



# Far North District Council



## AGENDA

### Ordinary Council Meeting

**Thursday, 3 October 2019**

**Time:** 10:00 am  
**Location:** Council Chamber  
Memorial Avenue  
Kaikohe

**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.		I will abstain from any debate and voting on proposed plan change items for the Far North District Plan.
		Property owner of Commerce Street, Kaitia		I will declare a conflict of interest with any planning matters that relate to resource consent processing, and the management of the resource consents planning team.
				I will not enter into any contracts with Council for over \$25,000 per year. I have previously contracted to Council to process resource consents as consultant planner.
	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties on Weber Place, 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 2 dwelling on Allen Bell Drive, Kaitaia, and 1 property on 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.	
	M and F Foy properties	1 property at Panorama Lane, Ahipara, and 1 property Church Road, Kaingaroa		
	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		No perceived conflicts	Will notify Council

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Youth Education Trust			should a perceived conflict arise.
	Founder – Bay of Islands Women's Nexus	No perceived conflicts. An informal organisation		
	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 public's
	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

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				evidence. Be thorough, thoughtful, considered impartial and 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.	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Chairman	Bay of Islands Arts Festival Trust	Issues pertaining to the application of support funds	Declare a conflict of interests
	Trustee	Bay of Islands Radio Marine	Issues pertaining to the application of support funds	Declare a conflict of 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	Declare interest and abstain

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			its assets	
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	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	Manages Russell	Seeks funds from	Step aside from

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	(Chairman)	Museum	council	any requests or decisions regarding requests
	Residence at Kaha Place, Russell	Nil	Nil	N/A
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
	Sister is currently employed by the Far North District Council.			Will not discuss any matters regarding her role or my role as Councillor that are confidential.

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	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 Council Chamber, Memorial Avenue, Kaikohe on:**  
**Thursday 3 October 2019 at 10:00 am**

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**Order Of Business**

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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 ANNOUNCEMENT**

No requests for deputations were received at the time of the Agenda going to print.

**4 DEPUTATION**

10:15 am Friends of the Kerikeri Domain

## 5 NOTICE OF MOTION

### 5.1 NOTICE OF MOTION - BUS PARK HOURS BLENCOWE STREET KAITAIA

**File Number: A2674268**

I, Councillor Felicity Foy, give notice that at the next Ordinary Meeting of Council to be held on 3 October 2019, I intend to move the following motion:

#### **MOTION**

**That the hours of bus usage for the bus park on Blencowe Street in Kaitaia be reviewed to allow for more public use, and that the CEO/Staff complete diligence on the proposal in order to achieve a decision by 01 November 2019.**

#### **RATIONALE**

This motion is proposed to reflect that bus parking is now provided at Te Ahu for the large coach buses and the building on the corner of Blencowe Street, Kaitaia is not utilised as a bus operation business. The bus operations are now undertaken from Te Ahu, which has suitable bus parking and manoeuvring.

This is not a significant issue for the general public, with the exception of the parking issues that are created for the current business operating from the corner of Blencowe Street, being Haze Real Estate. It would be appreciated if this matter can be sorted at these meetings through this notice of motion, as this matter has been on-going for many months.

I commend this Notice of Motion to Council.

#### **ATTACHMENTS**

1. Notice of Motion Cr Foy 2 Sept 2019 - A2674232  

## **NOTICE OF MOTION**

### **For Far North District Council meeting 3 October 2019 Bus Park Hours Blencowe Street Kaitiaia**

Pursuant to clause 26.1 of Standing Orders

Date: Monday 2 September 2019

I give notice that at the next meeting of the Far North District Council to be held on 3 October 2019, I will move the following motion 'That the hours of bus usage for the bus park on Blencowe Street in Kaitiaia be reviewed to allow for more public use, and that the CEO/Staff complete diligence on the proposal in order to achieve a decision by 01 November 2019'.

This motion is proposed to reflect that bus parking is now provided at Te Ahu for the large coach buses and the building on the corner of Blencowe Street, Kaitiaia is not utilised as a bus operation business. The bus operations are now undertaken from Te Ahu, which has suitable bus parking and manoeuvring.

This is not a significant issue for the general public, with the exception of the parking issues that are created for the current business operating from the corner of Blencowe Street, being Haze Realestate. It would be appreciated if this matter can be sorted at these meetings through this notice of motion, as this matter has been on-going for many months.



Councillor Felicity Foy

## 6 CONFIRMATION OF PREVIOUS MINUTES

### 6.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A2564574

**Author:** Melissa Wood, Meetings Administrator

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

#### PURPOSE OF THE REPORT

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

#### RECOMMENDATION

That Council confirm that the minutes of:

- a) the meeting of the Far North District Council held 29 August 2019 are a true and correct record.
- b) the extraordinary meeting of the Far North District Council held 5 September 2019 are a true and correct record.
- c) the extraordinary meeting of the Far North District Council held 18 September 2019 are a true and correct record.

#### 1) BACKGROUND

Local Government Act 2002 Schedule 7 clause 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 meeting 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 meeting

#### 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. Council meeting - unconfirmed minutes 29 August 2019 - A2633741  
2. Extraordinary Council meeting - unconfirmed minutes 5 September 2019 - A2647816 
3.  Extraordinary Council meeting 18 September (12 pm to 1:30 pm) - unconfirmed minutes - A2670749 (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>	This is a matter of low significance
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 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.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
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 implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This report is asking for the minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
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  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON THURSDAY, 29 AUGUST 2019 AT 10.00 AM**

- PRESENT:** John Carter (His Worship the Mayor), 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, Cr Kelly Stratford
- 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, Rachel Smith – Member of Bay of Islands-Whangaroa Community Board, Louis Toorenborg – Member of Kaikohe-Hokianga Community Board
- STAFF PRESENT:** Shaun Clarke - Chief Executive Officer, Andy Finch - General Manager Infrastructure and Asset Management, Dean Myburgh - General Manager District Services, Darrel Sargent – General Manager Strategic Planning and Policy, William J Taylor MBE – General Manager Corporate Services, Darren Edwards – General Manager Environmental, Community and Customer Services, Janice Smith – Chief Financial Officer, George Swanepoel – In-House Counsel, Richard Edmondson – Manager Communications, Jill Coyle – Manager People and Capability, Glenn Rainham – Manager Infrastructure Operations, Roger Ackers – Manager Strategic Development, Sheryl Gavin – Manager Corporate Planning and Community Development, David Clamp – Manager Infrastructure Project Delivery, Caroline Wilson – Manager District Administration, Aram Goes – Manager Operations and Maintenance, Kaye Lethbridge – Property Legalisation Officer, Trevor Green – Senior Road Engineering, Aisha Huriwai – Team leader Governance Support, Kim Hammond – Meetings Administrator

**1 PRAYER**

His Worship the Mayor commenced the meeting with a prayer.

**2 APOLOGIES AND DECLARATIONS OF INTEREST**

That apologies from Cr Colin Kitchen be received and accepted.

The Mayor advised that he would be departing shortly to attend a family members funeral.

**3 MAYORAL ANNOUNCEMENTS**

- Oruru Hall update.

**4 DEPUTATION**

Cr Sally Macauley introduced Sophie Kelly from Bay of Islands Arts Festival.

At 10:16 am, Mayor John Carter left the meeting and Cr Tania McInnes (Deputy Chair) took the Chair.

**5 MAYORAL ANNOUNCEMENTS CONTINUED**

- Ombudsman Report.
- Election Announcements.



- Acknowledged the Bay of Islands Watchdogs and their work.

## 6 NOTICE OF MOTION

### 6.1 NOTICE OF REVOCATION - REVOKING PREVIOUS RESOLUTION FOR KERIKERI BUS STOP

Agenda item 5.1 document number A2609323, pages 14 - 15 refers

#### RESOLUTION 2019/13

Moved: Cr Ann Court

Seconded: Cr Tania McInnes

**That Council agrees that the resolution 10.1 titled Cobham Road Bus Stop that was passed at the meeting of Council on 27 June 2019 be rescinded.**

*“a) Council approves in principle the relocation of bus services out of the Kerikeri CBD as a matter of urgent public safety.*

*b) Council agrees the appropriate mechanism for this matter to be resolved, in a timely manner, is for this matter to be delegated for action at an officer level.*

*c) the Chief Executive Officer be delegated authority to negotiate with FNHL for the interim use of the BOI airport terminal for coach parking facilities.*

*d) once the new coach park facility is operational the designation for a bus stop on Cobham Road, Kerikeri be revoked.*

*e) the Chief Executive Officer to report back to Council on costs / financial option”.*

**CARRIED**

## 7 CONFIRMATION OF PREVIOUS MINUTES

### 7.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 6.1 document number A2577042, pages 16 - 46 refers

#### RESOLUTION 2019/14

Moved: Cr Sally Macauley

Seconded: Cr Felicity Foy

**That Council:**

**a) confirms the minutes of the Council meeting held 27 June 2019 as a true and correct record based on the following amendments:**

**i) Cr Dave Hookway voted against Item 12 Resolution to Exclude the Public and Item 17 Resolution to Exclude the Public and requested that his vote be recorded.**

**ii) Add the report on the District Wide Unsealed Roads Prioritisation of the roads to the tabled attachments.**

**CARRIED**

#### RESOLUTION 2019/15

Moved: Cr Tania McInnes

Seconded: Cr Kelly Stratford

- b) confirms the minutes of the Extraordinary Council meeting held 4 July 2019 as a true and correct record**

**CARRIED**

Against: Cr Dave Hookway

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

### **8.1 EASEMENT OVER LOCAL PURPOSE (UTILITY RESERVE) LOT 33 DP166614 - LANDING ROAD, KERIKERI (RC 2190583)**

Agenda item 7.1 document number A2609022, pages 47 - 54 refers

#### **RESOLUTION 2019/16**

Moved: Cr Ann Court

Seconded: Cr Kelly Stratford

**That the Far North District Council:**

- a) In its role as administering body of the local purpose (utility) reserve and pursuant to its powers under Section 48 of the Reserves Act 1977, grants an easement over the local purpose (utility) reserve held in RT NA101A/441 being Lot 33 DP 166614, shown in Donaldson's plan 7202a, in favour of Lot 29 DP 166614; and**
- b) In its role as the Minister of Conservation's delegate, consents to the granting of the aforementioned easement.**

**CARRIED**

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Abstained: Cr Dave Hookway

**CARRIED 7/1**

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

### **9.1 RISK MANAGEMENT POLICY**

Agenda item 8.1 document number A2589255, pages 55 - 60 refers

#### **RESOLUTION 2019/17**

Moved: Cr John Vujcich

Seconded: Cr Ann Court

**That Council adopt the 2019 Risk Management Policy.**

**CARRIED**

**10 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP****10.1 ROLAND'S WOOD TRUST**

Agenda item 9.1 document number A2519787, pages 61 - 82 refers

**RESOLUTION 2019/18**

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

**That Council:**

- a) confirms its previous decision made at the Council meeting of 5 May 2016:
- “THAT the responsibility for development, maintenance, operation and administration of Roland’s Wood is transferred to the Trust established by the Friends of Roland’s Wood, along with the balance of the funds settled with Council for the purpose of maintaining Roland’s Wood in accordance with the Roland’s Wood Trust Deed, subject to*
- a) agreement from the High Court; and*
  - b) an agreement between the Trust and Council regarding future planning, funding, reporting and liaison*
- b) notes that the land that Roland’s Wood sits on will continue to be in the ownership of Council.”

**CARRIED**

**11 STRATEGIC PLANNING AND POLICY GROUP****11.1 REGIONAL PLAN - GENETICALLY MODIFIED ORGANISMS DECISION**

Agenda item 10.3 document number A2594359, pages 111 - 114 refers

**RESOLUTION 2019/19**

Moved: Cr Tania McInnes

Seconded: Cr Kelly Stratford

**That Council resolve to appeal Northland Regional Councils decision on the Proposed Regional Plan as it relates to the inclusion of provisions to control genetically modified organisms under Clause 14 of Schedule 1 of the Resource Management Act 1991.**

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Dave Hookway, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Nil

**CARRIED**

**12 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP CONTINUED****12.1 KERIKERI WASTE WATER ADDITIONAL BUDGET FUNDING**

Agenda item 9.2 document number A2594359, pages 83 - 85 refers

**RESOLUTION 2019/20**

Moved: Cr Ann Court

Seconded: Cr Sally Macauley

**That Council approves a Project Budget increase of \$1,500,000.00 (One million five hundred thousand dollars) to enable completion of the Kerikeri Wastewater Treatment Plant within current scope and timeframe.**

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Cr Dave Hookway

**CARRIED**

**13 STRATEGIC PLANNING AND POLICY GROUP****13.1 PROPOSED SPEED LIMIT CHANGES - OKAIHAU - KAEO - WAIMATE NORTH AREAS**

Agenda item 10.1 document number A2577016, pages 86 - 106 refers

**RESOLUTION 2019/21**

Moved: Cr Ann Court

Seconded: Cr Kelly Stratford

**That Council:**

- a) **Adopts the attached "Statement of Proposal – Speed Limits Review – Okaihau-Kaeo-Waimate Review Area – Proposed Variable School Zones" for consultation.**
- b) **Undertakes consultation on the proposed changes to speed limits set out in the attached Statement of Proposal in accordance with the Special Consultative Procedures set out in Section 83 of the Local Government Act 2002.**
- c) **Commences consultation in late October 2019, following the completion of local body elections.**
- d) **Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the attached Statement of Proposal and to approve the final design and layout of the documents prior to printing and publication.**

**CARRIED**

Note: Cr Stratford requested that further Speed Limit Reviews in low social economic parts of the district be reviewed and addressed.

**13.2 GOVERNANCE DIAGNOSTIC ASSESSMENT**

Agenda item 10.2 document number A2578079, pages 107 - 110 refers

**RESOLUTION 2019/22**

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

**That Council:**

- a) approves the LGNZ.EquiP recommendations and instructs the Chief Executive Officer to develop an implementation plan based on the recommendations.
- b) the Chief Executive Officer returns to Council with an update report before the end of March 2020.

**CARRIED**

### **13.3 SISTER CITY RELATIONSHIP BETWEEN FAR NORTH DISTRICT AND CHAOZHOU CITY, CHINA**

Agenda item 10.4 document number A2607807, pages 115 - 127 refers

**RESOLUTION 2019/23**

Moved: Cr Tania McInnes

Seconded: Cr Sally Macauley

**That the request for a sister city relationship with Chaozhou City, China be deferred for consideration until 2020.**

**CARRIED**

Against: Cr Mate Radich

The meeting was adjourned from 11.15 am to 11.24 am.

## **14 CORPORATE SERVICES GROUP**

### **14.1 CAPITAL CARRY FORWARDS JUNE 2019**

Agenda item 11.1 document number A2603944, pages 128 - 136 refers

**RESOLUTION 2019/24**

Moved: Cr John Vujcich

Seconded: Cr Tania McInnes

**That Council approves the capital budgets identified in the report "Carry Forward for Capital Programme 2018-19" totalling \$26,394,452 be carried forward to the 2019-20 financial year.**

**CARRIED**

### **14.2 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING THE ELECTION PERIOD**

Agenda item 11.2 document number A2608403, pages 137 - 140 refers

**MOTION**

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

That Council:

- a) Delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 4 October 2019 until 30 October 2019. This will be subject to a requirement that the Chief Executive Officer:
- i. may only attend to those matters that cannot reasonably await the first meeting of the new Council and;
  - ii. shall report any decisions made beyond his usual delegation to the first ordinary meeting of the new Council.

**AMENDMENT**

Moved: Cr Kelly Stratford

Seconded: Cr Dave Hookway

That Council

- a) delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 22 October 2019 to 30 October 2019.
- b) delegations will be subject to the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule and to a requirement to consult with the person elected to the position of Mayor and will only be used to matters that cannot wait for the first meeting of the new Council.
- c) any urgent decisions that need to be made during this period will require calling an extraordinary council meeting.
- d) delegation will exclude the awarding of the Swimming Pools contract.

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Dave Hookway, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Nil

**CARRIED 8/0**

**RESOLUTION 2019/25**

The amendment became the substantive motion

That Council

- a) delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 22 October 2019 to 30 October 2019.
- b) delegations will be subject to the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule and to a requirement to consult with the person elected to the position of Mayor and will only be used to matters that cannot wait for the first meeting of the new Council.
- c) any urgent decisions that need to be made during this period will require calling an extraordinary council meeting.
- d) delegation will exclude the awarding of the Swimming Pools contract.

In Favour: Crs Tania McInnes, Ann Court, Felicity Foy, Dave Hookway, Sally Macauley, Mate Radich, John Vujcich and Kelly Stratford

Against: Nil

**CARRIED**

**15 CHIEF EXECUTIVE OFFICER****15.1 CEO REPORT TO COUNCIL 01 JUNE 2019 - 31 JULY 2019**

Agenda item 12.1 document number A2602047, pages 140 - 183 refers

**RESOLUTION 2019/26**

Moved: Cr Tania McInnes

Seconded: Cr Ann Court

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

**CARRIED**

Note: Councillors request that information on the Animal Shelters and statistics on the Council's compliance with monitoring and hygiene be included in future CEO reports.

Note: Councillors wish to thank the Footpath and Cycleways Project Manager for his work being undertaken on the Footpaths with the Community Boards.

**16 INFORMATION REPORTS****16.1 ELECTED MEMBER REPORT - ROAD CONTROLLING AUTHORITIES FORUM 2 AUGUST 2019**

Agenda item 13.1 document number A2609439, pages 184 - 191 refers

**RESOLUTION 2019/27**

Moved: Cr Tania McInnes

Seconded: Cr John Vujcich

**That Council note the report entitled “Elected Member Report - Road Controlling Authorities Forum dated 10 August 2019”.**

**CARRIED**

The meeting was adjourned from 12.13 pm to 12.48 pm.

**17 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2019/28**

Moved: Cr Tania McInnes

Seconded: Cr John Vujcich

**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
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<b>14.1 - Confirmation of Previous Minutes - Public Excluded</b>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	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>14.2 - Ground Lease Horeke Playcentre</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
<b>14.3 - Letter of Assurance to Provincial Growth Fund</b>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	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>14.4 - Kaeo Wastewater Scheme Telemetry System Upgrade</b>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations</p>	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



	(including commercial and industrial negotiations)	
<b>14.5 - Approval of Three Additional Building Consultants to BCA Supplier Panel</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>14.6 - Priority Seal Extension Programme 2019-2020</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
<b>14.7 - Chief Executive Performance Agreement 2019/20</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
<b>14.8 - Options and Recommendation to build Animal Shelters at Ngawha and Kaitia</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
<b>14.9 - Supporting information for consideration of options to build Animal Shelters</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
<b>Against:</b> Cr Dave Hookway		

**CARRIED****19 CONFIRMATION OF INFORMATION AND DECISIONS IN OPEN MEETING****RESOLUTION 2019/29**

Moved: Cr Tania McInnes

Seconded: Cr Felicity Foy

**That Council confirms:**

- a) that the information contained in the part of the meeting held with the public excluded is not to be restated in public meeting; and
- b) the following decisions contained in the part of the meeting held with the public excluded be restated in public meeting:

**18.4 KAE0 WASTEWATER SCHEME TELEMETRY SYSTEM UPGRADE****That Council:**

- a) endorses the Kaeo Wastewater Scheme Telemetry System Upgrade works be directly awarded to *REDACTED*.

**18.5 APPROVAL OF THREE ADDITIONAL BUILDING CONSULTANTS TO BCA SUPPLIER PANEL****That the Council:**

- a) approve an addition of three suppliers to the Building Consent Supplier Panel.

**18.6 PRIORITY SEAL EXTENSION PROGRAMME 2019-2020****That Council approves:**

- a) the sealing of unsealed sections of Porotu Road, Puketi Road and Koropewa Road, Kumi Road, Otangaroa Road and Church Road.

**18.7 CHIEF EXECUTIVE PERFORMANCE AGREEMENT 2019/20**

That the Council adopts the Chief Executive Performance Agreement for 2019-20 in Attachment 1 (A2610874), with the addition to 1. Critical Success Factors for the CE - Council Climate Change road map 2020 (notwithstanding any earlier requirement to prepare for a national resilience and adaptation deadline within 2020).

**18.8 OPTIONS AND RECOMMENDATION TO BUILD ANIMAL SHELTERS AT NGAWHA AND KAITIA****That Council:**

- a) approves the construction of additional kennels at Bonnets Road, Kaitiaia
- c) That the CEO undertake a re-examination of location preferences for the primary Southern Animal Care Facility and present a new proposal to Council.

**CARRIED****20 MEETING CLOSE****The meeting closed at 3.20 pm.**

**The minutes of this meeting will be confirmed at the Ordinary Council meeting to be held on 3 October 2019.**

.....  
**CHAIRPERSON**

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON THURSDAY, 5 SEPTEMBER 2019 AT 12:30PM**

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

**IN ATTENDANCE:** Adele Gardner - Te Hiku Community Board Chairperson, Shaun Riley – Kaikohe-Hokianga Community Board Member, Jane Hurst – Tattico Limited

**STAFF PRESENT:** Shaun Clarke - Chief Executive Officer, Andy Finch - General Manager Infrastructure & Asset Management, Dean Myburgh - General Manager District Services, Darren Edwards – General Manager Environmental Community and Customer Services, Darrell Sargent – General Manager Strategic Planning and Policy, Richard Edmondson – Manager Communications, Roger Ackers – Manager Strategy Development, Chris Sargent – Team Leader Strategy, Louise Wilson – Team Leader Resource Consents, Brad Hedger – Resource Consents Engineer, Kim Hammond – Meetings Administrator

**1 PRAYER**

His Worship the Mayor commenced the meeting with a prayer.

**2 APOLOGIES AND DECLARATIONS OF INTEREST**

That the apology received from Cr Dave Hookway for absences and Cr Sally Macauley who will need to leave the meeting at 12.45 pm be accepted.

**3 DEPUTATION**

Nil

**4 MAYORAL ANNOUNCEMENTS**

Nil

**5 STRATEGIC PLANNING AND POLICY GROUP**

**5.1 CONTROL OF EARTHWORKS BYLAW 2019 DELIBERATIONS**

Agenda item 5.1 document number A2630417, pages 14 - 19 refers

**RESOLUTION 2019/30**

Moved: Mayor John Carter

Seconded: Cr Ann Court

**That Council agree to make the following changes to the Control of Earthworks Bylaw 2019 prior to the adoption:**

**a) Modify section 7.1 to read as follows;**

**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 earthworks:**

- b) that is beyond 3 metres of any boundary or water body, in any zone, except Mineral zone and Rural Production zone, and:**
- i. exceeds 500mm in depth, over an area that exceeds 50m<sup>2</sup>; or**
  - ii. exceeds 50m<sup>3</sup>**

**CARRIED**

Against: Cr John Vujcich

At 12:45 pm, Cr Sally Macauley left the meeting.

At 12:47 pm, Cr Tania McInnes left the meeting. At 12:49 pm, Cr Tania McInnes returned to the meeting.

## **6 MEETING CLOSE**

**The meeting closed at 1:03 pm.**

**The minutes of this meeting will be confirmed at the Council Meeting to be held on 3 October 2019.**

.....  
**CHAIRPERSON**

## **6.2 ALTERATION OF PREVIOUS DECISION - DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER DURING THE ELECTION PERIOD**

**File Number:** A2681899

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

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

### **PURPOSE OF THE REPORT**

To seek clarification about the intent of a decision made at the 29 August 2019 Council meeting regarding delegations to the Chief Executive Officer during the election period.

### **EXECUTIVE SUMMARY**

- Council considered a report at their 29 August 2019 meeting.
- The report sought Council's approval to increase the Chief Executive's delegations during the election period.
- At the meeting members amended the motion.
- This report seeks clarification on the intent of the decision as the decision recorded is contradictory.

### **RECOMMENDATION**

**That the Council alters its decision of 29 August 2019 to read as follows:**

- a) delegates all of its responsibilities, duties, and powers, to the Chief Executive from 22 October 2019 to 30 October 2019 subject to;**
  - i. the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule,**
  - ii. a requirement to consult with the person elected to the position of Mayor,**
  - iii. matters that cannot wait for the first meeting of the new Council.**
- b) delegation will exclude the awarding of the Swimming Pools contract.**

### **1) BACKGROUND**

At the 29 August Council meeting, a report titled Delegations to the Chief Executive Officer during the election period was considered.

During debate, amendments were made and the decision recorded in the unconfirmed minutes was:

That Council:

- a) delegates all of its responsibilities, duties, and powers, other than those that are statute based, to the Chief Executive from 22 October 2019 to 30 October 2019.
- b) delegations will be subject to the limitations set out in the Local Government Act set out in Clause32(1) of the seventh schedule and to a requirement to consult with the person elected to the position of Mayor and will only be used to matters that cannot wait for the first meeting of the new Council.
- c) any urgent decisions that need to be made during this period will require calling an extraordinary council meeting.
- d) delegation will exclude the awarding of the Swimming Pools contract.

A copy of the original report is available in the 29 August 2019 Council meeting as item 11.2 or online at <https://infocouncil.fndc.govt.nz/default.aspx?committee=1&year=2019&month=8>

## **2) DISCUSSION AND OPTIONS**

The recommendation in this report includes some formatting changes:

- a) splitting out 'part b' into 'parts a(i), a(ii) and a(iii)',
- b) removing 'terms other than those that are statute based', as it is clearly stated as part a(i)

Part c) of the resolution, contradicts part a) so this report seeks clarification of the intent, and recommends that the decision be altered to remove 'part c, any urgent decisions that need to be made during this period will require calling an extraordinary meeting.'

### **Option 1**

If the intent was to approve a delegation to the Chief Executive, as per part a, then there would be no need for an extraordinary meeting from 22 October to 30 October, this can be with the exemptions covered in parts b and d (part a(i)(ii)(iii) and b, as recommended)

If this is the intent then 'part c - any urgent decisions that need to be made during this period will require calling an extraordinary council meeting', should be removed from the motion.

### **Option 2**

If the intent was for any urgent decisions to require an extraordinary or emergency meeting, there would be no need for any delegation, and this would have been status quo.

An emergency meeting was recently added to the Local Government Act to provide for the Chief Executive to call an emergency meeting, where an extraordinary meeting needs to be called by the Mayor or resolution of Council.

Given that Council has since passed a resolution, if this was the intent then the Council would now need to pass a motion to revoke its decision of 29 August 2019.

### **Reason for the recommendation**

To clarify the decision made at the 29 August 2019 Council meeting.

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

There are no financial implications or need for budgetary provision.

## **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>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Although this is standard practice, there is no legislation to support the decision. Clause 32(1) of Schedule 7 of the Local Government Act however is referenced as the specific legislation that states the powers that cannot be delegated to a subordinate decision making body, community board or member of office of the Far North District Council.
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 report is of district relevance.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications of Māori in shifting delegations from the Council to the Chief Executive.
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 (for example – youth, the aged and those with disabilities).	This report requests the delegation be shifted from the Council to the Chief Executive Officer and does not impact any other persons.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or need for budgetary provisions.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.



## **7 INFRASTRUCTURE AND ASSET MANAGEMENT GROUP**

### **7.1 3 WATERS AND DISTRICT FACILITIES ASSET CONDITION ASSESSMENT PROGRAMME**

**File Number:** A2639671

**Author:** Kirsty Farrow, Team Leader - Asset Management

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

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

To seek approval to commence a 3 Waters and District Facilities asset condition assessment programme.

