to consider the impact of climate change initiatives on rate payers in the regions and districts. Changing emission limits may have significant economic effects on local communities and forward planning at an early point in time will allow for consultation and feedback of input from the grass roots level. Early public consultation will be crucial.
5. A multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change.
6. The preparation of a National Adaptation Plan, which takes into account the economic, social, health, environmental, ecological, and cultural effects of climate change including effects on iwi and Maori. As previously, local adaptation measures will have to be identified

and actions be captured in strategies and policies which will require public buy-in. Public consultation on the National Adaption Plan will be crucial.

### **Reason for the recommendation**

It is recommended that:

- Council accepts for information, a summary of the work currently being undertaken in respect of climate change. Climate change has been identified as one of the most significant risks that Council will have to address in the coming years. Understanding Administration current work in providing for climate change is important in development of Council direction and decision making.
- Council formally provides approval of Administration's participation in the Tai Tokerau Climate Change Adaption Working Group. The group's purpose is to develop a consistent approach to climate change adaptation throughout Northland jurisdictions. Far North District Council's absence would signal disinterest in a regional approach to climate change with our neighbours and partners, while valuable information collected and produced through this forum would not be available to the Far North District and our communities.
- Council accepts for information, a summary of the contents of the Climate Change Response (Zero Carbon) Amendment Bill. When the Bill passes into law, there may be additional requirements of Council in preparing strategies and policies for climate change mitigation and to address climate change adaptation, on which Council may have to report potentially at regular intervals.
- Council accepts for information, the approach taken to submitting on the Climate Change Response (Zero Carbon) Amendment Bill. A submission will be made by Administration and the content of the submission will be based on the information in this report.
- Council directs Administration to create a Council-wide working group to integrate and formulate strategies towards climate change in response to the Climate Change Response (Zero Carbon) Amendment Bill, the Tai Tokerau Climate Change Adaption Working Group's work program, and the further consideration of outcomes of this work in current Council-wide strategy and policy development. Having such oversight will enable an integrated approach to responding to the requirements of central and regional climate change initiatives.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Costs are covered through the annual staff salary budgets.

With the release of a National Climate Change Risk Assessment and National Climate Adaptation Plan and the potential requirements through reporting, workloads to address climate change tasks may intensify, and in some instances additional consulting advice may be required. Such workloads will be projected and covered through annual plan budgetary considerations.

### **ATTACHMENTS**

**Nil**

### 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 <a href="#">Council's Significance and Engagement Policy</a>	At first, this report will have a low degree of significance as it simply puts in place a structure for the management of climate change concerns by Administration. As work progresses and if there are central government directions for mitigation and adaptation to climate change, it is considered that climate change matters will generate considerable community interests and views. Climate change may also have an impact on ratepayers through the development of Council strategies and policies. Public engagement and consultation will occur through the programmed engagement activities to occur with these projects.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Under the Local Government Act 2002, Council is responsible to "meet the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses". In addition, Council has the responsibility under the Resource Management to recognise and provide for matters of national importance and other matters, including the management of significant risks from natural hazards; and shall have particular regard to, e.g. the effects of climate change. The Climate Change Response (Zero Carbon) Amendment Bill will most likely result in further requirements of Council in mitigating and adapting to the effects of climate change.  Administration is already addressing concerns arising from climate through strategies and policies currently being development. Creating a climate change working group will allow Administration to better integrate current initiatives in response to and collaboration with regional and central government initiatives.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate	Climate Change consideration will be of district-wide relevance. The views of community boards have not

Community Board's views have been sought.	been sought at this point.
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.	Climate change will have implications on Maori within the district. At this point, no feedback has been sought. However, any implications on Maori will be considered through district-wide strategy and policy development, while the collaboration with Maori advisors will be sought for the climate change working group.
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.	Climate change will affect all communities within our district.
State the financial implications and where budgetary provisions have been made to support this decision.	At this point, climate change initiatives fall within the general staff remuneration budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

## 9.4 INFRASTRUCTURE GRANT FUND 2018/19

**File Number:** A2458215

**Author:** Bill Lee, Community Policy and Development Manager

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

### PURPOSE OF THE REPORT

This report advances the Infrastructure Grant Fund (IGF) Panel's request to carry over unallocated grant funds of \$14,230 from 2018/19 to the Infrastructure Grant Fund 2019/20.

### EXECUTIVE SUMMARY

The IGF Panel for the 2018/19 funding round consisted of 3 Community Board Chairs plus 1 other Member from Bay of Islands – Whangaroa Community Board. Council received 3 funding requests and awarded \$85,770 to the two eligible projects. The IGF was \$100,000 for the 2018/19 year which left \$14,230 unallocated. The IGF Panel as part of their resolutions requested Council to resolve the \$14,230 be carried forward to the 2019/20 IGF funding round. This report seeks approval from Council for the IGF Panel's request.

### RECOMMENDATION

**That Council agrees the Infrastructure Grant Fund Panel's request to carry forward the unallocated funds of \$14,230 from the 2018/19 Infrastructure Grant Fund to be used for the next funding round in 2019/20.**

### 1) BACKGROUND

The Infrastructure Grant Fund (IGF) of \$100,000 was established to help communities build new, community managed infrastructure to support the development of cultural, sporting and recreational initiatives in the district and support the district's sustainable development. Grant funding from any Council source cannot exceed 50% of the total project cost, which may include a calculation based on volunteer time.

In 2018, Council resolved that a panel including Community Board Chairs and one additional representative from each Board will consider applications and make decisions on awarding the fund on behalf of Council.

The Panel for the 2018/19 funding allocation consisted of the 3 Community Board Chairs and a Community Board Member from the Bay of Islands-Whangaroa Community Board.

### 2) DISCUSSION AND OPTIONS

Three applications were received for the 2018/19 funding round, all based in the Bay of Islands-Whangaroa Ward, with 1 application containing 2 distinct projects. Only 2 applications met the criteria for the fund and consequently the IGF Panel allocated a total of \$85,770 to 2 infrastructure projects. This left an unallocated amount of \$14,230.

The IGF Panel made a resolution that requested Council to carry forward the unallocated amount of \$14,230 to the next funding round to be allocated in 2019/20. This, if Council agrees, would make the total grant pool \$114,230 in the 2019/20 year. Grant funds are operational funds and require a resolution of Council to carry forward into the next financial year.

<i>Moved</i>	<i>Adele/Terry</i>
<i><u>THAT</u> the Community Board Infrastructure Grant Panel awards Infrastructure Grant funding to:</i>	
<i>Kerikeri Men's Shed</i>	<i>\$63,416.00</i>
<i>Kerikeri Bowling Club</i>	<i>\$22,354.00 As a half share towards their lighting project</i>
<i>AND REQUESTS THAT the remaining funding of \$14,230 be carried forward to be used for the next funding round.</i>	
<i>AND THAT the next funding round will open no later than 1 May, with the panel to convene and make decisions on the allocation for the 2019/20 year as soon as practicable after the applications close.</i>	
<i>PASSED</i>	

The criteria for an operational carry forward is for the funding to have been allocated to specific projects that will be completed in the next financial year. The panel considers that the IGF funding is towards undetermined community infrastructure projects and the next round remains the same – as yet undetermined community infrastructure, but it is for the same purpose.

### **Options**

An options assessment has identified the following options:

#### **Option 1 (recommended)**

That Council to agree a carry forward of the \$14,230 unallocated Infrastructure Grant Fund in 2018/19 to the 2019/20 Infrastructure Grant Fund resulting in a funding pool of \$114,230.

#### **Option 2**

That Council does not agree a carry forward of the \$14,230 unallocated Infrastructure Grant Fund in 2018/19 to the 2019/20 Infrastructure Grant Fund resulting in the funding pool remaining at \$100,000.

### **Reason for the recommendation**

The Infrastructure Grant Fund Panel made a recommendation to Council for the unallocated funds of \$14,230 to be carried forward for the next IGF round in 2019/20.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications as the \$100,000 Infrastructure Grant Fund is rated for in the year of allocation. Therefore the unallocated \$14,230 has already been rated for.

### **ATTACHMENTS**

**Nil**

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Infrastructure Grant Fund allocated by Community Grants Policy 2018 and allocation of funds through LTP 2018-28.
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.	Council delegated the funding decision to Community Boards but Infrastructure Grant funding remains District Wide.
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 – Maori have the same opportunity to gain Infrastructure Grant Funds.
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.	Considered on a case by case basis as part of evaluating applications.
State the financial implications and where budgetary provisions have been made to support this decision.	No future financial implications as Infrastructure Grant Funds have been rated for.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

## 9.5 ADOPTION OF FEES AND CHARGES FOR 2019/20

**File Number:** A2497684

**Author:** Sheryl Gavin, Manager - Corporate Planning and Engagement

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

### PURPOSE OF THE REPORT

To adopt a schedule of fees and charges for the 2019/20 financial year.

### EXECUTIVE SUMMARY

Under the Local Government Act 2002 (the LGA), Council is required to review fees and charges annually. The adoption of fees and charges must occur prior to the start of the financial year to which they apply. In most cases, increases are limited to the Local Government Cost Index (LGCI) inflation factor which is forecast at 2.3% for 2019/20. Exceptions are discussed in this report.

### RECOMMENDATION

**That Council adopt the Schedule of Fees and Charges for 2019/20.**

### 1) BACKGROUND

Council reviews and adjusts its fees and charges on an annual basis. Although many fees and charges may be set by Council resolution under sections 12 and 150 of the LGA, some must follow a formal process that includes public consultation in accordance with section 83 (the Special Consultative Procedure or SCP) of the LGA. No adjustments requiring consultation or an SCP are proposed in the attached Schedule of Fees and Charges.

Fees/charges that have been adjusted are shaded blue in the Schedule for ease of reference.

All adjustments are consistent with Council's decision as part of the Long Term Plan 2018-2028 to adjust fees annually in line with changing circumstances and specifically in line with inflation.

### 2) DISCUSSION AND OPTIONS

In general, fees have been adjusted by inflation (LGCI) which is forecast at 2.3% for the 2019/20 year).

Exceptions are:

- To encourage responsible dog ownership, staff propose no change to dog registration fees (page 1). Impound costs (including those for stock) have been adjusted for inflation.
- Resource Consent (except hourly processing charges) and Building Consent fees (pages 3 and 21 respectively) are set for cost recovery in accordance with the Revenue and Financing Policy. Staff recommend no change for both until actual costs can be analysed as part of the 2019 Revenue Review.
- Some fees and infringements are set by statute (e.g. Food Regulations 2015, Sale and Supply of Alcohol Act 2012) and are therefore not adjustable.

Inflationary adjustments are proposed for the following (refer to the Schedule of Fees and Charges attachment):

- Dog / stock impounding (page 2)
- Vehicle crossing application and inspection fees (page 6)
- Fees for fire prevention, gaming and TAB, animals, poultry and bees, advertising signs, taxi stands, brothel signs and entertainment premises (page 7)
- Alfresco dining licences (page 9)

- Environmental health licences (page 10)
- Mobile shop, street stall and hawkers licences (page 11)
- Noise control – return of confiscated equipment only (page 12)
- Reserves (leases and licenses, change of status) (pages 14 & 15)
- Council legal services (page 16)
- Libraries (book repairs, replacement borrower cards and fax fees only) (page 17)
- Official information (scanning, District Plan copies only) (pages 19 & 20)
- Property information (staff time only) (page 20)
- Land Information Memoranda (LIMs) (page 20)
- Resource consent hourly processing charges (page 24)
- Applications and inspections relating to works on Council infrastructure (stormwater, wastewater and water) (pages 27 to 32)

No changes are proposed for the following:

- Dog registrations (page 1)
- Building consents (pages 3 to 6)
- Cemeteries (page 8)
- Hokianga Ferry charges (page 18)
- LGOIMA requests (page 19)
- Property information (except LIMs and staff time for digital supply) (page 20)
- Resource consents (except hourly processing charges) (pages 21 to 24)
- Rubbish disposal at transfer stations (pages 25 & 26)
- Transportation including road closures and overweight permits (page 28)
- Venues for hire (page 29)

No change for legislated fees:

- Amusement devices (page 7)
- Alcohol licencing (page 9)
- Food control – plans, compliance and monitoring (pages 10 & 11)
- Infringements for litter, noise, parking and skateboards/cycles (pages 12 & 13)

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, placing the burden on the general ratepayer and creating the potential for steeper increases in future years.

### **Reason for the recommendation**

The reason for the recommendation is to ensure an adopted schedule of fees and charges is in place prior to the start of the 2019/20 financial year.

### **3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Forecast revenue from the Schedule of Fees and Charges for 2019/20 is recognised in the budget adopted as part of the Annual Plan for 2019/20.

## ATTACHMENTS

1. **Proposed Schedule of Fees and Charges for 2019-20 - A2501769** [!\[\]\(dad7766234e20e7020b5027d3810f630\_img.jpg\)](#) 

**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 <a href="#">Council's Significance and Engagement Policy</a>	Significance of the proposed changes to the schedule of fees and charges is assessed as low.  Further, the current Financial Strategy (adopted alongside the LTP) clearly states Council's intention to adjust fees and charges on an annual basis and that adjustments would not exceed the forecast LGCI rate for the corresponding year. The review of fees and charges for 2019/20 complies with this limit.  Substantial consultation was carried out on the strategy and LTP prior to adoption in June 2018. In accordance with the policy on Significance and Engagement, further consultation is not necessary.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The proposed schedule of Fees and Charges links to the Annual Plan for the 2019/20 financial year.
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.	Fees and charges hold district-wide relevance. Community Boards provided input to the LTP in which the Financial Strategy (and the limit on annual fee / charge adjustments) were adopted.
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.	Because the proposed changes to fees and charges are considered insignificant, engagement with Maori was not carried out.
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.	Fees and charges were consulted on in 2018 prior to adoption of the LTP. Proposed changes for the 2019/20 are within the limit set in the Financial Strategy. Historically, consultation on fees and charges generates little interest from the public.

State the financial implications and where budgetary provisions have been made to support this decision.	Forecast revenue from the Schedule of Fees and Charges for 2019/20 is included in Annual Plan budgets to be adopted at this meeting.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

**PROPOSED  
SCHEDULE OF  
FEES AND  
CHARGES**

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**2019/20**

Blue – LGCI added/wording change

No colour – no increase / no change / set by legislation

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## ANIMALS

### Dog registration

Registration fee for desexed dogs	1 July 2019 – 31 August 2019		1 September 2019 – 30 June 2020 Full fee and late registration penalty	
	Current	Proposed	Current	Proposed
Pet dog	\$52.00	<b>\$52.00</b>	\$77.00	<b>\$77.00</b>
Menacing / dangerous dog	\$82.00	<b>\$82.00</b>	\$121.00	<b>\$121.00</b>
Working / pig dog	\$40.00	<b>\$40.00</b>	\$60.00	<b>\$60.00</b>
Disability assist dog (approved organisation certified)	No charge	<b>No charge</b>	No charge	<b>No charge</b>
Multiple dog discount (Register five dogs, get the sixth dog free)	\$0.00	<b>\$0.00</b>	n/a	<b>n/a</b>
Discount for Gold Card or Community Card holders	10%	<b>10%</b>	n/a	<b>n/a</b>

*Full fee, penalty and debt recovery costs are incurred between 1 September 2019 and 30 June 2020*

Registration fee for non-desexed dogs	1 July 2019 – 31 August 2019		1 September 2019 – 30 June 2020 Full fee and penalty	
	Current	Proposed	Current	Proposed
Pet dog	\$62.00	<b>\$62.00</b>	\$87.00	<b>\$87.00</b>
Menacing / dangerous dog	\$92.00	<b>\$92.00</b>	\$131.00	<b>\$131.00</b>
Working / pig dog	\$50.00	<b>\$50.00</b>	\$70.00	<b>\$70.00</b>
Disability assist dog (approved organisation certified)	No charge	<b>No charge</b>	No charge	<b>No charge</b>
Multiple dog discount (Register five dogs, get the sixth dog free)	\$0.00	<b>\$0.00</b>	n/a	<b>n/a</b>
Discount for Gold Card or Community Card holders	10%	<b>10%</b>	n/a	<b>n/a</b>

*Full fee, penalty and debt recovery costs are incurred between 1 September 2019 and 30 June 2020*

Other fees	Current	Proposed
Re-homing dog registration fee (applies to dogs re-homed by the SPCA or via Council pounds)	\$36.00	<b>\$36.00</b>
Dog adoption. Fee includes: microchipping, dog registration until the end of the current year, vet check, vaccinations and desexing (if required)	Actual costs	<b>Actual costs</b>
Microchipping	\$30.00	<b>\$30.00</b>
Small dog collar	\$11.50	<b>\$11.50</b>
Large dog collar	\$16.50	<b>\$16.50</b>
Replacement registration tag (per tag)	\$4.30	<b>\$4.30</b>

#### 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	\$67.00	<b>\$68.50</b>
Second impounding	\$102.00	<b>\$104.00</b>
Third impounding	\$140.00	<b>\$143.00</b>
After-hours impounding (impound fee <b>\$68.50</b> + after hours fee <b>\$51.00</b> )	\$117.00	<b>\$119.50</b>
Daily handling (up to three days)	\$21.50	<b>\$22.00</b>
Daily handling (up to seven days)	\$41.50	<b>\$42.50</b>
Daily handling (eight or more days)	\$62.00	<b>\$63.00</b>
Veterinary care	Actual costs	<b>Actual costs</b>

## Other animals

Stock impounding	Current	Proposed
Bovine (bull, cow, ox) where one to five head of stock are impounded	\$93.50	<b>\$95.50</b>
Bovine (bull, cow, ox) where six to 10 head of stock are impounded	\$185.00	<b>\$189.00</b>
Bovine (bull, cow, ox) where 11 plus head of stock are impounded	\$278.00	<b>\$284.00</b>
Equine (horse) where one to five are impounded	\$104.00	<b>\$106.00</b>
Equine (horse) where six to 10 are impounded	\$196.50	<b>\$201.00</b>
Equine (horse) where 11 plus are impounded	\$289.00	<b>\$295.50</b>
Ovine (sheep)	\$30.50	<b>\$31.00</b>
Calves, foals, lambs, piglets (feeding off the mother) – no impounding or sustenance charge	No charge	<b>No charge</b>
Sustenance fees for impounded stock	\$9.20	<b>\$9.50</b>
NAIT (National Animal Identification and Tracing) tagging	Actual costs	<b>Actual costs</b>
Advertising costs (Advertising of impounded stock as required prior to auction / disposal)	Actual costs + \$15.30 admin cost	<b>Actual costs + \$15.65 admin cost</b>
Transport of stock to pound	Actual costs + \$15.30 admin cost	<b>Actual costs + \$15.65 admin cost</b>
Officers time (per hour)	\$88.50	<b>\$90.50</b>

## BUILDING CONSENTS

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### 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 (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. 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, partially complete or fully completed fees will be deducted accordingly.

**Other fee information**

- Some levies are set by other agencies and are not affected by this proposal
- All fees are 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)	\$230.00	<b>\$230.00</b>
Solid fuel heating appliance – inbuilt (includes inspections)	\$357.00	<b>\$357.00</b>
Residential connection to Council reticulated sewer (includes inspections)	\$357.00	<b>\$357.00</b>
Residential ancillary buildings – e.g. carports, gazebo, garden sheds (includes inspections)	\$518.00	<b>\$518.00</b>
Residential outbuildings – e.g. garages unlined up to 120 m <sup>2</sup> , pool changing rooms etc. (includes inspections)	\$518.00	<b>\$518.00</b>
Farm buildings any type up to 120 m <sup>2</sup> (includes inspections)	\$518.00	<b>\$518.00</b>
Residential swimming / spa pools and associated fencing (includes inspections)	\$518.00	<b>\$518.00</b>
Garage / sleep-out with plumbing and drainage (includes inspections)	\$1,036.00	<b>\$1,036.00</b>
Conservatories (includes inspections)	\$714.00	<b>\$714.00</b>
Other minor building work less than \$20,000 – e.g. TP58 effluent systems, minor internal alterations (includes inspections)	\$575.00	<b>\$575.00</b>

General building fees	Current	Proposed
Amended plans application	Actual costs	<b>Actual costs</b>
BRANZ Levy (applies to project values above \$20,000)	\$1.00 per \$1,000.00	<b>\$1.00 per \$1,000.00</b>
MBIE Levy (applies to project values above \$20,000)	\$2.01 per \$1,000.00	<b>\$2.01 per \$1,000.00</b>
Building warrant of fitness annual renewal	\$92.00	<b>\$92.00</b>
Building warrant of fitness audit report and inspection fee	\$346.00	<b>\$346.00</b>
Building warrant of fitness (audit only)	\$172.00	<b>\$172.00</b>
Certificate of acceptance application instalment (actual processing costs are calculated and applied)	\$546.00 + actual costs	<b>\$546.00 + actual costs</b>
Certificate of public use application	\$380.00	<b>\$380.00</b>
Certificate of title request	\$39.00	<b>\$39.00</b>
Change of use application instalment (actual processing costs are calculated and applied)	\$104.00 + actual costs	<b>\$104.00 + actual costs</b>

General building fees	Current	Proposed
Code compliance certificate application	\$172.00	<b>\$172.00</b>
Older code compliance certificate application (includes review of building consents if over four years old)	Actual costs	<b>Actual costs</b>
Compliance schedule and statement	\$310.00	<b>\$310.00</b>
Compliance and accreditation levy (maximum levy fee \$276.00)	\$1.40 per \$1,000.00	<b>\$1.40 per \$1,000.00</b>
Condition assessment report application	\$104.00	<b>\$104.00</b>
Enforcement action under the Building Act (Notice to fix notice, dangerous or insanitary notice and breach investigation)	Actual costs	<b>Actual costs</b>
Exemption from requiring building consent application	\$172.00	<b>\$172.00</b>
Extension of time application	\$104.00	<b>\$104.00</b>
Field advice notice	\$172.00	<b>\$172.00</b>
Inspections – residential	\$172.00	<b>\$172.00</b>
Inspections – commercial	\$252.00	<b>\$252.00</b>
Request for information (charged on any application type)	Actual costs	<b>Actual costs</b>
Scanning charge per application	\$11.20	<b>\$11.20</b>
Section 72 hazard notification	\$346.00	<b>\$346.00</b>
Section 75 building on two or more allotments notification	\$346.00	<b>\$346.00</b>
Specific expertise – inspection and processing required	Actual costs	<b>Actual costs</b>
Swimming pool inspections	\$172.00	<b>\$172.00</b>
Waiver / modification waiver application to existing building consent	Actual costs	<b>Actual costs</b>
Weekly building consent report (charge per annum)	\$407.00	<b>\$407.00</b>
Hourly processing fees	Current	Proposed
Building Manager / Compliance Manager	\$161.00	<b>\$161.00</b>
Team Leader / Senior Building Officer / Senior Building Specialist	\$156.00	<b>\$156.00</b>
Building Officer / Building Compliance Officer / Building Specialist	\$149.00	<b>\$149.00</b>
PIM Officer (District Plan check)	\$132.00	<b>\$132.00</b>
Building Administration / Compliance Administration	\$90.00	<b>\$90.00</b>

### 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		District Plan check		Administration	
	Current	Proposed	Current	Proposed	Current	Proposed
\$0 – \$19,999	\$294.00 (2 hrs officer time)	<b>\$294.00</b> <b>(2 hrs officer time)</b>	\$98.00 (0.75 hr officer time)	<b>\$98.00</b> <b>(0.75 hr officer time)</b>	\$145.00 (1.5 hrs officer time)	<b>\$145.00</b> <b>(1.5 hrs officer time)</b>
\$20,000 – \$150,000	\$441.00 (3 hrs officer time)	<b>\$441.00</b> <b>(3 hrs officer time)</b>	\$163.00 (1.25 hrs officer time)	<b>\$163.00</b> <b>(1.25 hrs officer time)</b>	\$191.00 (2 hrs officer time)	<b>\$191.00</b> <b>(2 hrs officer time)</b>
\$150,001 – \$350,000	\$588.00 (4 hrs officer time)	<b>\$588.00</b> <b>(4 hrs officer time)</b>	\$261.00 (2 hrs officer time)	<b>\$261.00</b> <b>(2 hrs officer time)</b>	\$236.00 (2.5 hrs officer time)	<b>\$236.00 (2.5 hrs officer time)</b>
\$350,001 – \$700,000	\$735.00 (5 hrs officer time)	<b>\$735.00</b> <b>(5 hrs officer time)</b>	\$261.00 (2 hrs officer time)	<b>\$261.00</b> <b>(2 hrs officer time)</b>	\$281.00 (3 hrs officer time)	<b>\$281.00</b> <b>(3 hrs officer time)</b>
\$700,001+	\$881.00 (6 hrs officer time)	<b>\$881.00</b> <b>(6 hrs officer time)</b>	\$261.00 (2 hrs officer time)	<b>\$261.00</b> <b>(2 hrs officer time)</b>	\$281.00 (3 hrs officer time)	<b>\$281.00</b> <b>(3 hrs officer time)</b>

Vehicle crossings	Current	Proposed
Vehicle crossing application and vehicle crossing inspection fee	\$217.00	<b>\$222.00</b>
A bond deposit (minimum \$1,000.00) may be set to ensure construction of vehicle crossing		
Vehicle crossing inspection fee	\$160.00	<b>\$163.50</b>
Re-application fee for expired approvals	\$67.00	<b>\$68.50</b>
Application for RAPID number	\$26.00	<b>\$26.50</b>
Replacement RAPID signs	\$10.20	<b>\$10.50</b>

## BYLAW ENFORCEMENT

Amusement devices and entertainment premises	Set by legislation
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These fees are set under Section 11 of the Amusement Devices Regulations 1978 and are applicable to devices such as merry-go-rounds, ferris wheels and roller coasters, bumper cars and boats, indoor go-karts, mini-bikes, parasails, jet skis, bungee jumping. Bouncy castles, inflatable slides and non-powered playground equipment are not amusement devices and do not require a permit.