#### **EXECUTIVE SUMMARY**

- Roading asset management and condition assessments are undertaken by the Northern Transportation Alliance.
- The need for better asset condition data has been identified at a strategic level
- Minimal asset condition data is currently collected
- Renewal programmes are mainly determined through aged based asset profiles
- Increased investment in asset condition data collection is required to enhance the quality and robustness of decision making
- Improved condition data will support key asset management objectives
- The cost of undertaking condition surveys is significant and currently unbudgeted.

#### **RECOMMENDATION**

**That Council:**

- a) Approves \$250,000 unbudgeted Operational expenditure for 2019/2020 to commence the programme of condition surveys**
- b) Notes the requirement for \$9 Million Operational funding over 10 years to implement a 3 Waters and District Facilities asset condition assessment programme. This requirement to be reflected in the 2020/2021 Annual Plan and 2021/2031 Long Term Plan**
- c) Notes that there will be an ongoing requirement for Operational funding post 2031 for ongoing asset condition monitoring.**

#### **1) BACKGROUND**

Historically asset management for 3 Waters and District Facilities within Council has been the responsibility of a small team located within the Infrastructure and Asset Management Group. This largely ignored the need for a wider focus for asset management activity across the multiple functions of Council.

Road asset management is, and will continue to be, delivered through the Northern Transportation Alliance (NTA). The NTA use Road Assessment and Maintenance Management (RAMM) software as their asset management system, supported through regular condition surveys of the roading network. This arrangement will not change as a result of this proposal.

One of the 'significant issues' identified in the 2018-28 Infrastructure Strategy was *"A largely age based approach to asset management and the need to strengthen asset condition information, processes and systems increases the risk of sub-optimal investment decisions"*.

This theme of improving the quality of asset data was also echoed in the 2017 Council Mark assessment, and again in the Council Mark shadow review undertaken in July/August 2019, where the need for aspirational intent to be translated into actioned delivery was noted.

Asset Management is included in Council's Top 12 Risk Dashboard:

ARF 004	45	<b>X3 Asset Management Risks</b> <ul style="list-style-type: none"> <li>Asset management framework &amp; Asset Management system</li> <li>Allocation of resources</li> <li>Large asset business cases</li> </ul>	<ul style="list-style-type: none"> <li>Replacement &amp; remediation costs</li> <li>Risk of unbudgeted spend</li> <li>Problem exacerbates if systems or processes don't change</li> <li>Rating implications</li> </ul>	<ul style="list-style-type: none"> <li>Policy, Framework, Methodology, process &amp; system approach</li> <li>Review effectiveness of AMP's</li> <li>Review financial processes and depreciation models</li> <li>Asset condition and clean, quality data should drive processes</li> <li>All projects require business case</li> </ul>	<b>X2</b> 18	Identified 29 Nov, 2018 SLT Endorsed 1 April, 2019 HLTP endorsed 8 April, 2019	CEO (A) GM IAM (R)
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Council has recently launched Programme Darwin, a transformational change programme to build Enterprise Asset Management (EAM) capability.

The vision for Programme Darwin is to build a strong enterprise asset management capability that uses data to inform decision-making on our assets. There are four interlinked work streams to deliver this vision:

1. implementing an asset management system
2. managing the asset management lifecycle (LAMP)
3. people & culture
4. data & analytics.

Put simply, we cannot achieve the vision for Programme Darwin to optimally manage our assets and enable robust financial decision-making if we don't collect and maintain data on asset condition.

The Council meeting held on 27 June 2019 approved the appointment of INFOR as Council's supplier for its asset management system. Full implementation of the system will take until 2021, noting that the quality of information produced is still subject to the quality of the input data.

Understanding the health of our assets plays an important part in evidence-based decision making; condition is a key element of asset health. It also allows Council to make informed decisions around budget, risk and level of service. There is currently no planned condition assessment programme and no specific budget.

Currently condition assessments are done on an ad-hoc basis and do not form part of a planned and scheduled activity. They are generally reactive with information generally coming from the reports from Council suppliers responding to specific issues, which in turn prompts investigation that may include an assessment of condition. This reactive approach, along with financial depreciation models, has been driving the renewals programmes in the absence of the good quality condition data.

Historically there has been no standard condition grading approach or storage of condition data for each asset in the asset register. Any condition information collected was typically in the form of one-off reports or surveys that were used for short term / localised decision making rather than building up a picture of overall asset condition.

The benefits of undertaking a planned and managed approach to asset condition monitoring are:

- Accurate renewal forecasting and budgeting
- Reduced risk of early asset failure
- Better understanding of the type, timing, and cost of future maintenance (e.g. repairs) to optimise asset life
- Reduced reactive renewal and maintenance spend
- Less unplanned disruption to service
- Opportunities to coordinate with other Council activities (e.g. renewal of failing pipes ahead of road renewal)
- Better management of risks associated with critical assets

- Identification of H&S issues
- Maintaining the required levels of service
- Accurate asset valuations and levels of insurance
- Improved reporting to elected members.

## 2) DISCUSSION AND OPTIONS

The need for improved asset condition data has been identified and to achieve this a planned and proactive approach is required. A rolling programme of condition assessments is proposed, which ensures assessments are undertaken at the required frequency and are to an agreed standard.

The condition of an asset can be assessed through physical inspection (such as CCTV survey) or through use of theoretical models (based on the expected deterioration of a particular asset). Theoretical models are a cost-effective tool for long-term planning, but should be supported by physical inspection data.

An example of how FNDC can benefit from investment in good quality condition assessment is included in Attachment 1. This example considers stormwater pipes and is based on CCTV survey data that has recently been collected through the professional fees budget.

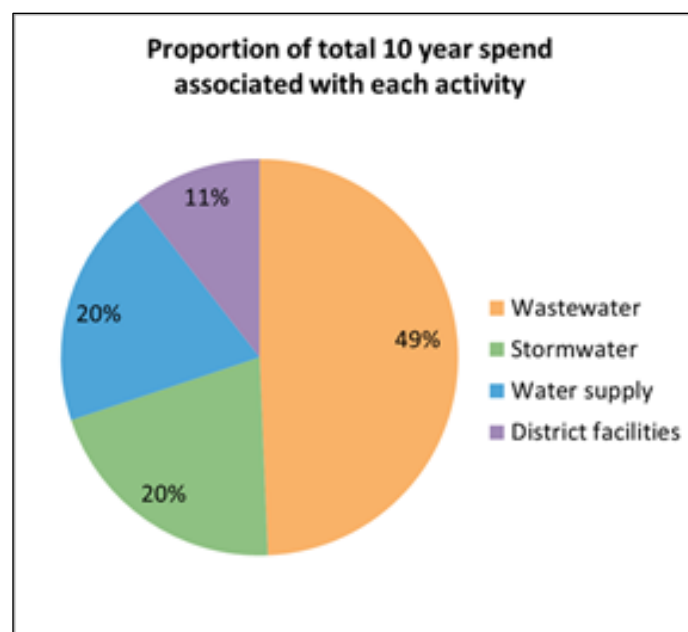
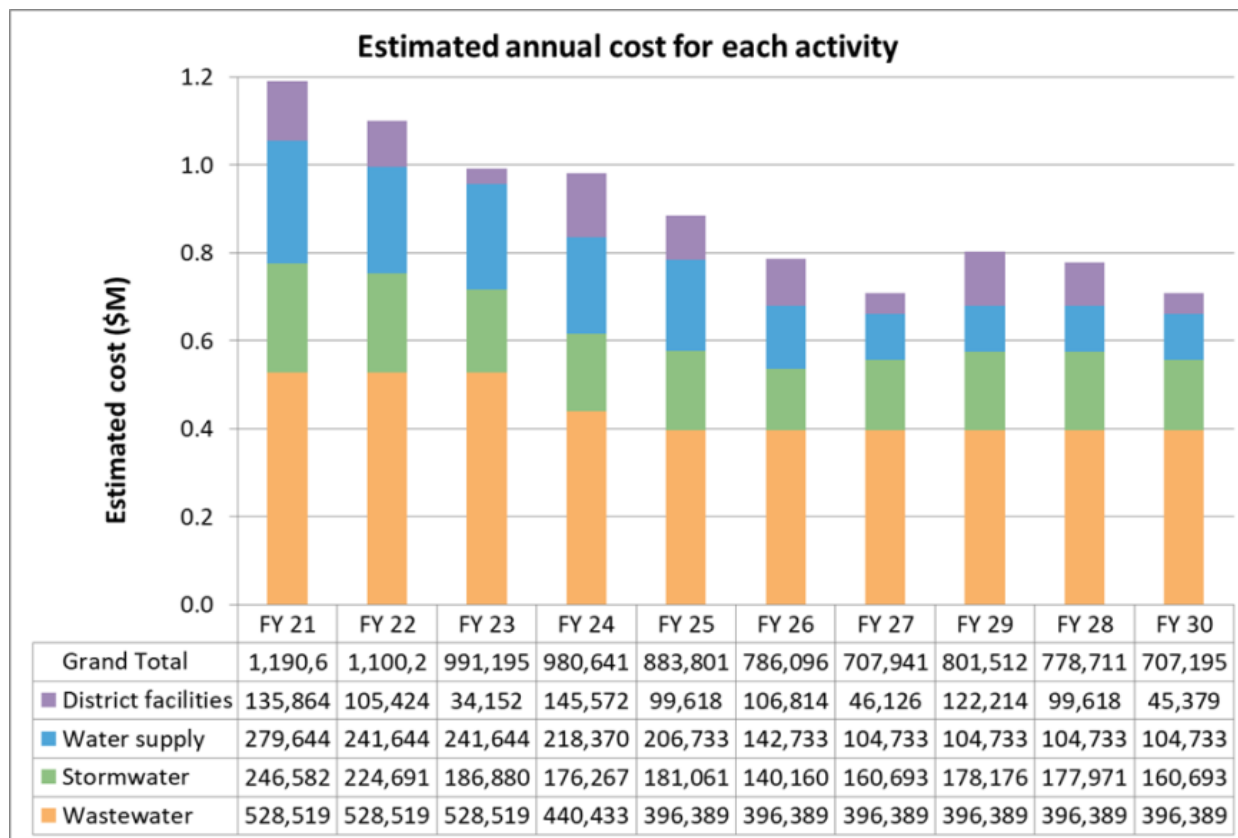
**Option 1 (recommended option): That Council invest in a programme of asset condition surveys across 3 Waters and District Facilities.**

A condition assessment cost schedule, detailed below, has been produced for all 3 Waters and District Facilities assets based on the following:

- Assessment method
- Assessment frequency
- Asset quantity
- Unit rates
- Criticality
- Backlog

The cost schedule has been based on a balance between annual cost impact and deliverability. The overall programme could be reduced but the annual cost would increase.

Financial year	Wastewater	Stormwater	Water supply	District facilities	Total
FY 21	\$528,519	\$246,582	\$279,644	\$135,864	<b>\$1,190,608</b>
FY 22	\$528,519	\$224,691	\$241,644	\$105,424	<b>\$1,100,278</b>
FY 23	\$528,519	\$186,880	\$241,644	\$34,152	<b>\$991,195</b>
FY 24	\$440,433	\$176,267	\$218,370	\$145,572	<b>\$980,641</b>
FY 25	\$396,389	\$181,061	\$206,733	\$99,618	<b>\$883,801</b>
FY 26	\$396,389	\$140,160	\$142,733	\$106,814	<b>\$786,096</b>
FY 27	\$396,389	\$160,693	\$104,733	\$46,126	<b>\$707,941</b>
FY 29	\$396,389	\$178,176	\$104,733	\$122,214	<b>\$801,512</b>
FY 28	\$396,389	\$177,971	\$104,733	\$99,618	<b>\$778,711</b>
FY 30	\$396,389	\$160,693	\$104,733	\$45,379	<b>\$707,195</b>
<b>TOTAL</b>	<b>\$4,404,326</b>	<b>\$1,833,174</b>	<b>\$1,749,700</b>	<b>\$940,780</b>	<b>\$8,927,980</b>



The schedule was developed using the best available information and will be further developed and refined as our understanding of the cost of collecting asset condition information improves.

The funding requirement spans the current Long Term Plan period. According Council approval of funding beyond the current year 2019/2020 will be subject to future deliberations through the Annual Plan (2020/2021) and the next Long Term Plan (2021/2031).

However, to ensure that work can commence on asset condition surveys during this year (2019/2020), approval is sought for \$250k of unbudgeted operational funding.

Once the planned programme of condition surveys is completed, there will be an ongoing requirement for additional operational funding to update and refresh the condition data held. It has not been possible to quantify this at this time.

**Option 2: Maintain status-quo with no annual budget allocated to asset condition assessment**

This results in a continued reliance on a largely theoretical (age-based) condition data and reactive (ad-hoc) assessment of 3 Waters and District Facilities for asset planning. This carries increased risk for Council.

The current annual expenditure on condition surveys is less than \$50,000.

**Reason for the recommendation**

The recommended Option 1 is proposed to deliver increased investment to improve our understanding of asset condition and support effective management of Council 3 Waters and District Facility assets.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Asset condition surveys are an operational cost and are therefore rate funded.

The rating implications of budget changes to be reflected in 2020/2021 will be considered by Elected Members during the Annual Plan deliberations. Equally budgets required beyond 2021 will be considered during the next Long Term Plan process.

However, to commence the programme of condition surveys an unbudgeted Operational budget of \$250k is required in the current financial year.

**ATTACHMENTS**

1. **Example of the benefits of additional investment in condition assessment - A2656641** [↓](#)



**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 report is considered to be of high significance as one of the 'significant issues' identified in the 2018-28 Infrastructure Strategy was " <i>A largely age based approach to asset management and the need to strengthen asset condition information, processes and systems increases the risk of sub-optimal investment decisions</i> ".
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	As stated above - One of the 'significant issues' identified in the 2018-28 Infrastructure Strategy was " <i>A largely age based approach to asset management and the need to strengthen asset condition information, processes and systems increases the risk of sub-optimal investment decisions</i> ".
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is a Council decision and sits outside of any Community Boards delegations.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	This is an internal assessment and funding will have an impact district wide on ratepayers.
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 (for example – youth, the aged and those with disabilities).	This will have an impact on ratepayers districtwide in the short-term however, long-term benefits is stable, accurate and condition based infrastructure for the district.
State the financial implications and where budgetary provisions have been made to support this decision.	This is outside of any current budgets and will have an impact on ratepayer's districtwide.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

### Example of the benefits of additional investment in condition assessment

Over recent months, approximately 6km of stormwater pipes have been CCTV surveyed and assigned a 1 to 5 condition grade, where Grade 1 is very good condition and Grade 5 is very poor condition. Figure 1a shows the CCTV survey condition grade results based on pipe length.

Figure 1b shows the condition grades for the same pipes using a theoretical (age-based) model.

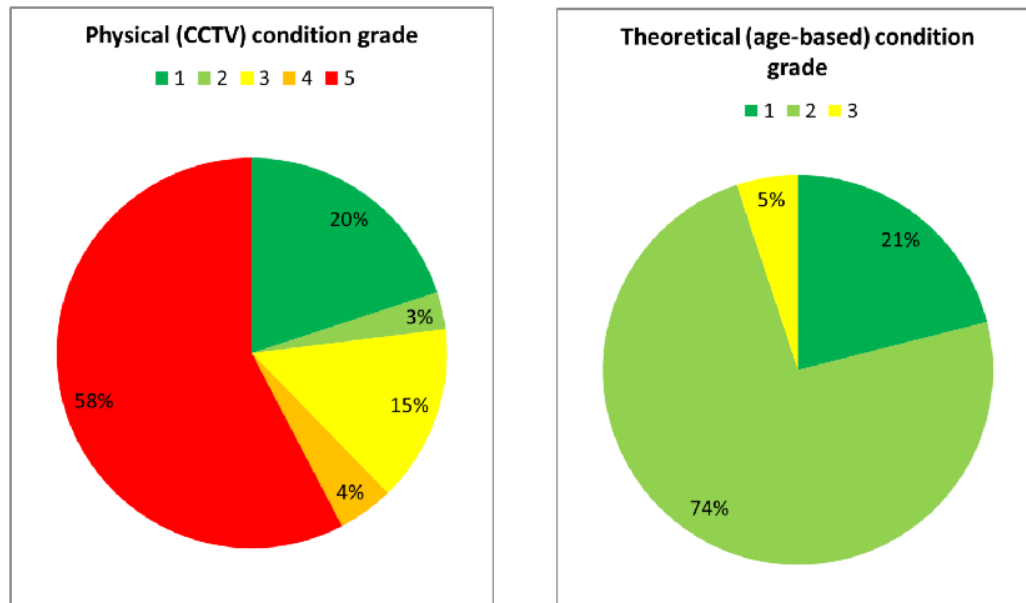


Figure 1a: CCTV condition grades

Figure 1b: Age-based condition grades

For the assets included in this sample, the theoretical model indicates that the pipe condition is better than it actually is. One of the impacts of this may be that the right level of funding is not made available at the right time.

Figure 2 shows the estimated renewal year for the sample pipes using the two condition assessment methods and demonstrates the potential for significant under-funding when age-based condition data is used, particularly in the short term.

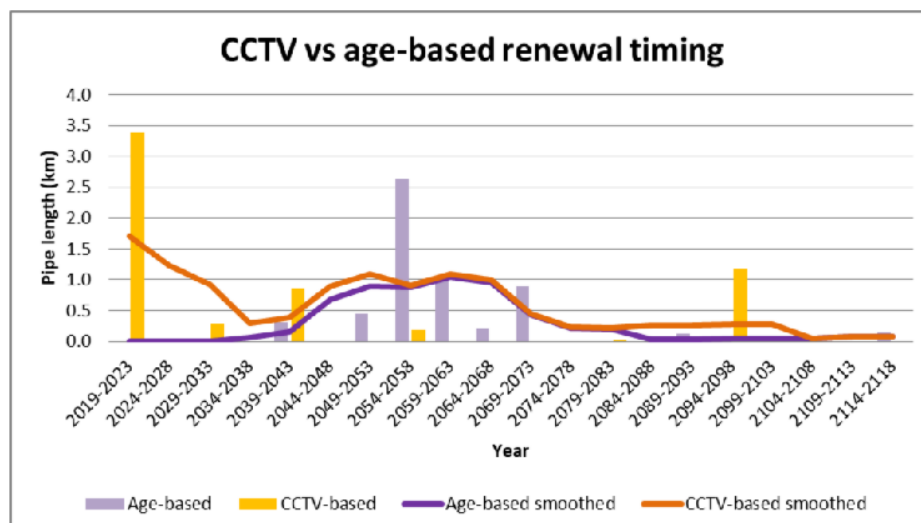


Figure 2: CCTV vs age-based renewal timing

## **8 STRATEGIC PLANNING AND POLICY GROUP**

### **8.1 KERIKERI DOMAIN GOVERNANCE REPORT**

**File Number:** A2594185

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

**Authoriser:** Sheryl Gavin, General Manager Strategic Planning and Policy (Acting)

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

To report back to Council on the options for the governance of Kerikeri Domain as directed in the 27 June 2019 Council meeting and recommend the establishment of an incorporated society.

#### **EXECUTIVE SUMMARY**

- At the 27 June 2019 Council meeting the Bay of Islands-Whangaroa Community Board (Community Board) recommended that the Kerikeri Domain Reserve Management Plan (Management Plan) be adopted subject to changes that resulted from submissions on the proposed Management Plan. The changes included an action for the Council ‘...to consider the establishment of an incorporated society representing the community to manage and oversee the [Kerikeri] Domain’.
- This report recommends the establishment of an incorporated society as it will represent the users of the Kerikeri Domain and it will have the ability to fundraise and implement the actions within the Management Plan.

#### **RECOMMENDATION**

##### **That Council**

- a) supports the creation of an incorporated society whose purpose is to manage the Kerikeri Domain.**
- b) approves administration calls for expressions of interest from the public for people willing to establish an incorporated society and facilitate the establishment of it.**
- c) agrees to enter into a formal agreement with the incorporated society and establishes a budget in accordance with the Kerikeri Domain Reserve Management Plan.**

#### **1) BACKGROUND**

The Management Plan was prepared under section 41 of the Reserves Act 1977. It sets out how the Kerikeri Domain will be used and managed over the next ten years. During the consultation process and in the submissions received, there were multiple requests from the public to re-establish a governing body for the Kerikeri Domain. This was incorporated by the Community Board into the Management Plan and adopted by Council on 27 June 2019. The action states:

*“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”.*

As part of the resolution to adopt the Management Plan, Council also resolved that they would receive a report outlining the options for the establishment of a reserve management committee. This is a different governance body to that preferred by the Community Board and included as an action item in the Management Plan.

The attached Kerikeri Domain Governance Report discusses the options for both types of governing bodies as well as governance remaining with Council. There is no option for a reserve management committee that is also an incorporated society as Council has received legal advice against this.



## 2) DISCUSSION AND OPTIONS

The purpose of looking at alternative governance bodies has come out of several factors:

- The special significance of Kerikeri Domain;
- The previous difficulty in providing new infrastructure and activities in the Kerikeri Domain;
- The potential for fundraising to implement the actions in the Management Plan; and
- The long history of the Kerikeri Domain being managed directly by the public.

All governing bodies are required to be consistent with the Management Plan. The types of governing bodies that are considered are:

### Option 1 – Status Quo – governance remains with Council

Status quo is the governance remaining with Council. Activities within the Management Plan are discussed with administration to ensure that they are implemented correctly, but can be fundraised and implemented by anyone. Activities not provided for in the Management Plan are taken to Council for consideration.

### Option 2 – Community Board

Option two is the delegation of the governance of the Kerikeri Domain to the Community Board. The majority of reserves are delegated to the community boards to administer on behalf of Council.

Activities within the Management Plan are discussed with administration to ensure that they are implemented correctly, but can be fundraised and implemented by anyone. Activities not provided for in the Management Plan are taken to the Community Board for consideration.

### Option 3 – Reserve Management Committee

Option three is the establishment of a reserve management committee (committee). This would be a committee of Council that would be appointed every election cycle to manage the Kerikeri Domain on behalf of Council. They would oversee the daily management of the Kerikeri Domain and make recommendations to Council as required. There would be at least one elected member on the committee.

Activities within the Management Plan are discussed with administration to ensure that they are implemented correctly, but can be fundraised and implemented by anyone. New activities would be considered by the committee who would make a recommendation to Council.

### Option 4 – Incorporated Society

Option four is the establishment of an incorporated society to manage the Kerikeri Domain on behalf of Council. This involves administration supporting community members to create an incorporated society which will then create a formal agreement with Council to manage the Kerikeri Domain. Under this option the community will have to work together to establish the incorporated society and then create the agreement with Council. Council's control over the Kerikeri Domain would be limited to what is set out in the agreement with the incorporated society.

Each governance option is compared against the factors the raised during consultation on why a governance body was required. These factors are listed earlier in this report.

Governance Body	Recognition of significance	Difficultly in implementing actions	Fundraising potential	Community Input
Council	High – By remaining with Council the Kerikeri Domain	Low – Actions within the Management Plan can be	Medium – Community Groups can use the Management	Low – Community input limited to consultation for

	remains a significant district wide asset.	implemented once the maintenance costs are approved by Administration.	Plan to help raise funds to implement actions. However this is on an ad hoc basis.	the Management Plan and submissions during the Ten Year/Annual Plan process.
Community Board	Medium – The Kerikeri Domain Reserve Management Plan states its significance.			
Reserve Management Committee				Medium – Committees are usually limited to the day to day running of the reserve.
Incorporated Society	High – A separate governance group and budget for the Kerikeri Domain which recognises its value to the community.	Medium – Some actions will need to go through the governance body as well as Council.	High – As a body independent from Council but with the mandate to fundraise, there will be the ability and the drive to achieve funding outside the Ten Year/Annual Plan process.	High – The current incorporated society governing a reserve on behalf of Council is directly responsible for implementing parts of the Management Plan.

### Reason for the recommendation

It is recognised that the community has a long history of investing time and energy into the Kerikeri Domain, and the submissions received during the Management Plan process reconfirmed that the community wished to continue to be involved as much as possible. Since the adoption of the Management Plan, community interest in the makeup of any governance body has remained high.

It is recommended that an incorporated society is established (option 4) to manage the Kerikeri Domain because it will achieve the best outcomes for the community based on the criteria above.

### IMPLEMENTATION OF RECOMMENDED OPTION

#### Appointment of members of the governance body

Should the Council resolve to establish either a reserve management committee or an incorporated society to govern the Kerikeri Domain, the Council will also need to consider how it is established. Two options are provided below:

#### Option A - Direct appointment of members

Council has the ability to directly appoint members. The advantage of this option is that the members can be selected to represent a particular Kerikeri Domain user. The last group that managed the Kerikeri Domain were made up of:

- The Mayor
- A Councillor
- A Community Board member
- A sport representative

- A school representative
- A Kerikeri residents representative
- Chair

It is recommended that an iwi representative is added to this list as well as other user groups. This option is the quickest to implement. The risk is that Council may miss a key user, as many users of the Kerikeri Domain are not part of a club.

### **Option B – Call for nominations**

This involves creating a form and advertising for nominations. For the committee, Council could then appoint from the nominations. For the incorporated society, administration can then facilitate meetings with the nominated people while they create the incorporated society. This option allows Council to consider a wider range of Kerikeri Domain users, including those who may not have an organisation to belong to. This process takes longer and until completed, the status quo would remain.

### **Implementation Recommendation**

It is recommended that administration calls for expressions of interest to draw out members of the community who wish to be a part of managing the governance body (option B). This allows for a transparent and fair establishment of the governing body. Once established, Council can enter into a formal agreement regarding the management of the Kerikeri Domain and what level of funding Council should provide.

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

There will have to be a budget allocation once the incorporated society is established and this will come out of the operations budget for District Facilities as there is no current budget specifically for Kerikeri Domain. This will not happen until next financial year (2020/2021) and be reflected in the Annual Plan.

## **ATTACHMENTS**

1. **Kerikeri Domain Governance Report - A2611239**  
2. **Legal Advice regarding committees - A2611236**  

**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>	Although this is a legislative requirement and has already been consulted on during the Management Plan process, it involves the potential transfer of control of a strategic asset and is therefore of high significance.  There is also a high level of local public interest in the establishment of a governing body.
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 – implementation of reserve management plans.  Local Government Act 2002 – committees and Long Term Plan.  Reserves Policy – reserve management committees.
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 were considered by the adoption of their recommendations to the Kerikeri Domain Reserve Management Plan. An item informing them of this Council item went to the 23 September 2019 meeting.
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 were consulted with as part of the Kerikeri Domain Reserve Management Plan process. It is recommended that there is iwi representation on any governance body.
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. To address their submissions, an action to consider the governance of the Kerikeri Domain was put in the Management Plan which has led to this recommendation.

State the financial implications and where budgetary provisions have been made to support this decision.	This decision will result in funds being reallocated from the District Facilities operations budget to a new budget for the governance body next financial year (2020/2021).
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.



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To:	Shaun Clarke	Department:	Chief Executive
CC:	Darrell Sargent	Department:	Strategic Planning and Policy
From:	Rachael Pull	Department:	Strategic Planning and Policy
Date:	16 August 2019		
Subject:	Kerikeri Domain Governance		

## 1) Introduction

Kerikeri Domain is located in Central Kerikeri off Cobham Road. It is the only significant green space in the urban area of Kerikeri and is therefore multi-purpose, fulfilling the needs of many different users from sports codes to pedestrian routes.