Amusement devices only; one device, for the first seven days of operation or part thereof	<b>\$10.00</b>
Amusement devices only; for each additional device operated by the same owner, for the first seven days or part thereof	<b>\$2.00</b>
Amusement devices only; for each device, for each further period of seven days or part thereof	<b>\$1.00</b>

Fire prevention	Current	Proposed
Section clearance (includes administration charge, site inspection if required and contractors actual costs)	\$102.00 + actual costs	<b>\$104.00 + actual costs</b>

Gambling Act 2003	Current	Proposed
Gambling and TAB venue licence fees (Gambling Act 2003)	\$407.00	<b>\$416.00</b>

General bylaw licence application	Current	Proposed
<b>General bylaw licence incorporates fees for:-</b> 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)	\$104.00 per application	<b>\$106.00 per application</b>
New or replacement sign (requires Community Board consideration)	\$155.00	<b>\$159.00</b>
Reclaiming of seized advertising signs	\$76.00 per sign	<b>\$78.00 per sign</b>

## CEMETERIES

Burial plots	Current	Proposed
Burial plot	\$738.00	<b>\$738.00</b>
Interment single depth	\$774.00	<b>\$774.00</b>
Interment double depth	\$877.00	<b>\$877.00</b>
Interment child (under 10)	\$207.00	<b>\$207.00</b>
Ground maintenance	\$145.00	<b>\$145.00</b>
Disinterment fee	\$2,065.00	<b>\$2,065.00</b>
Interment - oversize single depth	\$852.00	<b>\$852.00</b>
Interment – oversize double depth	\$929.00	<b>\$929.00</b>
Statutory holiday surcharge	\$444.00	<b>\$444.00</b>

Ash burial	Current	Proposed
Ash berm (Russell)	\$336.00	<b>\$336.00</b>
Ash berm (All others)	\$103.00	<b>\$103.00</b>
Grave digging for ash burial	\$186.00	<b>\$186.00</b>
Search fee	\$25.50 per hour	<b>\$25.50 per hour</b>

Flowering baskets	Current	Proposed
Standard rate per unit	\$31.50	<b>\$31.50</b>

## CERTIFICATES AND LICENCES

Alcohol licensing	Set by legislation
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The following fees are set under the Sale and Supply of Alcohol Act 2012

Application fee - Managers Certificates	\$316.25
Renewal fee - Managers Certificates	\$316.25
Temporary Authority	\$296.70

Certificate of Compliance Liquor application - please see Page 24 - Resource consents for this fee

### Premises - On, off and club licences

Fee category and cost / risk rating score		Application fee	Annual fee
		<i>Set by legislation</i>	<i>Set by legislation</i>
Very low	0-2	\$368.00	\$161.00
Low	3-5	\$609.50	\$391.00
Medium	6-15	\$816.50	\$632.50
High	16-25	\$1,023.50	\$1,035.00
Very high	26 plus	\$1,207.50	\$1,437.50

Special licences - risk based fees (see definition below)*		Set by legislation
Class 1		\$575.00
Class 2		\$207.00
Class 3		\$63.25

#### \*Special licence 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 licence	Current	Proposed
All licences renewable on 1 July each year		
Application and renewal fee	\$103.00	\$105.50
Site inspection	\$72.00	\$73.50
One table	\$52.00	\$53.00
Two tables	\$103.00	\$105.00
Three tables	\$155.00	\$158.50
Four tables	\$206.00	\$210.50
Five tables	\$258.00	\$264.00
New application received during licensing year	Pro rata, according to number of tables (however the application fee and site inspection will be charged at full fee)	Pro rata, according to number of tables (however the application fee and site inspection will be charged at full fee)

Alfresco dining licence	Current	Proposed
Re-inspection fee	\$52.00	<b>\$53.00</b>
New application – not compliant and needing Community Board approval	\$155.00	<b>\$158.50</b>
Change of new ownership – new licensee	\$57.00	<b>\$58.00</b>

Example: All **new compliant** applications will incorporate an application fee (\$105.50), a site inspection fee (\$73.50) and a charge per table (\$53). Therefore a new application for one table will be a total fee of \$232.00

Collection and transportation of waste and diverted materials	Current	Proposed
Waste collector's licence	\$509.00 per annum	<b>\$509.00 per annum</b>

Environmental health licences	Current	Proposed
(Per annum) Health (Registration of Premises) Regulations 1966 annual renewal 1 July. Pro rata fees for new application throughout the registration year		
Class 1 (pre-packed food) and club licence	\$320.00	<b>\$327.00</b>
Class 2 (preparation and sale of food on premises)	\$531.00	<b>\$543.00</b>
Class 3 (manufacturers)	\$738.00	<b>\$755.00</b>
Health (hairdressers, mortuaries, camping grounds and septic tank cleaners)	\$320.00	<b>\$327.00</b>
Club 1 (club licence for pre-packed food)	\$320.00	<b>\$327.00</b>
Camping ground (with food preparation and / or shop)	\$531.00	<b>\$543.00</b>
Charitable organisations (churches etc)	\$206.00	<b>\$210.50</b>
Re-inspection	\$185.00	<b>\$189.00</b>
Change of ownership (new certificate)	\$57.00	<b>\$58.00</b>
Replacement of lost certificate	\$26.00	<b>\$26.50</b>

Food Act	Set by legislation
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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)	<b>\$180.00</b>
Additional processing time – per hour	<b>\$180.00</b>

##### Registration renewal

Registration renewal (includes one hour processing time)	<b>\$180.00</b>
Additional processing time – per hour	<b>\$180.00</b>

##### Registration amendment

Registration amendment (includes one hour processing time)	<b>\$180.00</b>
Additional processing time – per hour	<b>\$180.00</b>

##### Verification

Fixed fee (includes up to 3.5 hours of verification activity)	<b>\$515.00</b>
Additional processing time – per hour	<b>\$180.00</b>

Food Act	Set by legislation
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**Compliance and monitoring**

Complaint driven investigation resulting in the issue of an improvement notice by a Food Safety Officer – per hour	<b>\$180.00</b>
Application for review of issue of improvement notice – per hour	<b>\$180.00</b>
Monitoring of food safety and suitability	<b>Charge per hour</b>

**Mobile shop, street stall and hawkers licences**

**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 licences		Current	Proposed
<b>Mobile shop</b>	<b>Non-food</b>		
	Annual	\$520.00	<b>\$532.00</b>
	Seasonal – one month	\$46.00 per month	<b>\$47.00 per month</b>
	<b>Food related</b>		
	Annual <i>This fee is for the licence to trade in a permitted public place. A food licence will also be required</i>	\$774.00	<b>\$792.00</b>
	Seasonal – one month	\$66.00 per month	<b>\$67.50 per month</b>
	<b>Coffee vendor only</b>		
	Annual	\$258.00	<b>\$264.00</b>
<b>Hawkers</b>	Seasonal – one month	\$26.00 per month	<b>\$27.00 per month</b>
	Annual	\$335.00	<b>\$342.50</b>
<b>Site permit</b>	Seasonal – one month	Pro rata \$31.00 per month	<b>Pro rata \$32.00 per month</b>
	<b>Non-food</b>		
	Annual	\$1,047.00	<b>\$1,070.00</b>
	Seasonal – one month	\$87.00 per month	<b>\$89.00 per month</b>
	<b>Food related</b>		
<b>Market food premises and mobile shop</b>	Annual <i>This fee is for the licence to trade in a permitted public place. A food licence will also be required</i>	\$1,342.00	<b>\$1,371.50</b>
	Seasonal – one month	\$112.00 per month	<b>\$114.50 per month</b>
Street stalls (Fundraising events, charitable trusts, or street appeal collectors) Maximum 20 per year		No charge	<b>No charge</b>
Tour operators licence		\$206.00	<b>\$210.50</b>

## INFRINGEMENTS

The following infringements are set by Government legislation or under Council Bylaws. For more information please visit: [www.legislation.govt.nz](http://www.legislation.govt.nz). Some Council Bylaws also set infringements. These can only be changed when the Bylaw is reviewed. To find out more on Bylaw infringements visit our website: [www.fndc.govt.nz](http://www.fndc.govt.nz) key word: Council Bylaws

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)	First offence <i>Current</i>	First offence <i>Proposed</i>	Subsequent offence <i>Current</i>	Subsequent offence <i>Proposed</i>
Litter, of less than one litre, left in a public space or on private land without the occupier's consent.	\$100.00	<b>\$100.00</b>	\$400.00	<b>\$400.00</b>
Litter, of one litre to 20 litres, left in a public space or on private land without the occupier's consent.	\$150.00	<b>\$150.00</b>	\$400.00	<b>\$400.00</b>
Litter, of 20 litres to 120 litres, left in a public space or on private land without the occupier's consent.	\$250.00	<b>\$250.00</b>	\$400.00	<b>\$400.00</b>
Litter, of more than 120 litres, left in a public space or on private land without the occupier's consent.	\$400.00	<b>\$400.00</b>	\$400.00	<b>\$400.00</b>
Hazardous** or offensive litter*** left in a public space or on private land without the occupier's consent.	\$400.00	<b>\$400.00</b>	\$400.00	<b>\$400.00</b>

\* 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	<b>\$750.00</b>
Return of confiscated equipment (seizure of any property)	\$145.00	<b>\$148.00</b>

\* Infringements do not attract GST

Parking infringements		Set by legislation
P101	Parked within an intersection	\$60.00
P102	Parked within six meters of an intersection	\$60.00
P103	Parking near corner, bend or rise	\$40.00
P104	Parking on or near a pedestrian crossing	\$60.00
P105	Parked in prohibited area	\$40.00
P106A	Parked over the time limit	\$40.00
P107	Parked on broken yellow line	\$60.00
P108	Parked in area reserved for vehicles hire/reward	\$60.00
P109	Parking within six meters of an indicated bus stop	\$40.00
P110	Parked across a vehicle entrance	\$40.00
P111	Parked near fire hydrant	\$40.00
P112	Parked between fire hydrant and road marking	\$40.00
P113	Double parked	\$60.00
P114	Incorrect kerb parking – left side of road	\$40.00
P115	Parked on footpath	\$40.00
P116	Parking trailer on road more than seven days	\$60.00
P117	Inconsiderate parking	\$60.00
P119	Parked on a loading zone*	\$40.00
P120	Incorrect angle parking	\$40.00
P127	Parked on a flush median or traffic island	\$40.00
P508	Parked in a clearway	\$60.00
P969	Parked in an area reserved for disabled persons	\$150.00
P106 / T30	Parking in breach of a time limit 0-30 mins	\$12.00
P106 / T60	Parking in breach of a time limit 31- 60 mins	\$15.00
P106 / T120	Parking in breach of a time limit 61-120 mins	\$21.00
P106 / T240	Parking in breach of a time limit 121-240 mins	\$30.00
P106 / T360	Parking in breach of a time limit 241-360 mins	\$42.00
P106 / T1000	Parking in breach of a time limit six hours or more	\$57.00
Infringements do not attract GST		C = Car B = Bus T = Truck S = Station Wagon  U = Ute V = Van CV = Campervan MB = Motorbike
* Use for when goods and service vehicles overstay on loading zone		

Skating and cycles	Set by legislation
Recovery of seized equipment	\$50.00 per item

## LEASES AND LICENCES OF RESERVES / CHANGE OF RESERVE STATUS

Change of reserve status – processing charges	Current	Proposed
Change of classification of reserve	\$312.00	<b>\$319.00</b>
Revocation of reservation of reserve	\$312.00	<b>\$319.00</b>

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 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)	\$416.00	<b>\$425.00</b>
Renewal of lease of reserve; e.g. local purpose or recreation	\$208.00	<b>\$213.00</b>

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 licence application fees.

Easements under Reserves Act – processing charge	Current	Proposed
Easement over reserve (plus any addition)	\$409.00	<b>\$418.00</b>

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	<b>Individually determined on percentage of Government value</b>
Lease by semi-community group (e.g. bowling club, school)	\$104.00	<b>\$106.00</b>
Lease by community group (e.g. marae committee)	\$104.00	<b>\$106.00</b>
Grazing leases	By tender process	<b>By tender process</b>

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 licence to occupy reserves – processing charges	Current	Proposed
New licence for grazing or other purposes	\$104.00	<b>\$106.00</b>
Renewal of licence for grazing purposes	\$52.00	<b>\$53.20</b>

### Rentals

Licences by commercial operator	Individually determined on percentage of Government value	<b>Individually determined on percentage of Government value</b>
Licences by semi-community and community groups	\$104.00	<b>\$106.00</b>
Grazing licences	By tender process	<b>By tender process</b>

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	\$77.00	<b>\$79.00</b>
Plus deposit (refundable if no turf damage)	\$572.00	<b>\$585.00</b>
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	<b>\$10.00</b>
Non-residents of the Far North District (per site / per day)	\$20.00	<b>\$20.00</b>
Community activities (e.g. Carols by Candlelight)	No charge	No charge
Hire of entire village green	By negotiation with Council	<b>By negotiation with Council</b>

## LEGAL SERVICES

Hourly rates	Current	Proposed
In-house Counsel	\$250.00	<b>\$256.00</b>
Property Legalisation Officer	\$100.00	<b>\$101.00</b>
Travelling costs – from nearest Council office	\$0.73/km	<b>As per IRD mileage rates schedule</b>

## LIBRARIES

Item replacement	Current	Proposed
All items: Replacement value of item plus administration fee	Actual costs and \$10.00 per item	Actual costs and \$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	\$2.10
Interloan search	from \$6.00	from \$6.00
Book repairs	from \$5.00	from \$5.10
Expired holds fee	\$2.00	\$2.00
Overdue items fee (per day)	\$0.30	\$0.30

Faxing	Current	Proposed
<b>Local</b>		
Transaction fee	\$2.50	\$2.60
Per page thereafter	\$1.00	\$1.00
<b>National</b>		
Transaction fee	\$2.50	\$2.60
Per page thereafter	\$1.50	\$1.50
<b>International</b>		
Transaction fee	\$2.50	\$2.60
Per page thereafter	\$3.00	\$3.10
<b>Incoming fax</b>		
Per page (one to 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	<b>\$4.00</b>
Foot / car passenger – single	\$2.00	<b>\$2.00</b>
Passenger concession	\$10.00	<b>\$10.00</b>
Motorcycle – one way	\$5.00	<b>\$5.00</b>
Campervan – one way	\$40.00	<b>\$40.00</b>
Light vehicle (vehicles <2200 kg – trailers / caravans)	\$20.00	<b>\$20.00</b>
Resident light vehicle	\$7.00	<b>\$7.00</b>
Light vehicle concession – five trips	\$30.00	<b>\$30.00</b>
Light vehicle concession – 10 trips	\$55.00	<b>\$55.00</b>
Heavy vehicle single trip – per axle	\$15.00	<b>\$15.00</b>
Heavy vehicle concession – 10 trips	\$100.00	<b>\$100.00</b>
Special sailings	\$150.00	<b>\$150.00</b>

## OFFICIAL INFORMATION

Local Government Official Information and Meetings Act (LGOIMA) information requests	Current	Proposed
Staff time per half hour (first hour free)	\$38.00 per half hour	<b>\$38.00 per half hour</b>
Plan print	\$5.00	<b>\$5.00</b>
Photocopying	\$0.20	<b>\$0.20</b>

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	Current	Proposed
Council	Actual costs	<b>Actual costs</b>
Community boards – per board	Actual costs	<b>Actual costs</b>
All Community boards	Actual costs	<b>Actual costs</b>
All agendas (Council, community boards, hearings)	Actual costs	<b>Actual costs</b>
Hearings agendas	Actual costs	<b>Actual costs</b>

Other Council publications	Current	Proposed
Hard copy of Annual Plan, Long Term Plans and Annual Report	Actual costs	<b>Actual costs</b>

Photocopying charges (per page)	Current	Proposed
A4 (black and white)	\$0.20	<b>\$0.20</b>
A4 (colour)	\$1.00	<b>\$1.00</b>
A3 (black and white)	\$0.40	<b>\$0.40</b>
A3 (colour)	\$2.00	<b>\$2.00</b>

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 to five pages	\$1.00	<b>\$1.00</b>
Six to 20 pages	\$2.00	<b>\$2.00</b>
20 pages +		<b>Actual cost (Staff time)</b>

Operative District Plan	Current	Proposed
Text volume	\$166.73	<b>\$170.00</b>
Map volume	\$148.22	<b>\$152.00</b>
Map pages (individual)	Actual costs	<b>Actual costs</b>
Text and maps (printed)	\$314.95	<b>\$322.00</b>

Rating information	Current	Proposed
Rate book (per book – annual)	Actual costs	Actual costs

## PROPERTY INFORMATION

Electronic property file request	Current	Proposed
Collating and providing the property file online (per property file)	\$25.00	<b>\$25.00</b>

Digital data supply	Current	Proposed
DCDB parcels – per parcel	\$0.20	<b>\$0.20</b>
Staff time (per hour)	\$83.00	<b>\$85.00</b>
USB stick (with data on it)	\$6.00	<b>\$6.00</b>

Physical map requests (paper and pdf)	Current	Proposed
Staff time (per hour)	\$83.00	<b>\$85.00</b>
Hard copy – A3	\$41.00	<b>\$41.00</b>
Hard copy – A2	\$51.00	<b>\$51.00</b>
Hard copy – A1	\$71.00	<b>\$71.00</b>
Hard copy – A0	\$83.00	<b>\$85.00</b>
Soft copy (PDF format) – A3	\$41.00	<b>\$41.00</b>
Soft copy (PDF format) – A2	\$41.00	<b>\$41.00</b>
Soft copy (PDF format) – A1	\$41.00	<b>\$41.00</b>
Soft copy (PDF format) – A0	\$41.00	<b>\$41.00</b>
USB stick (with data on it)	\$6.00	<b>\$6.00</b>

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.fndcmapping.govt.nz](http://www.fndcmapping.govt.nz)

Property information products – maps	Current	Proposed
Vector maps: locality plan, property plan, property boundaries, addresses, legal description, area – A4	Actual costs	Actual costs
Street map (Cadastral) – reproduction costs	Actual costs	Actual costs

Land information memoranda (LIM's)	Current	Proposed
LIM application – all properties	\$275.00	<b>\$280.00</b>
Research fee – where extensive research is required. (This is additional to the application fee)	\$38.00 per half hour	<b>\$38.00 per half hour</b>

## RESOURCE CONSENTS

### 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.

Notwithstanding 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)	\$1,073.00	<b>\$1,073.00</b>
Fast track consents	\$1,073.00	<b>\$1,073.00</b>
Change or cancellation of consent condition – Sec 127; Change or cancellation of consent notice condition - 221(3)	\$1,153.00	<b>\$1,153.00</b>
Outline plan consideration (176A);	\$1,153.00	<b>\$1,153.00</b>
Application for extension – Sec 125 lapsing a consent	\$1,153.00	<b>\$1,153.00</b>
Land use;	\$1,850.00	<b>\$1,850.00</b>
Subdivision; and	\$1,850.00	<b>\$1,850.00</b>
Discharge to land	\$1,850.00	<b>\$1,850.00</b>

Resource consents, designation and heritage orders – non-notified	Current	Proposed
Combined subdivision / land use	\$3,217.00	<b>\$3,217.00</b>
Notices of requirement for a designation and / or heritage order	\$2,681.00	<b>\$2,681.00</b>
Removal of or alteration to a notice of requirement	\$804.00	<b>\$804.00</b>
Updating of cross lease flats plans	\$1,850.00	<b>\$1,850.00</b>
Simple section 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)	\$643.00	<b>\$643.00</b>

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	\$3,003.00	<b>\$3,003.00</b>
Note: Where an instalment fee has already been paid, Council will require the balance owing to be paid before limited notification proceeds.		

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	\$5,309.00	<b>\$5,309.00</b>
Note: Where an instalment fee has already been paid, Council will require the balance owing to be paid before notification proceeds.		

Hearings	Current	Proposed
Hearings required for any resource consent or other permission. <i>Hearing fee</i> <ul style="list-style-type: none"> <li>Cost of third party / hearing commissioners will be charged at actual costs</li> <li>Staff and consultants costs will be charged at actual costs</li> <li>Miscellaneous charges (copying, venue hire, printing, etc.) will be charged at actual costs</li> <li>All costs will be itemised</li> <li>The final fee in any one application will be determined by the Team Leader, Resource Consents or his / her appointee</li> <li>All charges will be actual and reasonable costs less the instalment fee.</li> </ul>	\$1,150.00	<b>\$1,150.00</b>
Note: Actual and reasonable costs based on an hourly rate, mileage and disbursements will be deducted from the instalment fee or charged to determine the final fee payable.		

Monitoring	Current	Proposed
Monitoring fee – monitoring of resource consents (including Certificate of Compliance). Based on two inspections being required when charged	\$368.00	<b>\$368.00</b>

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	\$250.00	<b>\$250.00</b>
Cancellation of building line restriction Sec 327A LGA 1974	\$402.00	<b>\$402.00</b>

Approvals and certificates – fixed fees	Current	Proposed
Overseas Investment Certificates (OIC)	\$402.00	<b>\$402.00</b>
Outline plan waiver	\$150.00	<b>\$150.00</b>
224 (c) Certificates – without engineering conditions	\$586.00	<b>\$586.00</b>
Section 243 Cancellation of easement	\$460.00	<b>\$460.00</b>
Deemed permitted boundary activities and deemed permitted marginal or temporary activities	\$460.00	<b>\$460.00</b>

Other approvals and certificates	Current	Proposed
Preparation of covenant against transfer of allotments – Sec 240	\$460.00	<b>\$460.00</b>
Earthworks permit – includes administration and one inspection	\$460.00	<b>\$460.00</b>
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	\$460.00	<b>\$460.00</b>
224 (c) Certificate with engineering conditions	\$1,088.00	<b>\$1,088.00</b>
Savings certificate issued under Sec 226(1)(e). Determination of and extension of existing use (Section 10)	\$886.00	<b>\$886.00</b>
Creation of right of way under Sec 348 Local Government Act	\$886.00	<b>\$886.00</b>
Section 139 Certificate of Compliance, Section 139(A) Existing Use Certificate	\$1,222.00	<b>\$1,222.00</b>
Objections to Council on a decision or condition of consent under Section 357, 357A	\$886.00	<b>\$886.00</b>
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	<b>Actual and reasonable costs charged by the other organisation and Council admin charge</b>
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	\$13,405.00	<b>\$13,405.00</b>
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	<b>Actual and reasonable costs</b>
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	<b>Actual and reasonable costs</b>
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	<b>Actual and reasonable costs</b>
CT – producing certificates of title; easement instruments; consent notices	\$39.00 per search	<b>\$39.00 per search</b>
Scanning charge – per application	\$11.20 per application	<b>\$11.20 per application</b>
Post approval charge. Part of administration associated with consents, statutory reports, enquiries and complaints about consents	\$218.00	<b>\$218.00</b>

Liquor compliance certificates	Current	Proposed
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Liquor compliance certificates	Current	Proposed
Certificate of Compliance Liquor application	\$429.00	<b>\$439.00</b>

Hourly processing charges	Current	Proposed
Principal Planner and Manager; Resource Management	\$177.00	<b>\$181.00</b>
Resource Consent Engineer	\$177.00	<b>\$181.00</b>
Senior / Team Leader Planner	\$166.00	<b>\$170.00</b>
Intermediate and Resource Planner	\$166.00	<b>\$170.00</b>
Graduate Planner, Consents Planner and Monitoring Officer	\$132.00	<b>\$135.00</b>
Technical Officers (Building Officials, Environmental Health Officers)	\$149.00	<b>\$152.00</b>
Administration / Technical Support	\$91.00	<b>\$93.00</b>
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	<b>Actual and reasonable costs</b>

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 Department mileage rate. Actual time spent on site will be charged for at the appropriate hourly rate.	\$0.73 /km	<b>As per the IRD mileage rate schedule</b>

Development contributions
Far North District Council does not currently charge development contributions.

## RUBBISH DISPOSAL SERVICES AT TRANSFER STATIONS

Rubbish	Current	Proposed
<b>At transfer station</b>		
Per bag (standard 65L)	\$3.00	<b>\$3.00</b>
Oversized bag (130L)	\$6.00	<b>\$6.00</b>
Wheelie bin (240L)	\$11.00	<b>\$11.00</b>
Loose material per m <sup>3</sup>	\$46.00	<b>\$46.00</b>
Compacted material per m <sup>3</sup>	\$74.50	<b>\$74.50</b>
Greenwaste m <sup>3</sup>	\$22.00	<b>\$22.00</b>
Commercial to Ahipara Landfill (per tonne)	\$118.50	<b>\$118.50</b>

Whole tyre disposal	Current	Proposed
<b>At transfer station</b>		
Motorcycle tyre	\$3.50	<b>\$3.50</b>
Passenger car tyres	\$5.00	<b>\$5.00</b>
Light truck and 4x4 tyres	\$8.00	<b>\$8.00</b>
Truck tyres	\$16.00	<b>\$16.00</b>
Tractor and super single	\$23.00	<b>\$23.00</b>
Earth mover tyres	Not accepted	<b>Not accepted</b>
Bulk tyre disposal charge at Ahipara landfill	\$350.00	<b>\$350.00</b>

e-Waste	Current	Proposed
<b>Transfer station pricing for householders</b>		
TV's CRT	\$10.00	<b>\$10.00</b>
TV's flat screen	\$10.00	<b>\$10.00</b>
Computer CRT	\$10.00	<b>\$10.00</b>
Monitors LCD	\$5.00	<b>\$5.00</b>
<b>PC's</b>		
Desktop / laptop / server	\$5.00 each	<b>\$5.00 each</b>
UPS's	\$5.00	<b>\$5.00</b>
Laptop batteries	\$5.00	<b>\$5.00</b>
Network equipment	\$5.00	<b>\$5.00</b>
<b>Printers</b>		
Printers / scanners / fax	\$5.00 each	<b>\$5.00 each</b>
Photocopier small / medium	\$10.00	<b>\$10.00</b>
Photocopier large	\$10.00	<b>\$10.00</b>
Copier cartridges	\$4.00 per kg	<b>\$4.00 per kg</b>
<b>Household appliances etc.</b>		
Heaters (No oil filled)	\$3.00	<b>\$3.00</b>

<b>e-Waste</b>	<b>Current</b>	<b>Proposed</b>
Vacuums	\$3.00	<b>\$3.00</b>
Microwaves	\$5.00	<b>\$5.00</b>
<b>Consumer electronics</b>		
DVD and VCR players	\$3.00	<b>\$3.00</b>
Stereo system and games	\$3.00	<b>\$3.00</b>
Radios etc	\$3.00	<b>\$3.00</b>
<b>Other</b>		
Cell phones	No charge	<b>No charge</b>

## STORMWATER

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	\$43.20	<b>\$44.00</b>
Application fee to build close to, or excavate close to a public storm water line not within a legal road*	\$43.20	<b>\$44.00</b>
New connection	Quote to be provided	<b>Quote to be provided</b>
Approximate marking of single of single location services of mains with minimum 3 days' notice	\$230.00	<b>\$235.00</b>
Accurate marking of mains including excavation with minimum 10 day notice	Quote to be provided	<b>Quote to be provided</b>
Accurate marking of mains including excavation with minimum 10 day notice or location of mains over a wide area	Quote to be provided	<b>Quote to be provided</b>
Urgent location of mains	Quote to be provided	<b>Quote to be provided</b>

\*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	\$143.75	<b>\$143.75</b>
Applications for parades	\$50.00	<b>\$50.00</b>
Other road closures will be charged based on an estimated cost at normal charge out rates – minimum	\$50.00	<b>\$50.00</b>

Note: all advertising costs are the responsibility of the applicant.

Traffic overweight permit	Current	Proposed
Traffic overweight permit	\$138.00	<b>\$138.00</b>

## VENUES FOR HIRE

Corporate and private hireage	Full day (8:30-5:00)	Full day (8:30-5:00)	Half day	Half day	Hourly	Hourly
	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>
Kaeo – Meeting room	\$80.00	<b>\$80.00</b>	\$45.00	<b>\$45.00</b>	\$15.00	<b>\$15.00</b>
Kerikeri – Procter Library	-	-	-	-	\$20.00	<b>\$20.00</b>
Kerikeri – John Butler Centre, Tane Mahuta room	\$100.00	<b>\$100.00</b>	\$55.00	<b>\$55.00</b>	\$20.00	<b>\$20.00</b>
Kaikohe Memorial Hall – Entire complex	\$300.00	<b>\$300.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$40.00	<b>\$40.00</b>
Kaikohe Memorial Hall – Supper room and kitchen	\$200.00	<b>\$200.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$30.00	<b>\$30.00</b>
Kaikohe Memorial Hall – Main hall only	\$150.00	<b>\$150.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$25.00	<b>\$25.00</b>
Kaikohe Memorial Hall – Bond	\$300.00	<b>\$300.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$40.00	<b>\$40.00</b>

Community groups	Full day (8:30-5:00)	Full day (8:30-5:00)	Half day	Half day	Hourly	Hourly
	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>	<i>Current</i>	<i>Proposed</i>
Kaeo – Meeting room	\$40.00	<b>\$40.00</b>	\$20.00	<b>\$20.00</b>	\$10.00	<b>\$10.00</b>
Kerikeri – Procter Library	-	-	-	-	\$15.00	<b>\$15.00</b>
Kerikeri – John Butler Centre, Tane Mahuta room	\$50.00	<b>\$50.00</b>	\$30.00	<b>\$30.00</b>	\$15.00	<b>\$15.00</b>
Kaikohe Memorial Hall – Entire complex	\$150.00	<b>\$150.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$25.00	<b>\$25.00</b>
Kaikohe Memorial Hall – Supper room and kitchen	\$75.00	<b>\$75.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$20.00	<b>\$20.00</b>
Kaikohe Memorial Hall – Main Hall only	\$50.00	<b>\$50.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$15.00	<b>\$15.00</b>
Kaikohe Memorial Hall – Bond	\$150.00	<b>\$150.00</b>	Full day or hourly only	<b>Full day or hourly only</b>	\$25.00	<b>\$25.00</b>

## WASTEWATER

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	\$43.20	<b>\$44.00</b>
Administration fee to build close to/over or excavate close to a public sewer not within a legal road*	\$43.20	<b>\$44.00</b>
Upgrade or modify existing connection	Quote to be obtained	<b>Quote to be obtained</b>
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	<b>Quote to be obtained</b>
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	<b>Quote to be obtained</b>
New connection to a pressure wastewater network provided by Council's contractor	Quote to be obtained	<b>Quote to be obtained</b>
Inspection by Council officers of connection work not undertaken by Council's contractor (single connection)	Quote to be obtained	<b>Quote to be obtained</b>
Inspection by Council Officers of connection work not undertaken by Council's contractor (multiple connections)	Quote to be obtained	<b>Quote to be obtained</b>

### 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 30 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 30 June in the following year.

Approximate marking of single location services of mains with minimum three days' notice	\$230.00	<b>\$235.00</b>
Accurate marking of mains including excavation with minimum 10 day notice	Quote to be obtained	<b>Quote to be obtained</b>
Accurate marking of mains including excavation with minimum 10 day notice or location of mains over a wide area	Quote to be obtained	<b>Quote to be obtained</b>
Urgent location of mains	Quote to be obtained	<b>Quote to be obtained</b>
Inspection of onsite wastewater system by Council Monitoring Officer*	\$85.00 per hour	<b>\$87.00 per hour</b>
Sampling of onsite wastewater system by Council Monitoring Officer	Actual costs	<b>Actual costs</b>

\*If site visit required additional costs of staff time, administration and mileage apply.

Approved commercial operators discharge fees	Current	Proposed
Cubic metre rate	\$28.50 /m <sup>3</sup>	<b>\$29.00 / m<sup>3</sup></b>
Lost card replacement	\$30.60 per card	<b>\$31.00 per card</b>

## WATER SUPPLY

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	\$43.20	<b>\$44.00</b>
Administration fee to build or excavate close to a public water main not within a legal road*	\$43.20	<b>\$44.00</b>
<b>Water connected rate for all new connections</b>		
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 30 June in the following year.		
<b>Service availability charge where a new water connection is provided but the property does not connect</b>		
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 30 June in the following year.		
Non-standard water connections including meter and meter box	Quote to be provided	<b>Quote to be provided</b>
Standard 20 mm water meter connection in footpath within five metres of main	\$1,352.00	<b>\$1,383.00</b>
Standard 20 mm water meter connection in berm within five metres of main	\$1,076.00	<b>\$1,100.00</b>
Relocation of existing service or meter	Quote to be provided	<b>Quote to be provided</b>
Approximate marking of single location services of mains with minimum three days' notice	\$230.00	<b>\$235.00</b>
Accurate marking of mains including excavation with minimum 10 day notice	Quote to be provided	<b>Quote to be provided</b>
Accurate marking of mains including excavation with minimum 10 days' notice, or location of mains over a wide area	Quote to be provided	<b>Quote to be provided</b>
Urgent location of mains	Actual costs	<b>Actual costs</b>
Meter checking fee (calibration check – refundable if meter incorrect)	\$430.00	<b>\$440.00</b>
Restrictor installation	Quote to be provided	<b>Quote to be provided</b>
Special meter readings	\$86.00	<b>\$88.00</b>
<b>Standpipes metered (Direct from Broadspectrum)</b>		
Weekly hire (minimum charge one week)	\$99.36	<b>\$102.00</b>
Charge rate per m <sup>3</sup>	Standard scheduled rate in the area concerned	<b>Standard scheduled rate in the area concerned</b>
<b>Bulk water supply</b>		
Bond	\$1,800.00	<b>\$1,841.00</b>
Annual administration fee (covers billing and vehicle inspection)	\$600.00 for first vehicle \$310.00 for each subsequent vehicle	<b>\$614.00 for first vehicle \$317.00 for each subsequent vehicle</b>
Charge rate per m <sup>3</sup>	Standard domestic rate in the area concerned	<b>Standard domestic rate in the area concerned</b>

\*If site visit required additional costs of staff time, administration and mileage apply.

Location of services	Current	Proposed
<b>Marking of approximate services locations</b>		
Urgent (within 24 hours)	\$244.17	<b>\$250.00</b>
Programmed (within 3 days)	\$169.70	<b>\$174.00</b>
Dig up and locate (10 days' notice)	Quote to be provided	<b>Quote to be provided</b>

## 9.6 ADOPTION OF AMENDMENTS TO RATING RELIEF (REMISSION & POSTPONEMENT) POLICIES

**File Number:** A2516482

**Author:** Sheryl Gavin, Manager - Corporate Planning and Engagement

**Authoriser:** Janice Smith, General Manager - Corporate Services (Acting)

### PURPOSE OF THE REPORT

To adopt amendments to the rating relief (remission and postponement) policies.

### EXECUTIVE SUMMARY

Council's suite of rates remission and postponement policies were reviewed as part of the 2018-28 Long Term Plan and adopted in June 2018. At the Council meeting on 17 April 2019, Council approved several minor amendments to enable the policies to be effectively applied as intended and in a consistent manner. Consultation on the proposed amendments concluded on 29 May 2019. Six submissions were received. The hearings panel, established by the Audit, Risk and Finance Committee in May 2019, consists of Councillors Macauley, Vujcich and Stratford and two submitters requested to speak to their submissions on 20 June 2019.

This report details the issues raised by submitters and recommended Council responses from staff.

### RECOMMENDATION

**That Council:**

- a) **Adopt the Rating Relief (Remissions & Postponement) Policies with the proposed and consulted amendments, with the following further amendments resulting from public consultation:**
  - i) **Amend condition 5 of the Common Use Properties policy to clarify that ownership may be owned by *individual(s)* rather than *an individual*.**
  - ii) **Amendment to condition 5 of the Common Use Properties policy to clarify that rating units *may* (instead of *will*) be considered as one.**

### 1) BACKGROUND

As part of the 2018/28 LTP process the Rating Relief Policies were re-drafted into plain English and those thought to no longer be necessary were rescinded.

Since adoption of the revised policies, Administration has identified some issues of interpretation that appear to be at odds with the intention of the policies.

Approval by Council was given at the May meeting to consult on a number of small amendments to these policies so that they can be effectively applied in a consistent manner.

#### Approved amendments for consultation

The proposed amendments were:

- a) **Transitional Farmland Policy.** This policy was always intended to be a transitional policy and stated that "This policy is a transitional policy which will remain in force until council so decides or until the last affected property no longer qualifies, whichever is the sooner. No further applications will be considered under this policy"

The policy should not have been rescinded as there are 11 active postponements currently in place that will no longer receive relief if the policy is not reinstated. Consultation proposed reinstating the old policy.

- b) **Treaty Settlement Lands.** This policy was introduced to provide relief where lands were returned under treaty settlements as General Title Land and therefore not eligible for relief

under the Maori Freehold Land policies. The policy became effective from 1 July 2018 but did not provide for the conditions and criteria to apply to lands that had settled prior to that date. The amendment consulted on allows application to any lands settled prior to 1 July 2018 under Treaty of Waitangi settlement processes.

- c) **Common Use Properties.** This policy is intended to provide relief to owners that do not meet the requirements of S20 of the Local Government (Rating) Act 2002 for contiguous properties. The policy is typically applied to farms, commercial enterprises and residential properties which span more than one rating unit but is currently written to only be applied to farm land or commercial developments which are vacant. The amendments consulted on were:

- Condition and criteria 4: Amend to include “or commercial enterprise” after the word “farm”

- Condition and criteria 5: New condition included:

*In the case of residential rating units where two or more separately owned rating units are owned by an individual and/or trust and are contiguous but the ownership is not an exact match, the rating units will be considered as one. For this to apply one unit must have a dwelling and the other unit(s) considerable development which proves that the rating units are being used as one. E.g. House/dwelling on one rating unit and or garden and garage on the other rating unit.*

- Existing conditions and criteria 5 and 6: Correct numbering to 6 and 7.

- d) **Land Locked Land.** This policy applies to both General Title and Maori Freehold Land. The policy requires the applicant to apply to the High Court under the Property Law Act 2007 to have the land declared “land locked”. Legal opinion has since confirmed that only the Maori Land Court can make this declaration in relation to Maori Freehold Land.

The amendment consulted on is to change condition and criteria 1 be add the words “or, in the case of Maori Freehold Land, as determined by the Maori Land Court”.

- e) **Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes.** Condition 2 of the policy lists the sections of relevant Acts under which this policy can be applied. Reference to covenants legally applied under the Heritage New Zealand Pouhere Taonga Act 2014 (or Historic Places Act 1993) was omitted in error.

The amendment consulted on was to add the Heritage New Zealand Pouhere Taonga Act 2014 (or Historic Places Act 1993) to condition 2.

- f) **Residential Rates for Senior Citizens.** There are two conditions within this policy that are not clear or easy to apply:

- Condition and criteria 1 (b) refers to an applicant being “on a fixed income” but does not include a definition of what this means. The proposed definition consulted was “*an income from a pension or investment that is set at a particular figure and does not vary like a dividend or rise with the rate of inflation*”
- Condition and criteria 4 requires staff to make an assessment of an applicant’s income in order to determine if they have insufficient funds remaining to pay their rates. Staff are not trained to make such assessments. The amendment consulted on was to add the “*if the applicant qualified for the Rates Rebate then their income has already been tested and they therefore qualify for the Rates Postponement*” to the condition.

## Consultation

Consultation began on 5 May 2019 and concluded on 29 May 2019. Consultation was promoted on Council’s website and Facebook pages, and print advertising (the Northern News and Bay Chronicle).

Six submissions were received. Two submitters asked to speak at hearings.

A hearings panel, established by the Audit, Risk and Finance Committee, will hear submissions on the 20 June. Councillors on the panel are Councillors Macauley, Vujcich and Stratford.

Since hearings will occur after distribution of the agenda for this Council meeting, any changes the panel wishes to recommend as a result of hearings will be circulated prior to the meeting or tabled at the meeting.

## 2) DISCUSSION AND OPTIONS

Feedback received is summarised below along with staff comments and recommendations.

Refer to Attachment 1 for a marked up version of the policies with the recommended amendments highlighted in green.

Refer to Attachment 2 for a copy of the Transitional Farmland Policy.

Refer to Attachment 3 for full submission copies.

Transitional Farmland Policy	
<b>Submitter comment</b> Rating relief should be based on hardship or lower income; this policy does not support this.	<b>Staff comment</b> Current legislation does not provide for this option.
<b>Recommendation</b> That Council note the submission(s) and that the amendment be made as proposed.	

Treaty Settlement Land Policy	
<b>Submitter comment</b> Maori do not pay rates on Maori Freehold Fee Simple land titles.	<b>Staff comment</b> The submitter is incorrect. Section 91 of the Local Government (Rating) Act 2002 states that except where provided for elsewhere in legislation, Maori Freehold land is liable for rates in the same manner as if it were general land.
<b>Recommendation</b> That Council note the submission(s) and that the amendment be made as proposed.	

Common Use Properties Policy	
<b>Submitter comment</b> Opposes the change to the Common Use Properties policy. It is an expansion of remissions at a cost to other ratepayers, and should not be more widely available than that granted in the previous policy (R04/06).	<b>Staff comment</b> The submitter is incorrect. This policy reduces the relief provided for in R04/06 as it no longer includes subdivisions (properties owned by developers prior to sale).
<b>Submitter Comment</b> The wording of condition 5 where a property is "owned by an individual and/or trust...but the ownership is not an exact match" raises separate issues. The submitter does not	<b>Staff comment</b> In applying this policy, staff ensure that there is at least one common ratepayer across the properties.

elaborate.	
<b>Submitter comment</b> <p>A common reason for conflict in names occurs when a property in joint ownership by two individuals who subsequently marry and the resulting name change has not been updated on the title. Submitter states the current wording restricts the owner to "an individual" and this case would not qualify for relief.</p>	<b>Staff comment</b> <p>The submitter is correct. To ensure clarity the description of an owner as an individual should be amended to read "individual(s)" to allow for instances where properties may be owned by more than one person.</p>
<b>Submitter comment</b> <p>Does not agree that an individual as an owner of one rating unit and a trust as an owner of a second rating unit should qualify under this policy. He states that a common reason for a property to be held in a trust is for tax avoidance and Council should not reward such action. He requests the removal of the words "and/or trust" in this policy.</p>	<b>Staff comment</b> <p>A property held in trust must have all trustees listed on the title. To qualify for relief under this policy there must be at least one named ratepayer in common. If there are any changes to properties (names added/removed/changed on Certificates of Title), Council is notified and any remissions in place at that time are reviewed.</p>
<b>Submitter comment</b> <p>Submitter is concerned about the meaning of "considerable development", particularly the use of an adjacent lawn as an example in the current version of this policy.</p>	<b>Staff comment</b> <p>The amendment proposed was a simple reinstatement of wording that was in the old (2015) policy that was inadvertently deleted. Staff believe this wording is sufficient for the purpose of applying the policy.</p>
<b>Submitter comment</b> <p>The use of the word "will" in the phrase "the rating units will be considered as one" would remove any discretion for staff to decline an application.</p>	<b>Staff comment</b> <p>To ensure clarity, the word "will" should be replaced with "may".</p>
<b>Submitter comment</b> <p>The policy amendment should be written as follows: "In the case of residential rating units where two separately owned rating units are owned by individual person(s) and are contiguous but the ownership is not an exact match, the rating units may be considered as one. For this to apply there must be considerable development on each unit relating to their combined use as a single dwelling. Vacant units and lifestyle properties are excluded as are combinations whose area exceeds three times the typical residential block for that locality. E.g. House/dwelling on one rating unit and garage on the other rating unit. "•</p>	<b>Staff comment</b> <p>The Rating Act does not specify property by use, nor does it limit the size this policy could apply to. Staff recommend that this change not be made.</p>
<b>Submitter comment</b>	<b>Staff comment</b>

Maori do not pay rates on Maori Freehold Fee Simple land titles.	The submitter is incorrect. Section 91 of the Local Government (Rating) Act 2002 states that except where provided for elsewhere in legislation, Maori Freehold land is liable for rates in the same manner as if it were general land.
<b>Recommendation</b> <p>That Council note the submission(s) and that the amendments be made as proposed, with the following amendments as a result of submissions:</p> <ul style="list-style-type: none"> <li>• Amendment of the definition for “owner” - change <i>individual</i> to <i>individual(s)</i>.</li> <li>• Amend the phrase “the rating units will be considered as one” to read “<i>the rating units may be considered as one</i>”.</li> </ul>	

Land Locked Property policy	
<b>Submitter comment</b> <p>Maori do not pay rates on Maori Freehold Fee Simple land titles.</p>	<b>Staff comment</b> <p>The submitter is incorrect. Section 91 of the Local Government (Rating) Act 2002 states that except where provided for elsewhere in legislation, Maori Freehold land is liable for rates in the same manner as if it were general land.</p>
<b>Recommendation</b> <p>That Council note the submission and that the amendment be made as proposed.</p>	

Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy
No submissions.
<b>Recommendation</b> <p>That Council amend the policy as proposed.</p>

Residential Rates for Senior Citizens	
<b>Submitter comment</b> <p>Missing full stop in clause 4.</p>	<b>Staff comment</b> <p>Error to be corrected.</p>
<b>Recommendation</b> <p>That Council note the submission(s) and that the amendment be made as proposed with the punctuation error corrected.</p>	

Other comments	
<b>Submitter comment</b>	<b>Staff comment</b>

Anyone with a community services card should qualify for rates relief.	Current legislation does not provide for this option.
<b>Submitter comment</b> Amend the Community, Sports and Not-for-Profit Organisations provision by replacing the term "owned or used by" with "owned or used by, and for the purposes of".	<b>Staff comment</b> This policy is outside the scope of consultation. Staff contend that the amendment proposed by the submitter could lead to unintended consequences if every single possible usage is not listed in a remission.
<b>Submitter comment</b> Removing condition 3 in the Community, Sports and Not-for-Profit Organisations provision to eliminate the option to remit service charges.	<b>Staff comment</b> This policy is outside the scope of consultation. At the time of adoption of this policy Council decided that under some circumstances some service may be remitted, either partially or in full.
<b>Submitter comment</b> Amend the Wastewater Charges on Government Funded Subsidy Schemes Policy to clarify that remission does not terminate upon change of ownership.	<b>Staff comment</b> This policy is outside the scope of consultation. Should Council wish, this could be considered as a possible amendment when the policy is next reviewed.
<b>Submitter comment</b> The submitter recommends a full check for all amendments.	<b>Staff comment</b> Amendments went through a robust review prior to consultation.
<b>Submitter comment</b> Submitter believes the principles of consultation have not been applied, stating that Ngati Korokoro were not given sufficient time to review and respond to the Rating Relief Policies Amendments consultation.	<b>Staff comment</b> Consultation carried out complies with statutory requirements.
<b>Recommendation</b> That Council note the submission comments and that no further amendments be made.	




### Reason for the recommendation

The anomalies corrected throughout the amendment process and as a result of consultation were identified in the application of rating relief policies. Correction of these anomalies allows the policies to be applied effectively and consistently.

### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications arising from this report.

### ATTACHMENTS

1. Rating Relief Policies marked up for adoption - A2517634 [!\[\]\(5da8e7c65d6c9bd244c672d3a665de75\_img.jpg\)](#) 
2. Transitional Farmland Policy - A2517632 [!\[\]\(13fe44409a859d011d466ce0220287cd\_img.jpg\)](#) 
3. Rating Relief Policies Consultation Submissions Set - A2517681 [!\[\]\(1d050b98f1a361e666b9b3c0849fd0f8\_img.jpg\)](#) 

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low significance. Proposed amendments are minor.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	These are amendments to existing Council rating relief policies.
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.	District-wide relevance but of a minor nature. Community Board views have not been sought.
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.	Targeted consultation with Maori was not considered necessary in light of the minor amendments proposed.
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.	Targeted consultation with specific interest groups was not considered necessary in light of the minor amendments proposed.
State the financial implications and where budgetary provisions have been made to support this decision.	None
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

## 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.
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 not used 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.
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.

**PAPAKĀINGA** 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:

1. Owned by the same person or persons; and,

### 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.
- 8.

2. Used jointly as a single unit; and,
3. 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.

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 or commercial enterprise, 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 residential rating units where two or more separately owned rating units are owned by an individual **is** and/or trust and are contiguous but the ownership is not an exact match, the rating units **may** be considered as one. For this to apply one unit must have a dwelling and the other unit(s) considerable development which proves that the rating units are being used as one. E.g. house/dwelling on one rating unit and/or garden and garage on the other rating unit.
6. 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.
7. 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

### 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 for the purpose of providing benefit to Far North residents through:
  - a. the promotion of recreation, health, education, or instruction; or
- 5.

residents of the Far North. This policy provides rating relief for those organisations that operate for the benefit of the community.

- 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

### 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.

- 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.

### 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.

## Incentivising Māori Economic Development

### Background

Council recognises that there is a need to incentivise economic development on Māori Freehold Land. Enabling and incentivising Māori

### 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

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.

- 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 not used.
  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

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### 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, or, in the case of Maori Freehold Land, as determined by the Maori Land Court.

### Conditions and Criteria

1. The land must be landlocked as defined in Section 326 of the Property Law Act 2007, or in the case of Maori Freehold Land, as determined by the Maori Land Court.
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. If the land ceases to be landlocked during the period of the postponement, any rates postponed and not remitted under this policy will not be repayable unless the owner fails to keep the current and future rates up to date.
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.
- 1.
- 7.

## Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes

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### 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.
  - i. A covenant for conservation purposes approved under the Heritage New Zealand Pouhere Taonga Act 2014 (or Historic Places Act 1993).
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. The protected and unprotected portions of the rating unit 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 protected 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

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### Background

The Far North District Council recognises 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 lands not used.

### 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.
- 5.

## New Users of Māori Freehold Land

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### 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.

## Papakāinga on Māori Freehold Land

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### Background

The Far North District Council recognises the importance of Māori Freehold Land in providing landowners and their whanau with the opportunity to establish papakāinga. 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 papakāinga 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 papakāinga 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 the portion of a rating unit upon which 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

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### 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

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### 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

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### 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. This is defined as "an income from a pension or investment that is set at a particular figure and does not vary like a dividend or rise with the rate of inflation".
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. If the applicant qualified for the Rates Rebate then their income had already been tested and they therefore qualify for the Rates Postponement. Council

reserves the right to request any information around the ratepayer's personal circumstances that it deems necessary to make a decision.

5. 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.
- 4.
6. 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.
7. Properties that are the subject of a reverse mortgage are not eligible for rating relief under this policy.
8. 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.
9. 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.
10. 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.
11. Council will charge an annual administrative fee on postponed rates.
12. The postponed rates or any part thereof may be paid to Council at any time.
13. The property must be insured at the time the application is granted and must be kept insured. Evidence of this must be produced annually.
14. 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.
15. 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

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### 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.

- 1.
- 1.

## Treaty Settlement Lands

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### 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 **and will retrospectively apply to any settlements prior to 1 July 2018**

### 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

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### 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

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### 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 10 years after the date at which the sewerage scheme became operational.
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

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### 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.

This policy is to be re-instated to ensure that the 11 properties to which it applies continue to receive the postponement.

## Transitional policy for the postponement of rates on farmland

### Background

This transitional policy statement has been prepared to address the rating of farmland that previously received a rates-postponement value pursuant to Section 22 of the Rating Valuations Act.

That section of LGA, which has now been repealed, provided for rates relief for the owners of farmland whose values were increased beyond that of other farmland in the district because of the potential use to which the land could be put for residential, commercial, industrial, or other non-farming development.

A number of proper ties in the Far North received these farmland postponement values because their values were significantly enhanced because of their proximity to high valued urban or coastal areas.

This transitional policy provides Council with the ability to continue to provide rating relief to certain proper ties that were receiving a postponement of rates prior to the introduction of the Local Government (Rating) Act 2002, and that qualified after that date under policy P04/04, which has now been repealed.

### Policy Objectives

1. To afford rating relief to farmers who had previously been receiving this form of rating relief under the provisions of repealed legislation and/or previous versions of this policy, where Council believes that it is in the interest of the district to maintain a postponement of rates to reduce the incidence of coastal development.

### Scope

This policy applies to both General Title and Māori Freehold Land.

### Policy Statements

This Transitional Policy is restricted to those farms which are owner operated, where the owner is a natural person and/ or is a company where the owners live on and operate the farm as a personal business. The policy specifically excludes those farms which are held as investment properties where the owners, corporate or otherwise, live either outside the district<sup>1</sup>.

### Conditions and Criteria

1. This policy provision only applies to those rating units which previously qualified for a postponement of rates under policy P04/04, which was repealed on 30 June 2006, and which continues to be owned by the same ratepayer/s who owned it at that date.
2. Council will not accept any new applications under this policy.
3. For the purposes of this transitional policy, the definition of qualifying farmland has been revised as follows:
  - a. Farmland means land which is used principally or exclusively for agricultural, horticultural, or pastoral purposes but excludes land that is used for forestry, life style, or farm park type purposes
  - b. The farming operation must provide the principal source of revenue for the owner of the land, who must be the actual operator of the farm and who must reside on the land<sup>1</sup>5.
  - c. The area of the land that is the subject of the application must be not less than 50 hectares
4. The proper ties that are the subject of this policy will be identified and the rates postponement values determined by Council's Valuation Service Provider and will:

<sup>1</sup> This amendment to the policy is to clarify that the provision only applies to those farms where the farmer lives on the property and manages it as their main source of revenue. It is not designed apply to properties that are held as investments by owners who live outside the district.

- exclude any potential value, at the date of valuation, that the land may have for residential use or for commercial, industrial, or other non-farming use; and will
  - preserve uniformity and equitable relativity with comparable parcels of farmland, the valuations of which do not contain any such potential value.
5. No objection to the amount of any rates postponement value determined under this policy will be accepted by Council (other than where the objector proves that the rates postponement value does not preserve uniformity with existing roll values of comparable parcels of land having no potential value for residential use, or for commercial, industrial, or other non-farming use).
  6. The Postponement Value will be reviewed after each triennial revaluation and the revised value will be advised to the ratepayer. At that time Council will seek the advice of its valuation service provider as to whether they believe that the land continues to be actively farmed and qualifies under the terms of this policy provision. Council reserves the right to ask the owner to provide evidence showing that the land continues to operate as a farm<sup>16</sup>.
  7. The owner must agree to a statutory land charge being entered on the Certificate of Title of the farmland before receiving a postponement of rates.