The site was originally part of the 'peoples reserve/children's land', set aside for tangata whenua, however it was taken under the Bay of Islands Settlement Act 1858. It started being developed for recreation purposes in 1928. The first community group to manage it, the Kerikeri Recreation Reserve (Inc) Society was formed in 1934. In 1953 the Kerikeri Domain was transferred to the Crown and the Kerikeri Domain Board was set up to administer it. Until 2012, it was managed by the Kerikeri Domain Charitable Trust.

The Kerikeri Domain is just over 3 hectares and is made up of several lots owned by the Department of Conservation (on behalf of the Crown) and the Far North District Council. Part of an adjoining field is owned by the Ministry of Education and is often treated as part of the Kerikeri Domain, although management remains with the Kerikeri High School.

Kerikeri Domain is currently identified as a significant district wide asset, meaning that decisions relating to the maintenance and development are the responsibility of Council.

The purpose of this document is to provide elected members with an overview of the current management situation with Kerikeri Domain and to set out the options for an alternative governance body as set out in the June 2019 Council minutes.

## 5 BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD

### 5.1 ADOPTION OF THE KERIKERI DOMAIN RESERVE MANAGEMENT PLAN

Agenda item 6.1 document number A2478426, pages 20 - 25 refers

#### RESOLUTION 2019/16

Moved: Mayor John Carter

Seconded: Cr Ann Court

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) urgently establishes a reserve management committee for the Kerikeri Domain, to manage the domain and its use
- c) direct the CEO to report back on the options for the establishment of a management committee

**CARRIED**

## 2) Background

The Kerikeri Domain has a long history of being managed by the community. From 1928 to 2012 (when the Kerikeri Domain Charitable Trust was deregistered) the Kerikeri Domain has been managed by a mix of the public and Council representatives. The makeup of the last board was:

- The Mayor
- A Councillor
- A Community Board member
- A sport representative
- A school representative
- A Kerikeri residents representative
- Chair

Since 2012, the governance of the Kerikeri Domain has rested solely with the Far North District Council. On 27 June 2019, the Council adopted the Kerikeri Domain Reserve Management Plan to manage and develop the Kerikeri Domain over the next ten years. At the same time, it was resolved to explore the option of a governing body for the Kerikeri Domain.

### 2.1 Kerikeri Domain Reserve Management Plan

The Reserves Act 1977 (section 41) requires that Council owned or managed reserves (unless they are classified as a local purpose reserve), must have a reserve management plan; and that such plans are under continuous review (although it is best practice to review at least once every ten years).

The process to create the Kerikeri Domain Reserve Management Plan (Management Plan) was an opportunity to consolidate the future direction of Kerikeri Domain and the roles and responsibilities for leading and shaping that direction.

It is the responsibility of Council to implement the Management Plan. This will be achieved by working with administration and any governance body to prioritise the actions and ensure that the Kerikeri Domain is being maintained to an agreed standard. It also provides certainty for community groups wanting to achieve the actions within the Management Plan by fundraising or organising volunteer events because there is a clear process to follow.

The Management Plan also provided an opportunity to align the development of Kerikeri Domain with other strategic initiatives; particularly the Far North 2100 Strategy (in the Management Plan known as Sustainable District Strategy) and the 2014 Northland Sports Facilities Plan.

## 3) Roles and Responsibilities

The purpose of this section is to define different governance bodies to ensure Council has the information to make an informed decision about the governance of the Kerikeri Domain.

The first action in the Management Plan is for Council to *'...consider the establishment of an incorporated society representing the community to manage and oversee the Domain'*. The Council item refers to *"...a reserve management committee for the Kerikeri Domain, to manage the domain and its use"*. These are two different governance bodies for the Kerikeri Domain which are discussed below along with the internal options.

### 3.1 Bay of Islands- Whangaroa Community Board

Kerikeri Domain is currently set out as having district wide significance, meaning that it is the responsibility of the whole of Council, as opposed to the Community Board that manages the ward. For the purposes of developing the Management Plan, the Bay of Islands-Whangaroa Community Board (Community Board) was delegated the responsibility to hear, consider and make a recommendation based on submissions to Council.

The advantage of having the Kerikeri Domain governed by the Community Board is the reduction of red tape. The only decision making body for new activities is the Community Board. Also there is more local

voices making the decisions as the Community Board members are drawn from the ward they represent as opposed to the Council which is made up of representatives from the district at large.

### 3.2 Council

Council is responsible for making key strategic decisions around the governance of the Kerikeri Domain. This includes financial planning and significant procurement. Because the Kerikeri Domain is at district wide significance, it is also responsible for:

- Appointing a governing body if they deem it necessary for the Kerikeri Domain;
- Approving the Management Plan (the ability to hear and consider was delegated to the Bay of Islands-Whangaroa Community Board); and
- Approve or refuse the use and/or lease of the Kerikeri Domain (where the issue is not covered by the Management Plan).

Therefore the decision to appoint a governing body and what type is with Council to consider.

The advantage of having the Kerikeri Domain governed by Council is that the costs of governance and maintenance remain the same. The only decision making body for new activities would be the Council who would be limited to the matters in the Management Plan. The adoption of the Management Plan has reduced the delays in implementing actions on the Kerikeri Domain that existed previously, as actions stated within the Management Plan no longer need to go to Council or be notified to the public.

### 3.3 Council Administration

Administration are responsible for implementing and keeping in continuous review the Management Plan and currently for scheduling regular maintenance of Kerikeri Domain. Any proposed changes to who implements these objectives will need to be set out by the agreement between Council and governing body appointed by Council. Administration would provide professional support and guidance to the governance body in addition to leading any Council processes necessary to implement it.

It is envisioned that the governing body would have the responsibility for (currently with administration):

- Basic maintenance of the Domain (as set out in any agreement reached);
- Provide regular advice to Council on the on-going management;
- Ensure that the Domain is managed to promote the vision and objectives of the Kerikeri Domain Reserve Management Plan by reviewing actions not in the Management Plan and providing a recommendation to Council;
- Managing the booking of the facilities;
- Managing the operational expenditure including water, pan charges, power, telephone, cleaning and minor maintenance and repairs of the assets on the Kerikeri Domain;
- Providing a reviewed annual statement on the financial accounts and activity report; and
- Inform Council of major maintenance and capital improvements.

They will not have responsibility over (remaining with administration and Council):

- The Procter Library (due to its significance as part of the ongoing Library Strategy);
- Setting the budget to manage the Kerikeri Domain;
- The administration of leases on the Kerikeri Domain;
- Approval of development within the Kerikeri Domain Reserve Management Plan; or
- Reviewing the Kerikeri Domain Reserve Management Plan.

Depending on the governing body selected and the formal agreement reached with Council, these responsibilities may change.

The Council would contribute an annual grant towards the services provided by the governance body. For most reserve management committees this sum is \$5,000 per annum. The incorporated society in charge of Lindvart Park receives \$40,000 per annum from Council due to their wider responsibilities. In return, Council would receive on an annual basis, a copy of the accounts which include the items of expenditure and income for the governing body.



### 3.4 Kerikeri Domain Reserve Management Committee

Under the provisions of the Local Government Act 2002 (LGA), a Council can establish various committees to fulfil specific purposes. A reserve management committee (committee) is formally set up as a committee of Council. It is disestablished at the end of each election cycle. Specifically, Schedule 7 clause 30(7) of the LGA reads as follows:

*"A committee, subcommittee, or other subordinate decision-making body is, unless the local authority resolves otherwise, deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the triennial general election of members next after the appointment of the committee, subcommittee, or other subordinate decision-making body."*

Therefore the committee will have to be re-appointed after each election by the Council.

The Reserves Policy recommends 4 or more members, including a Community Board member. The submissions on the Kerikeri Domain Reserve Management Plan that requested this committee suggested representatives from Iwi, the High School and the high users (Rugby League, Cricket, Bowling Club, dog walkers, Mai Life). The Charitable Trust that previously managed the Domain also contained the Mayor, a Councillor and a Community Board member.

There have been requests from the public about having a public nomination process for the committee. Council can either appoint members directly or invite the community to nominate suitable people, but Council would still decide who would be appointed.

The advantage of having a reserve management committee is that Council can appoint the members directly every election cycle meaning that it can ensure that the committee represents the users of the Kerikeri Domain. An elected member will also sit on the committee to make sure that it is maintaining the Kerikeri Domain to the level required by the community.

### 3.5 Kerikeri Domain Incorporated Society

It was recommended in the action section of the Management Plan that the governing body be an incorporated society. The advantages of an incorporated society are:

- It becomes a separate legal entity;
- It can enter into a contract in its own name;
- It can continue as a separate entity even though its membership changes; and
- There will be certainty in the way the society is run (to meet the requirements in the Incorporated Societies Act 1908).

The Community Board specifically stated incorporated society in the action as they wished the governing body to be able to fundraise to implement the actions within the Management Plan and not be solely dependent on Council for funding. They also envisioned the group taking on more responsibility than the maintenance and day to day operation than most reserve management committees.

Lindvart Park is managed by an incorporated society (Kaikohe and Districts Sportville). The society is made up of representatives of the main sports codes that use Lindvart Park. The users are harder to define for the Kerikeri Domain as many users do not belong to a club (dog walkers, casual walkers, users of the playground, skate park).

Therefore if this option was chosen by Council, administration would have to work with the community to determine how the different users and interest groups of the Kerikeri Domain would be represented. This would have to be formalised in either the constitution of the incorporated society or the agreement with Council to prevent the governance from not representing all users. Because of this additional work, this option would take the longest to establish.

### 3.6 Discussion of governance options

The purpose of looking at alternative governance bodies has come out of several factors:

- The special significance of Kerikeri Domain;
- The previous difficulty in providing new infrastructure and activities in the Kerikeri Domain;
- The potential for the governance body to fundraise to implement the actions in the Management Plan; and
- The long history of the Kerikeri Domain being managed directly by the public.

The Management Plan has set out a clear process to allow community groups and administration to implement actions approved within it. This addresses some of the concern surrounding the request for a governance body. However the consultation on the Management Plan identified a strong wish by the public to have more direct governance of the Kerikeri Domain. This is reflected in the action in the Management Plan which states that the Council makes the decision regarding governance in partnership with the community and Community Board.

If the Kerikeri Domain is governed by either Council or the Community Board, the maintenance work can continue to be managed by administration which is cost effective. The ability for the community to have input is limited to annual plan/ten year plan submissions and speaking at the start of elected member meetings. Decisions on new actions are made by the one delegated authority (Council or the Community Board).

If a reserve management committee is established, it will have to be renewed every three years and its members appointed by Council. There is Council representation within the group. This method allows for as many members as Council wants and it can control who is on the committee to ensure it is a fair representation of Kerikeri Domain users. However a reserve management committee lacks the ability to fundraise and implement actions within the Management Plan outside Council funding.

If an incorporated society is chosen by the Council, a process will need to begin to create the society and appoint their members. For Kaikohe and Districts Sportville this took over a year. Until the society is incorporated and formally appointed by Council, the governance would remain with Council. An incorporated society recognises the significance of the Kerikeri Domain, maximises community management and allows for the development of the Kerikeri Domain by community fundraising rather than being solely dependent on Council funds.

Administration received legal advice in 2017 recommending against reserve management committees being registered as incorporated societies as it would be ultra vires. It would no longer be a committee under the Local Government Act 2002. A copy of this legal advice is attached.

It is recommended that an incorporated society is established. This would involve calling for expressions of interest from the public and working with administration to set up an incorporated society that will represent the Kerikeri Domain users. Council would then enter into a formal agreement with them on their responsibilities and how much Council will contribute. This would minimise the costs of implementing the Management Plan and maximise community governance.

### 4. Next Steps

Should the Council decide to establish an incorporated society, the table below provides a summary of the next steps.

Task	Decision Maker	Completion date
Complete Management Plan.	Community Board to recommend Decision to Council	June 2019 (Completed)
Council resolve to establish an incorporated society	Council	3 October 2019
Administration to call for expressions of interest.	Administration	December 2019
Administration to work with community members who expressed interest to establish an incorporated society and create a formal agreement between it and Council.	Incorporated Society	June 2020
Council to approve the formal agreement for service between the incorporated society and Council for the Kerikeri Domain.	Council	March 2020

Yours sincerely

Rachael Pull  
Specialist Planner – Urban Design

Attached: Legal Advice regarding committees.



Bay of Islands NZ

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14 March, 2017

Far North District Council  
Attention: Mr Robert Manuel  
By email: [robert.manuel@fndc.govt.nz](mailto:robert.manuel@fndc.govt.nz)

Dear Robert

RE: **COMMUNITY BOARD COMMITTEES**

**Background and Summary of Advice**

We refer to your email of 7 March 2017. You have asked us whether it is competent for a community board committee established under the Local Government Act 2002 ("LGA") to seek to acquire a different legal identity – by becoming an incorporated society under the Incorporated Societies Act 1908 ("ISA").

The question arises due to a policy paper prepared by a former Council employee in 2013 about "reserve management committees". The report writer suggested that these Council committees should be "encouraged" to become incorporated societies.

We note our preliminary view in our email of 13 March 2017, which briefly set out why we believe council committees cannot be incorporated societies. This letter expands on that earlier advice.

**Advice**

A local authority is a body corporate with perpetual succession (s12 LGA). Accordingly a Council may carry on or undertake any activity or business, do any act, or enter into any transaction, and has full rights, powers, and privileges. This power of general competence enables a Council to undertake its day to day functions, but also establishes a system of accountability.

While the LGA does provide for other entities, for example community boards, local boards, and committees, these entities all fall under the umbrella of the local authority itself. The LGA is clear that these entities only have specific powers delegated to them by the local authority. They are unable to exist on their own or enter into their own legal relationships.

Under schedule 7 of the LGA the Council may appoint committees and any other subordinate decision-making bodies that it considers appropriate. The definition of committee in section 5 of

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**DIRECTORS** - Dennis McBrearty, Simon Dominick, Richard Ayton, Jo Baguley, Graham Day



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the LGA is a committee comprising all the members of the local authority, and a standing committee or special committee appointed by the local authority. Clause 30(3) of Schedule 7 confirms that a committee is subject *"in all things to the control of the local authority and must carry out all general and special directions of the local authority given in relation to the committee."* Under clause 30(5) the Council may discharge or reconstitute a committee at its will. And as you have noted, a committee is deemed to be discharged following triennial elections (unless the local authority resolves otherwise).

Turning to the ISA, upon registration as an incorporated society a society becomes a body corporate, with the power to exercise all the functions of a body corporate and with the ability to hold land. So the society will from that time be able to employ staff and enter into contracts. A society may be wound up if the members vote to do so. This type of body corporate structure is completely at odds with the committee structure under the LGA, which is controlled at all times by the Council.

In our opinion, following incorporation a committee would cease to be a committee under the LGA. It would lose all powers, rights and protections under the LGA and become controlled only by the restraints under the ISA and by its rules and constitution.

There are a number of examples which show how the two entities cannot co-exist, for example:

- a) Section 43 of the LGA provides an indemnity for all persons undertaking Council work. Committee members are indemnified. This is possible because the committee is at all times under the control of the Council.
  - If the committee were incorporated it would be free to make its own contracts, hire its own staff, purchase land, etc. It would be impossible for there to be an indemnity because the Council would have lost control.
- b) Schedule 7 clause 30 (as above), confirms the committee may be discharged at any time by the Council.
  - An incorporated society could not be discharged by the Council.
- c) Schedule 7 clause 30 (as above), confirms the Council has complete control over the committee.
  - An incorporated society is governed by its members, pursuant to its rules and the ISA.
- d) Section 41A(5) of the LGA confirms that the Mayor is a member of each committee.

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- But in order to be a member of an incorporated society, members have to adhere to the rules of the society and join the society. There is no automatic right to join.

In the event that a Council were to try to incorporate a committee into a society, then (in the event that registration was accepted), the committee would cease to be a committee under the LGA and would be a complete different entity, unable to be controlled by the Council. Council is strongly recommended to not seek to incorporate any committees. In our opinion, that would be *ultra vires*. Council should most certainly not encourage its committees to change their legal status.

We trust this answers your question in relation to this issue, but if you require further clarification please do not hesitate to contact the writer.

Yours faithfully

**LAW NORTH LIMITED**



**GRAHAM DAY**

**DIRECTOR/SOLICITOR**

GAD/MN: 86781

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## 8.2 ADOPTION OF THE LAND DRAINAGE BYLAW 2019

**File Number:** A2613923

**Author:** Chris Sargent, Team Leader - Strategy

**Authoriser:** Sheryl Gavin, General Manager Strategic Planning and Policy (Acting)

### PURPOSE OF THE REPORT

The purpose of this report is to provide information to enable Council to deliberate on submissions received during the public consultation period for the Land Drainage Bylaw 2019. The report also provides the necessary information to enable Council to adopt the Land Drainage Bylaw 2019 as per Attachment 2.

### EXECUTIVE SUMMARY

- The Far North District Council's proposed Land Drainage Bylaw 2019 was adopted on 27 June 2019 for public consultation. Consultation opened 8 July 2019 and closed on 9 August 2019.
- Eight submissions were received.
- A hearing was held to allow submitters to present in support of their submissions.
- This report:
  - Contains information to allow Council to consider the submissions received and to determine whether the recommended changes to the draft bylaw will meet the purpose of the bylaw. Review of submissions received and additional discussions with Far North District Council staff have informed the recommendations to be included in the final Land Drainage Bylaw 2019.
  - Contains an assessment of the new Land Drainage Bylaw 2019 against the bylaw-making provisions of the Local Government Act 2002, and confirms that the new bylaw complies with these provisions.
  - Recommends the new bylaw, in Attachment 2, be adopted.

### RECOMMENDATION

**That Council:**

- a) agree to make the following changes to the Land Drainage Bylaw 2019 prior to its adoption:
- i) Modify section 3 Application to read as follows:  
***This bylaw applies to the land drainage areas identified in the schedule to this Bylaw.***
  - ii) Modify section 4 Purpose as follows:
    - 1) Amend Clause 4.1 to read:  
***The purpose of this Bylaw is to regulate land drainage assets within the Far North District the land drainage areas identified in the schedule to the Bylaw.***
    - (2) Insert new Clause 4.3 is inserted:  
***"Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland Regional Council."***
  - (iii) Add a note to the Definition of "Council":  
***"Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland***

**Regional Council.**

- (iv) Within the bylaw, clarify approval requirements by distinguishing between resource consents and approvals under the bylaw by making the following changes to the following sections:

6.1 “Without the prior ~~consent~~ approval of Council...”;

6.2 “...without having first obtained the prior written ~~consent~~ approval of Council...”;

7.1 “... without obtaining the prior written ~~consent~~ approval of Council...”;

7.2 “...Any owner applying for such ~~consent~~ approval shall...

8.1 “...without the prior written ~~consent~~ approval of Council

10.1 “...without the prior written ~~consent~~ approval of Council”;

12.1 “...without the prior written ~~consent~~ approval of Council...”;

12.2 “... without the prior written ~~consent~~ approval of Council...”;

13.2 “... without the prior written ~~consent~~ approval of Council...”;

14.1 “... without the prior written ~~consent~~ approval of Council...”;

The draft bylaw text has been amended in accordance with the staff discussion.

- b) Determines under section 155 of the Local Government Act 2002, that Land Drainage Bylaw 2019:
- i) is the most appropriate form of bylaw;
  - ii) does not give rise to any implications under the New Zealand Bill of Rights Act 1990;
- c) Makes the Land Drainage Bylaw 2019 contained in Attachment 2 to come into effect on 7 October 2019.

## 1) BACKGROUND

The Land Drainage Bylaw 2009 was automatically revoked in October 2016 when it expired.

The purpose of this bylaw is to enable regulation of privately-owned drainage assets within four specific drainage areas in Far North District, i.e. the Kaitaia, Kaikino, Waiharara and Motutangi drainage areas. These four drainage districts are overseen by Land Drainage Committees. The 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. Overall, the Land Drainage Bylaw is fundamentally intended to address issues of public health and safety, property damage, nuisance, and environmental protection.

Given its revoked status, the Land Drainage Bylaw 2009 was included in the Revoked Bylaw Review Programme which was carried out by FNDC staff and consultants Tattico. The initial review of the purpose, need and risk associated with the revoked status recommended that this bylaw should have high priority for renewal. The risk of not having a bylaw means that there is potential for damage and obstruction to the channels, which could have significant impacts on contiguous properties and affected landowners. Furthermore, 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 Revoked Bylaw Review Programme recommended that the Land Drainage Bylaw could be enacted in its current form, with some updates to ensure it is easy to understand.

Consultation on the Land Drainage Bylaw 2019 followed the requirements for making, amending, or revoking bylaws set out in Section 156 of the LGA. Consultation opened on July 8, 2019 and closed on August 9, 2019. In addition, Administration directly notified landowners paying targeted rates to fund the annual maintenance programme for each drainage districts by letter or email.

Eight submissions were received. Based on commentary provided in submissions, Administration undertook further consultation with its in-house Subject Matter Experts ('SMEs') to understand the concerns raised by submitters. Discussions with SMEs are recorded in the Summary of Submissions included in this report. Furthermore, an opportunity arose to update the Land Drainage Boards at their September (six-monthly) meeting regarding progress towards the reinstatement of the bylaw.

Given the minor nature of recommended changes following further in-depth discussion with SMEs on submissions received, it is anticipated that Council is in a position to deliberate on and adopt the Land Drainage Bylaw 2019 at this meeting.

## **2) DISCUSSION AND OPTIONS**

The table below summarises submissions and provides Administration's recommendations for each submission. Administration will be at the deliberations meeting to provide further clarity or advice if the Elected Council requests it.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
Definitions:	Define “minor damage”	LDB19/6	“Minor damage” is referred to in Clause 8.9 with reference to any permitted development potentially affecting any drainage channel will no cause “more than minor damage”. Discussions with SMEs found that minor damage could be described as incurring a cost of less than \$1000, which would be cost recovered. Cost recoveries can be detailed in the Drainage Area Management Plans.	An amendment to the proposed bylaw is not required as a result of this submission point.
		Staff note	<p>Further discussions to receive explanation on submission points highlighted the purpose section, as also quoted in submission LDB19/3 “<i>4.1 The purpose of this Bylaw is to regulate land drainage assets within the Far North District.</i>”</p> <p>FNDC SMEs have explained that the purpose of the bylaw is not the regulation of all land drainage assets in the Far North district, but that it applies to identified land drainage areas.</p> <p>The definition of “Drainage Assets” in Section 5. Interpretation refines the purpose to those channels included in the Schedules to the Bylaw.</p>	<p>It is recommended to amend:</p> <p>a) Section 3. Application to:</p> <p><i>“This bylaw applies to the land drainage areas identified in the schedule to this Bylaw.”</i></p> <p>b) the purpose of the Bylaw to:</p> <p><i>“The purpose of this Bylaw is to regulate land drainage assets within land drainage areas identified in schedules to this Bylaw.</i></p>
	Replace the term ‘consent’ with permission or approval”	LDB19/4	<p>The term “consent” is not defined in Section 5 of the Bylaw. It appears in:</p> <p>6.1 “Without the prior consent approval of Council...”;          6.2 “...without having first obtained the prior written consent approval of Council...”;          7.1 “... without obtaining the prior written consent approval of Council...”;          7.2 “...Any owner applying for such consent approval shall...          8.1 “...without the prior written consent approval of Council          10.1 “...without the prior written consent approval of</p>	<p>It is recommended that the bylaw text is clarified to distinguish between resource consents and approvals.</p> <p>The draft bylaw text has been amended in accordance with the staff discussion.</p>