Reinstated Policy

# **Consultation on Proposed Amendments to Rating Relief Policies 2019**


## **Submissions**





## Consultation on Proposed Amendments to Rating Relief Policies 2019 - Submissions


### Submissions by Surname


Submission ID	Surname	First Name	Organisation	Page
RRP19/2	Anonymous			3
RRP19/4	Clendon	Jacqueline	Te Araaka Opourua Urupa Trust	8
RRP19/3	Cox	Alex		5
RRP19/1	Gillespie	Brian		1
RRP19/6	McKenzie	David	Russell Landcare Trust	12
RRP19/5	Ross	Sheena	Ngati Korokoro	10


 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Consultation on Proposed Amendments to Rating Relief Policies 2019 - Submissions</b>	
<b>ID</b>	RRP19/1		
<b>Type</b>	Web		
<b>First Name</b>	Brian		
<b>Surname</b>	Gillespie		
<b>Group / Organisation</b>	no response		
<b>Do you support reinstatement of the Transitional Farmland Policy?</b>	No		
<b>If you do not support the reinstatement of the Transitional Farmland Policy, what changes do you recommend?</b> Rating relief should be based on hardship or lower income. Transitional Farmland ownership does not necessarily support this			
<b>Do you support the Treaty Settlement Lands policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	Yes		
<b>Do you support the policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties to the Common Use Properties Policy?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties?</b>	no response		
<b>Do you agree with the amendment to include reference to the Maori Land Court in the Land-Locked Land Policy?</b>	No		
<b>If you do not agree with the inclusion of the reference to the Maori Land Court, what changes do you recommend?</b> see above.			
<b>Do you support the inclusion of the New Zealand Pouhere Taonga Act 2014 to the list of relevant Acts in the Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy?</b>	Yes		
<b>If you do not agree with the inclusion of the reference to the New Zealand Pouhere Taonga Act 2014, what changes do you recommend?</b> no response			
<b>Do you agreed with the additional of the definition for a fixed income in the Residential Rates for Senior Citizens Policy?</b>	Yes		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Consultation on Proposed Amendments to Rating Relief Policies 2019 - Submissions</b>
<b>Do you agreed with the addition of the statement requiring no further means testing in the Residential Rates for Senior Citizens Policy?</b>	Yes	
<b>If you do not support the amendments to the Residential Rates for Senior Citizens Policy, what changes do you recommend?</b> no response		
<b>Do you have any other comments you would like to make in regards to Rating Relief Policies?</b> having a community services card should qualify one for rates relief.		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019 Submissions</b>	
<b>ID</b>	RRP19/2		
<b>Type</b>	E-Mail		
<b>First Name</b>			
<b>Surname</b>	<b>Anonymous</b>		
<b>Group / Organisation</b>	no response		
<b>Do you support reinstatement of the Transitional Farmland Policy?</b>	no response		
<b>If you do not support the reinstatement of the Transitional Farmland Policy, what changes do you recommend?</b>	no response		
<b>Do you support the Treaty Settlement Lands policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties to the Common Use Properties Policy?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties?</b>	no response		
<b>Do you agree with the amendment to include reference to the Maori Land Court in the Land-Locked Land Policy?</b>	no response		
<b>If you do not agree with the inclusion of the reference to the Maori Land Court, what changes do you recommend?</b>	no response		
<b>Do you support the inclusion of the New Zealand Pouhere Taonga Act 2014 to the list of relevant Acts in the Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy?</b>	no response		
<b>If you do not agree with the inclusion of the reference to the New Zealand Pouhere Taonga Act 2014, what changes do you recommend?</b>	no response		
<b>Do you agreed with the additional of the definition for a fixed income in the Residential Rates for Senior Citizens Policy?</b>	no response		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019</b> <b>Submissions</b>
<b>Do you agreed with the addition of the statement requiring no further means testing in the Residential Rates for Senior Citizens Policy?</b>	Yes	
<b>If you do not support the amendments to the Residential Rates for Senior Citizens Policy, what changes do you recommend?</b> I qualify for a Rates Rebate as my total income has already been tested and this should meet Council criteria. I am the person who pays the rates and have done so since my husband died in 2005. I have been the sole occupant at this residence. I am 92 years of age and have had to pay out ongoing additional health expenses to meet my needs as a disabled and visionary impaired ratepayer.		
<b>Do you have any other comments you would like to make in regards to Rating Relief Policies?</b>		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Consultation on Proposed Amendments to Rating Relief Policies 2019</b>	
<b>ID</b>	RRP19/3		
<b>Type</b>	E-Mail		
<b>First Name</b>	Alex		
<b>Surname</b>	Cox		
<b>Group / Organisation</b>	no response		
<b>Do you support reinstatement of the Transitional Farmland Policy?</b>	no response		
<b>If you do not support the reinstatement of the Transitional Farmland Policy, what changes do you recommend?</b> no response			
<b>Do you support the Treaty Settlement Lands policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the policy being applied retrospectively to lands settled prior to 1 July 2018?</b> no response			
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties to the Common Use Properties Policy?</b>	No		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties?</b> <p>I oppose the change to Common Use Properties in its current form as it provides a considerable expansion of remissions at a cost to other ratepayers. While some relief for these properties may be reasonable, it should not be more widely available than that granted in the previous policy R04/06. In the past, this relief included the following limitations:</p> <ul style="list-style-type: none"> <li>• Applicable to a maximum of two rating units</li> <li>• Used as a single residential property</li> <li>• Excluded vacant sections</li> <li>• Excluded lifestyle properties</li> <li>• The individual areas of the rating units must not exceed the size of a typical residential lot.</li> </ul> <p>Further the proposed wording of condition 5 refers to rating units "owned by an individual and/or trust,....,but the ownership is not an exact match" which raises separate issues.</p> <ul style="list-style-type: none"> <li>• A common reason for conflict in names occurs when property in joint ownership by two single persons who subsequently marry with a resulting name change which has not been corrected on the title. Addition of a second unit provides the conflict. As the current wording restricts owner to "an individual" , this case would not qualify for relief. This oversight requires attention.</li> <li>• The combination of an individual as owner of one rating unit and a trust as owner of the second rating unit should be removed. Even if the individual is a beneficiary of the trust, one must question how closely they can be considered the same owners. The trust can be amended without any reference to Council. As a frequent reason for property being held in a trust is for tax avoidance Council, as a public body, should not be rewarding such action. Therefore remove the words "and/or trust" . The phrase "considerable development which proves the rating units are used as one" would appear to be similar to that used in Rating</li> </ul>			

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Consultation on Proposed Amendments to Rating Relief Policies 2019</b>
<p>Valuation Rules 2008. In that case “considerable development” requires a building over the boundary rather than the second unit being a garden, with no Valuation Roll improvements? If some other meaning is intended, who is to determine that there is “considerable development” rather than an adjacent “lawn”? Any change should be reflected in the example as the current version implies that any use as a garden is sufficient to qualify for remission. This is compounded by the use of “will” in the phrase “the rating units will be considered as one” rather than the previous “may” which would remove any discretion. This is another required correction. A possible redraft follows: “In the case of residential rating units where two separately owned rating units are owned by individual person(s) and are contiguous but the ownership is not an exact match, the rating units may be considered as one. For this to apply there must be considerable development on each unit relating to their combined use as a single dwelling. Vacant units and lifestyle properties are excluded as are combinations whose area exceeds three times the typical residential block for that locality. E.g. House/dwelling on one rating unit and garage on the other rating unit. “</p>		
<b>Do you agree with the amendment to include reference to the Maori Land Court in the Land-Locked Land Policy?</b>	no response	
<b>If you do not agree with the inclusion of the reference to the Maori Land Court, what changes do you recommend?</b> no response		
<b>Do you support the inclusion of the New Zealand Pouhere Taonga Act 2014 to the list of relevant Acts in the Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy?</b>	no response	
<b>If you do not agree with the inclusion of the reference to the New Zealand Pouhere Taonga Act 2014, what changes do you recommend?</b> no response		
<b>Do you agreed with the additional of the definition for a fixed income in the Residential Rates for Senior Citizens Policy?</b>	no response	
<b>Do you agreed with the addition of the statement requiring no further means testing in the Residential Rates for Senior Citizens Policy?</b>	no response	
<b>If you do not support the amendments to the Residential Rates for Senior Citizens Policy, what changes do you recommend?</b> The sentence added to clause 4 requires a full stop after Postponement.		



## Consultation on Proposed Amendments to Rating Relief Policies 2019


**Do you have any other comments you would like to make in regards to Rating Relief Policies?**


The associated document A1943439 does not incorporate all of the amendments contained in Council resolution 15.3b of 28 June 2018. The follow corrections are required:


i) Amendment of the Community, Sports and Not-for-Profit Organisations provision to:


1. Replace the term “owned or used by” with “owned or used by, and for the purposes of”.
2. Remove condition 3 to eliminate the provision to remit service charges


vii) Amendment of the Wastewater Charges on Government Funded Subsidy Schemes Policy to clarify that the remission does not terminate upon change of ownership. A full check for all amendments should be carried out before a the document is included in a resolution for Council.


 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		Amendments to Rating Relief Policies 2019 Submissions
<b>ID</b>	RRP19/4	
<b>Type</b>	E-Mail	
<b>First Name</b>	Jacqueline	
<b>Surname</b>	Clendon	
<b>Group / Organisation</b>	Te Araaka Opourua Urupa Trust	
<b>Do you support reinstatement of the Transitional Farmland Policy?</b>	no response	
<b>If you do not support the reinstatement of the Transitional Farmland Policy, what changes do you recommend?</b>	no response	
<b>Do you support the Treaty Settlement Lands policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	No	
<b>Do you support the policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	Maori do not pay rates on Maori Freehold Fee Simple Land Titles	
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties to the Common Use Properties Policy?</b>	No	
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties?</b>	Maori do not pay rates on Maori Freehold Fee Simple Land Titles	
<b>Do you agree with the amendment to include reference to the Maori Land Court in the Land-Locked Land Policy?</b>	No	
<b>If you do not agree with the inclusion of the reference to the Maori Land Court, what changes do you recommend?</b>	Maori do not pay rates on Maori Freehold Fee Simple Land Titles	
<b>Do you support the inclusion of the New Zealand Pouhere Taonga Act 2014 to the list of relevant Acts in the Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy?</b>	Yes	
<b>If you do not agree with the inclusion of the reference to the New Zealand Pouhere Taonga Act 2014, what changes do you recommend?</b>	Reasons: public interest	
<b>Do you agreed with the additional of the definition for a fixed income in the Residential Rates for Senior Citizens Policy?</b>	no response	

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019 Submissions</b>
<b>Do you agreed with the addition of the statement requiring no further means testing in the Residential Rates for Senior Citizens Policy?</b>	no response	
<b>If you do not support the amendments to the Residential Rates for Senior Citizens Policy, what changes do you recommend?</b>	no response	
<b>Do you have any other comments you would like to make in regards to Rating Relief Policies?</b>	no response	

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019 Submissions</b>	
<b>ID</b>	RRP19/5		
<b>Type</b>	Letter		
<b>First Name</b>	Sheena		
<b>Surname</b>	Ross		
<b>Group / Organisation</b>	Ngato Korokoro		
<b>Do you support reinstatement of the Transitional Farmland Policy?</b>	no response		
<b>If you do not support the reinstatement of the Transitional Farmland Policy, what changes do you recommend?</b>	no response		
<b>Do you support the Treaty Settlement Lands policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties to the Common Use Properties Policy?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties?</b>	no response		
<b>Do you agree with the amendment to include reference to the Maori Land Court in the Land-Locked Land Policy?</b>	no response		
<b>If you do not agree with the inclusion of the reference to the Maori Land Court, what changes do you recommend?</b>	no response		
<b>Do you support the inclusion of the New Zealand Pouhere Taonga Act 2014 to the list of relevant Acts in the Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy?</b>	no response		
<b>If you do not agree with the inclusion of the reference to the New Zealand Pouhere Taonga Act 2014, what changes do you recommend?</b>	no response		
<b>Do you agreed with the additional of the definition for a fixed income in the Residential Rates for Senior Citizens Policy?</b>	no response		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019 Submissions</b>
<b>Do you agreed with the addition of the statement requiring no further means testing in the Residential Rates for Senior Citizens Policy?</b>	no response	
<b>If you do not support the amendments to the Residential Rates for Senior Citizens Policy, what changes do you recommend?</b> no response		
<b>Do you have any other comments you would like to make in regards to Rating Relief Policies?</b> I, Sheena Ross, in my capacity as mandated kaikorero (speaker) for Ngati Korokoro, provide here a submission in respect of the Rating Relief Policies 2019 (amendments). Ngati Korokoro as Mana Whenua/Mana Tangata was not given sufficient time to review and respond in notification, to the amendments of the Rates Relieve Policies 2019 THE PRINCIPLE OF CONSULTATION Consultation is both a principle and a duty under the Resource Management Act. Consultation does not simply mean that Tangata Whenua are to be informed of proposals. It implies a requirements for the Council to consult early with Tangata Whenua, and in good faith, in order to promote a mutual and beneficial relationship. Consultation involves: - A genuine invitation to consult between Council and Tangata Whenua. - Provision of adequate information and time for the consulted party to consider the information. - Listening to the response to consultation with an open mind.		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019 Submissions</b>	
<b>ID</b>	RRP19/6		
<b>Type</b>	E-Mail		
<b>First Name</b>	David		
<b>Surname</b>	McKenzie		
<b>Group / Organisation</b>	Russell Landcare Trust		
<b>Do you support reinstatement of the Transitional Farmland Policy?</b>	no response		
<b>If you do not support the reinstatement of the Transitional Farmland Policy, what changes do you recommend?</b>	no response		
<b>Do you support the Treaty Settlement Lands policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the policy being applied retrospectively to lands settled prior to 1 July 2018?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties to the Common Use Properties Policy?</b>	no response		
<b>Do you support the proposed addition of "commercial enterprise" and the new condition for contiguous properties?</b>	no response		
<b>Do you agree with the amendment to include reference to the Maori Land Court in the Land-Locked Land Policy?</b>	no response		
<b>If you do not agree with the inclusion of the reference to the Maori Land Court, what changes do you recommend?</b>	no response		
<b>Do you support the inclusion of the New Zealand Pouhere Taonga Act 2014 to the list of relevant Acts in the Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes Policy?</b>	Yes		
<b>If you do not agree with the inclusion of the reference to the New Zealand Pouhere Taonga Act 2014, what changes do you recommend?</b>	<p>I am writing on behalf of Russell Landcare Trust to support the proposed amendments to the Rating Relief Policies 2019 for Land Subject to Protection for Outstanding Natural Landscape, Cultural, Historic or Ecological Purposes.</p>		
<b>Do you agree with the additional of the definition for a fixed income in the Residential Rates for Senior Citizens Policy?</b>	no response		

 <b>Far North District Council</b> <i>Te Kaunihera o Tai Tokerau ki te Raki</i>		<b>Amendments to Rating Relief Policies 2019 Submissions</b>
<b>Do you agreed with the addition of the statement requiring no further means testing in the Residential Rates for Senior Citizens Policy?</b>	no response	
<b>If you do not support the amendments to the Residential Rates for Senior Citizens Policy, what changes do you recommend?</b>	no response	
<b>Do you have any other comments you would like to make in regards to Rating Relief Policies?</b>	no response	

## 9.7 ADOPTION OF THE 2019/20 ANNUAL PLAN

**File Number:** A2513900

**Author:** Sheryl Gavin, Manager - Corporate Planning and Engagement

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

### PURPOSE OF THE REPORT

To adopt the Annual Plan for 2019/20.

### EXECUTIVE SUMMARY

Section 95 of the Local Government Act 2002 (the LGA) requires Council to prepare and adopt an annual plan for each financial year. The Annual Plan for 2019/20 confirms plans and budgets initially adopted in year two of the 2018-28 Long Term Plan (LTP) and adjusted to accommodate changing circumstances. The Annual Plan must be adopted before commencement of the year to which it applies. If the deadline is missed Council is in breach of the LGA. Until an Annual Plan is adopted rates cannot be set for the new financial year.

### RECOMMENDATION

**That Council:**

- a) adopts the Annual Plan for 2019/20**
- b) delegates authority to the Chief Executive Officer to approve any minor accuracy, grammatical or formatting amendments prior to the Annual Plan 2019/20 being published and uploaded onto the Far North District Council website.**

### 1) BACKGROUND

From November 2018 through to April 2019 Elected Members attended seven workshops to discuss variations to the budgets and plans adopted in year two of the 2018-28 Long Term Plan.

The variations presented were assessed for significance against the provisions of Council's Significance and Engagement Policy. No significant variances were identified. At the December 2018 Council meeting Elected Members decided that formal consultation on the Annual Plan was not required.

This Annual Plan was prepared in accordance with Part 2 of Schedule 10 of the LGA.

### 2) DISCUSSION AND OPTIONS

Key elements of the Annual Plan 2019/20 presented for adoption at this meeting are:

- A general rates increase of 3.07%, down from the 4.0% increase forecast in year two of the 2018-28 LTP.
- Operating expenditure of \$126 million. the Annual Plan establishes the budget for the 2019/20 financial year and enables the setting of rates \$842k less than forecast in the LTP.
- \$89 million of operating expenditure will be funded through rates, with the remainder through other revenue such as fees and charges and government subsidies.
- Capital expenditure of \$64 million, \$4 million less than forecast in the LTP.
- Forecast closing debt of \$81 million at the end of the 2019/20 financial year. This is substantially less than the estimated \$104 million forecast in the LTP. The reduced forecast is the cumulative effect of deferring projects and not drawing down debt as anticipated in the LTP.

Council could choose not to adopt this Annual Plan. However, in doing so, it would not be able to adopt the rates resolution which in turn enables the rates strike for the 2019/20 year.

**Reason for the recommendation**

The reason for the resolution is to comply with the statutory provisions for adopting an Annual Plan.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

The financial implications and budgetary provisions of adopting the 2019/20 Annual Plan are contained in the document.

**ATTACHMENTS**

1. **Annual Plan 2019/20 - (under separate cover)**

**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 <a href="#">Council's Significance and Engagement Policy</a>	Changes from year two of the 2018-28 LTP were assessed as insignificant under Council's Significance and Engagement Policy.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The Annual Plan is aligned and consistent with the Community Outcomes and Strategic Direction adopted by Council in the 2018-28 LTP.
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 Annual Plan is of district-wide interest. Community Board views have been incorporated through attendance of chairs at all workshops.
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 decisions made as part of the Annual Plan process are in part a result of LTP engagement with iwi, hapu and Maori affected by key issues for which proposals were communicated in consultation on the 2018-28 LTP.
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.	Engagement with communities affected by, or with an interest in, the matters consulted on in the LTP was carried out. Consultation for the 2019/20 Annual Plan was not considered necessary under Council's significance and engagement policy.
State the financial implications and where budgetary provisions have been made to support this decision.	The Annual Plan establishes the budget for the 2019/20 financial year and enables the setting of rates.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

**10 CORPORATE SERVICES GROUP****10.1 SETTING OF RATES, DUE DATES AND PENALTIES FOR 2019-2020****File Number: A2508962****Author: Kim Gubb, Financial Planner****Authoriser: Janice Smith, General Manager - Corporate Services (Acting)****PURPOSE OF THE REPORT**

The purpose of the report is to allow Council to set the rates, due dates and penalties for the 2019-2020 rating year in accordance with the provisions of the Local Government (Rating) Act 2002.

Now that Council has adopted the Annual Plan for 2019-2020 it must set the rates for the 2019-2020 rating year.

**EXECUTIVE SUMMARY**

- Set General Rates
- Set Targeted Rates
- Penalty Dates
- Setting of the Fees in respect of Postponed Rates

**RECOMMENDATION**

**THAT, pursuant to Section 23 of the Local Government (Rating) Act 2002 (the Act), Council sets the rates as described below for the year commencing 1st July 2019 and concluding 30th June 2020;**

***All rates are shown inclusive of GST***

**GENERAL RATE****General Rate**

*Differentiated on the basis of land use set on all rateable land*

Differential	Basis	Rate
General Differential	Per \$ of Land Value	\$0.0056044
Commercial Differential	Per \$ of Land Value	\$0.0154121

**Uniform Annual General Charge (UAGC):**

*A UAGC of \$450.00 per Separately Used or Inhabited Part (SUIP) of a rateable Rating Unit*

**TARGETED RATES****Ward Services Rate**

*Differentiated on the basis of location set on all rateable land in the identified wards*

Differential	Basis	Rate
BOI - Whangaroa Ward	Per SUIP	\$341.60
Te Hiku Ward	Per SUIP	\$285.50

Kaikohe - Hokianga Ward	Per SUIP	\$369.70
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**ROADING RATES****Uniform Roading Rate**

*A Uniform Targeted Rate of \$100 per Separately Used or Inhabited Part (SUIP) of a rateable Rating Unit*

**Differential Roading Rate**

*Differentiated on the basis of land use set on all rateable land*

Differential	Basis	Rate
Residential	Per \$ of Land Value	\$0.0001474
Lifestyle	Per \$ of Land Value	\$0.0001483
Farming General	Per \$ of Land Value	\$0.0001466
Horticulture	Per \$ of Land Value	\$0.0001382
Dairy	Per \$ of Land Value	\$0.0002292
Forestry	Per \$ of Land Value	\$0.0020986
Commercial	Per \$ of Land Value	\$0.0003737
Industrial	Per \$ of Land Value	\$0.0004779
Mining/Quarry	Per \$ of Land Value	\$0.0111468
Other	Per \$ of Land Value	\$0.0002501

**Stormwater Rate**

*Differentiated on the basis of land use set on all rateable land identified in the rating area maps for the urban communities;*

Ahipara	Haruru Falls	Kaikohe	Kawakawa
Awanui	Hihi	Kaimaumu	Karikari
East Coast	Houhora/Pukenui	Kaitia	Kerikeri/Waipapa
Kohukohu	Okaihau	Paihia/Te Haumi	Taupo Bay
Moerewa	Opononi/Omapere	Rawene	Tauranga Bay
Ngawha	Opua/Okiato	Russell	Whangaroa/Kaeo

Differential	Basis	Rate
General Differential	Per Rating Unit	\$35.78
Commercial Differential	Per Rating Unit	\$71.56

**DEVELOPMENT RATES****Paihia CBD Development Rate**

*Differentiated on the basis of land use set on all rateable land identified in the rating area maps*

Differential	Basis	Rate
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General Differential	Per SUIP	\$18.00
Commercial Differential	Per SUIP	\$56.00

**Kaitia BID Rate**

Commercial rating units defined in the rating area map	<b>Basis</b>	<b>Rate</b>
	Per \$ of Land Value	\$0.0015641

**BOI Recreation Centre Rate**

Rating Units defined in the rating area map	<b>Basis</b>	<b>Rate</b>
	Per SUIP	\$5.00

**PRIVATE ROADING RATES****Hupara Road Sealing Rates**

Rating Units defined in the rating area map	<b>Basis</b>	<b>Rate</b>
	Per SUIP	\$661.73

**SEWERAGE RATES**

Separate sewerage rates are set for each sewerage scheme differentiated on the basis the supply or availability of supply to each scheme.

The additional pan rate is set on the basis of the third and subsequent water closet or urinal within the rating unit. A rating unit used primarily as a residence for a single household will be treated as having a single pan.

**Ahipara Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$289.12
Available	Per Rating Unit	\$289.12
Additional Pan Rate	Per additional pan	\$173.47

**East Coast Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$248.68
Available	Per Rating Unit	\$248.68
Additional Pan Rate	Per additional pan	\$149.21

**Hihi Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$596.01
Available	Per Rating Unit	\$596.01
Additional Pan Rate	Per additional pan	\$357.61

**Kaero Sewerage Capital Rate**

Differential	Basis	Rate
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Connected	Per SUIP	\$732.40
Available	Per Rating Unit	\$732.40
Additional Pan Rate	Per additional pan	\$439.44

**Kaikohe Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$232.21
Available	Per Rating Unit	\$232.21
Additional Pan Rate	Per additional pan	\$139.33

**Kaitia and Awanui Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$268.16
Available	Per Rating Unit	\$268.16
Additional Pan Rate	Per additional pan	\$160.90

**Kawakawa Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$514.86
Available	Per Rating Unit	\$514.86
Additional Pan Rate	Per additional pan	\$308.92

**Kerikeri Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$395.22
Available	Per Rating Unit	\$395.22
Additional Pan Rate	Per additional pan	\$237.13

**Kohukohu Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$632.39
Available	Per Rating Unit	\$632.39
Additional Pan Rate	Per additional pan	\$379.43

**Opononi Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$310.33
Available	Per Rating Unit	\$310.33
Additional Pan Rate	Per additional pan	\$186.20

**Paihia Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$346.67
Available	Per Rating Unit	\$346.67
Additional Pan Rate	Per additional pan	\$208.00

**Rangiputa Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$350.76
Available	Per Rating Unit	\$350.76
Additional Pan Rate	Per additional pan	\$210.46

**Rawene Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$567.14
Available	Per Rating Unit	\$567.14
Additional Pan Rate	Per additional pan	\$340.28

**Russell Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$539.65
Available	Per Rating Unit	\$539.65
Additional Pan Rate	Per additional pan	\$323.79

**Whangaroa Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$686.80
Available	Per Rating Unit	\$686.80
Additional Pan Rate	Per additional pan	\$412.08

**Whatuwhiwhi Sewerage Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$324.35
Available	Per Rating Unit	\$324.35
Additional Pan Rate	Per additional pan	\$194.61

**District Wide Sewerage Operating Rate**

Operating Rate	Basis	Rate
Connected (All schemes)	Per SUIP	\$535.70
Additional Pan Rate	Per additional pan	\$321.42

**WATER RATES**

Separate water rates are set for each water supply scheme differentiated on the basis the supply or availability of supply to each scheme.

**Kaikohe Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$284.28
Available	Per Rating Unit	\$284.28

**Kaitia Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$281.70
Available	Per Rating Unit	\$281.70

**Kawakawa Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$370.92
Available	Per Rating Unit	\$370.92

**Kerikeri Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$169.98
Available	Per Rating Unit	\$169.98

**Okaihau Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$352.18
Available	Per Rating Unit	\$352.18

**Omapere/Opononi Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$660.28
Available	Per Rating Unit	\$660.28

**Paihia Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$229.46
Available	Per Rating Unit	\$229.46

**Rawene Water Capital Rate**

Differential	Basis	Rate
Connected	Per SUIP	\$507.31
60% Non-Potable	Per SUIP	\$304.39
Available	Per Rating Unit	\$507.31

**District Wide Water Operating Rates**

The District wide operating rates are assessed on the basis of the quantity of water supplied as recorded by meter.

**Metered Supply rate (all schemes)**

Operating Rate	Basis	Rate
Potable Water	Per m <sup>3</sup> Supplied	\$2.94
Non-potable Water	Per m <sup>3</sup> Supplied	\$1.91

**Non Metered Water Supply Rate (Includes 250 M<sup>3</sup> Supply)**

Operating Rate	Basis	Rate
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Potable Water	Per SUIP	\$1,010.83
Non-potable Water	Per SUIP	\$753.47

**DRAINAGE RATES**

<b>Kaitaia Drainage Area</b>	<b>Basis</b>	<b>Rate</b>
Area of land within the defined rating area	Per hectare	\$8.51

<b>Kaikino Drainage Area (as defined in the FIS)</b>		
<b>Differential</b>	<b>Basis</b>	<b>Rate</b>
Differential A	Per hectare	\$13.19
Differential B	Per hectare	\$6.60
Differential C	Per hectare	\$2.20

<b>Motutangi Drainage Area (as defined in the FIS)</b>		
<b>Differential</b>	<b>Basis</b>	<b>Rate</b>
Differential A	Per hectare	\$42.97
Differential B	Per hectare	\$21.48
Differential C	Per hectare	\$7.18

<b>Waiharara Drainage Area (as defined in the FIS)</b>		
<b>Differential</b>	<b>Basis</b>	<b>Rate</b>
Differential A	Per hectare	\$18.54
Differential B	Per hectare	\$9.27
Differential C	Per hectare	\$3.10

**AND THAT, pursuant to Section 24 of the Act and with the exception of the targeted rates set for the supply of water pursuant to Section 19 of the Act, Council charges the rates for the 2019-2020 rating year by way of four equal instalments. Each instalment to be paid on or before the due dates set out below;**

<b>Rate Instalment</b>	<b>Due Date</b>	<b>Penalty Date</b>
First Instalment	20 August 2019	27 August 2019
Second Instalment	20 November 2019	27 November 2019
Third Instalment	20 February 2020	27 February 2020
Fourth Instalment	20 May 2020	27 May 2020

**AND THAT, pursuant to Sections 57 and 58 of the Act and with the exception of the targeted rates set for the supply of water pursuant to Section 19 of the Act, Council imposes the following penalties:**

**A ten percent (10%) penalty on any portion of any instalment of rates assessed in the 2019-2020 financial year that is not paid on or by the due date for payment as detailed above. This penalty will be added on the penalty dates detailed above;**

**AND THAT the water meters be read and invoiced on a six-month cycle, or more often if required, and the subsequent invoices become due for payment set out overleaf.**

**AND THAT, pursuant to Sections 57 and 58 of the Act, Council imposes the following penalties in respect of targeted rates set for the supply of water pursuant to Section 19 of the Act:**

***A ten percent (10%) penalty on any portion of the rate for the supply of water charged pursuant to Section 19 of the Act, as separately invoiced, that is not paid on or by the due date for payment as set out below;***

Scheme	1 <sup>st</sup> Invoice	Due Date	Penalty Date	2 <sup>nd</sup> Invoice	Due Date	Penalty Date
Kaikohe	Nov 2019	20/12/2019	06/01/2020	May 2020	22/06/2020	29/06/2020
Kaitaia	Aug 2019	20/09/2019	27/09/2019	Feb 2020	20/03/2020	27/03/2020
Kawakawa	July 2019	22/08/2019	29/08/2019	Jan 2020	20/02/2020	27/02/2020
Kerikeri	Sep 2019	21/10/2019	28/10/2019	Mar 2020	22/04/2020	29/04/2020
Okaihau	July 2019	22/08/2019	29/08/2019	Jan 2020	20/02/2020	27/02/2020
Omapere/ Opononi	July 2019	22/08/2019	29/08/2019	Jan 2020	20/02/2020	27/02/2020
Paihia	Oct 2019	21/11/2019	28/11/2019	Apr 2020	20/05/2020	27/05/2020
Rawene	July 2019	22/08/2019	29/08/2019	Jan 2020	20/02/2020	27/02/2020

**AND THAT, pursuant to Section 88 of the Act, Council set Postponement Fees as provided for in the relevant Rates Postponement Policies;**

#### **FEES IN RESPECT OF POSTPONED RATES**

Pursuant to Section 88 of the Local Government (Rating) Act 2002, Council will charge a postponement fee on all rates that are postponed under any of its postponement policies.

The Postponement fees are as follows:

Application Fee: \$50

Administration Fee: \$50 pa

Financing Fee on all Postponements: Currently set at 4.75% pa but may vary to match Council's average cost of funds. At Council's discretion all these fees may be added to the total postponement balance.

**1) BACKGROUND**

Council has adopted the Annual Plan 2019 - 2020 and therefore, pursuant to Section 23 of the Local Government (Rating) Act 2002 (the Act), must now formally resolve to set the rates for the year commencing 01 July 2019 and concluding 30 June 2020.

**2) DISCUSSION AND OPTIONS**

The Act requires Council to formally set the rates for each year after it has adopted the appropriate Annual Plan or Long Term Plan. It is this resolution which gives Council the power to set and charge rates for the year.

**Reason for the recommendation**

It is by setting the rates that Council obtains the funding for the forthcoming year. This resolution provides for funding as set out in the Annual Plan 2019 - 2020 rating year.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

It is by setting the rates that Council obtains the funding for the forthcoming year. This resolution provides funding as is set out in the Annual Plan 2019 - 2020 rating year.

**ATTACHMENTS**

Nil

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low
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.	N/A
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.	N/A
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.	N/A
State the financial implications and where budgetary provisions have been made to support this decision.	N/A
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report

## 10.2 AMENDMENT TO RATING DELEGATIONS

**File Number:** A2496973

**Author:** Angie Thomas, Chief Financial Officer (Acting)

**Authoriser:** Janice Smith, General Manager - Corporate Services (Acting)

### PURPOSE OF THE REPORT

To seek approval to position title amendments for approved Rating delegations

### EXECUTIVE SUMMARY

- A structure review was recently undertaken in the District Services team which resulted in changes to position titles.
- This was not identified in the last report to Council in February 2019 titled, Rating Delegations.

### RECOMMENDATION

**That Council approve the proposed changes to position titles within the approved Rating Delegations Schedule 2019.**

### 1) BACKGROUND

Council has approved a range of delegations to staff that relate specifically to sections of the Local Government (Rating) Act 2002 and the Rate Rebate Act 1973. The delegations relate to specific positions within Council and as some of those position titles have been amended following the District Services review, the delegations now need to be amended.

### 2) DISCUSSION AND OPTIONS

Changes to position titles in the District Service department now require position titles to be amended in the approved rating delegations.

An extract from the delegations schedule is attached and the positions titles being removed have been struck through and the new position titles are highlighted in yellow.

#### Reason for the recommendation

To align the rating delegations schedule with new position titles in the District Services department

### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no specific financial implications resulting from this report

### ATTACHMENTS

1. Rating Delegations Schedule 2019 (Extract) - A2496950 [↓](#) 

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low
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 (Rating) Act 2002, Rate Rebate Act 1973
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.	N/A
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.	N/A
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.	N/A
State the financial implications and where budgetary provisions have been made to support this decision.	none
Chief Financial Officer review.	The Chief Financial Officer (Acting) has prepared this report

**Rating Delegations Schedule 2019 (Extract)**

- Rates Rebate Act 1973
- Rates Remission Policy (R04) – Section 85

**Rating Delegations**

Act	Section	Delegations	Title
Rates Rebate Act 1973	13	To witness declarations made on Applications for rates rebates	<ul style="list-style-type: none"> <li>• <del>Community &amp; Customer Services Manager</del></li> <li>• Manager – Community &amp; Customer Services</li> <li>• <del>Team Leader, Kaikohe Service Centre</del></li> <li>• <del>Branch Manager, Kerikeri</del></li> <li>• <del>Branch Manager, Kaitia</del></li> <li>• <del>Customer Service Officers</del></li> <li>• Manager – Customer Care</li> <li>• Manager – Libraries &amp; Museums</li> <li>• Manager – I Sites</li> <li>• Multi skilled Customer Service Officer</li> <li>• Visitor Information Consultant</li> <li>• Chief Financial Officer</li> <li>• Team Leader - Rating Services</li> <li>• Technical Rates Officer</li> <li>• Manager - Transaction Services</li> </ul>

## Policy Delegations

### Local Government (Rating) Act 2002 Section 85

#### Rates Remission and Postponement - Policy R04

Approval of any application for remission of rates up to \$20,000 by Chief Financial Officer

Over \$20,000 by General Manager – Corporate Services and the Chief Financial Officer jointly

Policy Statement No		Officer/s	Amount
R04/01	Remissions of penalties	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• GM: Corporate Services</li> <li>• <del>Community &amp; Customer Services Manager</del></li> <li>• Manager – Community &amp; Customer Services</li> <li>• Chief Financial Officer</li> <li>• Team Leader - Rating Services</li> <li>• Technical Rates Officer</li> <li>• Manager - Transaction Services</li> <li>• <del>Branch Managers</del></li> <li>• Manager – Customer Care</li> <li>• Manager – Libraries &amp; Museums</li> <li>• Manager – I Sites</li> <li>•</li> </ul>	⇒ 100%  ⇒ 100% ⇒ 100% ⇒ 100% ⇒ \$1,000 ⇒ \$1,000  ⇒ \$500 ⇒ \$500 ⇒ \$500
R04/02	Remissions of additional penalties	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• GM: Corporate Services</li> <li>• <del>Community &amp; Customer Services Manager</del></li> <li>• Manager – Community &amp; Customer Services</li> <li>• Chief Financial Officer</li> <li>• Team Leader - Rating Services</li> <li>• Technical Rates Officer</li> <li>• Manager - Transaction Services</li> <li>• <del>Branch Managers</del></li> <li>• <del>Customer Service Officers</del></li> <li>• Manager – Customer Care</li> <li>• Manager – Libraries &amp; Museums</li> <li>• Manager – I Sites</li> <li>• Multi skilled Customer Service Officer</li> <li>• Visitor Information Consultant</li> </ul>	⇒ 100% ⇒ 100%  ⇒ 100% ⇒ 100% ⇒ 100% ⇒ 100% ⇒ 100% ⇒ 100%  ⇒ \$500 ⇒ \$500 ⇒ \$500 ⇒ \$500 ⇒ \$500

R04/08	Remission of excess water charges ( <i>up to 50% of normal water reading applications for more than 50% go to Council</i> )	<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• GM: Corporate Services</li> <li>• <del>Community &amp; Customer Services Manager</del></li> <li>• <b>Manager – Community &amp; Customer Services</b></li> <li>• Chief Financial Officer</li> <li>• Team Leader - Rating Services</li> <li>• Technical Rates Officer</li> <li>• Manager - Transaction Services</li> </ul>	<p>⇒ 100%</p> <p>⇒ 100%</p> <p>⇒ 100%</p> <p>⇒ 100%</p> <p>⇒ 100%</p> <p>⇒ 100%</p> <p>⇒ 100%</p>
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**10.3 FNHL - STATEMENT OF INTENT 2019 - 2022****File Number: A2513322****Author: Janice Smith, Chief Financial Officer****Authoriser: William J Taylor MBE, General Manager - Corporate Services****PURPOSE OF THE REPORT**

To receive the Statement of Intent (SOI) from Far North Holdings Limited (FNHL) for the three years 2019 - 2022

**EXECUTIVE SUMMARY**

- FNHL delivered a Statement of Intent for review in February 2019
- Council requested some amendments in relation to communication with Community Boards and this was fed back to FNHL.
- The requested amendments have now been made and FNHL have now delivered the completed SOI to Council as required.

**RECOMMENDATION**

**That Council receive the Statement of Intent for FNHL for the three years 2019 - 2022**

**1) BACKGROUND**

Schedule 8 of the Local Government Act 2002 outlines the processes that a Council Controlled Organisation (CCO) must adopt in relation to a Statement of Intent. These requirements have been extracted below:

**Statements of intent for council-controlled organisations**

- The board of a council-controlled organisation must deliver to its shareholders a draft statement of intent on or before 1 March each year.
- The board must—
  - (a) consider any comments on the draft statement of intent that are made to it within 2 months of 1 March by the shareholders or by any of them; and
  - (b) deliver the completed statement of intent to the shareholders on or before 30 June each year.

**2) DISCUSSION AND OPTIONS**

The Audit, Risk and Finance Committee received the draft SOI at the meeting on 28 March 2019.

At that meeting, elected members requested that additional requirements be put into the SOI requiring FNHL to communicate with the Community Boards quarterly and to advise the relevant Community Board prior to commencing any works in that ward.

These comments were fed back to FNHL as required by the Local Government Act 2002 and FNHL incorporated them into page 8 of the final SOI now delivered to Council.

**Reason for the recommendation**

To comply with the requirements of the Local Government Act 2002 and receive the SOI for FNHL for the three years 2019 - 2022

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications arising from this report

## ATTACHMENTS

1. **FNHL Statement of Intent 2019 to 2022 - A2513302** [↓](#) 

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	LGA 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.	N/A
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.	N/A
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.	N/A
State the financial implications and where budgetary provisions have been made to support this decision.	N/A
Chief Financial Officer review.	The CFO wrote this report.



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# Statement of Intent 2019 - 2022

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Presented to Far North District Council on 28th February 2019

## Statement of Intent 2019 - 2022

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# Statement of Intent 2019 - 2022

## Purpose of Statement of Intent

This Statement of Intent (SOI) is presented by Far North Holdings Limited (FNH) in accordance with Section 64(1) of the Local Government Act 2002. This SOI takes Shareholder comments into consideration and represents the objectives, nature and scope of activities and performance targets by which FNH is to be measured as the basis of accountability. It covers the period from 1<sup>st</sup> July 2019 to 30 June 2022.

## Abbreviations

Abbreviation / Term	Description
<b>BOI</b>	Bay of Islands
<b>CCO</b>	Council Controlled Organisation
<b>CruiseNZ</b>	Cruise New Zealand
<b>FNDC</b>	Far North District Council
<b>FNH</b>	Far North Holdings Limited
<b>LTP</b>	Long Term Plan
<b>PGF</b>	Provincial Growth Fund
<b>SLT</b>	Far North District Council's Strategic Leadership Team
<b>SOI</b>	Statement of Intent

## Statement of Intent 2019 - 2022

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## Statement of Intent 2019 - 2022

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## About FNH

As Council's commercial vehicle, FNH facilitates and develops commercial and infrastructural assets, and business growth, in the Far North District. In doing so, it will:

- Operate under good governance;
- Seek new business development opportunities;
- Identify, collaborative or joint ventures opportunities;
- Manage existing assets and bring commercial expertise in property management; and
- Create profits for its Shareholder and improve the Shareholder asset value.

FNH leads the delivery of property and infrastructure assets in its ownership and under its management. These actions contribute to the development of the Far North District.

FNH primary roles are:

- To plan, manage, operate and develop; land, maritime, aviation and public assets within its ownership, or under the terms of any management agreement entered into; and
- To plan, facilitate and secure commercial outcomes in its area of Influence that support the growth of the Far North District.

As a secondary role, FNHL may use its management skills and resources to assist both Council and third parties with consultancy services including; project management, funding and business support/planning, on a commercial basis.

## Nature and Scope of Activity

FNH currently owns and operates commercial and infrastructural assets in the maritime, aviation and property sectors.

FNH may:

- Elect to investigate and invest in any other commercial opportunities that may arise including any proposed by its Shareholder; and
- Carry out asset management, and may enter into management agreements for defined services on behalf of its Shareholder, or third party; and
- Divest any of the assets held, subject to any restrictions that may apply in specific cases (such as where the Council has the right of first refusal, council resolution or where the offer-back requirements of the Public Works Act apply).

FNH will align itself with the Shareholder's broader strategic objectives by leveraging off these assets to undertake the following business activities (but not limited to) over the next three years being:

Developing and enhancing a maritime economy

- Continue with the BOI Marina infrastructure and land-based development;
- Further development of the Waitangi Wharf to cater for the charter boats meeting the cruise ship tenders;
- Further develop the Paihia, Opua and Russell wharves, maximizing benefits from Provincial Growth Fund (PGF);

## Statement of Intent 2019 - 2022

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- Attract business and investment in the maritime economy;
- Ensure all maritime assets owned by FNH are cost effectively maintained through asset management plans that appropriately balance care of asset with expenditure; and
- Seek funding sources to further develop or upgrade such maritime assets.

Developing and enhancing property in its ownership including:

- Complete the development of the Bay of Islands Airport Terminal, and thereafter evaluate the opportunity arising from this investment, including reviewing; fire rescue, freight, the runway and associated airside infrastructure;
- To explore the potential to develop an Innovation & Enterprise Park at Ngawha, on the Top Energy Farm, that encourages value add industry to establish here and employment opportunity that aligns with the unemployed of the District; and
- Complete the PGF developments at Te Hononga, Kawakawa, and Manea.

Where agreed with the Shareholder, enter into a management contract for commercial, strategic and non-strategic property assets in order to:

- Undertake acquisitions of strategic property on behalf of Council;
- Undertake disposals or re-development of non-strategic land;
- Negotiate third party leases where Council is the tenant;
- Undertake management of commercial leases; and
- Evaluate any other properties, developments, businesses and investments as to their current and future potential.

## FNH Strategic Direction

This SOI sets the strategic framework, activities, and performance measures we have set for the next three years to deliver the outcomes its Shareholder seeks.

At the time of preparation of this SOI FNH has several projects seeking high level funding and approvals. For the moment, this SOI is based on known projects. FNH will liaise with Council on the new projects and update the SOI reflecting any change.

FNH is to be cognisant of and, where appropriate, seeks to align itself with the Far North District Council's vision, mission and principles statement as outlined in the 2018/28 Long Term Plan (LTP).

For community outcomes FNH will be guided by the 2018/28 LTP and Council's Vision. "A District of sustainable prosperity and well-being", its mission "creating great places, supporting our people and its values" and a Statement of Collective Values and Statement of Expectations.

Over the period of the SOI, Far North District Council will provide FNH with any other documents that it should have knowledge of, whether they be in the consultation stage, or have been formally adopted, that reflect any changes to the Council's vision or aspirations that FNH needs to align with.

## Statement of Intent 2019 - 2022

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## Decision for which prior Council approval is required

The following criteria are used to guide and demonstrate what types of decisions require Shareholder approval:

1. Decisions which will affect the CCO's ability to meet any statutory responsibility;
2. Decisions which will impact on any intended service levels for a CCO activity (except if the impact is minor or has been agreed by the council through the SOI process);
3. Decisions which will commit the council to future provision of funding; and
4. Decisions which are not based on a "full arm's length" commercial basis requiring FNDC approval will to be shown in the accounts as such.

## FNH Objective

As the FNDC's commercial vehicle, FNH will facilitate and create commercial and infrastructural assets in the Far North District, or if outside the Far North District, with the Shareholders approval, with the aim of creating profits for its Shareholder and creating shareholder value.

## 3-Year work plan to deliver on Strategic Objectives

The table below shows the key capital projects and initiatives we plan to undertake in the 2019-22 SOI period to deliver on our strategic objectives.

Key Project / Initiative	Description	Contribution to Strategic Objectives	Delivery in 2019-22
<b>Capital Projects</b>			
Marina Infrastructure & Boatyard	Completion of landscaping and associated land-based amenities.	Berths are all now available and generating income.	Planning and design work to be completed June 2019.
Waitangi Wharf	Additional pontoon to cater for the charter fleet picking up cruise ship passengers.	This will further improve the infrastructure needed to support the growth in cruise ships numbers, and size, visiting the Bay of Islands, and the economic benefit that retail and tourist businesses benefit from the passengers that travel in this manner.	Delivery September 2019.
Russell Wharf Kiosk	To redevelop the kiosk to provide greater public amenity and more user-friendly environment on the Russell Wharf.	To enhance the experience of visitor using the wharf by providing a café and toilets alongside the information centre.	December 2019 completion.

Statement of Intent 2019 - 2022

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Key Project / Initiative	Description	Contribution to Strategic Objectives	Delivery in 2019-22
Te Hononga, Kawakawa	To provide a new interpretive Gallery co-governed by Ngati Hine/Hundertwasser Trust, relocate the FNDC library, and provide new workshops for local artists and for business to use.	Redevelopment of the Kawakawa town centre, that will make Kawakawa a destination in its own right, linking; the famous toilets, twin coast cycleway and town square.	March 2020 completion.
Bay of Islands Airport Terminal	The development of a new terminal building, and new rental facilities.	Reflecting the investment made by Air NZ in the apron / taxiway to accommodate larger aircraft, and more frequent flights, a new terminal is needed to accommodate the current passenger growth.	Delivery July 2019.
Ngawha Innovation and Enterprise Park	204ha Dairy Farm.	To create commercial business opportunities to grow the economic and employment opportunities in Northland.	On-going with the objective that within 3 years all the necessary planning needed will have been approved and potential tenants will have been identified and secured.
Manea	The development of an interactive theatre experience telling the story of Kupe.	The development of a tourist attraction, telling a story of national significance to Maori, will be a major tourism attraction and provide economic benefit to the Hokianga.	Anticipated completion May 2020.
Russell Wharf	To develop and repair the Russell Wharf.	To increase and improve the commercial, public and community benefits of the wharf and pontoons.	Anticipated completion October 2019.
Opua Wharf	To develop an events pontoon/superyacht berth.	To provide an events facility for Cook's 250 <sup>th</sup> anniversary being celebrated in 2019. Thereafter, to be used as a superyacht berth.	Anticipated completion October 2019.
Paihia Wharf	To develop and repair the Paihia Wharf.	To increase the capacity of the facility to allow continued growth in traffic and charter operators.	Anticipated completion October 2019.

### Statement of Intent 2019 - 2022

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In addition to the above new capital projects, FNH shall continue to review, maintain and re-invest in existing assets and operations to ensure maximum benefit to the Company, plus review on an ongoing basis other capital investment opportunities as they arise.

As referred above the Company is working with both Council and Central Government on the following projects.

- Manea (Cultural and Arts Centre, Hokianga);
- Te Hononga, Kawakawa (tourism hub);
- Bay of Islands Airport – additional opportunities in addition to the new terminal;
- Paihia Waterfront (additional infrastructure);
- Russell Wharf (additional infrastructure);
- Opuia Wharf – Events/Superyacht Pontoon;
- Ngawha Innovation and Enterprise Park;
- Kaikohe Community / Cultural / Tourism Hub; and
- Ngawha Springs (redevelopment and upgrade of the existing springs).

These projects should all come to fruition in the period 2019/22.

### Financials

#### Operating Profit 3-year Forecast

FNH is forecasting an operating profit after tax for the 2019/20 year to be \$2.143 million, and for the 2020/21 year an after-tax profit of \$2.450 million.

The company foresees a small increase in the after tax profit for the following period 2021/22 with budgets indicating a profit of \$2.550 million.

#### Consolidated Shareholders' Funds and Total Assets

For the period from July 2019, the Company is forecasting continued growth in total assets and shareholder's funds.

The Company's asset growth will primarily be a result of the PGF developments listed earlier. No allowance has been made for any asset revaluations over the period.

Asset values are forecast to increase to \$108.4 million by June 2020.

The company is aware that there may be accounting treatments around the PGF funding, and how that is to be accounted for in the company's books has yet to be determined, so may see these numbers change. For the moment the numbers above assume that the assets in FNHL books, for which PGF funding has been received, will be valued at costs less the PGF funding received for that asset.

Consolidated Shareholders' funds are budgeted to total \$56.2 million by June 2019, increasing to \$57.4 million for June 2020 and \$58.0 million by June 2021. During this period, the Company is also budgeting to pay dividends of \$3.8 million to Council.

## Statement of Intent 2019 - 2022

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## Distribution Policy

## Dividends

The Shareholder may require FNH to pay a dividend of 50% of its after tax operating profit no later than 28th February in the following financial year; for the following years the company will endeavor to pay the following minimum amounts:

2019/20 Financial year	\$1,215,000
2020/21 Financial year	\$1,340,000

FNH may from time to time present commercial proposals to the Shareholder for an alternative use of the Shareholder's share of after-tax operating profit for its consideration.

## Share Redemption

In the event that the company has not within a period of two years been able to develop the Kaikohe farm site to its potential as an innovation and enterprise park, and thus not led to the establishment of businesses or industry thereon, the company will look to dispose of the farm, and from those proceeds or other resources, will look to repay to its shareholder, over a period no longer than 4 years, the sum of \$5.0 million by means of share redemption.

## Accounting Policies

FNH's current Accounting Policies are set out in the notes to its annual financial statements at 30 June 2018. The treatment of PGF funds received by the company is still to be finalised, as mentioned earlier, otherwise there is no material change in accounting policies envisaged over the period covered by this SOL.

## Reporting to Shareholders

FNH will provide quarterly reports to its Shareholder in November, February, May and an Annual Report in September. FNH will provide details of its forecasts of earnings, cash flow and balance sheet structure, if requested by its Shareholder.

In addition, representatives from FNHL will attend Community Board meetings at least once a quarter to update them on current projects and plans that affect their ward, and will include regular communication with the relevant board when physical works are to commence in the ward.

## Transactions with Far North District Council

In transactions with FNDC for the provision of goods and / or services, FNH will seek trading terms and conditions applicable to external customers.

## Statement of Intent 2019 - 2022

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### Acquisition of Shares

If FNH wishes to acquire shares in another company or organisation, it will notify its Shareholder at least 30 days in advance.

### Performance Targets

A schedule of the detailed non-financial and financial performance indicators for the 3 years of the SOI can be seen on pages 8 and 9.

### Performance Outlook

FNH has an agreed set of performance measures and targets which form the basis for accountability to delivering on Council's strategic direction, priorities and targets. These are reported on a quarterly basis, in accordance with the CCO Governance Manual. These include measures agreed as part of the 2018/28 LTP.

FNH has worked closely with FNDC to develop a new, improved, streamlined and robust set of performance measures for the 2018/28 LTP and 2019-22 SOI. A comprehensive performance measurement and reporting framework also exists outside of the SOI process.

Statement of Intent 2019 - 2022

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Financial Performance Objectives			SOI Target 2019/20	SOI Target 2020/21	SOI Target 2021/22
<b>Performance Objective</b> Engage in successful commercial transactions			<b>Measure</b> Growth in Shareholder value	Shareholders' funds increase by \$1.12m, after payment of dividend	Shareholders' funds increase by \$1.125m, after payment of dividend
<b>Target 2016/17</b> Achieved	<b>Target 2017/18</b> Achieved	<b>Target 2018/19</b> SHF inc by \$1.0m	<b>Comments</b>		
<b>Performance Objective</b> Provide a commercial return to FNDC			<b>Measure</b> Dividend return to FNDC	Pay minimum \$1.215 million for 2019/20	Pay minimum \$1.340 million for the 2020/21
<b>Target 2016/17</b> \$719,500 paid in Feb 18	<b>Target 2017/18</b> Dividend to be paid of \$843,810 in Feb 19	<b>Target 2018/19</b> Forecast dividend of \$887,000 to be paid Feb 20	<b>Comments</b> This forecast dividend is \$200,000 greater than prior SOI forecasts		
<b>Performance Objective</b> Effective Financial Management			<b>Measure</b> Annual operating profit after tax to exceed \$500,000	\$2.143 million	\$2.450 million
<b>Target 2016/17</b> Achieved \$1,438,110	<b>Target 2017/18</b> Achieved \$1,687,621	<b>Target 2018/19</b> Operating profit \$1,985,000	<b>Comments</b> Going forward the company has budgeted a taxation liability as its tax losses available in previous years come to an end. The extent of the effects is still being determined but a realistic allowance has been made in the forecasts.		
<b>Performance Objective</b> To achieve a return on funds invested			<b>Measure</b> Return on Investment (ROI) is higher than the average cost of borrowing on its commercial assets	ROI 8.79% AV cost of borrowings 4.83%	ROI 9.18% AV cost of borrowings 4.85%
<b>Target 2016/17</b> Achieved ROI 6.90%	<b>Target 2017/18</b> Achieved ROI 8.63%	<b>Target 2018/19</b> ROI 9.7%	<b>Comments</b> These returns going forward are calculated on an after tax basis.		

## Statement of Intent 2019 - 2022

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Financial Performance Objectives			SOI Target 2019/20	SOI Target 2020/21	SOI Target 2021/22
<b>Performance Objective</b> Asset growth and development			<b>Measure</b> Capital Expenditure		
			\$7.086 million	\$2.015 million	\$1.000 million
<b>Target 2016/17</b> Achieved	<b>Target 2017/18</b> Achieved	<b>Target 2018/19</b> \$9.30 million	<b>Comments</b> The expenditure in the 2019/20 year reflects the work around PGF projects and the balance of that into 20/21.		
<b>Performance Objective</b> Effective Governance and Financial Control			<b>Measure</b> Clean audit sign-off each year from Audit NZ Annual Board Review with appointed Audit NZ representative To remain within Banking covenants Quarterly audit review by BDO Board Audit and Finance committee meetings to be conducted semi-annually		
			To achieve	To achieve	To achieve
			To be held	To be held	To be held
			To achieve	To achieve	To achieve
			To perform	To perform	To perform
			To be held	To be held	To be held
<b>Council Controlled Organisation Initiatives</b> Ensure that the Bay of Islands Airport operates within regulatory requirements			<b>Measure</b> CAA Certification		
			To achieve	To achieve	To achieve
<b>Target 2016/17</b> Achieved	<b>Target 2017/18</b> Achieved	<b>Target 2018/19</b> To achieve	<b>Comments</b> Current certification valid till December 2019		
<b>Non-Financial Performance Objectives</b>			SOI Target 2019/20 %	SOI Target 2020/21 %	SOI Target 2021/22 %
<b>Performance Objective</b> Enhancing the Far North as a visitor destination			<b>Measure</b> Each year complete at least one customer and airline industry survey that demonstrates satisfaction levels with facilities and services at either Kerikeri or Kaitiaki Airports		
			85%	85%	85%
<b>Target 2016/17</b> Not achieved	<b>Target 2017/18</b> Not achieved	<b>Target 2018/19</b> No survey proposed	<b>Comments</b> FNH working with Air New Zealand on construction of new terminal		
<b>Performance Objective</b> Enhancing and developing a maritime economy			<b>Measure</b> Each year complete at least one marina user or maritime services customer satisfaction survey that demonstrates satisfaction levels with facilities and services available		
			95%	95%	95%
<b>Target 2016/17</b> Achieved 80%	<b>Target 2017/18</b> No survey undertaken, Marina under construction	<b>Target 2018/19</b> Survey being undertaken Target is 95% satisfaction rating	<b>Comments</b> Bio Security and MPI Surveys		

## Statement of Intent 2019 - 2022

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Non-Financial Objectives	Performance		SOI Target 2019/20 %	SOI Target 2020/21 %	SOI Target 2021/22 %
<b>Performance Objective</b> Enhancing the Far North as a destination		<b>Measure</b> Complete bi-annual customer satisfaction surveys with Cruise Ship industry that demonstrates satisfaction levels with FNH as security authority and provider of disembarking infrastructure	85% or higher satisfaction	Only every second year	85% or higher satisfaction
<b>Target 2016/17</b> Achieved Cruise line rating of 86%	<b>Target 2017/18</b> N/A	<b>Target 2018/19</b> Target to achieve an 85% or better rating	<b>Comments</b> Survey to be complete with one operator with two brands.		

## Board's Approach to Governance

## Current Board Membership

- Bill Birnie CNZM (Chairman - term ends 30 October 2019)
- Sarah Petersen (Chair Audit & Risk – Term ends 28 February 2021)
- Kevin Baxter (term ends 30 June 2020)
- Hon Murray McCully CNZM (term ends 28 February 2021)
- Ross Blackman (term ends 30 September 2019)

In undertaking its activities, the Board of FNH will exhibit and ensure:

1. Sound business practice in its commercial undertakings, operating as an efficient and effective business;
2. Ethical and good behavior in dealing with all parties;
3. An active partnership approach with Maori, and all other people in business throughout the Far North, promoting effective communication where appropriate;
4. To comply with all relevant legislative requirements including those relating to the principles of the Treaty of Waitangi;
5. An open and transparent approach to decision-making with its Shareholder, while respecting the need for commercially sensitive information to be protected;
6. Operate according to the best practice statements produced from time to time by the Institute of Directors in New Zealand (Incorporated);
7. That Council's vision and aspirations are considered and that FNH is conscious that it needs to contribute to the overall financial performance of Council; and
8. FNH is a good employer in accordance with the legislation guidelines set by Government.