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
			<p>Council”;</p> <p>12.1 “...without the prior written consent approval of Council...”;</p> <p>12.2 “... without the prior written consent approval of Council...”;</p> <p>13.2 “... without the prior written consent approval of Council...”;</p> <p>14.1 “... without the prior written consent approval of Council...”.</p>	
Bylaw application:	<p>Applies to Far North District lands except that it does not apply to lands administered by the Department of Conservation.</p> <p>Relief requests the amendment of Clause 3 to read:</p> <p>This Bylaw applies to the Far North District except that it does not apply to land within the Far North District that is administered by the Department of Conservation.</p>	LDB19/8	<p>FNDC SMEs provided that the Proposed Bylaw and its pre-cursor apply to drains created in accordance with the Land Drainage Act which includes DoC lands. These drains have been in existence for approximately 100 years, as discussed with the land drainage board and FNDC SMEs.</p> <p>FNDC SMEs explained that they cannot reduce the setback because of maintenance requirements that also apply to DoC lands. There is a need for a consistent approach to ensure that build-up of weed and pooling of water is prevented.</p> <p>FNDC has applied for a concession from DoC for the purpose of using the stream setback set out in the bylaw for maintenance purposes. This concession is currently being processed by DoC. Following the presentation by DoC at the hearing on August 22, 2019, FNDC staff have contacted DoC to further discuss the progress of the concession approval, however we did not receive a response.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	The application of the bylaw to public conservation land would be ineffective and unnecessary. FNDC is legally unable to undertake any activities on these land	LDB19/8	<p>FNDC SMEs disagree with DoC’s submission. The Bylaw enables maintenance staff to carry out maintenance without DoC’s approval and therefore the Bylaw is required.</p> <p>SMEs have stated that maintenance on DoC land is minimal and only undertaken where and when a concern has been identified.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	drainage assets within public conservation land without a legal agreement (a concession) from DoC. A concession, if granted, would provide for FNDC to undertake land drainage maintenance activities, subject to conditions intended to protect important ecological freshwater and wetland values.		In addition, a concession application from FNDC staff to DoC is currently being processed to address access and maintenance. It is understood that FNDC is currently awaiting a response from DoC.	
	Application of the Draft Drainage Bylaw to public conservation land would be ineffective and unnecessary.	LDB19/8	<p>FNDC SMEs provided that the Proposed Bylaw and its pre-cursor apply to drains created in accordance with the Land Drainage Act which includes DoC lands. These drains have been in existence for approximately 100 years, as discussed with the land drainage board and FNDC SMEs.</p> <p>FNDC SMEs disagree with DoC's submission. There is potential for material to be flushed through DoC land, creating potential build-up of material.</p> <p>SMEs have stated that maintenance on DoC land is minimal and only undertaken where and when a concern has been identified.</p> <p>In addition, a concession application from FNDC staff to DoC is currently being processed to address access and maintenance. It is understood that FNDC is currently awaiting a response from DoC.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
Access and setbacks	Contractor access must be available within fences, drain crossings and boundaries	LDB19/2	Where maintenance work determines that insufficient access is available, the targeted rates, determined based on the maintenance work programme, may include and offer the installation of gates in fences to create such access. Discussions at Drainage Board	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
			meetings are robust and attended by FNDC staff to observe and understand where concerns have been identified. A drone has been funded to simplify ongoing maintenance work. Appropriate legal agreements and Civil Aviation Authority approvals may have to be in place for the operation of the drone over private land, while it's use may have to be written into the management plans for each drainage area.	
	Reduction of required cleared access along the edge of drains within any indigenous wetland or any area of indigenous wetland or in any culturally significant area to no more than 5 metres width; or such further reduced width as may be appropriate given the ecological or cultural significance	LDN19/8	A concession application from FNDC staff to DoC is currently being processed to address access and maintenance. It is understood that FNDC is currently awaiting a response from DoC.	An amendment to the proposed bylaw is not required as a result of this submission point.  It is anticipated that the concession will be issued in due course. Management programmes can be built into the Management Plan associated with this bylaw until the bylaw will be reviewed in accordance with the required 5 year timeframe for new bylaws in the LGA.
	The current and proposed restrictions on development and access are excessive. Setback distances for access to and along drain should be reduced to 3m.  Landscaping should be enabled within the setback of 3 without prior consent.	LDB19/6	This submission point relates to the setback from a drain where the adjacent lands were subdivided or developed; it is understood in discussion with SMEs that while in the case of a subdivision on Matthews Drain in Kaitaia the zone remained rural, the subdivision is residential and urban in nature.  SMEs have explained that maintenance of the drain is paid for by FNDC/drainage boards, where stormwater drains into the drain.  It is considered that where development where development concerns exist, that these are raised with the resource consent group at the time of the application for a subdivision or resource consent. Costs to pipe are drain should fall to the developer.	An amendment to the proposed bylaw is not required as a result of this submission point.  Where open drains are upgraded to piped drains as a result of urban growth, the Bylaw Schedule must be updated to reflect this. In accordance with legal advice received, consultation to update the bylaw has to be in accordance with the significance of the amendment sought, but may be limited to directly affected parties.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
Fencing:	Drain fencing on either side of the drains required and gated access is provided.	LDB19/2	<p>The Bylaw does not require that the drains are fenced, but requires in Clause 6.1 that fences are not constructed within 10m from the bank of the drain.</p> <p>The Bylaw implies fencing where stock may graze up to 2m from the bank of a drain to avoid stock access in Clause 8.7.</p> <p>Clause 6.1 requires that no fencing is to be installed without the prior approval of the Council to ensure that adequate access can be provided to the drains for maintenance purposes.</p> <p>Maintenance and monitoring of drainage channels and reports back to the Land Drainage Committees highlight where fencing is required.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	No direct stock access to drains, given that drains also serve as water supply.	LDB19/4	<p>Clause 8.7 provides that stock may graze up to 2m from the drain to avoid adverse effects such as damage to the banks or sedimentation. Fencing is the responsibility of landowners, and Council may use the bylaw to enforce fencing.</p> <p>The use of the drains as water supply falls under the jurisdiction of the Regional Council and is outside of the scope of this bylaw.</p>	An amendment to the proposed bylaw is not required as a result of this submission point
	Requests that setback for stock grazing and crops is increased to 10m.	LDB 19/7	<p>Stock grazing is permitted up to 2m from the bank of the drain, provided that fencing is in place to keep stock out and maintenance access to the drain is available.</p> <p>FNDC SMEs and discussions with drainage boards confirmed that increasing the setback for grazing would increase maintenance costs and would result in wasted feed.</p> <p>The bylaw does not specifically address cropping within the 10m setback, however where cropping would hinder maintenance access, the operator/landowner would be in breach of Clause 6.1</p>	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	There is no need to have setback controls if these are not observed (regarding the 2m grazing setback)	LDB19/4	<p>The submitter questions the application of the access Clause 6.1 which requires that fencing is set back by 10m from the bank of the drain, yet cattle may graze up to 2m from the bank.</p> <p>Fencing may be installed subject to approval from the Council (Clause 6.1), however it would have to provide gated access or be electric fencing.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
Protection of drainage assets:	Requests explanation for how drain profiles and battering are managed	LDB19/2	FNDC SME's explain that drain profiles have largely been set by earlier work on the drains and that this profile is generally not changed. SMEs have also confirmed that battering of the drains is the responsibility of the landowner; it does not fall under the maintenance components as agreed to annually with the drainage boards, resulting in a targeted rate.	<p>An amendment to the proposed bylaw is not required as a result of this submission point.</p> <p>However, depending on the soil conditions, battering guidelines can be provided in the management plans for each drainage district.</p>
Drain inventory and schedules/ mapping:	<p>Some drains are not shown and must be added (i.e. Spains road drain, Kaitaia area); Some drains must be removed (Kareponia which is a SH 1 road side drain).</p> <p>Matthews outfall is now within the urban environment, not managed in accordance with bylaw.</p>	LDB19/2	<p>FNDC has commenced the collection of GPS coordinates to accurately locate the drains and to allow the development of a GIS overlay to provide resource consent and building consent staff with the location of the drains for consideration in resource consent building and applications.</p> <p>FNDC has also received approval to purchase a drone to map the drains.</p> <p>FNDC staff have received a legal opinion which requires an assessment of the significance of a schedule change to assess whether public consultation is required.</p>	<p>An amendment to the proposed bylaw is not required as a result of this submission point.</p> <p>The bylaw schedules will require updating at a later date once the maps have been updated. While schedules can be confirmed with relative ease through the drainage boards, the timing of drainage board meetings means that this would not be completed until March 2020 at the earliest. It is therefore recommended that the bylaw and schedules are adopted in their current form to ensure a bylaw is in place, it is understood that some compliance and enforcement is required and cannot be undertaken in the absence of an adopted bylaw.</p> <p>The updated schedules could then be updated a later date subject to a further consultation process, or at the latest as</p>

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
				part of the five year review.
	FNDC building and planning staff should have access to drainage information (e.g. subdivision permits) to enable the placing of consent notices or covenants on title	LDB19/2	<p>FNDC has commenced the collection of GPS coordinates to accurately locate the drains and to allow the development of a GIS overlay to provide resource consent and building consent staff with the location of the drains for consideration in resource consent building and applications.</p> <p>The bylaw schedules will require updating. While IAM staff have commenced a GPS survey, limited resourcing means that this survey may not be complete until late 2020. FNDC staff have requested fee estimates from consultant groups to understand costs of such a the project and timing. A further update may be presented to the drainage boards, the community board and Council when available for discussion of inclusion of such fee as part of the targeted rate, apportioned to drainage areas.</p> <p>This work is not required to continue the deliberations process of the proposed bylaw.</p>	<p>An amendment to the proposed bylaw is not required as a result of this submission point.</p> <p>The bylaw schedules will require updating. While schedules can be confirmed with relative ease through the drainage boards, the timing of drainage board meetings means that this would not be completed until March 2020 at the earliest. It is therefore recommended that the bylaw and schedules are adopted in their current form to ensure a bylaw is in place, it is understood that some compliance and enforcement is required and can not be undertaken in the absence of an adopted bylaw.</p> <p>The updated schedules could then be updated a later date subject to a further consultation process, or at the latest as part of the five year review.</p>
	Show key features such as crossings points, culverts and bridges on the maps so we understand what is authorized.	LDB19/4	The bylaw schedules will require updating. While IAM staff have commenced a GPS survey, limited resourcing means that this survey may not be complete until late 2020. FNDC staff have requested fee estimates from consultant groups to understand costs of such a project and timing. Showing key features would increase survey costs. A further update may be presented to the drainage boards, the community board and Council when available for discussion of inclusion of such fee as part of the targeted rate, apportioned.	An amendment to the proposed bylaw is not required as a result of this submission point.
Amenity value	Bylaw reduces amenity value and development potential adjoining the drainage	LDB19/6	Retaining the rural profile of drains within or adjacent to residential subdivisions is a matter that must be management through the resource consent or subdivision consent process; piping drains is costly	An amendment to the proposed bylaw is not required as a result of this submission point.



Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	channels through limitations on plantings within 10m from the drain or the construction of a building or fence. Such setbacks should apply to open, above ground drains.		and costs will fall on the developer. Where an urban drain profile is provided, mitigation for flood protection is required by the developer, however SMEs can be approached to negotiate setback requirements.  FNDC has commenced the collection of GPS coordinates to accurately locate the drains and to allow the development of a GIS overlay to provide resource consent and building consent staff with the location of the drains for consideration in resource consent building and applications.	The bylaw schedules will require updating. While schedules can be confirmed with relative ease through the drainage boards, the timing of drainage board meetings means that this would not be completed until March 2020 at the earliest. It is therefore recommended that the bylaw and schedules are adopted in their current form to ensure a bylaw is in place, it is understood that some compliance and enforcement is required and can not be undertaken in the absence of an adopted bylaw.  The updated schedules could then be included as part of the 5 year review for a new bylaw, or, when available, subject to an further consultation process.
Requirements for Resource Consents	Resource consents required shall be lodged with Council. The definition of Council refers to FNDC only. Relief sought is to either insert specific reference in section 19 to clarify that a resource consent may be required from the Regional Council; or to amend the purpose statement of the bylaw (Clause 4.1 in the proposed bylaw) to read:  The purpose of this Bylaw is to regulate	LDB19/3	This submission point addresses two separate aspects, a) the need to define "Council", and b) the description of the bylaw purpose.  Resource consents  Purpose  FNDC SMEs have explained that the purpose of the bylaw is not to regulate land drainage assets within <u>the Far North District</u> ; but that it extends to the maintenance of the drainage network within the four drainage districts. .	It is recommended that Clause 4.1 is amended to:  "The purpose of this Bylaw is to regulate land drainage assets within the <del>Far North District</del> <u>the land drainage areas identified in the schedule to the Bylaw.</u>  Add new Clause 4.:  <u>"Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland Regional Council."</u>  That a note is added to the Definition of "Council":  <u>"Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) for land drainage</u>

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	land drainage assets within the Far North District. Please note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) for land drainage activities from the Northland Regional Council."			<i><u>activities from the Northland Regional Council."</u></i>
Private drain connections	Revise the clause to make it clear that deepening of a connected private drain is not allowed, and that no new drains will be allowed within 100 metres of any significant indigenous wetland or other water body or area of significance to Māori.  Include a requirement to identify any wetland and/or indigenous vegetation within 200 metres of an area proposed to be drained.	LDB19/8	An outright prohibition to deepen the drain is not considered a practical alternative. Deepening of a private drain is not permitted under the bylaw; it would require the approval from FNDC staff in accordance with the bylaw and the management plans, if not a resource consent from Northland Regional Council. Where flow concerns are identified on private lands, these should be discussed with the drainage boards and addressed through maintenance programmes.  Wetlands are identified in the GIS system and are also available through the NRC website. Applications to deepen a connected drain would be circulated to DoC for their advice prior to approval. This is also specified in the draft Motutangi Drainage Management Plan.	An amendment to the proposed bylaw is not required as a result of this submission point.
Environmental Protection	FNDC has to promote the social, economic, environmental and cultural well-being which includes the	LDB19/8	FNDC SMEs disagree with DoC's submission in part.  SMEs have stated that maintenance activities on DoC land is minimal and only undertaken where and when a concern has been identified, using hand-held applicators to avoid spray drift, while spraying in windy	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	protection of indigenous vegetation and aquatic ecosystems..." There are provisions within the bylaw which are inconsistent with this.		<p>conditions is avoided. Only sprays approved by the Northland Regional Council are used, and any change in sprays will require the approval from NRC. This is also specified in the draft Motutangi Drainage Management Plan.</p> <p>Maintenance of the drains is important for viable agriculture operations as well as flood protection and therefore contributes to the Far North's social, economic, environmental and cultural well-being.</p> <p>In addition, a concession application from FNDC staff to DoC is currently being processed to address access and maintenance. It is understood that FNDC is currently awaiting a response from DoC.</p>	
	Revise the clause to ensure a minimum of 10% of instream and riparian (10m setback) plant growth to protect aquatic fauna. Restrict spraying to times when indigenous freshwater fish will not be impacted.	LDB19/8	<p>Discussions with FNDC SME clarified that the riparian areas up to the 10m setback are not clear sprayed and left bare as this would be environmentally irresponsible. In addition grazing is permitted up to 2m from the bank of a drain.</p> <p>A concession application from FNDC staff to DoC is currently being processed to address access and maintenance, including spraying. Spraying cannot be limited to winter times as requested by DoC, as drain levels are high and it is in winter when the drains need to be able to discharge water. In addition, rainfall prevents the spray from being effective. Despite this, SMEs have explained that DoC land is entered and maintained only when absolutely required, and that handheld applicators are used to minimise the area sprayed protect surface water and to minimise run-off and thereby contamination. It is understood that FNDC is currently awaiting a response from DoC.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	Ongoing water quality monitoring is needed in the Motutangi Stream and Houhora Harbour due to	LDB19/5	Water quality monitoring is the responsibility of the Regional Council. However, further discussions with SMEs explained that current maintenance is undertaken based on a programme discussed with the drainage boards, based on which the targeted rate is	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	increased sediment loading flowing through the drainage channel into the harbour.		<p>set. Maintenance is undertaken as required and determined appropriate through the Land Drainage Committees and work programme set.</p> <p>In addition, the bylaw requires in Clause 6.1 that there is no “planting or permission 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 without prior consent within 10 m from the bank of the drain, with cattle not permitted to graze within 2m. The reason for these provisions is to protect bank and soil stability and to avoid erosion.</p> <p>The draft Motutangi Drainage Management Plan further discusses how this drainage area is managed, and a DoC concession application has been made.</p>	
	Consider the value of riparian plantings along the Motutangi Stream to increase stream health as opposed to spraying; investigation of kaitiaki status of landowners bounding the stream.	LDB19/5	<p>The proposed bylaw requires in section 6.1 that there is no “planting or permission 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 without prior consent within 10 m from the bank of the drain, with cattle not permitted to graze within 2m. The reason for these provisions is the protection of the bank and soil stability and the avoid erosion. In addition the 10m setback is required for safe contractor access depending on bank conditions.</p> <p>The draft Motutangi Drainage Management Plan further discusses how this drainage area is managed, and a DoC concession application has been made.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	Revise clause 10.1 so that no application will be considered for deepening of a drain within 100m of any significant wetland or other water body of Maori significance.	LDB19/8	<p>The deepening of drains falls under the responsibility of Northland Regional Council. Deepening of drains is not permitted under this clause of the bylaw. Where an application is received for deepening of a drain, GIS systems will be reviewed to ascertain the presence of wetlands and water bodies. A referral to the appropriate agencies will be undertaken by FNDC.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	Revise Clause 19.1 to require necessary applications from NRC at the same time that an application is lodged for written approval from FNDC under this draft bylaw.	LDB19/8	Where an application is received for written approval from FNDC, referrals will be made in accordance with the management plan for the drainage district. to the appropriate agencies will be undertaken.	An amendment to the proposed bylaw is not required as a result of this submission point.
	Insert a further clause providing for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage of significant indigenous wetlands and on other ecological and cultural values.	LDB19/8	FNDC disagrees with this request. The bylaw seeks to maintain the flow within existing drainage channels which have been used for approximately 100 years. The mitigation and remedy of existing adverse effects through additional works is not funded through the work programme approved by the drainage boards, and therefore is not part of the targeted rate. FNDC has also confirmed that the Motutangi DoC lands are not rate-able.	An amendment to the proposed bylaw is not required as a result of this submission point.  It is recommended that this clause is outside of the scope of the bylaw purpose and should therefore not be included.
Suggested maintenance	Suggests a series of weirs (at the cut) with datum heights within the Motutangi area to filter water and remove sediment every 6 months. This would also allow water to be in the peat ground and not dry out as much.  It is unclear if datum heights are taken on the Motutangi Drainage Scheme.	LDB19/7	The purpose of the bylaw is the regulation of drainage assets to retain access to maintain access for flow maintenance activities.  Fencing and grazing setbacks are in place to reduce or avoid sediment discharge into the drain or the collapse of the bank.  Installation of weirs or other flow obstructions require approval through the bylaw or resource consents from NRC.	An amendment to the proposed bylaw is not required as a result of this submission point.
	Installation of sand traps within the Motutangi area would remove the need for	LDB19/7	The purpose of the bylaw is the regulation of drainage assets to retain access to maintain access for flow maintenance activities.	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	excavator access.		<p>Fencing and grazing setbacks are in place to reduce or avoid sediment discharge into the drain or the collapse of the bank.</p> <p>Installation of weirs or other flow obstructions require approval through the bylaw or resource consents from NRC.</p>	
	A flat bottomed barge with weed hook could remove weed and bale it.	LDB19/7	<p>A barge would most likely damage the drain profile and would not be sufficient in cleaning the channel. It could also result in sediment discharge and movement into water. A draft Motutangi Drainage Management Plan is currently being prepared for approval by the drainage boards to manage maintenance activities in accordance with DoC's Conservation Management Strategy.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	The main cut (of the Motutangi channel) has been covered over the last 10 years at least 1 m which is illegal.	LDB19/7	<p>Clearing on this main cut occurred a number of years ago with material deposited beside the drain. A DoC concession is needed to clear the material off the site. A budget of \$35,000 has been set aside for this by Council.</p> <p>A draft Motutangi Drainage Management Plan is currently being prepared for approval by the drainage boards to manage maintenance activities in accordance with DoC's Conservation Management Strategy</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	Oxygen weed progression and need for drain to be pumped out and helicopter sprayed.	LDB19/7	<p>SME advise that a maintenance plan is being agreed to between landowners and Council which informs the setting of targeted rates.</p> <p>Pumping the drain is considered to have considerable adverse effects on aquatic and riparian ecosystems. SME have also advised that spraying occurs via hand-held devices as opposed to helicopter spraying to reduce the effects on water quality and aquatic fauna</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	Suggestion for every private drain entering the Motutangi Stream	LDB19/7	<p>A draft Motutangi Drainage Management Plan is currently being prepared for approval by the drainage boards to manage maintenance activities in</p>	An amendment to the proposed bylaw is not required as a result of this

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	drainage to have an approved sediment filtration device.		accordance with DoC's Conservation Management Strategy	submission point.
	Request to reinstate stream heights to a reasonable level.	LDB19/7	<p>The private drains connecting into the Motutangi Stream and draining adjacent lands have been in existence for the past 100 years.</p> <p>A draft Motutangi Drainage Management Plan is currently being prepared for approval by the drainage boards to manage maintenance activities in accordance with DoC's Conservation Management Strategy</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	Consult with elders about if and at what cost the beaches can be reinstated.	LDB19/7	It is NRC's responsibility to monitor sediment build-up on beaches. However, maintenance of the drainage networks is undertaken to minimise sediment discharge into the water. Some sedimentation occurs through natural processes including storm events.	An amendment to the proposed bylaw is not required as a result of this submission point.
	Key highly productive properties that require particular levels of water table height protection should be identified and pay extra costs for cleaning weeds and supervisory costs..	LDB19/7	<p>Submission LDB19/7 was mainly in relation to the Motutangi area and therefore it is assumed that this point also relates to this area.</p> <p>The approval of ground and surface water takes are the responsibility of the Northland Regional Council. Furthermore, the management of the water table is not within the scope of this bylaw.</p> <p>Where additional fees are required for maintenance purposes, a request should be forwarded to the respective drainage board, who approve a maintenance programme and budget and also inform the management plans.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	Widen stream bed to create multiple series of weirs.	LDB19/7	<p>Submission LDB19/7 was mainly in relation to the Motutangi area and therefore it is assumed that this point also relates to this area.</p> <p>Stream bed widening, installation of weirs or other flow obstructions require approval through the bylaw or resource consents by NRC.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	It is noted that water flow measurements confirm that the drains passing through the Motutangi-Kaimaumau Wetland are not merely conveying water from farmland but are also lowering the water level in the wetlands in the vicinity of the drains	LDB19/8	<p>FNDC's SME explain that it is expected that the wetlands drain into the Motutangi Stream.</p> <p>To follow-up to the hearing, FNDC received a further explanation from DoC's representatives with respect to "drains, potentially artificial, within the Kaimaumau-Motutangi Wetland that were lowering the watertable in the wetland" (email received on August 27, 2019). It is noted DoC themselves submitted this.</p> <p>"I have checked with Dr Hugh Robinson, Principal Science Advisor-Freshwater in the Aquatic Unit of the Department of Conservation, about this alleged drain.</p> <p>His recollection is that this is a natural creek flowing into the Motutangi Stream at that location shown in the map provided by the submitter.</p> <p>He also notes that:</p> <p>'while there is a natural outflow, it needs to be recognised that the drainage system has increased the outflow of water from the wetland via lateral flow along the length of the drain. That is, there are several sites along the drain where visible lateral flow (through the banks of the drain) are visible.'</p> <p>It is noted that the Motutangi Drain has existed for approximately 100 years, as per the discussions with the drainage board and FNDC SMEs. Further management is detailed in the draft Motutangi Drainage Management Plan. Any new private drain connections to the current drainage network or the installation of independent drains therefore will undergo an approval process both within FNDC and the Northland Regional Council and as part of this seek DoC's advice through circulation of such applications.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
Process	Clarify enforcement triggers and the monitoring and	LDB19/4	FNDC in conjunction with the drainage boards is funding a drone which will simplify monitoring and compliance of the drains. Appropriate processes and	An amendment to the proposed bylaw is not required as a result of this submission point.



Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	enforcement process		approvals will be put in place for the use of the drone. Monitoring and enforcement is undertaken through robust discussions by the Committee and follow up through the Bylaw.	
	Ensure that any cost recovery referenced refers to responsible parties rather than landowners (Clause 8.8). There is inconsistency in current wording.	LDB19/4	Monitoring and enforcement is undertaken through robust discussions by the Committee and follow up through the Bylaw, with recovery at cost.	An amendment to the proposed bylaw is not required as a result of this submission point.
	Outline a clear process for Council-landowner contact procedure to access private land.  This is important to cover landowners and orchard managers from a H&S perspective as well as we could potentially provide easier and safer access through our site. This should provide minimum notice periods unless deemed an emergency	LDB19/4	The Bylaw enables access to the drains for maintenance purposes. Through the committee work, there is a general understanding that contractors will access the land for that purpose. Contractors advise landowners when access is required, and contractors will comply with the Health and Safety at Work Act.	An amendment to the proposed bylaw is not required as a result of this submission point.
	Specify who approvals required under this bylaw need to be sought from.	LDB19/4	The bylaw specifies that consent is required from Council, which is defined as FNDC. Clarification is required that in some instances consent is required from NRC.  The submitter is seeking clarification of process with respect to making applications subject to the bylaw.	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
			<p>This is a process matter and should not be contained in a bylaw.</p> <p>In its forward-work programme Council will place greater emphasis on implementation and clarity on process.</p>	
	Specify how fair and reasonable inspections fees or requests for information are determined, particularly where complaints are submitted which may be deemed unfounded.	LDB19/4	<p>The submitter is seeking clarification of process with respect to the setting of inspection fees or addressing of information requests, particularly when a complaint is received.</p> <p>In its forward-work programme Council will place greater emphasis on implementation and clarity on process, including complaint procedures.</p>	An amendment to the proposed bylaw is not required as a result of this submission point.
	<p>Outline a clear process for Council-landowner contact procedure to access private land.</p> <p>This is important to cover landowners and orchard managers from a H&amp;S perspective as well as we could potentially provide easier and safer access through our site. This should provide minimum notice periods unless deemed an emergency.</p>	LDB19/4	Such information should be contained in the management plan.	An amendment to the proposed bylaw is not required as a result of this submission point.
	Ensure that any cost recovery referenced refers to responsible parties rather than	LDB19/4	Cost recovery is referred in Clause 9.1 referring to the removal of debris or obstruction, stating that "Council may do the work required and recover the cost thereof from such owner or owners". Relevant discussions	An amendment to the proposed bylaw is not required as a result of this submission point.

Submission area:	Submission point:	Submission ID	Staff response and discussion of alternatives:	Recommendation
	landowners (Clause 8.8). There is inconsistency in current wording.		generally occur through the Land Drainage Committees.	

The Local Government Act (LGA) prescribes the process for making and replacing bylaws. Before making the bylaw, Council must consider whether the bylaw complies with the relevant provisions of the LGA. The provisions, and an assessment of the bylaw against them, are summarised in Table 1 below.

**Table 1: Assessment of new bylaw against provisions in LGA**

Section number	Provision	Assessment
<b>155(2)(a)</b>	The proposed bylaw is the most appropriate form of bylaw.	Council determined the bylaw was the most appropriate form of bylaw when it adopted the statement of proposal for a new Land Drainage Bylaw 2019 at its meeting on 27 June 2019. The reasons for this determination are set out in the statement of proposal in attachment 1.
<b>155(2)(b)</b>	Whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.	The proposed Land Drainage Bylaw 2019 does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

**Reason for the recommendation**

Analysis of submissions received identified a need for clarification of some terminology used within the bylaw to avoid ambiguity. Recommended changes are discussed in the Summary of Submissions provided above, and are illustrated in the revised bylaw in Attachment 1.

A number of submissions highlighted a need for improved communication of bylaw processes with affected landowners and parties. While such processes sit outside of the bylaw process, Administration will improve communication through its applicable channels.

Administration recommends the Land Drainage Bylaw in Attachment 1 be adopted by Council to:

- continue to ensure the safe and efficient creation, operation, maintenance and renewal of all public land drainage networks;
- continue to ensure proper hazard management to prevent or minimise flooding and erosion;
- continue to minimize adverse effects on the local environment particularly freshwater ecological systems quality, and assists in maintaining receiving water quality;
- continue to ensure that land drainage networks are properly maintained;
- continue to ensure protection of Council land drainage assets and the health and safety of employees;
- continue to set out acceptable types of connection to land drainage networks. The new bylaw meets the requirements of sections 155 of the LGA.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications that will result from the adoption of the recommendation in this report.

**ATTACHMENTS**

1. **Draft Land Drainage Bylaw 2019 (tracked changes) - A2665604** [↓](#) 
2. **Land Drainage Bylaw Submissions - A2665638** [↓](#) 
3. **Statement of Proposal - A2665637** [↓](#) 

**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 content of this report and the adoption of the recommendation in this report do not exceed any of the thresholds currently contained 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.	Local Government Act 2002 Land Drainage Act 1908
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 this report has relevance within the identified drainage districts. The Land Drainage Committees were informed of the proposed Bylaw and Drainage Committee were attended.
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 in this report has implications for Māori in that the adopted land drainage affects the intrinsic value of receiving water bodies as understood by Manawhenua.
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 (for example – youth, the aged and those with disabilities).	The draft Land Drainage Bylaw 2019 was subject to the consultation requirements as specified in the Local Government Act. The draft bylaw was publicly notified with opportunities for submissions in accordance with s156 of the LGA. In addition, targeted ratepayers received a letter or email from Administration to notify them of the review and consultation period for the Land Drainage Bylaw 2019. Submitters were provided with the opportunity to be heard on their submission
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications that will result from the adoption of the recommendation on this report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.



## LAND DRAINAGE BYLAW

2019

## 1. Title

This Bylaw is the Land Drainage Bylaw 2019

## 2. Commencement

This Bylaw comes into force on the 3<sup>rd</sup> day of October 2019.

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## 3. Application

This Bylaw applies to land drainage areas identified in schedules to this Bylaw the Far North District.

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## 4. Purpose

4.1 The purpose of this Bylaw is to regulate land drainage assets ~~within the Far North District~~ within land drainage areas identified in schedules to this Bylaw.

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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.

4.3 Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland Regional Council.

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## 5. Interpretation

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. Note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) from the Northland Regional Council.

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**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

- 6.1 Without the prior [consent approval](#) 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 approval](#) of Council, which may impose any conditions it thinks fit if such consent is granted.

## 7. Private Drain Connection

- 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 approval](#) of Council.
- 7.2 Any owner applying for such [consent approval](#) 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

- 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 approval](#) 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 approval](#) 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 approval](#) 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 approval](#) of Council.