### Statement of Intent 2019 - 2022

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The Board will adopt the following approach to its fiduciary responsibilities to ensure good governance:

- Prepare a 3-year SOI setting out its strategic goals and obtain the Shareholder's agreement to this statement;
- Define its organisation structure and individual accountabilities by ensuring management have clearly defined job descriptions;
- Set corporate budgets for earnings and cash flow;
- Delegate both responsibility and authority to its Chief Executive;
- To hold regular board meetings to monitor progress towards the Company's goals and objectives; and
- Prepare Quarterly and Annual Reports to its Shareholder as required and in accordance with current business plan.

### Engagement with the Shareholder

To ensure the implementation of good governance within FNH and within the Shareholder, both parties agree to maintain a high level of communication between each other.

The Chief Executives will use their best endeavors to communicate in a timely manner and ensure that matters are raised so there will be 'no surprises'.

FNH's relationship with the governing body of Council will generally be for the purposes of developing strategic direction, agreeing statements of intent, service agreements and levels of funding, and performance monitoring and reporting.

The Board believes that regular communication with the Shareholder is essential to the good governance of the business and therefore FNH will, in addition, seek to meet informally with FNDC as required by either FNH or its Shareholder, to deal with any other matter of mutual interest.

Processes will be established for on-going and regular contact with senior management (SLT) to share information, provide a commercial dimension when required and to ensure alignment with Council's strategic direction.

FNH will attend Iwi Forums, where invited, and attend Community Board meetings where appropriate or invited to if agenda items warrant their presence.

**10.4 FRAUD QUESTIONNAIRE - AUDIT NZ****File Number: A2513689****Author: Janice Smith, Chief Financial Officer****Authoriser: William J Taylor MBE, General Manager - Corporate Services****PURPOSE OF THE REPORT**

To seek approval from Council for the attached questionnaire to be sent to Audit NZ as part of the control framework review for the June 2019 Annual Report

**EXECUTIVE SUMMARY**

- Audit NZ have a schedule of checks that they undertake annually to establish a control framework for their audit.
- One of those is concerned with fraud and how it is reported to the elected body.
- Audit NZ provided a list of questions, which have been responded to, and approval to send the responses is now sought

**RECOMMENDATION**

**That Council approve the responses to the fraud questionnaire provided.**

**1) BACKGROUND**

As part of every audit, Audit NZ carries out a control framework assessment. This allows the audit team to develop a work plan based on the responses to questions posed to the organisation. One of these aspects concerns fraud and Audit NZ has sent a set of questions that require Council approval to the responses made.

**2) DISCUSSION AND OPTIONS**

The Manager – Risk and Improvement has provided responses to the questions raised by Audit NZ. Audit NZ require the elected body of Far North District Council to review these responses and approve them for release.

**Reason for the recommendation**

To comply with a requirement of the June 19 annual audit process

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications

**ATTACHMENTS**

1. **Audit New Zealand - Fraud enquiries for Elected Members - A2513303**  

**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 <a href="#">Council's Significance and Engagement Policy</a>	Low
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Audit NZ requirement
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.	N/A
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.	N/A
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.	N/A
State the financial implications and where budgetary provisions have been made to support this decision.	none
Chief Financial Officer review.	The Chief Financial Officer prepared this report

## Audit New Zealand

### Fraud enquiries: Those charged with governance

<b>Enquiries regarding fraud</b> Topics to cover: <ul style="list-style-type: none"> <li>• The governing body's role in relation to fraud.</li> <li>• Actual, suspected, or alleged frauds.</li> <li>• Reminder to report all frauds to Audit New Zealand.</li> <li>• Representations that will be included in the representation letter.</li> </ul>
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### Specific enquiries

<b>Role in relation to fraud</b>	
What role do those charged with governance have in monitoring management's exercise of its fraud prevention responsibilities?	Any suggested fraud issues would be thoroughly investigated and Elected members would be made aware of any confirmed fraud issues through the Audit, Risk & Finance Committee.
How does management communicate identified fraud risks? How do they provide assurance that anti-fraud controls are in place and operating?	The Audit and Assurance Specialist role carries out relevant checks on the potential areas of fraud and reports outcomes to the Audit, Risk & Finance Committee
If a fraud risk assessment has been completed, what input did those charged with governance have?  Do you consider that the fraud risk assessment was a robust process?	A 'fraud risk assessment' per se has not been completed. However various internal audits have been completed, such as the information security audit, financial control systems and the contract management audit which have assessed areas where fraud could be exercised. Recommendations for improvement in controls were identified and many have been implemented.
How are those charged with governance informed of actual, suspected or alleged frauds?	As outlined in point 1 above, Elected members would be made aware of any fraud issues through the Audit, Risk & Finance Committee
<b>Actual, suspected, or alleged frauds</b>	
Have any frauds been identified or are there any suspected or alleged frauds?	None have been identified. One case of suspected fraud was investigated, however this was not substantiated.

Fraud enquiry TCWG - Matt's Input

<p>For any identified frauds, were these investigated by management and have the results of the investigation been reported to those charged with governance?</p> <p>How did the fraud occur? How was it identified? What happened to fraudster, how much was involved and were any monies or assets recovered?</p>	<p>None have been identified.</p>
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**11 CHIEF EXECUTIVE OFFICER****11.1 CEO REPORT TO COUNCIL 01 APRIL 2019 - 31 MAY 2019**

**File Number:** A2523685

**Author:** Mia Haywood, Accounting Support Officer

**Authoriser:** Jaime Dyhrberg, Executive Officer

**PURPOSE OF THE REPORT**

The purpose of the report is to present the CEO Report to Council: 1 April 2019 - 31 May 2019 for Council's consideration.

**EXECUTIVE SUMMARY**

The CEO Report to Council is a summary of Council activities, presenting an overview across all activities that Council undertakes. We have placed emphasis on relevant issues and pressures Council is experiencing whilst meeting its objectives to the community.

**RECOMMENDATION**

**That the Council receive the report "CEO Report to Council 01 April 2019 - 31 May 2019 ".**

**BACKGROUND**

The CEO Report to Council is attached and covers a detailed overview of progress against Council's activities. His Worship the Mayor and Councillors' feedback is welcomed.

**DISCUSSION AND NEXT STEPS**

This report is for information only.

**FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications or budgetary provision needed as a result of this report.

**ATTACHMENTS**

1. CEO Report to Council\_1 April 2019 - 31 May 2019 - A2523677  



## **Chief Executive Officer's Report To Council**

Period: 1 April 2019 – 31 May 2019

### **Key Work Plan Areas:**

**CEO Office**

**Strategy**

**Governance**

**Corporate**

**Operations**

**Infrastructure and Asset Management Services**

### **Introduction**

Welcome to this CEO report, which provides an overview on the Council's activities for the period 1 April 2019 – 31 May 2019.

**Welcome to the latest summary report of Council activities****Introduction from Shaun Clarke, Chief Executive**

The April-May 2019 reporting period sees the Far North District Council continuing to advance as a progressive council, via an ambitious programme of 34 organisational change projects. We are delivering an increasing number of significant completions as we draw towards the end of the financial year, and handling some significant challenges along the way.

Particular highlights for this period include the amount of work being done in advancing our long term view of the district and it's potential. The strategy team (Strategic Planning and Policy) have advanced a discussion document called 'FN2100' (District Strategy – Far North 2100, as an 80 year forecast) for consultation in September 2019. The District Plan is also advancing well with feedback on a draft policy framework now collated, and further framing of the spatial plan advancing.

Other much anticipated strategic work involves the survey of stakeholders (evaluating the relationships with our 40 key stakeholders), and renewed emphasis on our iwi and hapu relationships, with more to report in the next period.

Elected Members have been intimately involved in Annual Planning throughout the reporting period, with the culmination of decisions taken coming to the June Council meeting for ratification in June.

The Risk Management aspirations of the Council are finally realised with the adoption of a methodology, the Top 12 Organisational Risks and a corresponding 'dash board' for governance to monitor.

The Three Waters Interim Alliance has reached its next logical stage of maturity with a formal external review of its fitness and performance having been completed with good results – all contributing to a longer term agreement for an Alliance which manages a significant part of our business in potable and waste waters (with storm water now also intended). The alliance between FNDC and Broadspectrum has now been successfully branded as 'Far North Waters' with its own identity and logo.

Realisation of FNDC aspirations for the Provincial Growth Fund is also progressing well, with the application for the Kaikohe Hub (Te Pu o Te Wheke) now submitted, and four bids totalling more than \$30m for roading now also advanced through the Northland Transport Alliance.

In the digital space, our on-line services provision (providing a number of quick and easy self-help options for customers) is coming along well, with a launch and short introductory video released during the period. Property file digitisation is now 58% complete (slightly ahead of schedule) and due to be finished in August 2020. The innovative work that the Council is doing in Customer Experience (CX) was offered to the CX community at the annual 'Customer Experience and Engagement Summit 2019' in Auckland last month – generating significant interest and serving to prove that we are thinking and working at the leading edge of customer relationship improvement.

On the challenges front, District Services Group continues to work on the recovery of compliant service delivery as a Building Consent Authority. The large number of changes introduced in short succession through the process redesign work of the last year has begun to take effect. However, that extra workload has, in the short term, also contributed to an exacerbation of a problem with consistently meeting statutory requirements. A visit from the regulatory and supervising authorities (MBIE and IANZ) during the period has verified that we are on track to recover, but there is still plenty to be done and risk to manage. There is a comprehensive workplan now in place, good advisors on board, regular reporting to IANZ, and a formal assessment scheduled for early October.

Another challenging issue for the period resulted from an investigation into the currency of all bylaws, which revealed that seven are overdue for review. A recovery plan has now been developed and will come to Council for approval at the June meeting.

We continue to work hard on generating the best outturn for our Capital Programme spend, with achievement of some 70 percent of the target now forecast. The more complete achievement of capital plans will take more than one financial year to fully realise.

The election is approaching with nominations open from 12 July to 16 August 2019, voting documents going to households on 20 September and the close of voting set for midday on Saturday 12 October. There are numerous activities being advanced in support, including a pre-election report and promotional work to get people standing and voting.

Finally, I draw particular attention to the arrival of Mr Will Taylor, who joins us as General Manager Corporate Services from the UK, via a few years in Thailand. Will has some 14 year of experience as a CEO within a career in UK local government. We are extremely privileged to have a man of Will's calibre join us on the management team.

## **CEO Office**

### **People and Capability**

#### **Strategic Policy & Planning**

Strategic Policy and Planning underwent a restructuring during May 2019, to enable the group to be more adaptable to the changing workload. We are now in the recruitment phase of the restructuring process, with the new structure being implemented 1 July 2019.

#### **Other Business**

- Collective Bargaining has commenced with the PSA Union.
- The Council's external Career Webpage has been reviewed and additional content to reflect our culture and highlight employee benefits and opportunities.
- The Reward and Recognition scheme, that recognises exceptional performance, has been updated with the revised program to be rolled out from 1 July 2019.
- Recruitment is progressing well within the NTA with the final leadership appointment due to start late June 2019.

#### **Domestic Violence Legislation Training**

All people leaders attended workshops enabling them to recognise, respond, and refer to appropriate support, for those affected by domestic violence.

The aim is to raise awareness of the impacts of domestic violence through the workplace. Specialist training was provided to Wellness Advocates whose role is to act as an additional point of contact for staff providing confidential guidance and general advice to employees about Council's support options and external support agencies.

#### **Te Ataarangi Te Reo Maori**

In total, almost 40 staff continue to participate in the three Te Ataarangi lunchtime workshops that take place every week. Feedback from the attendees on progress and knowledge of Te Reo and tikanga is outstanding.

In May 2019, a number of the more advanced participants have been trained by Matua Chris Dunn to facilitate sessions independently.

#### **End of Year Reviews**

End of year reviews are targeted for completion by the end of May 2019. This deadline allows for all FY19/20 KPIs to be set for the start of the new financial year. The M7 performance review system, now in its second year of use, simplifies and speeds up the review process, enabling all staff performance measures to cascade down from the Chief Executive's KPIs.

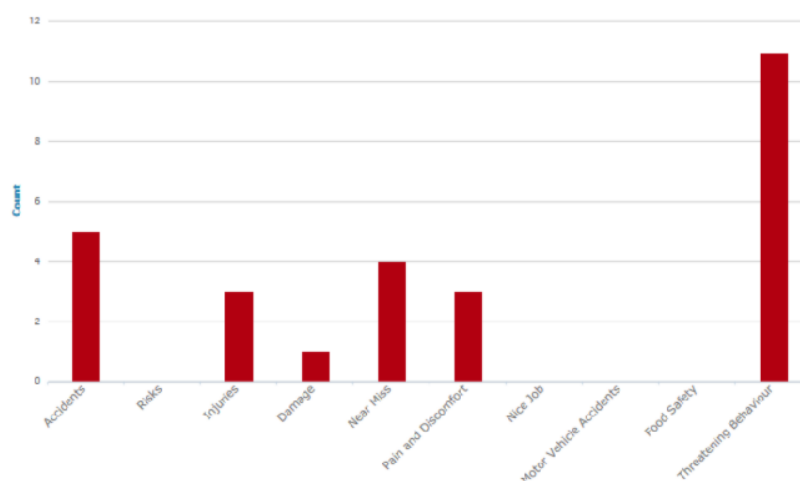
## Health, Safety & Wellbeing

### Summary of Activities

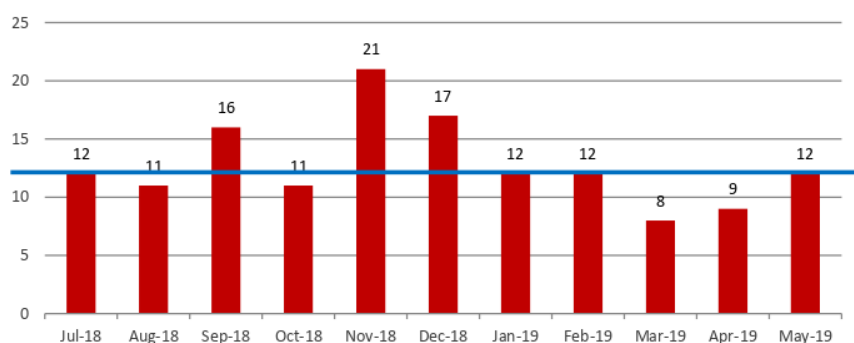
- Council has been dealing with a number of threatening behaviour related incidents occurring during the period, with one contractor assaulted and NZ Police called to intervene. Eleven incidents of threatening behaviour were reported in this period.
- In May 2019, Anti-bullying morning teas held around council offices.
- Wellbeing Advocates appointed to support staff (eight in total).
- Close out of the WorkSafe directive letter, with Quarry Manager appointment.

The graphs below show the number of PeopleSafe Stories against incident types told during the reporting period.

### PeopleSafe Stories Types during the reporting period



### PeopleSafe Stories Told 2018/2019 – Financial year to date



Over April and May 2019, PeopleSafe stories have been told covering 27 incident types

## Staffing, Salaries and Training

### Current Staffing Levels

Actual Head Count at 31 May 2019	Actual Full Time Equivalent (FTE) at 31 May 2019	2018-19 Annual Plan Establishment (FTE)
353	336.9	356

### Salaries and Training 2018-2019

Financial Performance as at 31 May 2019	YTD Actual	YTD Budget	YTD Actual vs Budget	Annual Budget
Salary Costs	\$23,410,149	\$24,418,767	\$1,008,618	\$27,595,979
Training Costs	\$535,581	\$753,276	\$217,695	
<b>Training as a % of Salaries</b> (Sector average is 4%)	<b>2.28%</b>	<b>3.08%</b>		

### Vacancies

As at 31 May 2019 FNDC held the following vacancies:

Department	Number of Open Vacancies (FTE)
CEO/Communications/People & Capabilities	0
Corporate Services	7
District Services	14
Infrastructure & Asset Management	6
Strategic Planning & Policy	13
NTA	5
<b>FNDC TOTAL (FTE) * includes fixed term and casual roles</b>	<b>45</b>

## Communications

### Media releases

Thirteen media releases were issued about:

- A traffic survey for the Integrated Transport Plan
- Lifting of water restrictions
- New portal for Council meeting documents
- Community funding workshops
- Progress at the Kerikeri Wastewater Project
- The Disability Action Group's drive for new members
- Seven bylaws that had expired
- A review of the Speed Limits Bylaw
- Repairs to Waitangi Bridge
- The upgrade of the Council's Rawene-Omanaia Water Scheme
- The refurbishment of Oruru Hall
- The allocation of community grants by community boards

The team fielded 27 media enquiries. The top three subjects were:

- Council water supplies
- Council wastewater schemes
- Compliance issues (consents, bylaws and licensing)

### Other outputs

Communication products produced included:

- One quarterly *Creating Great Places* newsletter that was posted to 26,000 ratepayers with rates bills
- Two monthly *Creating Great Places* newsletters, which were published in *The Northern Advocate* and *The Northland Age* as full-page newspaper adverts
- One bi-monthly newsletter about the Kerikeri Wastewater Project, which was posted to businesses and households in the new wastewater treatment plant's area of benefit
- One bi-monthly, full-page newspaper advert in *The Northern Advocate* highlighting progress with the project
- Creating Great Places-branded radio and digital adverts

- Five videos about the Kerikeri Wastewater Project, District Plan Review, Online Services Programme, Executive Assistant vacancy in the CE Office and installation of picnic tables in a Kaikohe park
- 36 Facebook posts promoting Council projects and initiatives
- 124 new 'likes' of the Council's Facebook page
- Six issues of *Great People*, a fortnightly newsletter that celebrates Council staff and their achievements on behalf of elected members and communities

**Support to the Mayor**

Support to the Mayor in writing seven newspaper columns about:

- Trustpower Community Awards
- Provincial Growth Fund and Council investment in the Hokianga
- 2018/19 tourism season
- Upgrade of Jaycee Park in Kaitaia
- Lifting of water restrictions
- The life and work of the late Sir Hekenukumai Busby
- Building sector boom

## **Strategy**

### **Planning**

#### **Annual Plan**

The Annual Plan for 19/20 is nearing completion and will be adopted at the 27 June 2019 Council meeting.

#### **Pre-election Report**

The pre-election report for 2019 is well underway and will be published by 5 July 2019.

#### **Revenue Review**

The revenue review was scoped at a Council workshop in May 2019, with a view to establish Elected Member preferences prior to the election in October 2019. The incoming council will then confirm proposals to be made to the public as part of an LTP amendment and consultation.

## **Strategy Development, Bylaws and Policies**

### **District Strategy – FN2100**

A workshop with Councillors on 2 May 2019 continued the development of the next iteration of the prototype that will form the basis of a discussion document on FN2100 that will go out for public consultation in September 2019.

Administration has spent the month of May 2019 preparing for the iwi and hapū engagement events and a summit with key strategic stakeholders, all of which are scheduled to occur in June 2019.

A survey of forty strategic stakeholders and partners was kicked off in May 2019. The intent of the survey is to gauge the quality of the relationship that Council has with each group with the aim of developing plans to improve each relationship. The result of the survey will be brought to the Governance and Strategic Relationships Committee in July 2019.

### **Bylaws and Policies**

An investigation into the currency of all bylaws was completed in April 2019. The result of this investigation identified the following seven bylaws as being automatically revoked or to be revoked in the near future:

- Control of Amusement Devices and Entertainment Premises: revoked on 16 October 2016
- Land Drainage: revoked on 16 October 2016
- Trade Waste: revoked on 16 October 2016
- Control of the Use of Public Places: revoked on 25 March 2017
- Control of Vehicle Crossings: revoked on 26 May 2017
- Mobile Shops and Hawkers: revoked on 29 July 2017
- Reserves: revoked on 9 December 2017
- Keeping of Animals, Poultry and Bees: will revoke on 13 September 2019
- Control of Earthworks: will revoke on 28 February 2020

Administration, with the support of a consultant, have been analysing each bylaw and have developed a plan to address the making of new bylaws to replace the revoked and soon to be revoked bylaws.

The analysis of the bylaws and the plan to make new bylaws will be brought to the June 2019 Council meeting for approval.

Administrative changes to the Speed Limits Bylaw went out for consultation in May 2019 with five submissions being received. One of these submissions requested a change to the bylaw. A paper recommending the adoption of administrative changes to the Speed Limits Bylaw is going to the June 2019 Council meeting.

Administration has been developing a new risk management policy to replace the current policy and a koha policy. These will be brought to the Audit Finance and Risk Committee in July 2019.

**Iwi/ Hapū Relationship Agreements**

The following events occurred across the reporting period that have contributed to growing and enhancing the relationships with current and future Memorandum of Understanding (MOU) partners:

- Meetings with the Ngāti Hine MOU steering group
- A meeting to reconsider an MOU with Te Rūnanga O Whaingaroa
- A Te Oneroa-a-Tōhē technical steering group meeting and workshop with the Board
- An invitation has been extended to iwi inviting them to attend engagement events for Far North 2100 that are planned across the month of June 2019
- A meeting with the The Parahirahi Ngawha Waiariki Trust

## **Community Wellbeing**

### **Community Plans**

- The Towai-Maromaku Community Development Plan has been completed and was received by the Bay of Islands-Whangaroa Community Board on 20 May 2019.
- The Broadwood Community Development Plan has been completed and was received by the Te Hiku Community Board on 28 May 2019.

### **Community Placemaking**

In 2018, the Punguru Rugby Club and the Te Kura Taumata o Punguru (Punguru Area School) approached the Council, via the Kaikohe-Hokianga Community Board, for a solution to the lack of lighting.

The club is North Hokianga's only remaining senior rugby team with players travelling from Kaitaia, Pawarenga, Broadwood, Kohukohu, Punguru and Mitimiti. They previously practised using car headlights.

Floodlights were installed on an area of the Punguru Area School grounds in April and the project was a partnership between the Rugby Club, Te Kura Taumata o Punguru (Punguru Area School), the Far North District Council and lines company Top Energy.

## **District Planning**

### **District Plan Review**

Feedback on the draft policy framework has been collated, analysed and supported with a web update in April 2019 with further meetings held with tangata whenua reference groups and stakeholder groups in May 2019. Continuous refinement of the policy framework and further framing of spatial planning is taking place and is also being influenced by the April 2019 gazettal of the new National Planning Standards.

A focussed 'place planning' programme is underway. This is analysing the most appropriate options to ensure that there is sufficient development capacity (land supply with infrastructure) for housing and business land to meet the expected demands of the district.

The collaborative planning technique models and evaluates scenarios for housing and business land supply in each of our growing townships whilst ensuring that broader well beings are factored in determining the most appropriate outcomes for the short medium and long term (three, ten and thirty years). This means working with other agencies such as the Northland District Health Board and Top Energy along with internal technical advisors from Council's service delivery groups. The process will utilise Treasury's "Living Standard Framework" in District Planning.

The process will also align with proposed changes from Central Government on urban planning. A proposed National Policy Statement on Urban Development (NPS-UD) is proposed to replace the existing National Policy Statement on Urban Development Capacity (NPS-UDC). The place planning process currently being deployed will greatly assist in responding to this new direction being signalled via the new national policy statement which is likely to apply to all urban areas that are expected to experience growth.

### **Indigenous Biodiversity Identification and Mapping Project**

Northland territorial authorities are working collaboratively on a project to identify vegetation considered to be 'Significant Natural Areas'. This is a requirement of the Regional Policy Statement for Northland.

Project work has continued through May 2019 with a number of milestones met and advancement of the identification of the potentially significant natural areas.

Guidelines, drafted by the ecological specialists to assist with the identification process, have been reviewed by the Department of Conservation and the Regional Council and were confirmed in May 2019.

A draft literature review has also been completed with the document serving as an interim report that will be split into three (one for each of the districts) and will include a detailed description of the methodology.

Initial targeted site assessments are scheduled to commence in June 2019.

**Kerikeri Domain**

The consultation period for the draft Kerikeri Domain Reserve Management Plan (RMP) closed on 15 March 2019. Community participation was strong with over 150 submissions received.

A Community Board workshop held on 8 May 2019 was arranged to discuss the issues raised by the submissions and clarify any final amendments to the draft RMP.

The Kerikeri RMP subsequently progressed through Bay Of Islands - Whangaroa Community Board Deliberations on 20 May 2019 with recommendations for Council approval and for the creation of a managing body.

The RMP will be presented to the June 2019 Council meeting for Council approval.

## Northland Forward Together

Below is a snapshot of the active Northland Forward Together projects that are being progressed by Northland Councils.

Priority is to Regional Economic Development, Four Waters, Provincial Growth Fund, Digital Enablement and the 2019 Election Campaign.

Northland Forward Together – Snapshot of Individual Project Status and Actions May 2019			
Projects	Lead Council	Status	Developments/Actions
Regional ICT programme	FNDC	In progress, new ToR being established	<p>Priority continues to the Northern Transport Alliance ICT requirements</p> <p>Other opportunities for alignment for discussion are:</p> <ul style="list-style-type: none"> <li>Regional GIS opportunities</li> <li>ICT policies sharing and establishment of collaboration workspace</li> </ul>
Provision of GIS services to KDC	NRC	In progress and new target	A memorandum of understanding and an agreement for the provision of services including a full-time resource to deliver GIS projects to Kaipara has been signed by NRC and KDC. The next step is to begin the recruitment to be ready for the effective date of 1 July 2019.
LIDAR capture for Northland	NRC	In progress. June 2019 target will be challenging	Completed capture of the Awanui catchment. As at 20 May 2019, approximately 87% of Northland coverage had been completed. RPS contract completion date set at June 2019.

Projects	Lead Council	Status	Developments/Actions
Four Waters	WDC	In progress and on target (subject to national enquiries)	<p>Ten sub projects: Eight projects in progress and on track Two projects in progress and off track</p> <p>Environmental Engineering Standards (EES) have been completed for WDC and provided to other Councils to adopt or amend per their requirements. Currently waiting for District Plans to introduce new EES. The CE Forum and NFT have been kept up to date on the changes to the water industry. Currently undertaking high level evaluation of funding requirements not catered for within the 18/28 LTP and a high level evaluation of service delivery options. Minister of Health has released minor changes to the drinking water standards.</p> <p>NZDWS and RC compliance evaluation introduced in greater detail.</p>
Digital Enablement Plan	Northland Inc.	In progress and on-target	<p>The Digital Enablement Plan has been refreshed: eight projects in four work streams. National funding of Marae digital hubs has been announced with three Northland Marae already connected. More are being supported to engage through TPK for support. The Digital Infrastructure Map requires more information to support an accurate picture following the RB12 extension funding through the Provincial Growth Fund, to guide deployment and provide evidence of need. A regional on-line broadband survey was completed (February/March 2019) with an outcomes report being completed to support the data of the Digital Infrastructure Map. Announcements have been made supporting deployment of regional digital hubs. This work programme is outside the regions DEP and does not have the support of DEG members.</p>

Projects	Lead Council	Status	Developments/Actions
Provincial Growth Fund	WDC	In progress and on-target	As at 6 May 2019, \$773M in funding from the Provincial Growth Fund has been publically announced to a total of 195 projects. Funding announcements have been made for 42 Northland projects totalling over \$132M, equivalent to 16% of allocated funds. The Far North, Whangarei, Kaipara, through to the Northland Transport Alliance are all pursuing roading/infrastructure improvements. Whangarei is also focused on the Twin Coast Discovery Route and city attractions with Kaipara and the Far North looking at community projects. The Regional Council is managing a project on water storage and use, having recently been awarded funding from the PGF. NZTA is leading on a series of business cases for the Twin Coast Discovery Route with projects centred on walking and cycling safety, resilience and tourism.
Regional Economic Development	FNDC	In progress	<p>Building on the Regional Economic Development Study, council have been tasked by the Mayoral Forum to propose a regional delivery model with consideration of governance and funding.</p> <p>Council's approved recommendations and preferred service delivery model for regional economic development in a two stage approach. The recommendation included the development of a regional economic development strategy, an approach to future funding and governance arrangements.</p>

Projects	Lead Council	Status	Developments/Actions
2019 Election Campaign	NRC	In Progress	<p>The Election Campaign will focus on two phases: Stand and vote. Each Council committing equally to the overall \$40K budget. Overall messaging and creative agreed at CE Forum. Copy/visuals being worked on with contracted designer.</p> <p>Videographer/photographer engaged. Scripts being finalised and production to start shortly (NRC). Local elections website being updated.</p> <p>Marketing/communications schedule with dates and channels being finalised.</p>

## Provincial Growth Fund

The NZ Transport Agency (NZTA) received funding to develop business cases for improvements to State Highway 11 and State Highway 12, and township plans for Awanui, Horeke, Rawene, Kohukohu, Dargaville, Kaikohe, Kawakawa and Moerewa. Funding for these Twin Coast projects was from the Provincial Growth Fund (PGF). Public input into township plans will take place in June 2019.