### 13. Crossings

- 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 approval](#) 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

- 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 approval](#) 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

- 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

- 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
<a href="#">Expire</a>	<a href="#">The Land Drainage Bylaw 2009 automatically revoked in October 2016.</a>	<a href="#">16 October 2016</a>	<a href="#">1 December 2009</a>
<a href="#">Make</a>	<a href="#">Land Drainage Bylaw 2019</a>	<a href="#">3 October 2019</a>	<a href="#">3 October 2019</a>

### 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	<a href="#">Statement of Proposal</a>	<a href="#">27 June 2019</a>
Submissions	Public submissions on the Statement of Proposal	<a href="#">Submissions</a>	<a href="#">8 July 2019 – 9 August 2019; Hearing on August 22, 2019</a>
Deliberations	Deliberations on submission issues raised		<a href="#">3 October 2019</a>
?			

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

# Land Drainage Bylaw 2019

## Submissions

## Submissions by Surname

Submission ID	Surname	First Name	Organisation	Page
LDB19/4	Broadhurst	Ian	Largus, Mapua and Tiri Avocado Orchards	4
LDB19/8	Eglinton	Hamish	Department of Conservation	19
LDB19/5	Ferens	Sue		5
LDB19/1	King	Kevin (Joe)	Elbury Holdings Ltd	1
LDB19/2	King	Fiona	Kaitaia drainage committee and Elbury Holdings Ltd	2
LDB19/6	Liggett	Brendon	Housing New Zealand	6
LDB19/3	Nicholson	Malcolm	Northland Regional Council	3
LDB19/7	Tattley	Mark	Largus, Mapua and Tiri Avocado Orchards	7

<b>ID</b>	LDB19/1
<b>First Name</b>	Kevin (Joe)
<b>Surname</b>	King
<b>Group / Organisation</b>	Elbury Holdings Ltd
<b>Position</b>	Director
<b>Property within Drainage District?</b>	Yes
<b>Which Drainage District(s)?</b>	Kaitaia; Kaikino
<b>Do you support the proposed Bylaw?</b>	I support the proposed bylaw
<b>My submission is:</b> support in principal	
<b>My reasons are:</b> Very important to keep the bylaw and I want to be part of the any further consultation /submissions on land drainage bylaw 2019.	
<b>I would like Council to make the following amendments to the proposed Bylaw:</b> No response given	



<b>ID</b>	LDB19/2
<b>First Name</b>	Fiona
<b>Surname</b>	King
<b>Group / Organisation</b>	Kaitaia drainage committee and Elbury Holdings Ltd
<b>Position</b>	Chair person , Director
<b>Property within Drainage District?</b>	Yes
<b>Which Drainage District(s)?</b>	Kaitaia; Kaikino
<b>Do you support the proposed Bylaw?</b>	I support the proposed bylaw
<p><b>My submission is:</b></p> <p>to support the document in general but would to ensure by adding the following. 1. access- access (gateways) for contractors is to be available in the fencelines on fences, drain crossings and boundaries. 2. Fencing of all drains a requirement on both sides of the county drains, and all fences constructed (Height, number of wires, distance from drain) to be accessible for a digger. 3. Protection of the drainage assets , profiles of drain battering &amp; pictures, . some clause explain the process &amp; what happens if the bylaw is not follow 4. Ensure the lengths of the drains in the assets list are correct . Add drains that are not shown on the list ie. spains road drain. kaitaia area. Or to removed ie. kareponia which is a S H 1 road side drain. Matthews outfall now inside an urban environment but using the rural aspect to not pipe the drain. Yet not following the rules of the bylaw. 5. A necessity to have the FNDC planning Dept when processing building consent and resource consent recognize the scheme . Any subdivision should follow all drainage rules when subdividing land and if possible attach as a consent notice to ensure drains are still able to maintained or the should be removed from the scheme if it has become more urban environment. ie. matthews outfall.</p>	
<p><b>My reasons are:</b></p> <p>as above.</p>	
<p><b>I would like Council to make the following amendments to the proposed Bylaw:</b></p> <p>I support the bylaw change but want the issues i have outlined addressed within the bylaw or drainage plan.</p>	

<b>ID</b>	LDB19/3
<b>First Name</b>	Malcolm
<b>Surname</b>	Nicholson
<b>Group / Organisation</b>	Northland Regional Council
<b>Position</b>	CEO
<b>Property within Drainage District?</b>	No
<b>Which Drainage District(s)?</b>	
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<b>My submission is:</b> <p>1. The Northland Regional Council (Council) is grateful for the opportunity to have an opportunity to provide a submission on your proposed Land Drainage Bylaw 2019 (the bylaw). 2. Council understands the purpose of drainage districts, the history of the four land drainage districts in the Far North and is obviously cognisant of the fact that regulation of drainage districts is split between the Far North District Council and ourselves (we are responsible for consenting land drainage schemes under the Resource Management Act 1991). 3. Council has reviewed all provisions within the bylaw and note that it is identical to the previous (2009) Land Drainage Bylaw. Our staff have not identified any operational "issues" with the previous Land Drainage Bylaw and, on that basis, we are supportive of the provisions of this bylaw. 4. We note that section 19 (Other Requirements) states that "the provisions of this Bylaw do not remove the need for any resource or other consents required under the Resource Management Act 1991 or Building Act 2004". However, this paragraph goes on to state that where consents are required, they shall be lodged with the Council at the same time. We consider that this is misleading because, in the context of this bylaw, "Council" only refers to the Far North District Council.</p>	
<b>My reasons are:</b> <p>No response given</p>	
<b>I would like Council to make the following amendments to the proposed Bylaw:</b> <p>Either insert specific reference in section 19 to the fact that a resource consent may be required from the Northland Regional Council (under the RMA) for land drainage activities or amend paragraph 4.1 (Purpose) as follows: "The purpose of this Bylaw is to regulate land drainage assets within the Far North District. Please note that this bylaw does not remove the need for any necessary resource consents (under the Resource Management Act 1991) for land drainage activities from the Northland Regional Council".</p>	

<b>ID</b>	LDB19/4
<b>First Name</b>	Ian
<b>Surname</b>	Broadhurst
<b>Group / Organisation</b>	Largus, Mapua and Tiri Avocado Orchards
<b>Position</b>	General Manager
<b>Property within Drainage District?</b>	Yes
<b>Which Drainage District(s)?</b>	Waiharara; Motutangi
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<p><b>My submission is:</b></p> <p>Thank you for the opportunity to provide comment upon the proposed Land Drainage Bylaw. I would like to provide the following feedback based upon my experience as a resident, grower and orchard developer within the Waiharara and Motutangi Drainage Districts. € Stock should not be allowed access directly to drains for drinking water. There are people who rely on surface water as a supply, and the risk of defecation and stock death if stuck in the drains is high, which obviously has significant potential risk to water quality. Further to this, whilst not applicable to an orchard, I note that the 2 m setback for grazing will have implications on much existing fencing. How will this be enforced? There is no point in having a rule that will not be observed.</p>	
<p><b>My reasons are:</b></p> <p>outlined below with recommended amendments.</p>	
<p><b>I would like Council to make the following amendments to the proposed Bylaw:</b></p> <ul style="list-style-type: none"> <li>• Replace the term consent with “permission” or “approval” where the text does not relate to a building consent or resource consent to avoid confusion.</li> <li>• Specify the position of the person within Council the permission or approval needs to be sought from, rather than saying Council i.e. the nominated drainage engineer. It should also always be clear to us as land owners who this person is.</li> <li>• Outline in more detail how “fair and reasonable” inspection fees or requests for information will be determined. This is protecting ourselves against being burdened by any inspection or request for detail, if it is proven to be unnecessary. This is especially important in the current environment given some of the unfounded public views on recent orchard developments.</li> <li>• Outline a clear process on the Council landowner contact procedure for accessing private land i.e. how Council will make contact with the land owners prior to going onto their property. This is important to cover landowners and orchard managers from a H&amp;S perspective as well as we could potentially provide easier and safer access through our site. This should provide minimum notice periods unless deemed an emergency</li> <li>• Ensure that any cost recovery referenced refers to responsible parties rather than landowners such as that in clause 8.8. There is inconsistency in current wording.</li> <li>• Show key features such as crossing points, culverts and bridges on the maps so we understand what are considered authorised. This avoids any doubt.</li> </ul>	

<b>ID</b>	LDB19/5
<b>First Name</b>	Sue
<b>Surname</b>	Ferens
<b>Group / Organisation</b>	
<b>Position</b>	
<b>Property within Drainage District?</b>	Yes
<b>Which Drainage District(s)?</b>	Motutangi
<b>Do you support the proposed Bylaw?</b>	No response given
<p><b>My submission is:</b></p> <p>That the FNDC extend the submission period so that all members of the local community who wish to are able to consider the bylaw/amendment and make any submissions accordingly. We are within the area concerned for Motutangi drainage but received no notification of the submission process. We became aware of it only one day ago.</p>	
<p><b>My reasons are:</b></p> <p>There are several aspects we are concerned about: 1/ the need for on-going water monitoring in the Motutangi Stream and the Houhora Harbour, particularly due to land change in the area with increased risk of sediment flowing through the drainage system into the harbour; the value of native riparian plantings along the Motutangi Stream could be considered to aid stream health rather than spraying; possibility of kaitiaki status for those living along the stream to be investigated, in cooperation with FNDC, iwi and DoC; information regarding penalties for breaching the bylaw. 2/ All stake holders/community members in the area should be involved in the submission process (we understand there was one notice in the local paper 11/7 which was not widely seen)</p>	
<p><b>I would like Council to make the following amendments to the proposed Bylaw:</b></p> <p>Extend the time-frame for submissions in order to enable all members in the local community with an interest in the Motutangi Stream and drainage area, to consider the proposed bylaw and to make submissions if required.</p>	

<b>ID</b>	LDB19/6
<b>First Name</b>	Brendon
<b>Surname</b>	Liggett
<b>Group / Organisation</b>	Housing New Zealand
<b>Position</b>	Development Planning Manager
<b>Property within Drainage District?</b>	
<b>Which Drainage District(s)?</b>	
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<p><b>My submission is:</b></p> <p>The Corporation opposes part of the Proposed Land Drainage Bylaw 2019 ('proposed bylaw') on the basis that the proposed bylaw will have adverse effects on the amenity value and development potential for the Corporation's tenants and assets adjoining the drainage channels. In making this submission the Corporation acknowledges and supports an improvement to the management to the drainage district within the Far North region. However, the Corporation is concerned that the nature of the proposed bylaw will result in adverse effects on the residential amenity through the limitation to plant or grow any tree, shrub or hedge for a distance of 10 metres from the edge of the drain or erect any form of structure such as a fence or building within this distance edge of the drain. Any such proposed setback should only apply to open, above ground drains. Furthermore the Corporation is concerned that the proposed bylaw will not contribute positively to the development potential in the Far North District Council ('FNDC'). In particular, the Corporation is concerned with the restriction of landowner actions in regards to council access to and along the banks of drainage channel (section 6 of the proposed bylaw) and the obligations on landowners and other persons to ensure that the drainage channel and the flow of water is not in any way obstructed (section 8 of the proposed bylaw).</p>	
<p><b>My reasons are:</b></p> <p>Whilst it is acknowledged that the Land Drainage Bylaw 2009 currently has similar limitations to the ability to build or plant within 10 metres of a drain and have an access way within 3.5m of a drain, the increased demand for development in the FNDC and the ability to mitigate any development effects makes it clear that the current and proposed restrictions are excessive. Hence, the Corporation is of the opinion that the proposed bylaw will be detrimental to the Corporation's interests and may limit the ability to increase the neighbourhood amenity.</p>	
<p><b>I would like Council to make the following amendments to the proposed Bylaw:</b></p> <p>The Corporation opposes the proposed bylaw in part and seeks that:</p> <ol style="list-style-type: none"> <li>1) the use of 'minor damage' be defined;</li> <li>2) the setback distance for access to and along drains be reduced to 3 metres; and</li> <li>3) the setback distance for vehicle access from drains be reduced to 3 metres;</li> <li>4) landscaping be enabled within the proposed setback of 3 metres without the prior consent of council</li> <li>5) the proposed setback should exclude those drains which are underground</li> </ol>	

<b>ID</b>	LDB19/7
<b>First Name</b>	Mark
<b>Surname</b>	Tattley
<b>Group / Organisation</b>	
<b>Position</b>	
<b>Property within Drainage District?</b>	Yes
<b>Which Drainage District(s)?</b>	Motutangi
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<p><b>My submission is:</b></p> <p>Mr Tattley has provided a detailed submission that is attached and should be read in full. His main points are summarized below:</p> <ul style="list-style-type: none"> <li>• Please note I request you allow submissions another 40 days after all parties are notified.</li> <li>• I suggest a series of weirs with datum heights to filter the water and having sediment holes dug and cleaned (possibly six monthly)</li> <li>• I suggest we head towards keeping grazing animals and crops 10 metres off and and drain to allow sufficient nutrient filtering</li> <li>• I see no reason a digger is required once sand traps are installed every 1km and on bends etc</li> <li>• I imagine a flat bottomed barge pulling a weed hook and possibly baling the weed.</li> <li>• The main cut has been covered over the last 10 years at least 1 metre, which is illegal.</li> <li>• I do not know if any datum heights have ever been taken and recorded on the Motutangi Drainage scheme.</li> <li>• I suggest any farm that has a drain going into the cut or the Motutangi Stream drainage has their own approved filtration devices to stop sediment.</li> <li>• Oxygen weed has progressively headed southwards. I suggest the drain be pumped out and then helicopter spray the stream bed.</li> <li>• Reinstate stream heights to a reasonable level.</li> <li>• At the upper end of the harbour, there used to be white sand, now you need gumboots because of the silt.</li> <li>• Key properties which are highly productive and require extra levels of water table height protection should be identified and pay extra costs for cleaning weeds and supervisory costs.</li> <li>• Seasonal weirs at the cut to allow water to be in the peat ground so as not to dry out too much.</li> <li>• Widen stream bed to create multiple series of weirs with filters in.</li> <li>• Remove mangroves to allow the streams to flush. Mangroves have intruded up all the waterways and caused silting effect.</li> <li>• Consult with the elders and see if and at what cost it would be to return the beaches to white fluffy sand.</li> </ul> <p><b>My reasons are:</b></p> <p>I live within 80 metres of Motutangi Stream and I care about Houhora Harbour and wish to be a responsible person.</p>	

**I would like Council to make the following amendments to the proposed Bylaw:**

We need to enlargen our views and vision to incorporate all those whose land drains into the Motutangi Drainage system and all those affected by the drainage into Houhora Harbours East beach.

### SECTION 3: TELL US WHAT YOU THINK

Council is consulting on changing the Far North District Council Land Drainage Bylaw to regulate and manage any Land Drainage Districts within the Far North District. The proposed Land Drainage Bylaw can be found at [www.fndc.govt.nz/drainage2019](http://www.fndc.govt.nz/drainage2019)

#### Do you support the proposed bylaw ?

I (please tick one box):

☐ Support

☐ Oppose

☒ Seek amendments to the proposed bylaw

My submission is:

As per  
9 pages  
Please not I request you allow submissions  
another 40 days after all parties are notified.

My reasons are: (giving reasons for your view helps us better understand your submission and what you are seeking)

I live within 80mtrs of Motetangi  
Stream and I care about  
the local harbour and wish to be  
a responsible person.

The decision I wish Council to make is: (this helps Council make sure the issues you raise can be addressed accurately)

We need to enlarge our views  
and vision to incorporate all those  
whose land drains into the Motetangi  
Drainage system and all those affected  
by the drainage into Harbour harbour East beach

If you need more space, please feel free to write on extra pages. If you have extra information you would like Council to consider, please attach it to your submission or email it to [submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)

#### Return your submission



##### By post:

Submissions – Land Drainage Bylaw 2019  
Far North District Council  
Private Bag 752  
Kaikohe 0440



##### By email:

[submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)



##### In person:

hand it in to any Council service  
centre or library

**SUBMISSIONS CLOSE AT 4.30PM FRIDAY 9 AUGUST 2019**

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PNM  
Manning

MSH

Mark Stephen Tattley

R.D.4 Kaitia

4 July 2019

Submissions - Land Drainage Bylaws 2019

Far North District Council

Private Bag 752

Kaitiaki 0440

note 9 pages in total

Kia ora,

Thank you for letter dated

3 July 2019. This is my submission also request to speed up process concerning this process.

As part of my submission I ask you to look at notified people groups and owners of land over the whole Houhora Drainage Catchment area. ie from Motutangi Stream, Houhora harbour entrance I believe there is around 12km of land further south and west that flows into the Motutangi Stream.

I would like to see a further 40 days from when all parties are notified to allow them time to submit and have input into this achievement of have a 10 year plan into the future.

I live approx 60mtrs away from the Motutangi Stream and have beautiful views of Motutangi Stream approx 1km to the North and hidden in bush views South.

I am not truly a local as I have only lived here 20 years.

Allan Sumner was my neighbour until he headed to the West Coast, he was a good ambassador for his land environmentally.

FAR NORTH DISTRICT  
COUNCIL

- 9 AUG 2019

KAITIA SERVICE CENTRE

Page 10

My property has the main cut on it which has been abused in the modern process of achieving drainage even though it is illegal to drain land and create new drains this area is basically the wild west and I appreciate that but I must say we do need to consider the Houhora Harbour and the Kaimaumau wetland, in saying this I believe farmers and passionate people can come up with solutions that don't need gold bars to pay for.

My gift to nature is alternative tech to live without power and computer and in doing so the pioneering spirit is alive and well.

My suggestions would be to work with local iwi and farmers and create a system that we can maintain and have power over.

I suggest a series of weirs with datum heights surveyed and recorded the weirs I believe could be holders for large square bales of fibre to filter the water and having sediment holes dug and cleaned possible bi-monthly as for cleaning the stream.

Matutangi Stream was not called Matutangi Drain, we do now have a drain but as the local iwi know this historically has been an accessway to Maita Pa down Matutangi Road.

I further suggest we head towards keeping grazing animals and crops 10m off and drain to allow nutrient filtering farmers can harvest grass but not fertilize the 10m strip ie cut and carry grass system.



Final  
Minutes

Mark Tattler 4 July 2019 M2 3

As for maintaining the stream I see no reason why a digger is required once sand traps are installed possible every 1 km and on bends etc.

I could imagine a flat bottomed barge pulling a weed hook and possible baling the weeds and putting onto another barge with a hydraulic lifting arm.

The main cut has been lowered over the last 10 years at least 1 mtr which is illegal but not immoral unless you view the implications it has on the Houhora Harbour.

I have found it hard to stop this as it is done by stealth.

Historically we have had drainage meetings and elected people to run the different areas which is good to a point. However I do not know if any datum height have ever been taken and recorded on the Motutangi Drainage Scheme. If those records exist it would be easy to see what has happened.

I suggest any farm that has a drain going into the cut or the Motutangi stream drainage has their own approved filtration devices to stop sediment going into the stream and Houhora Harbour.

Oxeye weed has progressively headed southwards and in all

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FNDC  
Motutangi

Mark Tattley 4 July 2019 WYH

4

honestly I believe we need to write this  
my suggestion is to work with

Do find out fish patterns and  
plan to drain pumpout Motutangi  
stream with 12" or 300mm pumps  
and my property can be cased  
to pump water into sand hollows  
to allow the stream bed to be dry  
and then helicopter spray stream  
bed and also have people spraying  
if required. Allow poison to take  
effect then allow water to fill  
stream again. My property has  
some large hollows between  
ridges which would take a lot  
of water and I will may also  
allow this to happen ie pump  
over toward East Beach.

We do need to reinstate  
stream heights to a reasonable level  
to restore more appropriate heights  
and mitigate errors of the past.

Farm land is adjacent to  
Kaimauman reserve and some  
drains may need to be filled in  
to rectify past abuse of privilege to  
farm the land.

My sons grandfather Russel Jobe  
was the dig line operator who did a lot  
of work on the Motutangi stream 40 years  
ago. Norm Bryans has passed away.

I know that they have deepened the  
cutby at least 1m and have deepened  
the gravel drains by cutting through the  
pan 1970 to enable drier farm land

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PNDC  
review

Mark Tattley MSZ

4 July 2019

5

I realise people need to make a profit  
I have had the privilege of around  
5 years work in avocado industry  
on the Aupouri Peninsula, I see  
the incredible production of the  
trees up here the work that it has  
given the area, and the upsurge  
of the sand silt with all the leaves  
that fall off the trees.

I got to know Crunch Bradley  
now passed on, whilst working on  
a bulldozer, he told me about his  
youth and the changes to the  
Houhora harbour, where the pub is  
at the upper end of harbour there  
used to be white sand, but now  
you need gumboots because of  
the silt.

The Motutangi Stream has  
a venturine effect as the tide comes  
in it drags the dirty water up stream  
and the opposite applies with outgoing  
tide.

At Houhora Camping ground  
adjacent to Motutangi Stream there  
has been mud for the last 20  
years that I know of, I couldn't  
say if the mud is much deeper you  
would need to ask Owen & Lois Wagner  
as they live on the harbour edge and  
their family leaves the camping ground.

So with a positive focus, I'm sure  
we can plan 10 years ahead and hopefully  
have another 10 year plan after that,  
but I can see mallet jumping in the  
stream like it is supposed to be, I can see

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ADC  
Motetang

Mark Tattler NZ 4 July 2019

6

the full range of native trees growing alongside the stream, but I can also see that we have adequate drainage, maybe invent a specialist machine mounted on a mussels barge I'm sure we can do this.

Seasonal weirs at the cut to allow water to be in the peat ground so as not to dry out too much.

Widen stream bed to create multiple series of weirs with filters in.

Change happens, then in hindsight we realise was it really worth the damage to our harbours.

I'm privileged to live overlooking Motetang Stream, Humberg Harbour entrance and Rangunui Harbour entrance very unique or east coast beach with a harbour at both ends crown jewels.

Lets enjoy and consider what we do, and command a better price for our products due to our mitigation of pioneering endeavours

~~Yare Sincerely  
Mark Tattler~~

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

I request to be able to discuss in person my submission, thank you.

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PWX Mak Tattler MJ - 4 July 2019

7  
Irong a local tonight who has dived and swum in the Houhora Harbour and he clearly remember the white fluffy sand of around 40 years ago and further.

It appears the Motutangi Drainage Scheme has inflected silt into the Houhora Harbour. From this conversation there was no mangroves in the Houhora harbour 40-50 years ago and combined with oyster production silt has amassed up.

Remedy remove the mangroves allow the streams to flush.

Mangroves have intruded up all the waterways and caused silting effect.

Locally we have silica sand which is clean, peat soils are also giving a natural cocoa cola colour to some areas.

Consult the elders, and see if and at what cost it would be to return the beaches to white fluffy sand.

It may be achievable.

Yours Sincerely  
Mark Tattler.  
MJ

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Continued Page 8



PNRC 4 July 2019  
Meeting

Make Stephen Telford R2. 8

In the Motutangi area especially, there are certain key properties which are largely productive and require extra levels of water table height protection. I submit these properties be identified

ie possible Paul Harvey property  
old Alan Sumner property.

Mapun Avocadoe ex Blutchers farm

Old Alfons property Bob Cambels

and others possible Bigans farm

may desire drainage twice a year

my suggestion is that these properties

foot that extra cleaning of the

Motutangi Stream ie costs of

clearing weed & any supervisory costs

in full, as myself along with many others would be happy for a late Autumn cleaning of waterway once a year.

As to define issues with drains connecting into Motutangi Stream or the cut or other drains we need to look at standardisation system that farmers can make them self ie square bale or round bale filter of sediment and silt ponds at the near inflow side of filter bale

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PAGE  
Monday

Mark Tottle MS 16 July 2019 9

Cont I could envisage a galvanised frame for square bales or round bales may fit into a culvert pipe?

Then wrap bale of suitable product maybe straw topped mulch or cut and compressed even a weed pack would be great with suitable holes punched in it. and obviously easily a press to compact material into the weed bale.

Combiner may be a future option ie the staller but of good nature for a bi product to the seeds, or for those who look at it as a help to survive in this day and age, deepened on the heads to medicate their existence.

Quite possible a good industry bi product.

So lets come up with something real positive and life giving.

\* Note I want opportunity to be heard to speak into this sub mission thanks.

Yours Sincerely  
Mark Tottle  
MS

I also put forth my name may an opportunity arise as a contractor

Also please make available to the general public the tendering process.

Also all drainage and Hauling Harbour meeting should be in conjunction with one another. To broaden the consent process to Hauling Harbour

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<b>ID</b>	LDB19/8
<b>First Name</b>	Hamish
<b>Surname</b>	Eglinton
<b>Group / Organisation</b>	Department of Conservation
<b>Position</b>	Regional Representative
<b>Property within Drainage District?</b>	Yes
<b>Which Drainage District(s)?</b>	Motutangi
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<p><b>My submission is:</b></p> <p>This draft bylaw is intended to regulate land drainage assets in the Far North District. The particular assets are listed in the schedule to the bylaw. Some of these land drainage assets are located within Crown land administered by the Department of Conservation ("public conservation land"). It is noted that water flow measurements confirm that the drains passing through the Motutangi-Kaimaumau Wetland are not merely conveying water from farmland but are also lowering the water level in the wetlands in the vicinity of the drains. The application of the draft Land Drainage Bylaw 2019 to this public conservation land would be ineffective and unnecessary. The Far North District Council is legally unable to undertake any activities on these land drainage assets within public conservation land without a legal agreement (a concession) from the Department of Conservation. A concession, if granted, would provide for the District Council to undertake land drainage maintenance activities, subject to conditions intended to protect important ecological freshwater and wetland values. (The District Council has applied for a concession to allow the maintenance of land drainage assets associated with the Motutangi Drainage District that are located within public conservation land. No decision has been made to date on that application.)</p>	
<p><b>My reasons are:</b></p> <p>The Far North District Council has to promote the social, economic, environmental, and cultural well-being of communities in the present and in the future. This includes promoting the environmental well-being arising from the protection of indigenous wetlands and aquatic ecosystems, including the significant Motutangi-Kaimaumau wetland; and promoting cultural well-being. There are provisions with the draft Land Drainage Bylaw 2019 that are inconsistent with the protection of indigenous wetlands and of aquatic ecosystems affected by the existing land drainage schemes.</p>	

**I would like Council to make the following amendments to the proposed Bylaw:**

The Department of Conservation has provided a detailed submission, which should be read in full. The amendments requested are summarized below.

The amendment of clause 3 of the draft Land Drainage Bylaw 2019 to read (additional wording underlined):

**3. Application**

This Bylaw applies to the Far North District except that it does not apply to land within the Far North District that is administered by the Department of Conservation.

**Clause 6.1 - Access to and along drains**

Reduce the required cleared access along the edge of drains within any indigenous wetland or any area of indigenous wetland or in any culturally significant area to no more than 5 metres width, or such further reduced width as may be appropriate give the ecological or cultural significance.

**Clause 7.1 - Private drain connections**

Revise the clause to make it clear that deepening of a connected private drain is not allowed, and that no new drains will be allowed within 100 metres of any significant indigenous wetland or other water body or area of significance to Maori.

**Clause 7.2 - private drain connections**

Include a requirement to identify any wetland and/or indigenous vegetation within 200 metres of the area proposed to be drained.

**Clause 8.2 - Obstruction of flow (a similar comment applies to Clause 9 - Removal of Obstructions)**

Revise the clause to ensure that sufficient plant growth is retained in and beside drains to provide for the needs of indigenous freshwater fish, including inanga. Retaining a minimum of 10% of vegetation each 10 metres is suggested. Further, restrict the use of spraying and clearing of drains to those times of the year where there will not be adverse effects on indigenous freshwater fish species.

**Clause 10.1 - Alterations to Drainage Channel**

Revise the clause so that no application will be considered for deepening of a drain within 100 metres of any significant indigenous wetland or other water body or area of significance to Maori.

**Clause 19-1 - Other Requirements**

Amend the clause to provide for any necessary application(s) to the Northland Regional Council to be lodged at the same time as the application for written consent under this draft Bylaw is lodged with Far North District Council.

**Mitigating and Remedying Adverse Effects**

Insert a further clause providing for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage on significant indigenous wetlands and on other ecological and cultural values.



Department of Conservation  
*Te Papa Atawhai*

14 August 2019

[submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)

Submissions – Land Drainage Bylaw 2019  
Far North District Council  
Private Bag 752  
KAIKOHE 0440

Tēnā koe,

Submission - Draft Land Drainage Bylaw 2019

This letter is to inform that the Director-General of Conservation wishes to make a submission on the Far North District Council's draft Land Drainage Bylaw 2019.

We thank you for the opportunity to contribute our attached submission.

In the future please address any further correspondence to regional contact Hamish Eglinton, Statutory Manager at [heglinton@doc.govt.nz](mailto:heglinton@doc.govt.nz) and Kaitiaia contact Doug Te Wake at [dtewake@doc.govt.nz](mailto:dtewake@doc.govt.nz).

Ngā mihi

Sue Reed-Thomas  
Director Operations  
Northern North Island Region

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Department of Conservation *Te Papa Atawhai*  
Whangarei Office, 2 South End Road, Raumanga, Whangarei 0110  
P O Box 842 Whangarei 0410 Phone 09 470 3300 - [www.doc.govt.nz](http://www.doc.govt.nz)

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## SUBMISSION ON DRAFT LAND DRAINAGE BYLAW 2019

SUBMITTER: The Director-General of Conservation

The Director-General of Conservation wishes to be heard in support of this submission.

Contact Person: Regional rep - Hamish Eglinton, 0275403701, [heglinton@doc.govt.nz](mailto:heglinton@doc.govt.nz)

Contact Person: Kaitia rep – Doug Te Wake, 094086104, [dtewake@doc.govt.nz](mailto:dtewake@doc.govt.nz)

1. This is a submission by the Director-General of Conservation on the Far North District Council's draft Land Drainage Bylaw 2019.
2. This draft bylaw is intended to regulate land drainage assets in the Far North District. The particular assets are listed in the schedule to the bylaw. Some of these land drainage assets are located within Crown land administered by the Department of Conservation ("public conservation land"). It is noted that water flow measurements confirm that the drains passing through the Motutangi-Kaimaumau Wetland are not merely conveying water from farmland but are also lowering the water level in the wetlands in the vicinity of the drains.
3. The application of the draft Land Drainage Bylaw 2019 to this public conservation land would be ineffective and unnecessary. The Far North District Council is legally unable to undertake any activities on these land drainage assets within public conservation land without a legal agreement (a concession) from the Department of Conservation.
4. A concession, if granted,<sup>1</sup> would provide for the District Council to undertake land drainage maintenance activities, subject to conditions intended to protect important ecological freshwater and wetland values.
5. Relief sought: The amendment of clause 3 of the draft Land Drainage Bylaw 2019 to read (additional wording underlined):<sup>2</sup>
  3. Application  
This Bylaw applies to the Far North District except that it does not apply to land within the Far North District that is administered by the Department of Conservation.
6. The Far North District Council has to promote the social, economic, environmental, and cultural well-being of communities in the present and in the future.<sup>3</sup>
7. This includes promoting the environmental well-being arising from the protection of indigenous wetlands and aquatic ecosystems, including the significant Motutangi-Kaimaumau wetland; and promoting cultural well-being.
8. There are provisions with the draft Land Drainage Bylaw 2019 that are inconsistent with the protection of indigenous wetlands and of aquatic ecosystems affected by the existing land drainage schemes.

- 
- 1 The District Council has applied for a concession to allow the maintenance of land drainage assets associated with the Motutangi Drainage District that are located within public conservation land. No decision has been made to date on that application.
  - 2 Or such other amendment to the draft Land Drainage Bylaw 2019 as has the same effect.
  - 3 Section 10(1)(b) of Local Government Act 2002.

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**Department of Conservation Te Papa Atawhai**

Whangarei Office, 2 South End Road, Raumanga, Whangarei 0110

P O Box 842 Whangarei 0410 Phone 09 470 3300 - [www.doc.govt.nz](http://www.doc.govt.nz)






9. The following table sets out the further relief sought to ensure that the draft Land Drainage Bylaw 2019 is consistent with the protection of indigenous wetlands and of aquatic ecosystems.

Bylaw Clause	Concern	Amendment Sought
Clause 6.1 – access to and along drains	Maintaining a 10-metre-wide clear access along the edge of drains may be appropriate within farms. However, this is too wide where the access is through an indigenous wetland or any area indigenous vegetation.	Reduce the required cleared access along the edge of drains within any indigenous wetland or any area of indigenous vegetation or in any culturally significant area to no more than 5 metres width, or such further reduced width as may be appropriate given the ecological or cultural significance.
Clause 7.1 – private drain connections	This clause provides for a person to enlarge a private drain with Council permission. It is known that drains affect the natural hydrology and water level of nearby wetlands. There is an existing level of adverse effect on wetlands from the existing drains. Providing for the enlargement of drains could adversely increase the effect of the drain on nearby wetlands and wetland values, especially if the deepening of the drain occurs.	Revise the clause to make it clear that deepening of a connected private drain is not allowed, and that no new drains will be allowed within 100 metres of any significant indigenous wetland or other water body or area of significance to Māori.
Clause 7.2 – private drain connections	This clause sets out the information requirements for any application consent to connect a private drain or to enlarge a connected private drain. The information required does not include information on the proximity of any wetland or indigenous vegetation that may be affected by the drainage.	Include a requirement to identify any wetland and/or indigenous vegetation within 200 metres of the area proposed to be drained.



Bylaw Clause	Concern	Amendment Sought
Clause 8.2 – obstruction of flow  (a similar comment applies to clause 9 – removal of obstructions)	Clause 8.2 prohibits landowners from allowing plant growth that is likely to impede the flow of water in a drain. Plant growth within a water body or on the banks of a water body can be important to indigenous freshwater fish species, including for inanga spawning.	Revise the clause to ensure that sufficient plant growth is retained in and beside drains to provide for the needs of indigenous freshwater fish, including inanga. Retaining a minimum of 10% of vegetation each 10 metres is suggested.  Further, restrict the use of spraying and cleaning of drains to those times of the year where there will not be adverse effects on indigenous freshwater fish species.
Clause 10.1 – alterations to drainage channel	Clause 10.1 provides for the deepening of drains with the written consent of the Far North District Council. Deepening of drains, especially in the vicinity of indigenous wetlands has adverse effects on ecological values.	Revise the clause so that no application will be considered for deepening of a drain within 100 metres of any significant indigenous wetland or other water body or area of significance to Māori.
Clause 19.1 – other requirements	Clause 19.1 requires any necessary resource consent applications for proposed drain works to be lodged with the District Council at the same time as written consent is sought for the proposed works under this draft bylaw. The clause does not provide for any resource consents required from the Northland Regional Council.	Amend the clause to provide for any necessary application(s) to the Northland Regional Council to be lodged at the same time as the application for written consent under this draft Bylaw is lodged with the Far North District Council.
Mitigating and remedying adverse effects	The clauses in the draft Land Drainage Bylaw do not provide for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage on significant indigenous wetlands and on other ecological and cultural values. It would be consistent with the promoting of environmental and cultural well-being to explicitly provide for drain works for this effects-reduction purpose.	Insert a further clause providing for works with respect to drains intended to mitigate or remedy existing adverse effects of drainage on significant indigenous wetlands and on other ecological and cultural values.

10. The Director-General of Conservation wishes to be heard in support of this submission

  
SUE REED-THOMAS, DIRECTOR OPERATIONS  
on behalf of the Director-General

Department of Conservation *Te Papa Atawhai*  
Whangarei Office, 2 South End Road, Raumanga, Whangarei 0110  
P O Box 842 Whangarei 0410 Phone 09 470 3300 - [www.doc.govt.nz](http://www.doc.govt.nz)

## 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 [www.fndc.govt.nz/drainage2019](http://www.fndc.govt.nz/drainage2019)
- email your comments to [submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)
- 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



## **THE FAR NORTH DISTRICT COUNCIL**

### **LAND DRAINAGE BYLAW 2009**

**To come into force:** 1 December 2009

**For the purpose of:** Enabling the regulation of land drainage assets within the Far North District

## **THE FAR NORTH DISTRICT COUNCIL**

### **LAND DRAINAGE BYLAW 2009**

#### **1. INTRODUCTION**

- 1.1 This Bylaw is made by the Far North District Council in accordance with the provisions of Pt 8 of the Local Government Act 2002, Pt XXIX of the Local Government Act 1974, the Land Drainage Act 1908 and every other enabling power and authority. ***Statutory authority for Bylaw***
- 1.2 The short title of this Bylaw is "The Far North District Council Land Drainage Bylaw 2009". ***Short title***
- 1.3 The purpose of this Bylaw is to enable regulation of land drainage assets within the Far North District. ***Purpose of Bylaw***
- 1.4 This Bylaw comes into force on the 1 December 2009. ***Effective date***

#### **2. INTERPRETATION**

- 2.1 "Authorised person" means any person authorised in writing by The Far North District Council.

"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.

"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.

### **3. ACCESS TO AND ALONG DRAINS**

- 3.1 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. ***No obstructions within 10 metres of drain***
- 3.2 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. ***No roadway within 3.5 metres of drain***

### **4. PRIVATE DRAIN CONNECTION**

- 4.1 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. ***No connections to drainage channels without consent***

- 4.2 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. ***Plans required***
- 4.3 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. ***Conditions may be imposed***
5. **OBSTRUCTION TO FLOW**
- 5.1 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. ***No person shall interfere with the water flow***
- 5.2 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. ***No plants to impede water flow***
- 5.3 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. ***Nothing can be thrown into drains***
- 5.4 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. ***New Drains***
- 5.5 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]. ***Prohibited barriers, buildings, structures etc***
- 5.6 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. ***Blockages***
- 5.7 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. ***No damage to drainage assets***
- 5.8 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. ***Cost of repairing damage to be responsibility of landowner***

- 5.9 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. ***Water courses and flood plains to be accommodated***
- 6. REMOVAL OF OBSTRUCTIONS**
- 6.1 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. ***Removal of obstructions***
- 7. ALTERATIONS TO DRAINAGE CHANNEL**
- 7.1 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. ***Drains cannot be altered***
- 8. POLLUTION AND NUISANCES**
- 8.1 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. ***No discharge into a drain***
- 8.2 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. ***No dead stock in drains***
- 9. STOPBANKS**
- 9.1 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. ***Stopbanks not to be erected without consent***
- 9.2 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. ***Stopbanks not to be changed***
- 10. CROSSINGS**
- 10.1 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. ***Only approved crossings to be used***

- 10.2 No person shall construct any culvert, bridge or crossing in upon or over any drainage channel without the prior consent of Council. ***Consent to build crossings required***
- 10.3 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. ***Crossings to be maintained***
- 11. WATERING PLACES**
- 11.1 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. ***No stock watering places without consent***
- 11.2 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. ***No damage to drainage channel***
- 12. DAMAGE, MAINTENANCE AND REPAIR**
- 12.1 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. ***No damage to drainage works***
- 12.2 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. ***Channel damaged by stock***
- 13. INSPECTION**
- 13.1 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. ***Right to inspect***
- 14. OBSTRUCTION TO OFFICERS ETC**
- 14.1 No person, whether on private land or not, shall obstruct any member, appointee, employee or agent of Council, with or ***No obstruction to agents***



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.

**15. PENALTY**

- 15.1 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. ***Penalties for offences***

**16. OTHER REQUIREMENTS**

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. ***Other requirements***

**17. PREVIOUS BYLAW REVOKED**

The Far North District Council Land Drainage Bylaw 2001 is revoked with effect from midnight Monday 30<sup>th</sup> November 2009. ***Previous bylaw revoked***

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The foregoing bylaw was made by The Far North District Council by a special consultative procedure initiated on the 8 July 2009 and confirmed on the 29 October 2009, and ordered to come into force on the 1 December 2009.

THE COMMON SEAL of the  
FAR NORTH DISTRICT COUNCIL  
was affixed hereto, in the presence of

\_\_\_\_\_  
CHIEF EXECUTIVE

The foregoing bylaw was publicly notified in the "Northland Age" on the \_\_\_\_\_  
and the "Northern News" on the \_\_\_\_\_.

## DRAINAGE ASSETS OF THE FAR NORTH DISTRICT COUNCIL

KAITAIA DRAINAGE DISTRICT	LENGTH (m)	MAP No.
<b><u>WAIPAPAKAURI COMPARTMENT</u></b>		<b><u>2</u></b>
<i>All drains associated / connected to the Waipapakauri outfall from harbour end in order</i>		
Waipapakauri Outfall	4,400	
Paparore Bank	4,000	
Waipapakauri Bank	1,710	
Thodes	1,206	
Evans	443	
Yates	945	
Sandhills	7,502	
Wests	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>	
<b><u>LOWER AWANUI COMPARTMENT</u></b>		<b><u>2</u></b>
<i>All drains associated / connected to the Lower Awanui river From Puckeys Outfall to sea</i>		
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>	
<b><u>PUCKEYS OUTFALL COMPARTMENT</u></b>		<b><u>2</u></b>
<i>All drains associated / connected to Puckeys Outfall</i>		
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>

10

**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)*

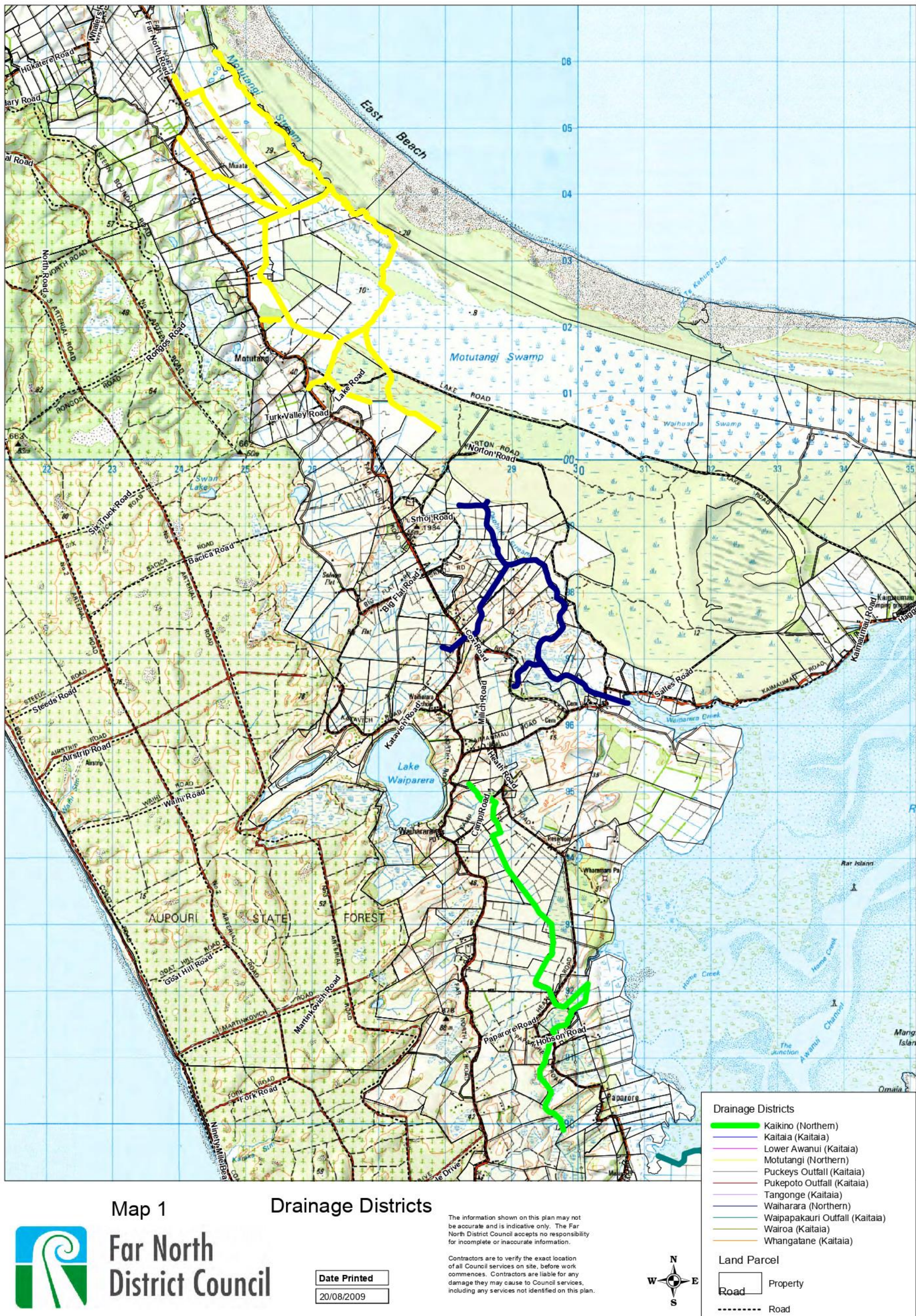
Berghans	1,005
Wairoa Stream	2,543
Blairs	805
<b>WAIROA TOTAL</b>	<b>4,353</b>

**TOTAL LENGTHS MAINTAINED BY FNDC****122,492**

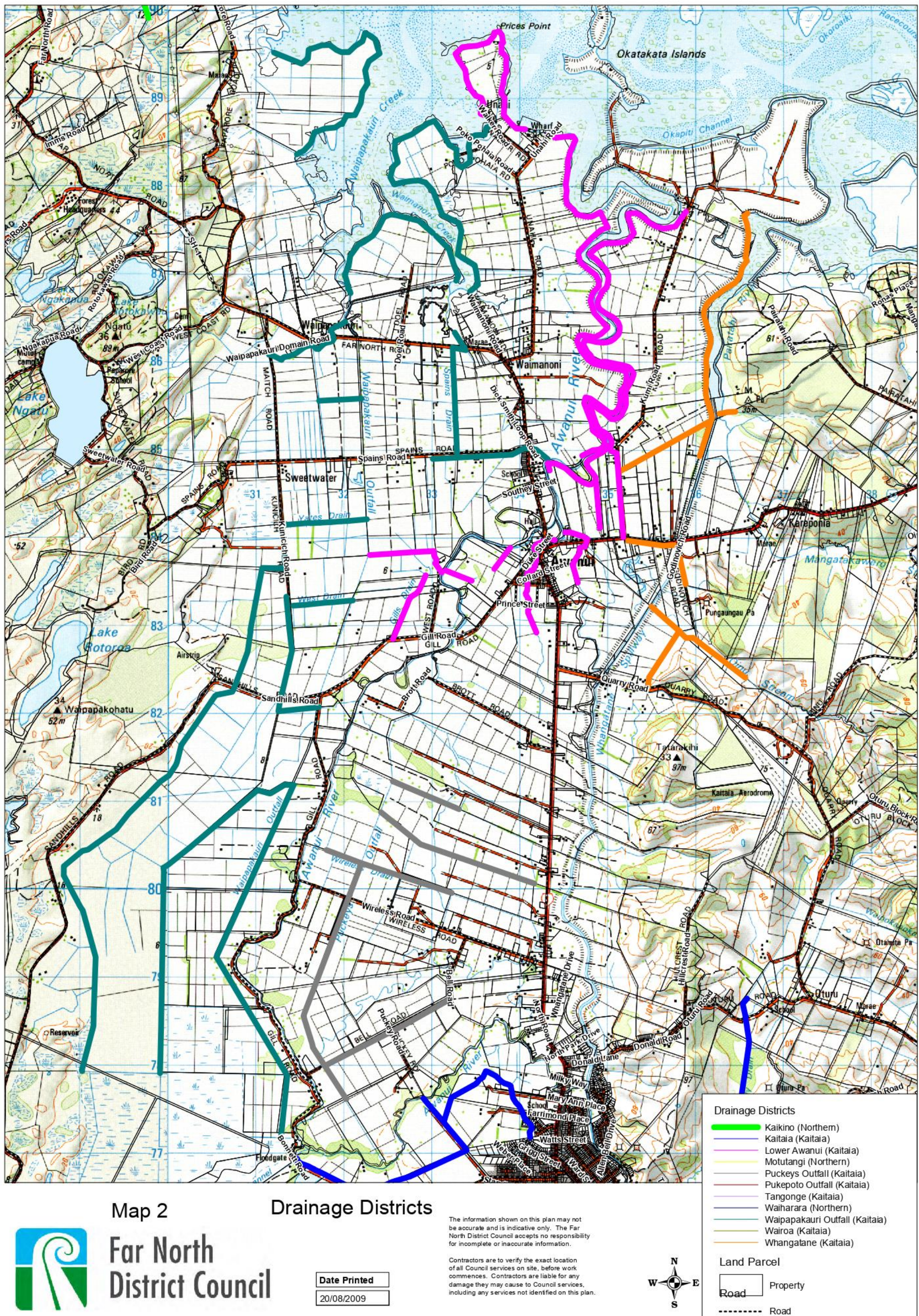
## NORTHERN DRAINAGE SCHEMES

DRAINAGE DISTRICT	LENGTH (m)	MAP No.
<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	
Bacica'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	
Biicich 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>	

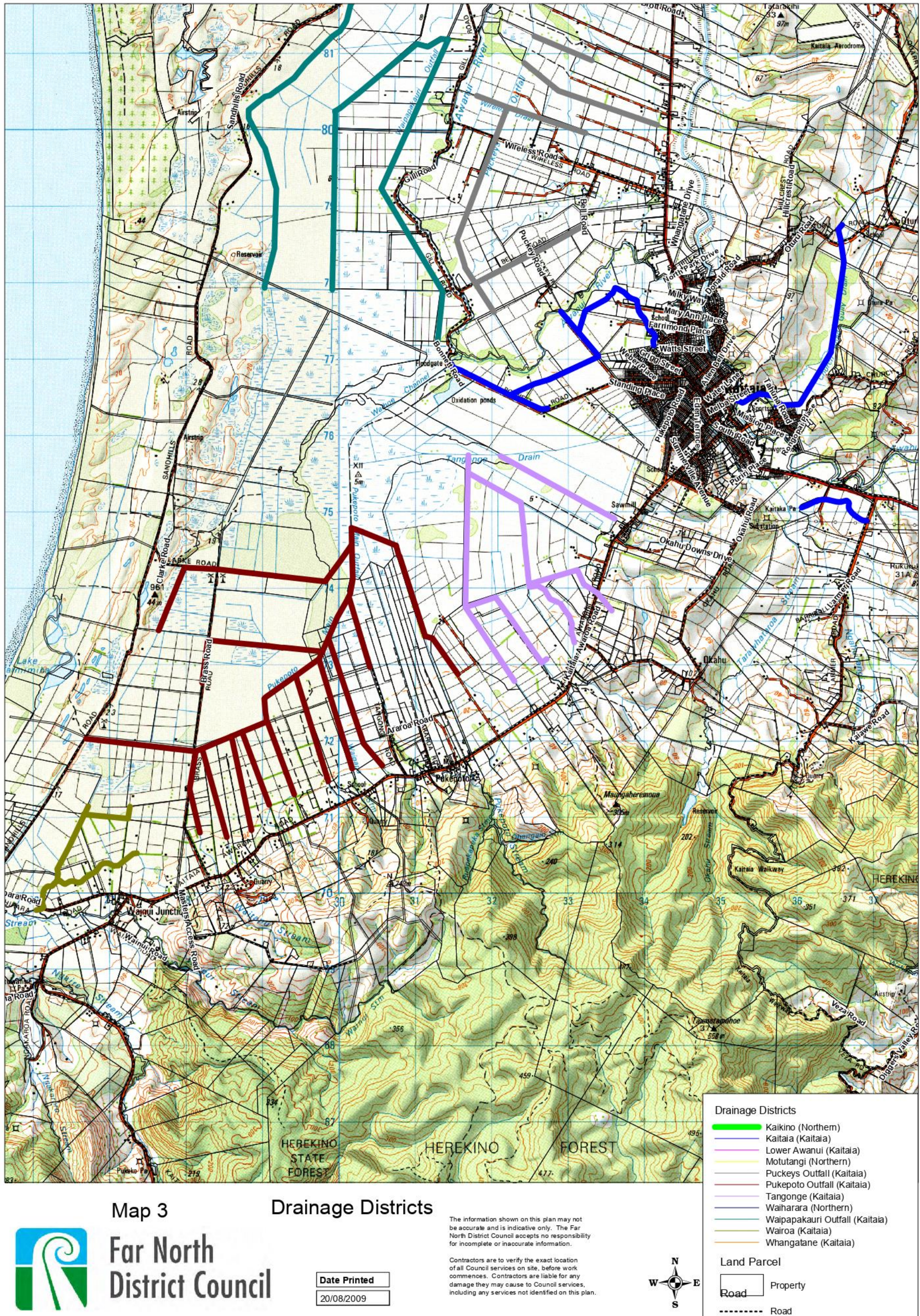
















### 8.3 KOHA POLICY

**File Number:** A2659491

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

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

#### PURPOSE OF THE REPORT

To seek approval for the Koha Policy, in order to provide staff with guidance around the obligations associated with payment or giving koha.

#### EXECUTIVE SUMMARY

- The need to provide guidance to staff and elected members on engaging with the community to meet the obligations associated with payment or giving koha has been identified within the organisation.
- The Koha Policy formalises a practice already adopted by some Council staff members.
- The report provided the Committee with three options to consider including adopt the policy, maintain the status quo or defer the decision to a later date.
- This report was considered by the Audit, Risk, and Finance Committee at their meeting on 26 September 2019, however at the time of printing the Council agenda the Committee meeting had not yet taken place. In the event of changes recommended by the Committee a supplementary paper will be prepared for Council.

#### RECOMMENDATION

**That Council adopt the Koha Policy.**

#### 1) BACKGROUND

The customary practice of giving and receiving koha is widely observed in the Far North District.

Administration identified that staff and elected members engaging with external parties on projects or attending meetings on marae needed some guidance to meet the obligations associated with payment or giving koha.

The Koha Policy aims to take an overarching organisational approach to support staff members and elected members who may be unaware or unsure of what to do when meeting externals or attending meetings on marae. Furthermore, it is important to take an organisational approach to the behaviour of staff to ensure there is consistency.

Council is currently in a process of change whereby a greater emphasis is placed on strengthening relationships and enhancing engagement with key external groups in the community. With this in mind, engagement with groups on marae throughout the region will increase. The Koha Policy supports this change from a relationship management perspective by assisting staff and elected members to behave consistently and in good faith.

#### 2) DISCUSSION AND OPTIONS

##### Option One: do nothing

Under Option One no policy will be adopted and subsequently no guidelines (attached) put in place to support staff when considering giving a koha. The practice of giving koha will continue on a case by case basis.

Audit New Zealand, in past audits, have raised concerns when reviewing sensitive expenditure and have recommended that a koha policy be adopted to address the concerns that they have raised in regards to koha.

If this option is adopted Council loses the opportunity to take an overarching organisational approach to managing the obligations and expectations associated with giving koha. There is a risk that the adequate approval and reporting processes will not be put in place. This option is not recommended.

#### Option Two: Adopt the policy (recommended option)

Option Two proposes an approach to support staff and elected members by putting guidelines in place to manage obligations and expectations. This approach also supports recent developments in the Council to improve its relationship management. Approving the policy and allowing for a period of implementation provides Council with an opportunity for a further review in three years to determine its level of compliance.