For State Highway 12 (Rawene to Katui Road on the other side of the Waipoua Forest), NZTA sought public feedback on options including:

- Improvements to the parking and access facilities at the Opononi Township waterfront
- A new shared use path between Opononi and Omapere
- Speed management from Opononi to Omapere
- New road crossing facilities at Fairlie Crescent and the Opononi Area School
- Kauri Coast cycle route improvements
- Access improvements to the intersections at Pakanae Cemetary Road and Waiotemarama Gorge Road
- Access improvements to Waimamaku
- Improved signage and wayfinding along the corridor to include cultural stories
- Improved access to rest areas and upgrades to amenities along State Highway 12
- Safety improvements along State Highway 12 from Rawene through to Katui Road

For State Highway 11, options included:

- A new roundabout at the State Highway 1 intersection at Kawakawa and improved pedestrian connections.
- An extension of the shared use path at State Highway 11 at the Haruru Falls Road intersection.
- A new shared use path between Paihia and Waitangi
- Paihia Town Centre improvements
- Enhancing access to the Waitangi Treaty Grounds
- Delivery of the Te Haumi Flats safety and beautification improvements
- Safety improvements to the State Highway
- Improved signage and wayfinding along the corridor to include cultural stories
- Investigation of improved ride share and public transport options.
- Improved stormwater treatment to protect the environment

## Corporate

### Governance

Work continues to maximise our investment into Infocouncil with the recent implementation of the new web portal. The improvement to web publishing allows users to easily access and search meeting information online as either an HTML webpage or as a PDF document. Infocouncil is configured for tablets and mobile phones, so information can be accessed on the move.

### Local Body Elections

The Local Government Regulatory Systems Amendment Bill has been enacted and staff are developing a joint electoral campaign, alongside a localised engagement programme, with staff from other Northland councils.

The campaign aims to get people to stand as candidates, engage Northlanders in the local elections and achieve voter turnout greater than 50%. It aims to particularly engage all 18+ who are apathetic about voting as well as non-active voters – with a particular focus on those under 30 years of age and Māori.

The campaign will be split into two phases: Stand and Vote, with a separate campaign being led by Election Services around the enrol phase.

Key messages for the joint Northland campaign will be:

Stand	Vote
Love your community? Lead it.	Love your community? Show it
Arohatia ōu hāpori? Tū Mai	Arohatia ōu hāpori? Whakatūturu mai
Stand as a candidate in your local elections	Vote for who you want to represent you

The campaign will include:

- Ten videos featuring Northland residents who represent key demographics
- Social media
- Campaign website
- Radio advertising
- Print advertising
- Posters
- Email banners
- Candidate evenings
- Digital display adverts

The campaign will run from 1 July to 12 October 2019.

Other Key dates:

- Candidate Nominations open on 12th July and close on 16th August
- Delivery of voting documents to households commences on 20th September
- Close of voting is midday on Saturday 12th October

Councils website is regularly updated with relevant electoral information.

**Audit & Risk****Risk**

The Audit, Risk, and Finance Committee completed another risk workshop on the 11 April 2019, where they were presented with the Organisational Top 12 Risks Dashboard. The Committee were guided through how this dashboard was formed and an example of a high level treatment plan was provided. This dashboard was subsequently adopted at the May Audit, Risk, and Finance Committee meeting.

**Audit**

The review of the Three Waters Interim Alliance Agreement has been completed by an external party. The Audit, Risk, and Finance Committee received these findings at their meeting on 30 May 2019. The recommendations from this review will assist in the formation of the longer term alliance agreement.

## **Information Services and Technology**

### **Property File Digitisation Project**

The project is now 58% complete and is progressing well. A total of 27,381 out of 51,104 property files have been scanned to date. The planned project completion date is August 2020, but is currently running slightly ahead of schedule. Officers are also preparing for the change in process from 1 July when the fee for accessing the property files comes into effect.

### **Back-up Solution Project**

We have completed the Request for Proposal for a new data back-up solution and have progressed to implementation with the preferred vendor.

During April and May contractors have worked with Council officers with the configuration of the new backup equipment and software.

The timeline will be to cut-over to this new environment progressively during early June. The new solution will provide Council with a more robust and resilient backup environment to accommodate additional data storage demand.

This project is a precursor to the upcoming server and storage renewal project that has started to move into the planning stages.

### **Office 365 Planning**

Work has begun on the project that will be used to plan how Council will introduce and move towards using the Office 365 platform. This platform is currently being used for bespoke tasks relating to Project Online and Power BI (Business Intelligence) and is being rolled out to the Building Control team as part of the Building Consents Process renovation work.

This project will progress over the coming months and will ultimately replace a number of services that are currently deployed via on premises implementations.

Council uses an older version of the Office suite (2010) and the move to Office 365 will mean that Council is able to provide a more secure and feature rich toolset that is used by all staff every day.

Microsoft Licencing is a large annual expenditure item that Council spend each year and moving to this platform will ensure we can maximise this investment. The use of Office 365 will also create a more collaborative environment that will support the flexible ways of working. The platform will also provide additional options for collaborations with Northland Transport Alliance and Far North Water.

## **Program Delivery & Business Intelligence**

### **Business Intelligence**

The Business Intelligence Pilot is on hold as our BI and data resources are fully allocated to the BCA accreditation effort. It is expected that these resources will continue to focus on the BCA work until the reaccreditation audit in October 2019, at which time a refocus on the BI pilot may commence.

Significant work has been progressed in support of the BCA accreditation process with a number of new improvements being delivered to the team to assist with gaining greater insight into our building consenting performance.

### **Building Consents Process Renovation**

Along side the work being completed by the Business Intelligence pilot project, a number of new improvements have been delivered that are aimed at improving the current work processes and future tranches.

### **Asset Management System**

The Procurement Board approved and recommended to Council for the progression of the new Enterprise Asset Management Systems project. Planning for the project will continue with a detailed project plan being developed in the coming months.

### **Online Services Programme**

The online services programme is progressing with training being undertaken by a range of staff during May. The project has been divided into four phases that will be undertaken over the next twelve months as follows.

- Phase 1 – ePathway Payments, ePathway request PFD, ePathway Customer Registrations, General Enquires & Contact Management
- Phase 2 – ePathway City watch Mobile App, ePathway Online Requests, ePathway Smart Mobile App
- Phase 3 – ePathway Animal Registrations, ePathway Permits & Licencing
- Phase 4 – ePathway Application Lodgement, ePathway Pre - Application Lodgement

## Operational Financial Performance

As at 31 May 2019

Whole of Council

Statement of  
Operational Financial Performance  
for the period ending 31 May 2019

	Year to date			Actuals YTD as a % of Total	Actuals YTD as a % of Annual	Full year		
	YTD Actual \$000's	YTD Budget \$000's	Variance \$000's			Total Annual Budget \$000's	Total Annual Forecast \$000's	Forecast Variance \$000's
<b>Operations</b>								
<b>Operational income</b>								
Rates - general (excl water supply rates)	77,990	77,144	846	93%	93%	84,157	84,157	0
Rates - penalties	1,268	2,073	(805)	61%	61%	2,073	2,073	0
Fees & charges (inc water supply rates)	15,842	14,748	1,095	97%	96%	16,323	16,537	214
Central govt subsidies - operational	7,388	8,065	(677)	79%	84%	9,358	8,838	(519)
Other income	1,973	891	1,082	101%	85%	1,954	2,319	364
<b>Capital income</b>								
Central govt subsidies - new works	3,854	7,711	(3,858)	34%	54%	11,211	7,120	(4,091)
Central govt subsidies - renewals	8,882	9,415	(533)	80%	75%	11,037	11,815	778
Other contributions	72	79	(7)	84%	7%	86	1,086	1,000
Development contributions	66	0	66	0%	0%	0	0	0
<b>Total operating income</b>	<b>117,334</b>	<b>120,126</b>	<b>(2,791)</b>			<b>136,199</b>	<b>133,945</b>	<b>(2,254)</b>
<b>Operating Expenditure</b>								
Payroll related costs	23,410	24,419	1,009	85%	84%	27,596	27,859	(263)
Other staffing related costs	1,588	1,763	175	82%	80%	1,932	1,995	(64)
General expenses	9,651	8,940	(711)	102%	103%	9,478	9,393	85
Rate remissions	3,492	2,126	(1,366)	161%	161%	2,165	2,165	0
Contractor & professional fees	35,202	38,705	3,504	80%	77%	43,798	45,925	(2,127)
Grants and donations	1,657	1,966	308	80%	77%	2,072	2,153	(81)
Allocations (direct and indirect)	0	1	1	0%	0%	(0)	(0)	0
Interest costs	2,059	2,378	319	79%	79%	2,594	2,594	0
Sub-total	77,060	80,298	3,238			89,635	92,084	(2,450)
Depreciation and other asset costs	24,799	31,237	6,438			34,076	34,076	0
Gain/Loss on Disposal	2,828	0	(2,828)			0	0	0
<b>Total operating expenditure</b>	<b>104,687</b>	<b>111,535</b>	<b>6,847</b>			<b>123,711</b>	<b>126,160</b>	<b>(2,450)</b>
<b>Net operating surplus/(deficit)</b>	<b>12,647</b>	<b>8,591</b>	<b>4,056</b>			<b>12,488</b>	<b>7,785</b>	<b>(4,704)</b>

Statement of  
Capital Financial Performance  
for the period ending 31 May 2019

	Year to date \$000's			Actuals as % of Total Budget	Actual as % of Annual Forecast	Full year \$000's		
	YTD Actual	YTD Total Budget	Variance			Total Annual Budget	Total Annual Forecast	Forecast Variance
<b>Capital Works</b>								
District Facilities	2,930	5,053	2,124	41%	57%	7,215	5,181	2,034
Stormwater	855	1,631	776	50%	48%	1,701	1,785	(84)
Solid Waste	213	202	(11)	47%	82%	452	259	193
Wastewater	7,701	17,553	9,852	34%	72%	22,377	10,705	11,672
Water Supply	3,341	5,636	2,295	48%	60%	6,981	5,538	1,443
	15,039	30,075	15,035	39%	21%	38,726	23,467	15,259
Roading & Footpaths	16,111	17,170	1,059	66%	63%	24,309	25,409	(1,100)
<b>Other</b>								
Environmental Management	273	979	706	28%	148%	981	184	797
Governance & Strategic Administration	1,687	4,062	2,376	27%	79%	6,186	2,131	4,056
Customer Services	330	681	351	41%	44%	805	742	62
<b>Total Capital Works</b>	<b>33,439</b>	<b>52,967</b>	<b>19,527</b>	<b>47%</b>	<b>64%</b>	<b>71,007</b>	<b>51,933</b>	<b>19,074</b>

**LGOIMA Monthly Statistics****Data as of 31 May 2019**

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	Ombudsmen Investigations (if any)
Jan	13	13	0	0	0
Feb	26	23	1	2	0
Mar	11	11	0	0	0
Apr	16	12 (2 open)	1	1	0
May	17	12 (4 open)	0	0	1

## Operations

### Customer Service

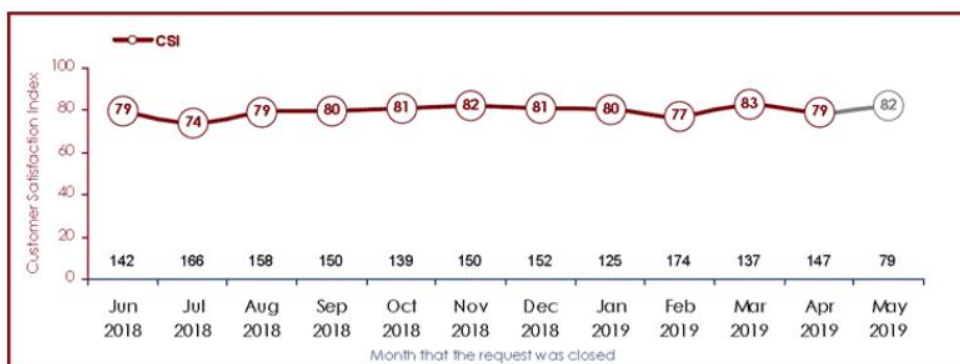
#### Customer Experience Programme

##### Closed RFS – Customer Satisfaction Index (CSI)

The scores provided below are for the four months ending 31 May 2019.

- Overall CSI for Requests for Service = **80**
- CSI for requests made via the After Hours provider = **84**
- CSI for library services = **93.1**
- CSI for visits to i-SITEs and Service Centres = **99.0**

##### Monthly CSI Trend for closed Requests for Service:



**Customer Service Statistics**

The following statistics are for period 1 April – 31 May 2019:

**Contact Centre / Service Centres**

- 18.83% increase in the financial counter stats for service centres (4,215 up from 3,547)
- 2.5% decrease in calls to the Contact Centre (16,307 down from 16,729)
- 36.38% increase in property file requests (1,087 up from 797)
- 47.65% decrease in the number of Ask.Ur emails (1,666 down from 3,183)
- 27.31% decrease in the number of Building Inspection bookings (849 down from 1,168)

**i-SITEs**

- 19.29% increase in visitor numbers (52,522 up from 44,026)
- 6.31% decrease in retail revenue (\$17,584 down from \$18,769)

**Libraries**

- 14.87% decrease in total checkout numbers (60,857 down from 71,494)
- 44.32% increase in Ebook and Audiobook downloads (4,018 up from 2,784)

## **Regulatory Services**

### **Environmental Services**

A total of 646 Requests for Service were received during April 2019 and 503 in May 2019.

### **Animal Management**

41 dogs were impounded across the District during the month of April, with one dog being rehomed and four dogs placed with rehoming agencies.

### **Environmental Health and Monitoring Compliance**

Five premises were transitioned to the Food Act 2014 regime during April 2019 and May 2019.

Twelve food business verifications were conducted during the month of April 2019 and fifteen in May 2019.

89% (392) of food businesses are currently registered and Council staff are working with operators to register their businesses.

A total of 119 noise complaints were received during April. 84% (100) were responded to on time.

### **Building Compliance**

A total of 32 swimming pools were inspected during April 2019 and 18 in May 2019.

Of the 760 pools on Council's register:

- 654 (86%) are compliant
- 55 (7.2%) are due for inspection
- 51 (6.7%) are non-compliant

A total of eleven checks on commercial premises were conducted during April 2019 and seventeen in May 2019.

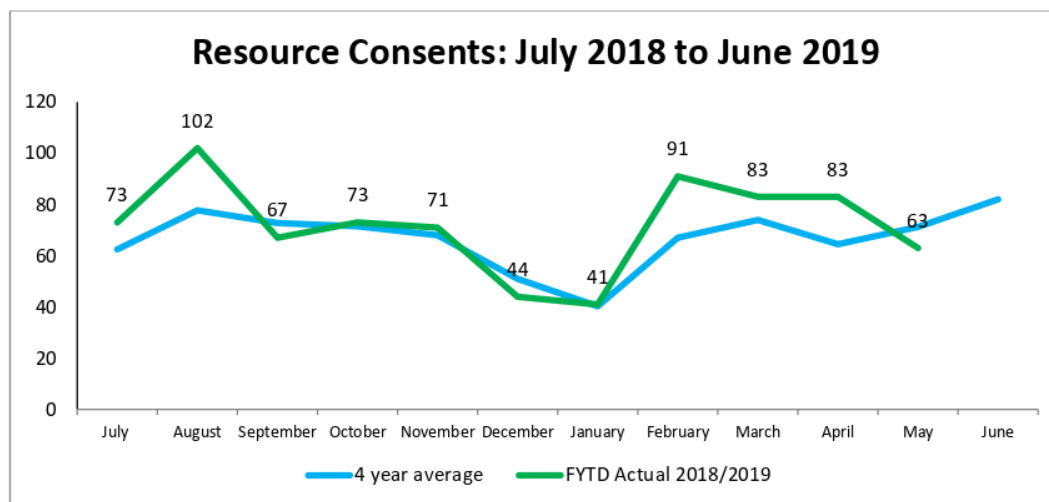
Seven commercial premises within the district are non-compliant and the staff are working with business owners to achieve compliance.

## Resource Consents Management

### Overview

- As at 20 May 2019, 1346 applications have been received for resource consent, earthworks permits, and certificates issued under the Local Government Act and Resource Management Act; 52% (700) of these relate to resource consent applications.

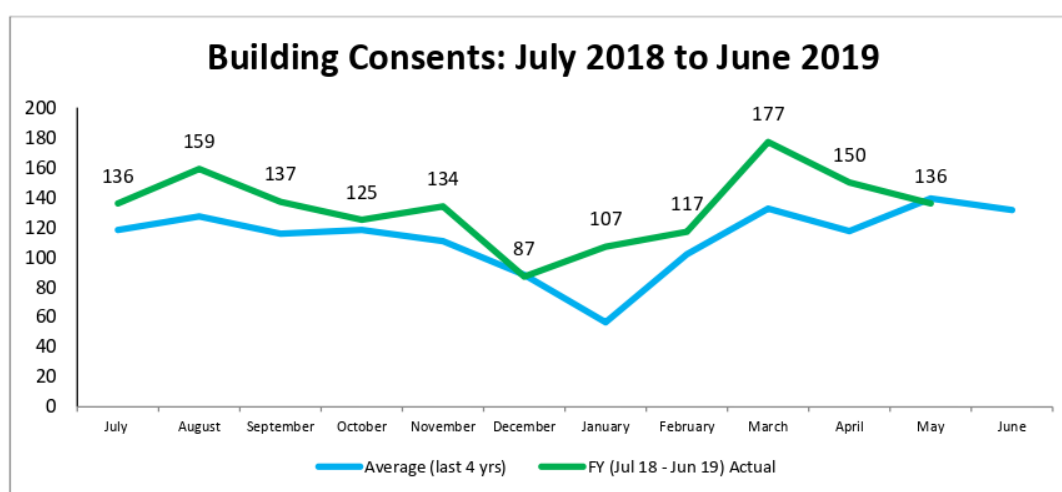
The challenges faced by the Resource Consent Team are currently being met through the use of Consultant Planners, who currently process the more complex consent applications.



### Building Consents Management

- Year to date applications was 1,465 which is 19% above the four-year average.
- 47% of building consents were issued within the legislative time frame of twenty working days
- 26 days - the average number of working days for the issue of consents in April and May.

Kerikeri Retirement Village, Kawakawa Hundertwasser community building, Kerikeri Airport, commercial shops/offices corner Kerikeri road and Hobson Ave, Paihia wharf are examples of some of the large commercial buildings under construction in the Far North. This has added to the number of inspections carried out requiring building officers to have a high commercial building competency level. Some of these inspections have been carried out by building consultants contracted to council to help with the demand for commercial inspections.



### Building Accreditation Update

IANZ and the MBIE undertook an accreditation assessment in May. Their report identified a number of non-compliances against the Accreditation of Building Consent Authorities Regulations 2006.

There is a comprehensive improvement programme underway and there have been signs of improved performance as outlined in the graphs below.

We plan to commission another independent audit at the end of August 2019 to confirm progress and identify any gaps that need to be addressed ahead of the IANZ audit in late September.

## 20 Day Compliance

As at 14 May 2019



As at 07 June 2019



**Alert**

If the application is already overdue

**Warning – High**

If the application has 0 days remaining as at today. Or the remaining tasks are expected to take all or more than the remaining days available

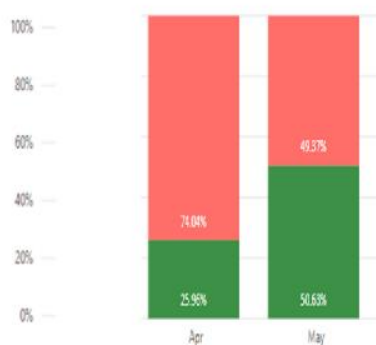
**Warning – Low**

If the tasks remaining will leave between 1 and 3 days free (zero days free is as as above, Warning – High). Or if the application has been inactive for 5 or more days

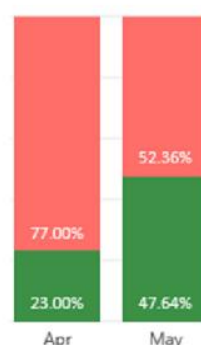
## 20 Day Compliance

Issued within 20 Statutory Days

As at 14 May 2019



As at 07 June 2019



## Infrastructure and Asset Management

### Minor lighting improvements

- Infill and water lighting improvements across the District
- Tenders close on 3 May 2019

#### Commentary

A report recommending extension of the Lighting Maintenance and Renewal Contract for one year went to the Procurement Board on 23 April 2019. This extension was built into the initial contract subject to satisfactory performance.

### Dust seals

- Sealing of critical risk roads that pose a threat to public health through dust generation

#### Commentary

Subsidised dust seal extension sites, Ngapipito Rd and Pipiwai Rd, (Overall length = 3.59 km) under contract with Broadspectrum to be delivered during the earthworks season 2018/2019. Works have commenced February and March.

### LED and Streetlight Infill Improvement works

Design work for approximately 7kms of road has been completed. Planning of procurement for construction works for the 2019/20 financial year is underway in conjunction with the NTA.

LED and Streetlight Infill Improvement works – A Second package of design work consisting of approximately 13km of road has gone out to the market.

### Unsealed road metalling

- Pavement rehabilitation and strengthening of unsealed roads

#### Commentary

Unsealed roads prioritisation matrix is in development with an update scheduled to the June 2019 Council meeting. 93% of programmed reseals are completed.

Activities by the contractor are being audited and performance managed. The contractors are meeting the specified inspection frequency. The contractor's response times for the correction of defects are audited and managed. At present the contractors are responding within the specified time.

**Improve freight productivity**

- Strengthen and maintain key forestry routes and bridges to enable HPMV and 50MAX vehicles throughout the term of this strategy

Commentary

The Northern Transportation Alliance, at the request of the PGF Steering Group, have submitted Expressions of Interest for the following five roading projects:

Project	Value	Status
Bridges 50Max and HPMV	\$6,260,000	Submitted to MBIE
Forestry Road Strengthening (and Sealing) 88kms	\$16,400,000	Submitted to MBIE
Waitangi Bridge 2 Landing	\$7,000,000	Submitted to MBIE
Totara North School Road improvements (includes Sealing)	\$350,000	Submitted to MBIE
Pou Herenga Tai, Cycle trail, Taumarere to Opua	\$7,340,000	Withdrawn

The Pou Herenga Tai, Cycle trail, Taumarere to Opua application has subsequently been withdrawn. This is because the entity Northland Adventure Experience Ltd has been established and will oversee a joint PGF application covering both the cycle trail and an expansion of the Bay of Island Vintage Railway. All remaining Roothing PGF applications are currently being considered by MBIE.

**Hokianga Ferry (Kohu Ra Tuarua)**

Year to date performance on ferry runnings as scheduled is above targeted 99% availability. Revenue received from ticket sales for the financial year to date (to March) is \$499k. This is slightly higher compared to the same time last financial year (\$491k)

Two new replacement jet propulsion units have been received and will be installed before the end of this financial year.

**Utility Services**

- Fibre Optic installations

Commentary

Kaikohe – reinstatements are underway

Kerikeri – Last section of Skudders Beach Rd is to commence shortly

Kaitaia - four areas are being worked on currently, including Commerce St. A section will be done at night so to avoid too much disruption to the public and shop owners. A letter box drop will be done to all businesses affected prior to starting, and the Te Ahu centre will also be notified

**LTP PERFORMANCE: 3 WATERS****Kerikeri Wastewater Treatment Plant**

- Detailed design nearing completion
- Order for power supply placed with Top Energy for installation
- Civils construction works are underway and progressing well on site
- Completion due December 2019

Commentary

Civils construction is underway on site. Tilt panels are due to be installed in mid-May and detailed design nearing completion. A quantity surveyor is being added to the project team to review claims to date and costs on the project.

**Rawene-Omanaia Water Treatment Plant**

- Civils works are in progress on site
- Works are progressing to programme
- Project financials tracking well
- Completion due August 2019

Commentary

Construction works on site are entering the build construction phase. Project is on target for completion at the end of August. Costs on the project are tracking well and the project will be completed within the current approved budget.

**Paihia Wastewater Treatment Plant**

- Approval for the budget increase was given during April by Council
- Meeting held with Iwi to discuss project and the planned works
- Completion due May 2020

Commentary

Following a presentation to elected members at the beginning of April, approval for the budget increase was given. A contract for the supply and installation of the bio-shells has been awarded.

**Kawakawa Water Treatment Plant**

- Design works completed
- Building issued
- Civils works underway and progressing to programme
- Project tracking well and within budget
- Completion due July 2019

Commentary

Civils works are in progress and running to the current project programme. A delay of 10 days was incurred due to unforeseen issues with a wall planned to be used as a supporting wall but following excavation was found to be unsuitable for use. A redesign has taken place and a variation for \$19K was issued for the installation of a new wall and the works are again on track.

**LTP PERFORMANCE: DISTRICT FACILITIES****Northern Dog Shelter**

- Tenders received and being reviewed
- Tender site visits took place on 16 May 2019
- Completion due November 2020

Commentary

Engineering cost estimate from the Quantity Surveyor, areas of possible cost reduction are being investigated. A building consent application is to be lodged. Tender closed 31 May 2019.

**Southern Dog Shelter**

- Tenders received and being reviewed
- Tender site took part on 16 May 2019
- Building consent application lodging process to be followed
- Resource consent process yet to be completed
- Completion due November 2020

Commentary

Consultation and approval from the local Iwi is ongoing. Engineering cost estimate from the Quantity Surveyor covering areas of possible cost reduction are being investigated. Evaluation of tender and presenting to Council after tender closes on 31 May 2019.

**Tourism Infrastructure Funding - Toilets**

- A draft tender document has been prepared and being reviewed by procurement
- Iwi and public consultations are currently in progress.
- Progress report No. 2 has been sent and approved by MBIE. Payment of \$256,450 for this milestone has been invoiced.
- Completion due November 2019

**ROAD SAFETY****No. Fatalities**

Period	Northland	Nationally
Jan – Feb 2019	*6	62
Jan – Feb 2018	9	65

\* 4 State Highways, 2 Local Roads

**CURRENT PROJECTS****Te Hiku**

- Laying main cables for Ultra fast Broadband is almost complete in Kaikohe and is now starting in Kaitia five months ahead of schedule. Next will be Coopers beach, Paihia and Russell.
- Taipa culvert. Repairs to culvert triggered a request for fish passage for stream. Fish passage solution in process of being installed by specialist.
- Taipa bridge development (NZTA) works ongoing

**Kaikohe-Hokianga**

- Wekaweka Road Bridge repairs Waimamaku. Complete
- Waimatenui/Mataraua. Road Kaikohe. Bridge No 15. Underway. replace the bridge bearers, running boards, kerbs, dig out and concrete abutments and to repair sections of damaged railings

**Bay of Islands-Whangaroa**

- Kaeo bridge: NZTA approved \$16.7 million to fund the implementation, consenting and construction of the Kaeo bridge <https://www.nzta.govt.nz/assets/projects/kaeo-bridge/Kaeo-Feb-2019-web.pdf>

### Ahipara Wetland Restoration

Works recently completed by the Projects department has been the complete restoration of the Constructed Ahipara Wetland. The wetland receives treated effluent from the Ahipara Sewage Treatment Plant and is used for nutrient removal.