If this option is adopted Council will have a koha policy that assists staff and reflects the move towards strengthening and enhancing relationships within the community.

#### Option Three: Address the policy once the new Council is formed

Option three proposes considering the policy once the new Council has been formed post the elections in October 2019. Option three would see the Koha Policy considered at the first committee meeting post the election.

If this option is adopted implementation of the policy will be delayed. Administration has identified the need to provide guidance to staff and elected members on when and what koha is appropriate. This need could be addressed by the implementation of the attached guidelines. However further delay in the adoption of a koha policy means that the concerns raised by Audit New Zealand remain. These concerns could manifest themselves as real issues for the Council in the absence of an adopted policy.

This option is therefore not recommended.

### **Reason for the recommendation**

Option two is recommended for the following reasons:

1. It addresses the concerns regarding sensitive expenditure and koha raised by Audit New Zealand
2. it addresses the issue of uncertainty around the expectations and obligations associated with giving koha;
3. it adopts a best practice approach;
4. It supports the move towards strengthening relationships in the community.

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

Adopting the policy will have the following financial implications:

The koha policy requires new methods of reporting and a new process for approval. An annual budget of five thousand per locality totalling \$15,000 per annum is appropriate and in line with current expenditure. Ongoing operational costs will be resourcing to implement the policy. It is recommended that the Te Hono business group be considered as the appropriate group for implementation of the policy.

### **ATTACHMENTS**

1. **Koha Policy - A2656774** [!\[\]\(1fd18b524d5424e49d618cba18b5cf0d\_img.jpg\)](#) 
2. **Koha Implementation Guideline and Process - A2646574** [!\[\]\(7e8076cb91acf7af6780e8527ba40e6f\_img.jpg\)](#) 

**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>	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 in this report is aimed at complying with Part 6 – Planning, Decision Making and Accountability 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.	Reviewing a policy has District wide relevance and therefore does not require involvement from 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 in this report has no direct impact on Maori. However the recommendation supports the relationship with Maori and has been developed in conjunction with the Maori Development Advisor.
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 has no direct impact on any particular interested party or individual.
State the financial implications and where budgetary provisions have been made to support this decision.	The financial implications have been considered and discussed in the report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.



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## Koha Policy

Adopted:

Reviewed:

### 1. Objective

Far North District Council (FNDC) recognises the requirement to give appropriate amounts of koha from time to time. The Koha Policy provides guidance to staff and elected members in order to meet the obligations associated with payment or giving koha to organisations and individuals.

### 2. Policy Statement

FNDC is committed to ensuring adequate approvals are in place for payment or giving of koha to organisations and individuals.

#### Responsibilities

FNDC shall where reasonably practicable, take responsibility as follows:

- determine the appropriate level of koha to give by considering the relationship between the recipient and the FNDC
- consider the occasion and location for which the koha is being given
- undertake an approval process with the appropriate financial delegation holder approve koha in advance
- record the reasons for the koha in a register
- maintain financial reporting standards by ensuring a separate recording process for koha
- ensure koha that is received remains the property of FNDC
- maintain integrity and impartiality at all times

### 3. Relevant Policies and Procedures

<b>Tikanga Maori</b>	Maori practices, customs, protocols and traditions
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### 4. Definitions

Term	Definition
<b>Koha</b>	an unconditional gift to an individual, party or organisation
<b>Register</b>	Register including date, recipient, payment, relationship and authorisation
<b>Financial delegation holder</b>	Chief Executive Officer

## 5. Approval

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This policy has been approved and will be reviewed every three years.

Signed by Far North District Council – Chief Executive Officer

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Date:

## Koha Guideline and Process

### 1. Purpose

Far North District Council (FNDC) recognises the requirement to give appropriate amounts of koha from time to time. The Koha Policy provides guidance to staff and elected members in order to meet the obligations associated with payment or giving koha to organisations and individuals.

### 2. Scope

This policy applies to all employees and elected members of FNDC.

### 3. What is koha?

Koha is a Maori customary practice, concept and process and is an extremely important part of the Maori culture.

Koha is considered a treasure by Maori and may be either tangible or intangible. It can be a physical thing such as food, money, reciprocal activity, certain rights and privileges to resources, land, heirloom, treasured item, or an intangible thing like a vision, thought, feeling, emotion, supernatural manifestation, concept, idea.

Because Koha is imbued with spirituality and cultural beliefs and practices, there is no clear-cut English translation and it has often wrongly been interpreted as a gift. The giving of Koha acts to seal a relationship and is part of the protocol of reciprocation. To minimise any likelihood of causing offence through misunderstanding, it is incumbent upon managers and staff involved in giving Koha to develop an in-depth understanding and empathy of the concept.

Koha is a 'Tikanga Maori' which means, according to the Resource Management Act 1991, a customary value and practice. In Section 39 part (2)(b) it states Tikanga Maori should be recognised where appropriate.

Koha is also a Taonga which, according to the Resource Management Act 1991, means something that is highly prized. Article 2 of the Treaty of Waitangi acknowledges the term 'Taonga'. This acknowledgement confirms and guarantees the full, exclusive and undisturbed possession of taonga to Iwi and Hapu. Therefore in certain situations it is up to Iwi and Hapu to declare when Koha might be considered as Taonga.

Non monetary examples of koha might include taonga, e.g. greenstone, carvings, kai (food), or resources readily available to FNDC (e.g., staff time and expertise, use of vehicles, facilities or outdoor equipment, such as marquees and seating, etc).

### 4. Definition

For the purposes of this policy, Koha will be defined according to the IRD

*"An unconditional gift is defined as a donation made to a non-profit body, where the giver (or any relative) does not receive any goods or services in return for the donation. This carries with it no obligations to account for tax".*



#### **4. When to give koha**

It depends on the occasion whether it is appropriate to give Koha. However the following are examples of when to give Koha.

*Elected members and/or Council staff attend a gathering representing the Council, on a marae that involves a powhiri or welcome.*

*Elected members and/or Council staff attend a gathering representing the Council at a building that accommodates a Runanga or Iwi Authority and involves a powhiri or welcome.*

*Attendance by Elected members and/or Council staff representing Council at a tangihanga held on a marae or in a private home.*

*To any Kaumatua and Kuia or group supporting Council at any function involving a Whakatau or Powhiri.*

#### **7. When is Koha not given**

Situations where koha would not normally be expected include:

*When attending any hui as an individual not representing Council*

*Staff attendance at a regular meeting held at a marae*

*informal or ongoing discussions between staff and iwi representatives about a Council matter.*

#### **8. How to give koha**

It is good practice to consult with a member of the Te Hono team before giving koha to ensure that it is given in a way that is appropriate for the occasion.

As a general rule, whenever a group goes on to a marae, and is welcomed, it is customary for the last speaker of the visitors to present money from the group, the “koha”, in an envelope.

Sometimes, it is fine to give the koha envelope quietly to the person who is running the hui, at the back later, however once again consult with a Te Hono team member to get the correct advice for the occasion.

#### **9. How much should be given?**

In determining an appropriate amount of koha for any particular occasion, Council must give due regard to standards of probity and financial prudence while being mindful of the cultural imperative of giving adequate or reasonably generous koha.

Another consideration and equally as important is that the amount of koha given should adequately reflect the status of Council's representative/s mana.

Here are some examples with suggested koha. Note that these examples only provide

a guide. They are not prescriptive. Staff must assess the amount on a case by case basis , if in doubt check with Te Hono.

**Example 1** *A Council department is invited for a noho marae (overnight stay). The marae does not ask for a fee. This is clearly a case where koha should be given. Estimate the cost of meals and accommodation per person, and add a 'top up' in acknowledgement of hospitality.*

**Example 2** *Two councillors and four staff hold a hui on the marae with local people about the preparation of a plan. The hui lasts four hours and lunch is served. Council gives a koha of \$200, plus any additional costs associated with lunch.*

**Example 3** *A respected kaumatua, dies. A group of councillors and staff pay respects on behalf of the Council at his tangi. Council gives a koha of \$300.*

**Example 4** *The Council decides it would like to hold a Treaty of Waitangi training workshop on a marae. The marae charges a fee for hire of the venue. Council pays the fee, and also gives a koha of \$150 in appreciation of the hospitality shown.*

**Example 5.** *The council is holding a citizenship ceremony and has invited a school group to perform waiata during the ceremony. Council gives a Koha of \$300*

## 10. Process for payment of koha

When staff/elected members attend a function on behalf of the Council, and koha is appropriate, a dollar figure or koha 'in kind' should be discussed and pre-approved by the appropriate General Manager. **NOTE** It is advisable that General Managers consult with a member from Te Hono to advise whether koha is appropriate.

The koha should be recorded on the Request for Koha form. Koha should be charged against the relevant department's GL code. If koha is monetary it should, where practicable, be given via a bank transfer, made out to the relevant iwi organisation/entity.

The Koha form should be given to the Finance Department at least three days before the koha is needed. Finance will process the form and make payment to the bank account specified.

If the payment is to be in cash then a petty cash request form (obtainable from the Finance Team) should be completed at least 2 days prior to the payment being required and then the cash can be collected directly from the bank by the relevant staff member and handed to the Group's General Manager.

## 8.4 CONTROL OF EARTHWORKS BYLAW 2019

**File Number:** A2660406

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

**Authoriser:** Sheryl Gavin, General Manager Strategic Planning and Policy (Acting)

### PURPOSE OF THE REPORT

To make the Control of Earthworks Bylaw 2019 in Attachment 1.

### EXECUTIVE SUMMARY

- Council's Control of Earthworks Bylaw 2009 will expire on 20 February 2020. Council has consulted on making the Earthworks Bylaw 2019 to replace the expiring bylaw.
- This report:
  - contains an assessment of the new Control of Earthworks Bylaw 2019 against the bylaw-making provisions of the Local Government Act 2002
  - confirms the new bylaw complies with the provisions of the Local Government Act 2002
  - recommends the new bylaw, in Attachment 1, be made.

### RECOMMENDATION

**That Council determines under section 155 of the Local Government Act 2002, the Control of Earthworks Bylaw 2019:**

- a) **Is the most appropriate form of bylaw.**
- b) **Does not give rise to any implications under the New Zealand Bill of Rights Act 1990.**
- c) **Makes the Control of Earthworks Bylaw 2019 contained in attachment 1 to come into effect on 7 October 2019.**

### 1) BACKGROUND

The Far North District Council's proposed Control of Earthworks Bylaw 2019 was adopted on 27 June 2019 for public consultation. Consultation opened 8 July 2019 and closed on 9 August 2019.

One submission was received from a submitter who did not wish to be heard.

On 5 September Council deliberated on the draft Control of Earthworks Bylaw 2019 that resulted from public consultation. The Council deliberations resulted in no change to the draft Control of Earthworks Bylaw that was consulted on.

### 2) DISCUSSION AND OPTIONS

#### **Legislative requirements for making the bylaw**

The Local Government Act (LGA) prescribes the process for making and replacing bylaws. Before making the bylaw, Council must consider whether the bylaw complies with the relevant provisions of the LGA. The provisions, and an assessment of the bylaw against them, are summarised in Table 1 below.

**Table 1: Assessment of new bylaw against provisions in LGA**

Section number	Provision	Assessment
<b>155(2)(a)</b>	The proposed bylaw is the most appropriate form of bylaw.	Council determined the bylaw was the most appropriate form of bylaw when it adopted the statement of proposal for a new Control of Earthworks Bylaw 2019 at its meeting on 27 June 2019. The reasons for this determination are set out in the statement of proposal in attachment 2.
<b>155(2)(b)</b>	Whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.	The proposed Control of Earthworks Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

**Reason for the recommendation**

Administration recommends the Control of Earthworks Bylaw in Attachment 1 be adopted by Council to:

- Continue to protect the public from harm that may be caused as a result of unsafe earthworks activities
- Continue to ensure neighbouring properties are not affected by uncontrolled earthworks activities
- Continue to safeguard the districts environment from uncontrolled earthworks activities
- Continue to meet the current social, cultural, environmental and economic well being of the community.

The new bylaw meets the requirements of sections 155 of the LGA.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

The new Control of Earthworks Bylaw 2019 will result in no change to administrative overheads that are currently in place to administer the Control of Earthworks Bylaw 2009.

**ATTACHMENTS**

1. **Control of Earthworks Bylaw 2019 - A2662151** [↓](#) 
2. **Statement of Proposal - Proposed Control of Earthworks Bylaw 2019 - A2658992** [↓](#) 
3. **Control of Earthworks Bylaw 2019 Submission - A2661342** [↓](#) 

**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 recommendation to adopt a new Control of Earthworks Bylaw does not meet any of thresholds 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.	Local Government Act 2002.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The recommendation to adopt a new Control of Earthworks Bylaw will result in a new bylaw that is applicable across the entire district.
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.	<p>The recommendation in this report has implications for Māori. Opportunities to contribute to the decision making were provided through the public consultation process.</p> <p>It should be noted that earthworks that have the potential to damage archaeological, heritage, sites of significance and waahi tapu are already subject to rule in the Operative District Plan. Where they are not subject to rules they may still be protected under s.17 – Duty to avoid adverse effects.</p>
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 (for example – youth, the aged and those with disabilities).	The proposed new Earthworks Bylaw is not significantly different from the expiring bylaw therefore there are minimal impacts on those persons planning earthworks as a result of the recommendation in this report.
State the financial implications and	There are no financial implications and budgetary

where budgetary provisions have been made to support this decision.	provisions as a result of the recommendation in this report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report



**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 7 October 2019

## 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 earthworks:
- (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:
    - (i) exceeds 500mm in depth, over an area that exceeds 50m<sup>2</sup>; or
    - (ii) exceeds 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
Expire	Control of Earthworks Bylaw 2009 expires in accordance with the Local Government Act	3 October 2019	6 October 2019
Make	Control of Earthworks Bylaw 2019	3 October 2019	7 October 2019

### 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	<a href="#">Statement of Proposal</a>	27 June 2019
Submissions	Public submissions on the Statement of Proposal	<a href="#">Submission</a>	
Deliberations	Deliberations on submission issues raised	<a href="#">Deliberations</a>	5 September 2019

Document	Location
<i>Legislation</i>	
Local Government Act 2002	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Bylaws Act 1910	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>
Interpretations Act 1999	<a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a>

## 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**

## **Submission**



## Proposed Control of Earthworks Bylaw 2019 Submissions

<b>ID</b>	CEB19/2
<b>First Name</b>	Paul
<b>Surname</b>	Spooner
<b>Group / Organisation</b>	Spooner Architectural Solutions
<b>Position</b>	Director
<b>Do you support the proposed Bylaw?</b>	I seek amendments to the proposed bylaw
<b>My submission is:</b> <p>1. Regarding the following statement: 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 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. The above paragraphs contradict each other. In the second paragraph it suggests the purpose is to reduce compliance costs, however the first paragraph states that the application fee and processing costs still need to be paid just to apply for an exemption.</p> <p>2. I request clause 7.1 (b) (i) be amended to allow excavation depth of up to 600mm without triggering the bylaw.</p> <p>3. I request that earthworks permits be not required for any earthworks that relate to work that is associated with a Building Consent or Resource Consent application.</p>	
<b>My reasons are:</b> <p>Re item 1 above: The council will not achieve the objective of reducing compliance costs if the application and processing fee is still payable when applying for an exemption. Re item 2 above: Most standard pile foundations in clay soil require embedment of 600mm. We have had several small residential projects where the bylaw has been triggered due to pile embedment of 600mm, which is an unnecessary outcome as the difference between 500mm and 600mm excavation does not present environmental effects that are comparably different. Re Item 3: Eliminating the earthworks permit requirement where there is a Building Consent will streamline the process and allow the development engineer to complete the internal checklist while they are processing other aspects of the consent anyway. In my experience this is the way other councils do it (Auckland Council, TCDC, Queenstown Lakes, Wellington City, Kaipara District to name a few). FNDC already don't require an earthworks permit where a resource consent is required, but only where there is a breach of the DP earthworks standards. This rule needs to be expanded.</p>	



## Proposed Control of Earthworks Bylaw 2019 Submissions

**I would like Council to make the following amendments to the proposed Bylaw:**

Re item 1: Continue with the proposed change to allow exemptions, however waive the application and processing fee. Perhaps it could be that the application and processing fee are waived "if the earthworks are in relation to works that are associated with a Building or Resource Consent"? There must be some way of reducing the compliance costs, otherwise why bother having exemptions?

Re item 2: I wish council to change the rule as suggested.

Re item 3: Introduce a new clause that means an earthworks permit application not required where a Building Consent is associated with the works.

**8.5 WANDERING WITH ANCESTORS (VENTNOR) MEMORIAL RAWENE CEMETERY**

Item 8.5 "Wandering With Ancestors (Ventnor) Memorial Rawene Cemetery" has been pulled from the agenda.

## 9 CORPORATE SERVICES GROUP

### 9.1 LEASE - HOUHORA HEADS MOTOR CAMP

**File Number:** A2593622

**Author:** Rob Koops, Property Services

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

#### PURPOSE OF THE REPORT

To initiate the public consultation process for a new lease of the camping ground at Houhora Heads as shown on the attached aerial photograph "Houhora Heads Motor Camp Proposed Lease Area", and to appoint the Te Hiku Community Board to hear submissions and make a recommendation to Council.

#### EXECUTIVE SUMMARY

- The Houhora Heads Motor Camp spans across two property titles and is classified Recreation Reserve subject to the Reserves Act 1977.
- The Reserve Act 1977 requires public consultation before Council can enter into a new lease on Reserve land.
- Since 1993 the lessee has made significant investment and is prepared to continue to invest in the upgrade and renewal of the camp ground facilities and infrastructure.
- The current lease is due to expire on 30 September 2026.
- In order to retain existing and secure future funding and get a return on investment the lessee has requested a new lease of 21 years with a further 21 year right of renewal.
- The Te Hiku Community Board considered this report at their meeting on 20 August and makes the following recommendation to Council.

#### RECOMMENDATION

##### That Council

- Approves a public consultation process commence for a new lease on the Houhora Heads Recreation Reserve being Lot 1 & 2 DP 402482. The proposed lease is to the existing lessee; Houhora Head Motor Camp Limited and the main terms proposed are:**  
**Term: 21 years.**  
**Rent: Commercial rate determined by valuation.**  
**Right of Renewal: One further term of 21 years.**
- Appoints the Te Hiku Community Board to hear any submissions received in response to the consultation process and to make recommendations to the Council in respect of the granting of the lease.**

#### 1) BACKGROUND

Houhora Heads Motor Camp spans over two titles being Lot 1 & 2 DP 402482 both being Recreation Reserve subject to the Reserves Act 1977 and directly on the waterfront at Houhora Heads.

The current lessee, Houhora Heads Motor Camp Ltd first managed then leased the Reserve land and has operated the motor camp since 1993.

A valuation carried out in 1996 shows lessor (Council) improvements (ie. small dwelling, original ablution and sewer, two water tanks, and four satellite toilets) valued at \$80,000 were in place.



The same valuation shows lessee improvements (improvements to ablution and switch room, water supply and additional water tank, site development and power sites) valued at \$70,000. Over time further improvements added to and paid for by the lessee include a recreation shelter, a swimming pool and a new manager's residence.

In accordance with the terms and conditions of the lease repair and maintenance has been paid for by the lessee. Council has not contributed to the up-keep.

The current lessee is planning further upgrades and renewals of the improvements on the Recreation Reserve land. In order to maintain current and secure further bank funding and to recoup the investment the lessee requests new leases on the Reserve land.

## **2) DISCUSSION AND OPTIONS**

Option 1 – recommended.

It is proposed that a new lease is a straight ground lease whereby the lessee owns all the improvements on the land. This removes ambiguity over the responsibility to renew the improvements when they come to their end of life and brings the lease in line with Policy # 5020 – Council-Owned Campgrounds. It also gives the operator of the camp ground the ability to plan and execute upgrades and renewals when they deem necessary rather than rely on Council plans and budget provisions.

Camping ground leases are typically registered and serve as security to obtain bank funding for improvements on the land. Operators need time to recoup their investment in these improvements. A lease term of 21 years with a further right of renewal of 21 years is therefore recommended. The lease will be on industry standard commercial terms, comply with the requirements of S54 the Reserves Act 1977 and be subject to the Camping Ground Regulations 1985 and Council's Motor Camp Policy # 5020.

In accordance with the Reserves Act 1977 public consultation on a new lease on Reserve land is required. It is recommended that Council appoints the Te Hiku Community Board to hear submissions on the proposed lease and make a recommendation to Council.

Option 2.

Retain the status quo and let the current lease which still has 6 years to run, run its course. Under this scenario, as the lease gets closer to the expiry date, there will be less and less incentive on the lessee to maintain, let alone upgrade or renew the lessor improvements and the onus will be on Council to renew the assets at some point. In addition, under the terms and conditions of the current lease Council committed that on termination of the lease it would "purchase the Lessee's interest in any buildings or other improvements of a structural nature which the lessee has erected on the Leased Area since the 1<sup>st</sup> of October 1996 and for which it is impractical for the lessee to remove .... at market value".

### **Reason for the recommendation**

To encourage ongoing investment in the infrastructure improvements at Houhora Heads Motor Camp and for these to be fully funded and maintained by the camp ground operator without cost to the ratepayer in accordance with Council Policy 5020 – Council Owned Campgrounds, a long term lease is recommended and to achieve this public consultation is a requirement under the Reserves Act 1997.

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

At the commencement of the lease the improvements that existed on the land where valued at \$70,000. The current "book value" of the improvements is \$120,796. It is proposed that they will be disposed of and the value written off to retained earnings. This is an accounting entry only and has no financial impact on rates.

Rental income to FNDC (valuation 2016) is \$22,000+GST per annum and is reviewed to market rent every 3 years.

## ATTACHMENTS

1. Houhora Heads Motor Camp Proposed Lease Area - A2569710  

**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 Camping Ground Regulations 1985 Policy #5020 – Council-owned Campgrounds
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.	Delegation to the relevant Community Board enables them to hear submissions and provide recommendations to the 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.	Local Iwi have been identified as Ngati Kuri, Ngai Takoto, Te Aupouri and Ngati Kahu. These Iwi will be invited to put forward submissions which will form part of deliberations by the Community Board prior to a recommendation being made.
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.	Public consultation will determine this and submission will form part of deliberations prior to a recommendation being made.
State the financial implications and where budgetary provisions have been made to support this decision.	
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report



**9.2 ADOPTION OF THE ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2019****File Number: A2620123****Author: Janice Smith, Chief Financial Officer****Authoriser: William J Taylor MBE, General Manager - Corporate Services****PURPOSE OF THE REPORT**

To adopt the Annual Report for the year ended 30 June 2019

**EXECUTIVE SUMMARY**

- The Annual Report for the year ended 30 June 2019 has been prepared and has been audited by Audit New Zealand.
- The onsite audit was completed by the 6<sup>th</sup> September 2019 but work continued offsite and verbal clearance was pending as at the time of this agenda going to print.

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

- Adopt the Annual Report for the year ended 30 June 2019.**
- The General Manager Corporate Services is authorised to make any grammatical changes that may be required.**

**1) BACKGROUND**

The Local Government Act 2002 requires Council to prepare an Annual Report within 4 months of the financial year end.

The Annual Report is subject to audit by the Auditor appointed by the Office of the Auditor General. In the case of Far North District Council this is Audit New Zealand.

**2) DISCUSSION AND OPTIONS**

The Annual Report has been audited and Audit New Zealand have issued an unmodified audit opinion.

**Reason for the recommendation**

Council is required by the Local Government Act 2002 to adopt the Annual Report before 31 October.

**3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

There are no financial implications arising from this report

**ATTACHMENTS**

- Far North District Council Annual Report for the year ended 30 June 2019 - A2646593 (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>	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 part 6, sub part 2 s98 and Schedule 10.
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 (for example – youth, the aged and those with disabilities).	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 has prepared this report

## 10 INFORMATION REPORTS

### 10.1 ELECTED MEMBER REPORT - 2019 LGNZ CONFERENCE

**File Number:** A2628992

**Author:** Melissa Wood, Meetings Administrator

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

#### PURPOSE OF THE REPORT

An Elected Member's attendance at a conference, course, seminar or training event is subject to the provision of the Elected Members Allowances and Reimbursement Policy. This policy requires the Elected Member to provide a report to Council after attending an event in order to provide transparency to the public that ratepayer funds are being used effectively.

#### EXECUTIVE SUMMARY

- Councillor Kelly Stratford attended the 2019 Local Government New Zealand (LGNZ) annual conference and Excellence Awards held in Wellington 7-9 July 2019.

#### RECOMMENDATION

**That Council note the report entitled "Elected Member Report - 2019 LGNZ Conference"**

#### 1) BACKGROUND

The Elected Members Allowances and Reimbursement Policy sets out the provisions which apply to an Elected Member's attendance at a conference, course, seminar or training event.

The policy provides that each Elected Member may attend on conference or professional development event per representative body to which they are elected or appointed per annum.

The conference, course, seminar or training event must contribute to the Councillor's ability to carry out Council business and be approved by His Worship the Mayor and Chief Executive Officer, or the Council, depending on the request.

Following attendance a report must be written by the Elected Member to the next meeting of Council.

#### 2) DISCUSSION AND OPTIONS

The Elected Members report attached report discusses information from the Forum.

#### Reason for the recommendation

To provide information to the Council on the consequential travel expenses, feedback on what elected members have learned and the value to the organisation from attendance at the conference that is the subject of this report. The aim is to provide transparency and confidence to the public that ratepayer funds are being used effectively.

#### 3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision required as a result of this report.

The total cost to ratepayers is approximately \$2,948.

#### ATTACHMENTS

1. Cr Stratford - 2019 LGNZ Conference Attendance Report - A2628884 [↓](#) 



**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 is an information only report.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The recommendation is consistent with the Elected Members Allowances and Reimbursement Policy.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This is an information only report.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	This is an information only report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This is an information only report.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provisions.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**MEETING:** COUNCIL 3 October 2019  
**Name of item:** ELECTED MEMBER TRAINING AND CONFERENCE ATTENDANCE REPORT  
**Author:** Kelly Stratford - Councillor  
**Date of report:** 20 August 2019  
**Document number:** A2628884

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### Event

LGNZ Conference 2019, AGM and Awards dinner, Wellington

### Purpose

This year LGNZ's annual conference and EXCELLENCE Awards was held in Wellington from July 2019.

Delegates that attended included mayors, chairs, chief executives, councillors, community board members and senior management from New Zealand's councils, along with key players from the private sector, business, government and non-government agencies.

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### Report

Firstly, I attended **Te Maruata Hui** on the 6<sup>th</sup> of July, at Waiwhetu Marae, Lower Hutt. The hui is an opportunity for Maori elected and appointed members, and members of Te Pae Urungi (the Maori staff network), to share whanaunga, hear guest speakers, discuss matters of common interest and plan.

Guest speaker Minister Nanaia Mahuta, gave us an update on everything local government. And some thoughts we need to consider:

- Council involvement in the Treaty settlement process. Councils need to know well in advance of settlement, what expectations there will be on council, with regards to negotiations. Are we talking to the Minister? And our Treaty partners?
- Localism. Consider use of matauranga across Council. S33 and transfer of powers. Consider procurement process and the barriers that need to be removed to enable localism. Policy and/or tender process may need review.
- Climate change. Important that any retreat is community led.