Over the past decade sludge had built up in the wetland which resulted in a reduced retention time, and it was decided that a complete restoration was required. This was done in three separate sections as there was insufficient capacity at the site to store the removed sludge whilst allowing it to dewater. It also allowed for some of the wetland to remain online while works were carried out. The process utilised was to isolate a third of the wetland at a time, dewater, excavate the sludge and old plants, line the wetland with geocloth, lay a large rock base, then topsoil and plant with Raupo.












After planting, water was introduced back into the wetland and the level increased over the following months to give the plants the opportunity to establish themselves. While this was happening, the excavated sludge was naturally dewatering and once 20% dry solids was achieved it was then transported to the Kaitaia Sludge Storage Facility located at the Kaitaia Sewage Treatment Plant. The whole process was repeated two more times after each restored section was brought back online.

The result has been a healthy wetland with a very much improved capacity. Interestingly a rare (classified as threatened – nationally critical) Matutku (Australasian Bittern) has been sighted on a couple of my visits back to the wetland. Raupo wetlands are its preferred habitat.





INFRASTRUCTURE PLANNING							Key: • Complete • In progress • Parked  Stormwater  District Facilities  Wastewater  Water  Transport
Activity	Asset Group	Status				Expected Completion	
		Concept	Plan	Deliver	Handover		Comment
Strategies / Plans / Policies							
District Transport Strategy		•	•	•		FY19/20	Preparation of an Integrated Transport Strategy is underway to determine the high level district-wide transport problems and objectives. This is being undertaken in conjunction with work on the very high level District Strategy called Far North 2100 and with the District Plan Review process. An Integrated Transport Plan will follow to develop a prioritised implementation programme. Traffic Counting and Modelling has commenced for Kerikeri. Other townships and larger scale modelling is being considered.
Rawene WWTP Optioneering		•				On-going	Staff are working with engineering consultants and Rawene locals to identify options for discharging wastewater to land. This is an on-going project.
Proposed Regional Plan for Northland	All	•	•	•		1 June 2019	The NRC has notified its post-hearing version of the Proposed Regional Plan. Staff from FNDC and WDC made joint submissions on the Proposed Regional Plan and are now collectively assessing the notified version to determine if appeals need to be made.
Water Demand Management Plans		•	•			TBA	Water Demand Management Plans (WDMP) aim to identify ways a particular scheme can manage demand to limit the need to invest in increased capacity. Parked until BRANZ household water use data is available.
Backflow Prevention Policy		•	•			FY19/20	New Zealand Drinking Water Standards require evidence that risk of network contamination in our water supplies is being managed. Options for controlling risks in the network are being considered through the development of a Backflow Prevention Policy.

Water and Wastewater Connections Policy						FY19/20	A policy or internal guideline for water and wastewater connections will increase transparency and support consistent decision making when considering requests to connect to the water and wastewater networks around the district.
Sludge Strategy						FY19/20	Removal and disposal (use) of wastewater sludge is a growing problem in New Zealand. Staff are further analysing options for a productive end use for sludge in the District.
Kaitia Water Strategy							Staff are quantifying the cumulative issues with the Kaitia Water Supply and recommending a forward direction for the supply.
Pahia Water Strategy							Funded through the Tourism Infrastructure Fund, consultants are assisting in defining the weaknesses in the Pahia Water Supply and preparing a business case if change is necessary.

## DISTRICT FACILITIES

### Parks and Reserves

- Works on significant memorial sites and cemeteries were completed ahead of ANZAC Day.
- Lucy Baxter Reserve, Omapere: all twenty two pine trees were removed for safety reasons following a pine tree falling on the road last year.
- Large areas of noxious weed, pest and plant removal carried out at Waipapa landing Reserve and Skudders Beach Reserve, Kerikeri.
- Continue to roll out upgrades to existing assets, particularly picnic tables, across the District.



Upgrading Picnic Tables: Kaikohe Memorial Park

- There was additional cleaning and rubbish bin emptying due to the extended summer season, school holidays, and the proximity of Easter to ANZAC Day. There have been no formal complaints received, which is different from previous years.
- Mowing was an issue towards the end of March and in April due to temperatures remaining mild resulting in grass bolting away, particularly Kikuyu. The contractor's focus has been on keeping sports fields maintained before the winter codes require use of the grounds.

## Solid Waste

### Contract Renewals

Procurement planning meetings have been held on the contract to operate the Russel Landfill and Transfer Stations and provide Waste Minimisation Education; both expire in January 2020.

### Health and Safety

Asbestos procedures and fall from height hazards have been reviewed and minor improvements are being implemented as a result.

### Ahipara Landfill

Capping of the final cell has been completed. Top soiling and re-grassing is underway. Remedial work on the capping of old cells is planned to happen starting around spring 2019.

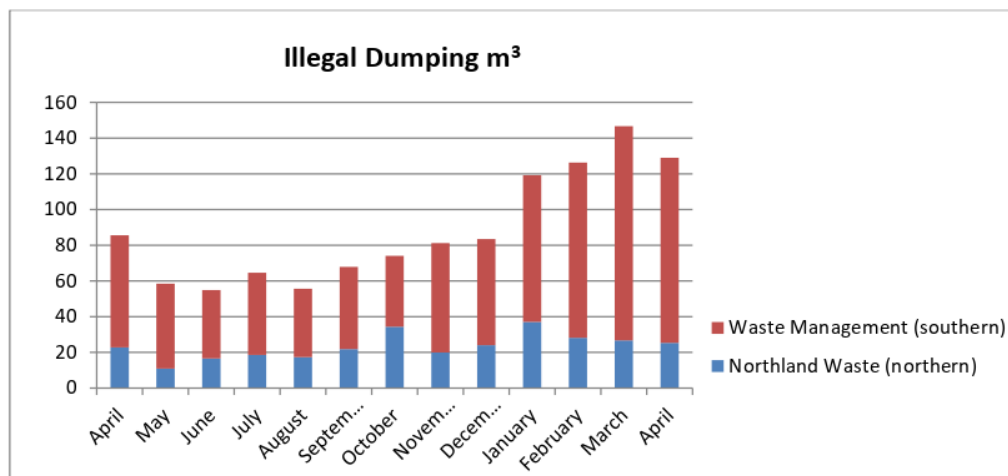
### Town Maintenance

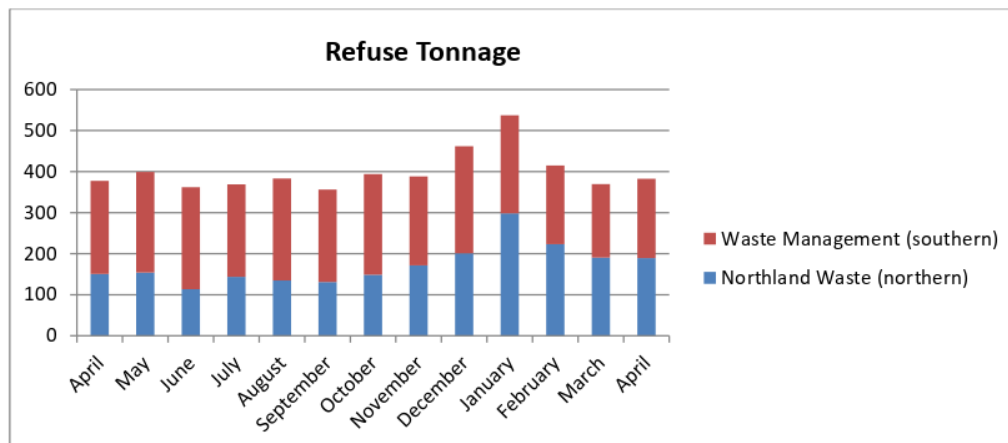
New recycling stickers have been posted on the recycling bins in Kaitaia and Kaikohe.



### Community recycling centres

On going discussions are being held regarding the opening of community recycling centres in Rawhiti and Waitangi.





### Community Facilities

- Community hall committee AGM minutes, annual financial statements and statistics for 2018/19 are in the process of being reported to the relevant Community Boards for their information.

### TIF Funding

- The Kaitiaki Rangers – Karikari Peninsula programme ended at the end of April. This has been seen as a successful programme with the final report back to MBIE underway. This programme involved a collaborative approach with staff from DOC and NRC as well as the Rangers representing the local hapu of Ngati Kahu.
- The seasonal Alpine toilet located adjacent to Lake Rotopotaka has been stored until later this year and a decision is yet to be made on its next location.

### Housing for the Elderly

	February	March	April
<b>Number of Units vacated</b> (received for refurbishing)	Unit H3 - Kaikohe Unit 1 - Kerikeri =2	Unit 1 – Kohukohu = 1	Unit 5 – Ahipara Unit E3 – Kaikohe Unit 15 – Oxford St Unit 5 & 6 - Kohukohu =5
<b>Number of Units progressing</b>	Unit H1, H2 & H3 – Kaikohe Unit 14 & 22 – Oxford St Unit 1 – Ahipara =6	Unit H2 & H3 – Kaikohe Unit 14 & 22 – Oxford St Unit 1 - Ahipara Unit 1 - Waima Unit 1 - Kerikeri = 7	Unit H2 & H3 – Kaikohe Unit 1 – Waima Unit 1 – Kerikeri Unit 1 – Kohukohu =5
<b>Number of Units completed</b>	Unit 7 – Kerikeri =1	Unit H1 & F3 – Kaikohe =2	Unit 14 & 22 – Oxford St Unit 1 - Ahipara =3
<b>Total Undergoing refurbishment</b>	8	8	10

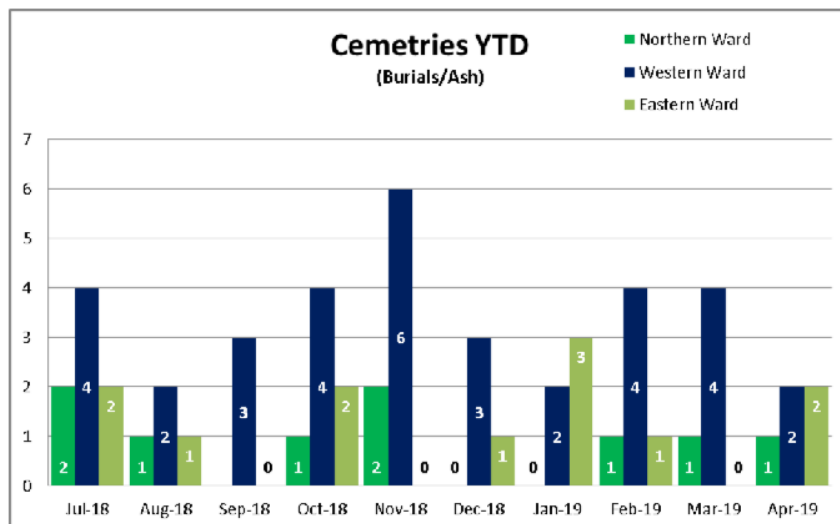
### Leases / Agreements

- Rawene Campus has now been handed back to Council. The campus comprises office blocks, classrooms, sheds, orchards and numerous other facilities (refer to some of the photos below). Some facilities and spaces are in very good condition while others are in desperate need of attention. There is considerable community interest in what happens to the site and facilities going forward.



## Cemeteries

- Large scale maintenance carried out on trees located in the Kaikohe, Kerikeri, Kawakawa and Kaitia Cemeteries in time for ANZAC day.



**CIVIL DEFENCE****National**

- The Department of Prime Minister and Cabinet are working to amend the CDEM ACT 2002 in order to apply the Government's Emergency Management System Reform decisions.
- MCDEM will be following up with CDEM Groups on their approach to the Government's response to the Emergency Management System Reform to determine what steps have been taken to meet desired outcomes and what reprioritisation may be required to group work programmes
- The MCDEM Leadership Team are assessing how the recent Nelson Tasman Fires, 15th March terror attacks and West Coast severe weather event have impacted on their capacity to deliver the Ministry's work programme. A number of activities have been stopped, slowed, postponed or cancelled which may cascade down and affect progress on some work programmes within local CDEM Groups

**Regional**

- Northland CDEM Group response to Emergency Management System Reforms - a number of desired outcomes for the Emergency Management System Reform were already undertaken by the Northland CDEM group prior to the review and are already in place, underway or are awaiting further decision and guidance at a national level to be able to proceed.
- Planning is underway to strengthen recovery arrangements across the northland region. Presentations are planned to be delivered to executive teams within district councils starting with KDC and then rolled out to the FNDC and WDC.
- The annual Northland CDEM Forum was held on Wednesday 1 May attended by 250 stakeholders including members of the public. The forum brings together a broad range of local and national speakers and people within the Emergency Management field that contribute to Civil Defence in Northland.

### Local

- A one day Emergency Operations Centre Training Course followed by a one Day Exercise has been undertaken by Council staff in Kaikohe as part of the Northland CDEM Groups structured training program and ongoing emergency readiness for council.
- 56 staff have completed Coordinated Incident Management training and varying other CDEM related training courses.
- As a result of requests from the Karikari community and an engaged and proactive civil defence response group, directional evacuation route signs for tsunami have been installed on the Karikari Peninsula as a pilot project.



- The tsunami alarm network was tested on 7 April to ensure the sirens activate as per their design specification. The Council has 60 alarms installed across the district. Two alarms were recorded as requiring maintenance.

### Warning Monitoring

- A National Warning System test message was received and responded to as per SOPs on 07:30 17 April 2019.

## **12 INFORMATION REPORTS**

### **12.1 ELECTED MEMBERS GUIDELINES DURING THE 2019 LOCAL BODY ELECTIONS**

**File Number:** A2457640

**Author:** Caroline Wilson, Manager - District Administration

**Authoriser:** William J Taylor MBE, General Manager - Corporate Services

#### **PURPOSE OF THE REPORT**

Provide Elected Members with the guidelines for communication in the pre-election period, as published by the Office of the Auditor General. The pre-election period runs from 12 July to 12 October 2019.

#### **EXECUTIVE SUMMARY**

Elected members should ensure their conduct during the pre-election period is in accordance with the communication guidelines published by the Office of the Auditor General and the principles set out in section 4 of the Local Electoral Act.

#### **RECOMMENDATION**

**That the Council receive the report “Elected Members Guidelines during the 2019 Local Body Elections”.**

#### **BACKGROUND**

Local elections must be conducted in accordance with the principles set out in section 4 of the Local Electoral Act. The principles apply to any decision made by a Council under that Act or any other Act, subject only to the limits of practicality. A breach of the principles can give rise to an “irregularity” which could result in an election result being overturned. In this context the principles relate to public confidence in the election process. The conduct (including decision-making, activities, and public statements) of all Elected Members and Council staff during the pre-election period is expected to uphold these principles.

#### **DISCUSSION AND NEXT STEPS**

The pre-election period, which runs from 12 July to election day on 12 October 2019 is the subject of guidelines produced by the Office of the Auditor General (OAG) which are intended to ensure that conduct by Council staff is not perceived to support the election of a particular candidate. The report outlining these guidelines is entitled “Good Practice for Managing Public Communications by Local Authorities” and can be found at [www.oag.govt.nz/2004/public-communications/part4.htm#members](http://www.oag.govt.nz/2004/public-communications/part4.htm#members).

The SOLGM Electoral Subcommittee produces local government election resources each triennium to ensure best practice conduct of local body elections. The Elected Member Guidelines that accompany this report are based on the protocols released by SOLGM. It summarises the relevant sections of OAG guidelines and provides additional guidance in relation to the use of social media. Elected members are encouraged to be familiar with these, to ensure their own conduct during the pre-election period does not result in the OAG guidelines being breached (or being perceived as having been breached). Further information about the election will be available on Council's website, including the Candidate Information Booklet which provides further information about legal requirements of candidates. Staff are also being briefed on expected conduct during the pre-election period.

The Elected Member Guidelines, along with a copy of this report, will be sent via email to all Community Board members at the conclusion of this meeting.

## **FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications.

## **ATTACHMENTS**

1. **2019 Elections - Elected Member Guidelines - A2348680** [↓](#) 

# Local Authority Elections 2019

## Guidelines for Elected Members

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Local government elections are held every three years. In 2019, the elections will be held on Saturday 12 October. The period leading up to an election is a time of high interest from parties including the media, members of the public, and electoral candidates. Officially, the period three months from polling day is known as the pre-election period, and runs from 12 July 2019 to 12 October 2019.

As an incumbent elected member seeking re-election, you have two roles. You will continue to make the decisions of your council as members of the Council or its community boards, while at the same time campaigning for re-election as a candidate.

These protocols provide guidance for you to balance your dual role as elected members and candidates seeking re-election. It also seeks to ensure all candidates, whether incumbents or not, have a fair and equitable opportunity to participate in the democratic process. For further guidance or for clarification, please contact your Governance team in the first instance.

### Key Dates for the 2019 Elections

- 19 July – nominations open.
- 16 August – nominations close.
- 20 to 25 September – voting documents delivered to households (voting starts).
- 12 October – voting closes at noon, results announced as soon as practicable after.

### Summary

1. If you are standing for re-election, you must clearly and transparently differentiate between activities conducted as an incumbent elected member (e.g., business-as-usual activities) and activities conducted while campaigning for re-election.
2. Resources owned by the Council and made available to you should only be used for Council purposes. The use of Council resources for election purposes is unacceptable. This includes Council-owned computers and mobile phones, social media channels, email addresses and publications.
3. Council-run social media accounts are considered Council resources and must remain politically neutral during the election. You must comply with any social media guidelines for candidates at all times.
4. You will continue to have access to the information you need to do your job as an incumbent. Council officers will not provide assistance with electioneering activities.
5. These protocols have general application at all times, but are especially relevant in the three months before the local election (Friday 12 July – Saturday 12 October). It is your responsibility to ensure your behaviour falls within these guidelines.

## **Protocol 1: Continuation of Council business**

***The normal business of Council continues during the pre-election period. Incumbents seeking re-election must balance and differentiate between these two roles.***

Leading up to the election, elected members continue to have the right and responsibility to govern and to make decisions.

However, you should be mindful of an increased level of media and public scrutiny during this period and make a clear and transparent distinction between your activities as an **elected member** and your activities as a **candidate**.

## **Protocol 2: Use of Council resources**

***A local authority must not promote, nor be perceived to promote, the re-election prospects of a sitting member. The use of Council resources for re-election purposes is unacceptable.***

Council would be directly promoting a member's re-election prospects if it allows incumbent elected members to use Council resources<sup>1</sup> explicitly for campaign purposes. This includes all Council communications facilities (such as Council branding, stationery and postage, social media channels, and communications devices).

Council communications will be restricted during the pre-election period, to remove any perception that the Council is helping incumbents to promote their re-election prospects over other candidates.

Therefore, during the pre-election period:

- Council resources must not be used for campaigning purposes (including for positions not at your Council). This includes Council-supplied computers, social media channels, email addresses, mobile phones and telephone numbers.
- Elected members' columns in Council publications will be suspended.
- Elected members will be required to comply with any Council social media guidelines for candidates in all aspects of their role.
- Opportunities for elected members to act as Council spokespersons will be minimised. In general Council communications (such as media quotes) during the pre-election period will be attributed to Council staff (who are authorised media spokespersons).

Your Council contact information will still be available (for example on the Council website or in the Annual Report) so your constituents can contact you about Council business. However, you should not be using your Council-supplied email address or mobile phone for electioneering purposes. If someone contacts you regarding the election on either of these channels, **you should reply from your personal email address or mobile phone.**

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<sup>1</sup> Council resources include, but are not limited to, Council-owned or -controlled property and other resources including the Council logo and branding, all Council marketing and communication channels (including social media), Council-supplied business cards, stationery, computers, email, mobile phones, photocopiers, cars, Council venues (other than those available for hire to the general public), Council funds, and Council's human resources.

***Council's social media channels are Council resources and must remain politically neutral during the election. Elected members seeking re-election should not comment on, share, or otherwise use Council social media channels for electioneering.***

Advice on how to effectively and safely use social media during the election period is contained in Appendix 1.

Council's social media channels will remain neutral at all times. Council will promote elections and the importance of voting, but will not associate these posts with any candidates.

Please note that for the period of the election:

- Council's social media channels must not be used by anyone for campaigning purposes. Any campaign-related material (including posts related to nominations and candidacy) will be removed.
- Council social media accounts will not follow any candidates. This may result in your account being unfollowed.
- You may not reply to comments or posts on Council's social media channels encouraging people to like or follow your social media accounts.
- You may not rate, review, check-in or tag the Council's social media channels in your own posts or comments.

## **Protocol 4: Availability of information**

***Elected members will have access to the information they need to discharge their roles as incumbents and their Council contact information will still be publicly available. However, Council officers will not provide assistance with electioneering activities.***

You will continue to be supported in your role as an incumbent elected member, including by your Governance Support Administrator (or in the case of the Mayor, his Executive Assistant). However, information requests should be clearly related to Council business and not for re-election purposes.

Information requests for election purposes are welcome. These should be made to the CE Office and will be carried out in accordance with the Local Government Official Information and Meetings Act 1987.

Where the Council supplies information that is not already in the public domain to a candidate, the Council may consider any broader interest in this information alongside the requirement that Council resources are not used to give an electoral advantage to any candidate, and at the CE's discretion make this information available to all other candidates.

## **Protocol 5: Use of Mayoral resources**

Council resources provided for mayoral use should not be used for any electioneering activities associated with any candidate.

If an incumbent mayor is seeking re-election a clear and transparent distinction will be made between that mayor's business-as-usual activities and the mayor's campaigning activities.

The incumbent mayor's office will establish systems and protocols to ensure that any information or other requests from the public, media, other elected members or council employees during the pre-election period are identified

~~as either business as usual or campaign related and to ensure that these are kept separate and responded to appropriately.~~

## Application of protocols

As an elected member seeking re-election, it is ultimately your responsibility to ensure that your behaviour falls within these guidelines.

If you are unsure as to whether a particular action or request is in breach of these protocols, you should seek advice from your Electoral Officer or Deputy Electoral Officer as soon as possible.

## Review

These guidelines will be reviewed every three years before the nomination period opens for elections.

## **Social Media Guidance for Candidates**

Candidates must comply with the following guidelines for social media use and presence related to campaigning:

### **Things to be aware of**

- Election advertising, using any media, including social media, must identify the person under whose authority they have been produced, as per sections 113-115 of the Local Electoral Act 2001. This means in your profile photo/bio, you must have a statement saying that all content/images on your social media channel are authorised by you or your agent. You must include a physical address in the authorisation statement.
- The Council's social media accounts are not permitted to be used as a communications channel by anyone (candidates or members of the public) for promotion, electioneering or campaigning. This also applies to all social media accounts owned by Council-controlled organisations.
- The Council's social media accounts are constantly monitored and any campaign related or electioneering content will be removed immediately.
- If Council already follows your public social media accounts, please note you will be unfollowed 3 months prior to the election date. This protocol is in line with the Local Electoral Act 2001.
- Any social media post – positive or negative – made by any individual specifically relating to their own – or someone else's – nomination, intention to run for Council, or election campaign, will be removed immediately.
- Candidates cannot reply to the Council's social media posts or share with a comment encouraging people to like or follow their own social media accounts or any other electioneering tool. Any posts that do this will be removed immediately.
- Candidates must not link their own social media accounts (if they are used for campaigning purposes) to the Council's social media accounts.
- Candidates cannot rate, review, check-in or tag the Council's social media channels.
- The Council's social media accounts will remain neutral. Council will promote elections and the importance of voting but will not associate these posts with any candidates.

## 12.2 NORTHLAND WATER STORAGE AND USE PROJECT

**File Number:** A2513913

**Author:** Chris Sargent, Senior Strategic Planner

**Authoriser:** Darrell Sargent, General Manager - Strategic Planning and Policy

### PURPOSE OF THE REPORT

To provide Council with an update on the Northland Water Storage and Use Project.

### EXECUTIVE SUMMARY

The report provides an update to Council on the progress of the Northland Water Storage and Use Project, options for which have been studied through the “Northland Strategic Irrigation Infrastructure Study” (2016) and “Scoping of Irrigation Scheme Options in Northland” report (2017).

### RECOMMENDATION

**That the Council receives the report “Northland Water Storage and Use Project”.**

### BACKGROUND

The Far North District Council, Kaipara District Council and Northland Regional Council are investigating options for water storage and use in the Northland region. The project, known as the “Northland Water Storage and Use Project”, is led by the Northland Regional Council and is exploring opportunities for community scale water storage and use schemes in Northland. The objective of this project is to help lift the prosperity and wellbeing of local communities.

### DISCUSSION AND NEXT STEPS

The Provincial Growth Fund has now awarded \$18.5M for the scoping and development of project(s), comprising of a \$7M grant and a \$11.5 loan. Initial strategy and scoping reports identified two water storage and use options in the Far North District Council near Kaikohe, and in the Kaipara District near Dargaville. The potential projects will focus on water storage for the development of horticultural production. There is potential that the water may also be used for light industrial processing and therefore may complement the developments such as the Ngawha Enterprise Park.

The areas to be investigated have been identified for a range of reasons, including the quality of soil, potential for economic opportunity, while current employment conditions have also played a role in their selection. In addition, these areas have been identified as having low climate resilience with regards to both the current climate and to future climate changes. Currently the locations being investigated are heavily reliant on dryland pastoral farming, including sheep, beef and dairy. These industries are vulnerable to climatic shocks such as droughts and floods, both of which occur frequently in these areas and are anticipated to become more frequent with climate change.

The project benefits identified range from horticultural opportunities to business development, both of which enable employment growth at the entry level and for progressive job opportunities. The development of a single water storage and use area has been identified as having the potential to grow the local GDP by between \$60M to \$75M.

Northland Regional Council as the funding recipient is currently entering into a Funding Agreement with MBIE to deliver the project, while recognising that this is a partnership between agencies, iwi/hapu and the community.

It is intended that government funding be released in stages as key project milestones are reached, e.g. completion of the prefeasibility phase.

A Memorandum of Understanding ('MoU') has been signed by the Chief Executives of the Northland Regional Council, Kaipara District Council and the Far North District Council. This MoU documents the agreement between the parties to work collaboratively together. Having this MoU is a condition precedent to the Funding Agreement.

The parties, in working collaboratively, will establish an appropriate governance structure consisting of a Project Steering Group, a Project Advisory Group and a Project Management Group. The Project Steering Group consists of the Chief Executive Officers of the parties and a representative appointed by MBIE.

As a next step a technical feasibility study will be undertaken to develop a greater understanding of the suitability of the identified project locations.

## **FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Staff attendance at the working group meetings at this point are funded through the general staff remuneration budgets. In the future Council may be asked to consider the financial implications of this project. While the PGF award will cover the near term technical analysis, there may be requests for co-funding of portions of later phases of the project development and construction, depending on the outcomes of the technical analysis.

## **ATTACHMENTS**

**Nil**

**13 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
{ TC "13.1 Confirmation of Previous Minutes - Public Excluded" \12 } <b>13.1 - Confirmation of Previous Minutes - Public Excluded</b>	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority  s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities  s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
{ TC "13.2 Proposed rating sale - RTZ 2413185-6 Blackley" \12 } <b>13.2 - Proposed rating sale - RTZ 2413185-6 Blackley</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
{ TC "13.3 Approval of Selected Vendor and to Proceed to Contract for the Asset Management System" \12 } <b>13.3 - Approval of Selected Vendor and to Proceed to Contract for the Asset Management System</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
{ TC "13.4 Districtwide Unsealed Roads Prioritisation" \12 } <b>13.4 - Districtwide Unsealed Roads Prioritisation</b>	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority  s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	industrial negotiations)	
{ TC "13.5 3 Waters Operations & Maintenance Alliance" \2 }13.5 - 3 Waters Operations & Maintenance Alliance	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.6 - Kerikeri Pavilion Supplementary Agenda</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.7 - Draft Development Agreement with Arvida Supplementary Agenda</b>	s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.8 - Extension of Current Swimming Pools Operations and Maintenance Contract Supplementary Agenda</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
<b>13.9 - Procurement Plan for the Extension of Hokianga Ferry Operations and Maintenance Contract to 31 January 2020 Supplementary Agenda</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities  s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

**15 MEETING CLOSE**