Bonita Bigham, chair of Te Roopu Whakahaere (our governing committee) gave us an update on her work over the year. At conference Te Maruata will hand over a harakeke basket, "Te reo o Hiwa" and a challenge. To write down two things your council will do to actively for Maori, something to achieve and improve on year on year. The basket will be handed over to the hosting Council, of next year's conference.

Creative NZ gave some great insight on the funding available. So much information from this topic. It would be good to include them in Inductions of new elected members. And, they also can assist Councils in the development of Arts and Culture Strategy. Given the submissions on Art through the Kerikeri Domain Reserve Management Plan, and our Long-term plan consultation, where are we with the development of our own strategy on Arts and Culture?

Dave Cull, President of LGNZ and Dunedin City Council Mayor also gave us an update on the Localism Kaupapa. Prompting us to consider, are there already mechanisms in place that deliver on localism? We already have the local community fund, administered by our community boards. Consider how we can further empower locally based decisions. With the priority to fund towards things such as creating vibrant communities. Continue projects that are collaborative with Far North Holdings, iwi and hapu. Review what the barriers are, remove, and enable further.

The following day, **LG NZ conference began with the AGM**. Highlights of this were the vote to have Te Maruata represented on the National Council of LGNZ. The remits were mostly non contentious this year, with voting going rather quickly. Further details on remits are online here <https://www.lgnz.co.nz/news-and-media/2019-media-releases/local-government-debates-remits-at-agm/>

The conference was opened with a powhiri. Dave Cull introducing the conference theme, "Riding the localism wave: Putting communities in charge", delving deeper into how Council can enable community led decisions and action.

Alex Walker, Mayor - Central Hawkes Bay District Council spoke on **Localism: No.8 wire fixes to New Zealand's challenges**. Alex shared the engagement process they went through to develop a wellbeing strategy. At Far North District Council we too, are facilitating the development a district strategy. I like that CHBDC have developed a wellbeing strategy. We keep saying what council "must" do. We don't know, what we don't know. Perhaps through the district strategy we will discover what council "needs" to do, for our people, for our environment.

**Dr Lance O'Sullivan** shared with us some ideas on how we can create localism. Mainly what he would do with local government and DHBs, roll them into one. Meeting the needs of health awareness and compliance through local authorities. He shared sobering data to get the message across that the gap between Maori and other New Zealanders for life expectancy is still significant.

**Phil O'Reilly, Managing Director, Iron Duke Partners** spoke on business and local government. The key message, "What business wants from local government is what everyone wants from local government!"

**John Mauro - Chief sustainability Officer, Auckland Council on Climate Change:**

- Integrate, Innovate - to solve tomorrow's problems and build resilience for an uncertain future, Include - to create a stronger, fairer and more equitable society
- Invest - build value and restore multiple capitals and don't settle /invest for anything less

Auckland Council actions include hosting a Climate Conference and joining with the Climate Change Leaders Forum (C40 Cities) and Developing a new plan, with real outcomes - Te Taruke-a-Tawhiri

**Sophie Handford & Raven Maeder (School Strike 4 Climate NZ Organisers)**

Want climate change mitigation and adaptation at the centre of all council decisions. Want to see bold and visionary leadership. Doing all they can to ensure we have an Aotearoa that is liveable for future generations.

**Nanaia Mahuta** Fantastic address on community led decision making. "Make it the norm not the exception". Make sure communities are a part of the picture.

**Housing and building in New Zealand - can we fix it?**

**Justin Lester** – kicked off the session showing the reality of home ownership now, vs the ability for your children and your grand-children to own their own home. He talked about Associate Minister of Housing availing access to funding for social housing that WCC has tapped into.

**Adrian Orr, Governor of the Reserve Bank of New Zealand:** Save, invest and incentivising ourselves to get into that housing conversation. He left us asking ourselves is the Infrastructure needed? How is local government being inclusive? Are you working with all the parties you should over climate change?

**Managing fresh water - best practice, breakthroughs in innovation and barriers.****A panel discussion on fresh water:**

**Doug Leeder**, Chair of LGNZ Regional Sector: Solution is in the way we measure he asserts.

**Terry Copeland**, CE Federated Farmers

In the lab and on the ground, what are the farmers doing?

- variable rate irrigation
- Targeted fertiliser application - only hitting the spots where it is needed
- Slow release fertilisers and alternative crops
- Nitrogen fixing rye grass - gene editing

Concerns from the farming perspective

- Biggest frustration is the number of policies coming down from government now. The zero-carbon bill, the essential freshwater, the billion trees program (the impacts on economics aren't
- "Farmers don't go out and think, oh today I'm going to think about my emissions, tomorrow my cows"
- Farmers do want to be a part of the solution. They haven't been involved in any of the groups advising the minister around these issues. That's a huge concern for FF
- National std oversight long standing regional planning processes that have been developed together with the community
- Likelihood of blanket regulations which do not allow for planning
- Expensive planning reporting and mitigating actions required which may not address the environmental concerns

What do Federated Farmers Propose?

- Local planning processes
- Develop action plan with communities that identifies and focuses on the relevant contaminants and actions
- Adoption of industry agree good management practice - want it to form the framework agreement for going forward
- Recognition of current investment in land infrastructure and fair time to transition where change is needed.
- The rate of change is what is upsetting farmers now
- Up to date and effective monitoring. We don't know enough around aquifers in our country

**Geoff Simmons, Leader the Opportunities Party, Former CE, My River**

**Programme** If we don't have scarcity you soon will. Scarcity is either here, or it is coming. It is way cheaper to keep the good water we have than restore the ones that are already damaged. Don't delay in allocating the rights. Act early.

Quota management system - generally successful. Better than 1986. We closed access. We allocated rights, which created a price for access, and the fishermen had vested interest in maintaining. When existing water takes expire, review the take limit. Water takes are being looked at catchment by catchment. Should not be done

from a central government level. Intensification of dairy has an effect in terms of nitrates in the water.

There is a Maori saying; Kei te ora te wai, kei te ora te tangata – when the river is well, the people are well."

**Out of the Shadows - Puta i te Atarangi, on Waipa District Council and Hamilton City Council. Natalie Palmer.**

- Out of the shadows, & a pretty simple guide to COMMUNITY ENGAGEMENT
- CAPTURE THE VOICE OF THE COMMUNITY AND TO HELP DECISION MAKERS TO USE THESE INSIGHTS

Our strategy was to link past and present. Capturing our land wards heritage. It guided our whole 10 year plan.

- ensure all elected members are aware of Waipa history
- In an environment where all people's stories were herded
- A platform for iwi to share their stories
- The TOP 10 Principles of engagement:
- Engagement is before, consultation is after draft
- 1. Be Adventurous! People don't buy what we do they buy WHY we do it!
- Explain. Roding example - explaining the WHY on a road closure or delays is more acceptable to people
- Tours with staff host and iwi so both versions of story can be shared
- Discover Waipa Website
- Tour was successful because it bought the story to life
- 2. THINK BIG Have a clear vision.
- 3. BE BOLD personalisation and creativity and relevance to make it as fun and engaging as possible. Understand your community think innovatively and understand there's more than one way. Put people at front of mind at all times. Traditional methods are still expected. Radio and newspaper. And still step up and embrace technology. They interact with us online, and the perception that council is available 24 hours. Google analytics help us with intel on who is using our site. If we really want to be truly accessible, we need to seamlessly blend our online and offline tools. One of the key tactics we used were Virtual reality goggles providing birds eye view of our precious Maunga. Useful for training and marketing. Doesn't have to cost a lot. Used VR gear Hamilton
- 4. GO TO THE PEOPLE People care and are passionate about what goes on in their community. NIMBY comes up a lot. Frustrated when something happens near them and they don't understand the why. Libraries, outside shops, events, schools at 3pm at the gate for parents and guardians and students. People are busy so we went to them. We made it easy.
- 5. BE GENUINE Breaking news vs Faking news. People quickly pick up when words lack authenticity. Engaging compelling, creative and dynamic. If effective it also needs to be listening, admitting and explains. Honesty and being real. Plan in place. Authenticity builds trust. Listening to the needs of people. Were one of the five top areas viewed least positively.
- Local Government Act reminders. Compare a chat with your close friend compared to the way council invite having your say.
- 6. BE INCLUSIVE Stop the jargon! Plain English is key. Does your council have a plan English guide? Check on the number of acronyms that are used. Youth engagement - the LG wellbeing's focus on current and future ratepayers. We challenged youth to get involved. Young people add a refreshing take on life. They don't see barriers.

- 7. LET IT GO - when we treat our communities as partners we end up with much more effective results. This requires us to be uncomfortable and let it go. Letting go is a risk, but it can be managed.
- 8. TIE THE BOW - report back in the community engagement process. Letting interest parties know what has happened with the feedback. If someone has taken time to give feedback the very least, we can do is let them know what's happened.
- 9. KEEP IT GOING
- 10. BE BRAVE step up give it a go, let yourself be brave!

**Creating Change: Inspiring leadership in local communities; Te kawe ke i te ini o te waka: Te whakahihi i te manawa o nga kaihautu i nga hapori a-takiwa**  
**Colin D Ellis**

71% of Millennials don't trust politicians. Tips to ponder: When you're the worst of you, you bring out the worst of you! Real change requires you to do things differently! Celebrate the good stuff, but there is room for change.

Those that have high emotional intelligence:

1. Know what you are good at and what you are not

Emotional intelligence is about knowing who you are. What you're good at and what you're not.

2. Admit to mistakes and learn from them

3. Can control their emotions regardless of the situation

4. Are great listeners - undivided attention. Strategy for recalling what you've heard.

Public meetings - They aren't looking for an answer, they just want you to listen!

5. They facilitate Effective conversations - they do not happen on email. You must listen, take on what they say. Politely disagree without getting angry. Provide feedback. Doesn't come naturally to everybody. But you can learn it. It's our job to have effective conversations so we go to be great at it.

6. They understand the emotions of other people. To feel what another person is feeling. To get to know someone so well, you can potentially feel the way they feel.

As an elected member you think of it from the persons or public's point of view.

Takes you stepping outside of yourself. Know your personalities around the table.

Action orientated, people person, extrovert, introvert. You need to know, so that you can work with the people.

I thank you very much for the opportunity to attend the LGNZ 2019 Conference. For me, this conference highlighted some of what we already do, but it's mainly through our community board members that it happens. We are very privileged to have community boards and as a council we need to review how we interact with boards and their members. What we delegate – and how they are supported.

**10.2 RESIDENT OPINION SURVEY 2018/19****File Number: A2651049****Author: Richard Edmondson, Manager - Communications****Authoriser: Shaun Clarke, Chief Executive Officer****PURPOSE OF THE REPORT**

To highlight key findings of the 2018/19 Resident Opinion Survey and to advise Council of plans to make the report available to communities.

**EXECUTIVE SUMMARY**

- The survey shows that most residents are satisfied with most Council services or have no strong opinion about these. However, satisfaction levels are lower than in 2017/18 across most services measured.
- The Council's reputation score is also lower, although still on a par with a reputation baseline established by LGNZ in 2017.
- The timing of this year's survey and other factors may account for these variances. Staff will review the survey before the next one is due in May-June 2019 to ensure this provides an accurate picture of satisfaction levels.
- Staff will also discuss resident feedback about operational issues with contractors and consider feedback about levels of service when they begin planning for the Long Term Plan 2021-31.

**RECOMMENDATION**

**That the Council receive the report "Resident Opinion Survey 2018/19".**

**BACKGROUND**

The Council undertakes an annual resident opinion survey to measure satisfaction with its services and to gauge public perceptions of its overall performance. The Council publishes the results in its Annual Report and uses the feedback to improve services. Market research company Key Research conducted a resident opinion and reputation survey on behalf of the Council in May-June 2019. Key results from the phone survey of 500 people in the District are listed below and detailed in the attached survey report. A comparison of the 2018/19 and 2017/18 survey results is also provided, with a commentary about each service area.

**Survey results**

Satisfaction levels were:

- Above 75% in 7/23 service areas
- Between 50-75% in 8/23 service areas
- Below 50% in 8/23 service areas
- Satisfaction levels were the same or higher than 2017/18 satisfaction levels in 6/23 service areas and the same or higher than 2016/17 levels in 13/23 areas.
- Satisfaction levels were lower than 2017/18 levels in 17/23 service areas and lower than 2016/17 levels in 10/23 areas.



- 31% of respondents were satisfied with the Council's overall performance, compared with 38% in 2017/18 and 24% in 2016/17.
- The Council's reputation score was 27%, compared with 33% in 2017/18

Service/Facility/Activity	2019 % satisfied/ very satisfied residents	2018 % satisfied/ very satisfied residents	2017 % satisfied/ very satisfied residents
Public libraries	93%	89%	90%
Community recycling stations	82%	85%	90%
Kawakawa Pool	81%	88%	57%
Wastewater	80%	80%	70%
Cemeteries	80%	86%	77%
Awareness of community board	78%	85%	83%
Refuse transfer stations	77%	80%	78%
Kerikeri Pool	69%	88%	69%
Kaitaia Pool	65%	75%	67%
Service received when contacting Council	65%	68%	64%
Water supply	60%	69%	69%
Parks and reserves	60%	59%	56%
Public toilets	55%	63%	56%
Access to the coast	51%	59%	56%
Kaikohe Pool	50%	92%	67%
Stormwater drainage	48%	41%	28%
Car park facilities	41%	48%	44%
Local roads	37%	43%	21%
Local footpaths	35%	38%	34%
Informed about what Council is doing	28%	26%	17%
Informed about what Council is doing (Māori)	26%	24%	17%
Aware of changes to the District Plan	24%	29%	21%
Informed about District Plan	18%	23%	20%

### Overall performance

- 31% of respondents were satisfied/very satisfied with Council's overall performance, compared with 38% in 2017/18 and 24% in 2016/17. 36% of respondents were neither satisfied nor dissatisfied (neutral).

### Reputation

- 27% of respondents were satisfied/very satisfied with Council's overall reputation, compared with 33% in 2017/18. 35% of respondents were neutral.

### Overall quality of services and facilities

- 30% of respondents were satisfied/very satisfied with the overall quality of services and facilities, compared with 35% in 2017/18. 41% of respondents were neutral.

**Rates provide value for money**

- 29% of respondents were satisfied/very satisfied that rates provided value for money, compared with 31% in 2017/18. 26% of respondents were neutral.

**Vision and leadership**

- 25% of respondents were satisfied/very satisfied with Council's vision and leadership, the same percentage as 2016/17. 37% of respondents were neutral.

**Faith and trust in Council**

- 22% of respondents were satisfied/very satisfied with Council's trustworthiness, compared with 29% in 2017/18. 34% were neutral.

**Financial Management**

- 22% of respondents were satisfied/very satisfied with Council's financial management, compared with 24% in 2017/18. 33% of respondents were neutral.

**DISCUSSION AND NEXT STEPS****Understanding the results**

It is difficult to account for the lower satisfaction levels across 17 of the 23 service areas measured. The Council has not reduced levels of service or made operational changes that might have led to widespread dissatisfaction. Data reliability may be an issue. Some variances between the 2018/19 and 2017/18 survey results were within the 4.3% margin of error.

Other unfavourable results may be the result of small sample sizes. For example, only 17 people were surveyed about Kaikohe Pool where the percentage of satisfied/very satisfied pool users dropped from 92% last year to 50% this year. It is important to note that *no* respondents were dissatisfied/very dissatisfied with the pool.

Other results may not be reliable because respondents provided invalid feedback. For example, some respondents were critical of kerbside collection services that are provided by private companies. One respondent was dissatisfied with refuse transfer stations, because they erroneously believed that there wasn't a refuse transfer station in Kaitiaia.

The timing of the survey may also have influenced results. Key Research conducted the survey at the start of May this year, instead of at the end of the month. Final rates demands for 2018/19 were posted to ratepayers two weeks before the survey, so these might have affected public mood and resulted in less favourable feedback. The Council was also the subject of a spate of negative news stories in the months leading up to the survey. This may partly explain the lower levels of trust.

As with previous surveys, a high percentage of respondents (up to 38%) gave neutral/don't know responses to most survey questions. This ambivalence may reflect the fact that respondents were unable to recall whether their experience of a Council service they had used - months ago in some cases - was positive or negative. It could also be a result of the survey company cold calling residents. It is reasonable to assume that most people don't have ready opinions of all 23 services measured by the survey and some respondents chose the neutral option when asked to rate these services. Staff will consider whether an annual phone survey is the most effective way of measuring satisfaction with services in 2019/20. A shorter, quarterly survey with clearer and more realistic questions, complemented by surveys of transactional services, might produce a more accurate picture.

## Listening and responding

The purpose of the annual resident opinion survey is to better understand residents' views of the Council and to use this information to improve services. The 2018/19 survey results highlight community concerns about the level and quality of some services the Council provides, particularly footpaths, roads, parking facilities and stormwater. Staff will encourage elected members to consider this feedback when they start preparing the Long Term Plan 2021-31. Staff will also address specific operational issues about other services, including water, public toilets and parks and reserves, with contractors.

It is pleasing to see a small increase this year in the percentage of people who feel informed about what Council is doing. This continues an improving trend started in 2017. Staff will continue to keep communities informed about Council projects and services and review communication channels in light of survey feedback.

It is disappointing that fewer respondents felt well-informed about the District Plan, given the extensive community engagement exercise staff conducted about the District Plan Review in 2018/19. Staff will rethink how best to engage with communities about land use issues in the new triennium. Staff will also consider how to better publicise community recycling stations, given that only 18% of survey respondents had used one in the last year.

The Council's reputation score of 27% remains unacceptably low, but is in line with a baseline of 28% LGNZ established for the local government sector in 2019 after surveying New Zealanders. Improving this score is the collective responsibility of elected members, council staff and contractors, because reputation is based on perceptions of service quality, vision and leadership, faith and trust in Council and financial management. This will be a key challenge for the Council and community boards that are elected in October.

The Council aims to be open and transparent about its performance. It has published previous resident opinion survey reports on its website so the public can view these. Staff propose to post the 2018/19 survey report and other reports, including LGNZ's CouncilMARK™ report and the Ombudsman report on LGOIMA practices at the Council, on a transparency and performance-themed page of the new website currently being built.

## FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision required as a result of this report.

## ATTACHMENTS

1. Far North District Council 2019 Resident Opinion Survey - A2651043 [↓](#) 
2. 2018 & 2019 Resident Opinion Surveys - Comparison & Commentary - A2651045 [↓](#) 



# Far North District Council 2019 Annual Residents Survey



Report | June 2019





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## Introduction, Objectives and Method

### Introduction

The Far North District Council has an ongoing need to measure how satisfied residents are with resources, facilities and services provided by the Council, and to prioritise improvement opportunities that will be valued by the community. Key Research has developed a comprehensive mechanism for providing this service.

### Research Objectives

- To provide a robust measure of satisfaction with the Council's performance in relation to services and Council assets
- To determine performance drivers and assist Council to identify the best opportunities to further improve satisfaction
- To measure how Council's reputation is evaluated by its residents
- To assess changes in satisfaction over time and measure progress against the Long Term Plan

### Method

- The methodology involved a telephone survey measuring the performance of the Far North District Council
- The questionnaire was designed in consultation with staff of the Far North District Council and is structured to provide a comprehensive set of measures relating to core activities, services and infrastructure, and to provide a wider perspective of performance. This includes assessment of reputation, the willingness of residents to become involved with Council's decision making
- Data collection was conducted between 2 May to 8 June 2019 with n=500 interviews collected via computer aided telephone interviewing (CATI)
- Data collection was managed to defined quota targets based on age, gender, ward and ethnicity. Post data collection the sample was weighted so it is exactly representative of key population demographics based on the 2013 Census
- At an aggregate level the survey has an expected 95% confidence interval (margin of error) of  $\pm 4.3\%$
- There are instances where the sum of the whole number score varies by one point relative to the aggregate score due to rounding



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## Executive Summary (I)

1

*Overall satisfaction* with Council performance declined considerably since last year with 31% of residents rating Council 7 to 10 out of 10, and 36% providing a 'neutral' rating of 5 to 6 out of 10. *Reputation* has the greatest impact on overall performance perceptions, and within this area there is a significant decline in *Faith and trust in Council*, that is residents' perceptions of *How open and transparent Council is, how Council can be relied on to act honestly and fairly and its ability to work in the best interest of the district*.

2

*Vision and leadership*, that is residents' perceptions that Council is *Committed to creating a great district*, how it promotes economic development, being in touch with the community and setting clear direction and perceptions of the *Quality of services and facilities* have the greatest impact on reputation. Satisfaction with *Vision and leadership* was relatively low and as such represents an opportunity for improvement. However, it should be noted that satisfaction with *Quality of services and facilities* also declined, with three in ten residents (30%) rating this aspect 7 to 10 out of 10.

3

The Reputation benchmark declined to 39, and was especially low for those aged 40 to 59 years (29), ratepayers (36) and rural residents (30). There was an increase in residents classified as *Sceptics* (up 5% to 68%), being more inclined to doubt or mistrust Council and not value or recognise current performance. This increase was in particular evident in the Bay of Islands-Whangaroa and Kaikohe-Hokianga Wards.

4

*Services and facilities* were the next most impactful aspects influencing *Overall performance* and within this area the *Roads, footpaths and walkways* have the greatest impact on perceptions. *Roads, footpaths and walkways* still have the lowest performance rating and *The availability of footpaths* saw a significant decline in satisfaction (down 6% to 32%). Nearly two-thirds of residents (64%) identified *Roading / traffic congestion* as a priority area for Council over the next 12 months. Therefore, *Roads, footpaths and walkways* continue to present an opportunity to improve satisfaction with *Overall services and facilities*.

5

*Council's public facilities* was the next most influential driver to satisfaction with *Overall services and facilities*. There was a decline in satisfaction with the *Cleanliness of public toilets* (down 8% to 55%). As this was the second most impactful aspect, after cemeteries, to influence perceptions of Council's public facilities, improvement in *Cleanliness of public toilets* would impact satisfaction with public facilities positively.

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## Executive Summary (II)

6

Satisfaction with *Parks, coastal access and car parks* declined since 2018, with just under half of residents (49%) rating the services 7 to 10 out of 10. There was a significant decline in satisfaction with *Council-provided car park facilities* (down 7% to 41%) and *Council-provided access to the coast* (down 8% to 51%). *Parks, coastal access and car parks* were the third most influential driver on satisfaction with *Overall services and facilities*.

7

Those who had contact with Council for a service request or complaint during the past 12 months, were less likely to be satisfied with the interaction (satisfaction decline 7% to 39%). All aspects related to the interaction between residents and Council declined with a significant decline in *How easy it was to make your enquiry or request* (down 9% to 70%), *The information being accurate* (down 9% to 47%), *How long it took to resolve the matter* (down 8% to 31%) and *The resolution or outcome achieved* (down 6% to 38%) the main detractors.

8

There was a significant decline in satisfaction with *Town water supply* among residents who were connected to the Council-provided services. The decline extends to all aspects including, *Continuity of supply* (79%), *Water pressure* (73%), *Clarity of water* (57%), *Odour of water* (51%) and *Taste* (42%). Satisfaction with *Rates for Council-provided water supply* declined since last year (down 6%). As water supply has the second highest impact on perceptions of water management (after Stormwater), addressing concerns should improve overall evaluation of Council's water management.

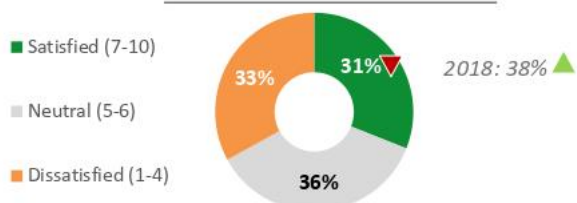
9

Satisfaction remained highest among those who use the public services and facilities, especially the *Public library* (93%), *Community recycling stations* (82%), *Kawakawa Pool* (81%), *Cemeteries* (80%) and *Wastewater services* (80%). Fewer users are satisfied with the *Cleanliness of public toilets* (55%) and *Kaikohe Pool* (50%) compared to last year.

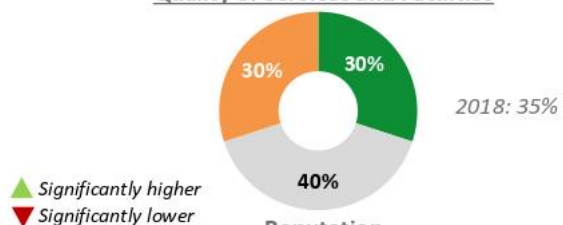


## Key Findings

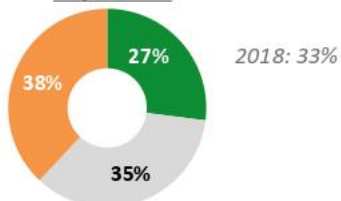
### 2019 OVERALL Satisfaction



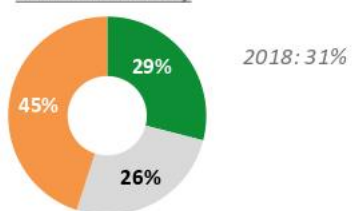
### Quality of Services and Facilities



### Reputation

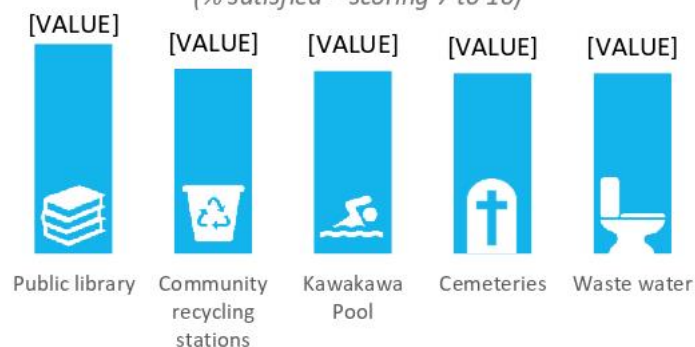


### Value for money

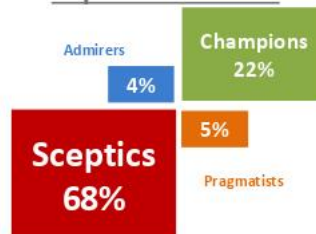


### Top 5 Best Performing Areas

(% satisfied – scoring 7 to 10)



### Reputation Profile



### Key Opportunities for Improvement





## In Summary: Comparison to previous year's results

Service/Facility/Activity	2019 (%satisfied/ very satisfied)	2018 (%satisfied/ very satisfied)	Change 2018 to 2019	
Public library	93	89	+4	
Community recycling stations	82	85	-3	
Kawakawa Pool	81	88	-7	
Waste water	80	80	+0	
Cemeteries	80	86	-6	
Awareness of the community board in your area	78	85	-7	
Refuse transfer stations	77	80	-3	
Kerikeri Pool	69	88	-19	
Kaitaia Pool	65	75	-10	
Service received when contacting Council (2018: by Council frontline staff)	65	68	-3	
Water supply	60	69	-9	
Parks and reserves	60	59	+1	
Public toilets	55	63	-8	
Access to the coast	51	59	-8	
Kaikohe Pool	50	92	-42	
Stormwater drainage	48	41	+7	
Car park facilities	41	48	-7	
Local roads	37	43	-6	
Local footpaths	35	38	-3	
Informed about what Council is doing (all residents)	28	26	+2	
Informed about what Council is doing (Māori respondents)	26	24	+2	
Aware of changes to the District Plan	24	29	-5	
Informed about Council's District Plan (land use)	18	23	-5	

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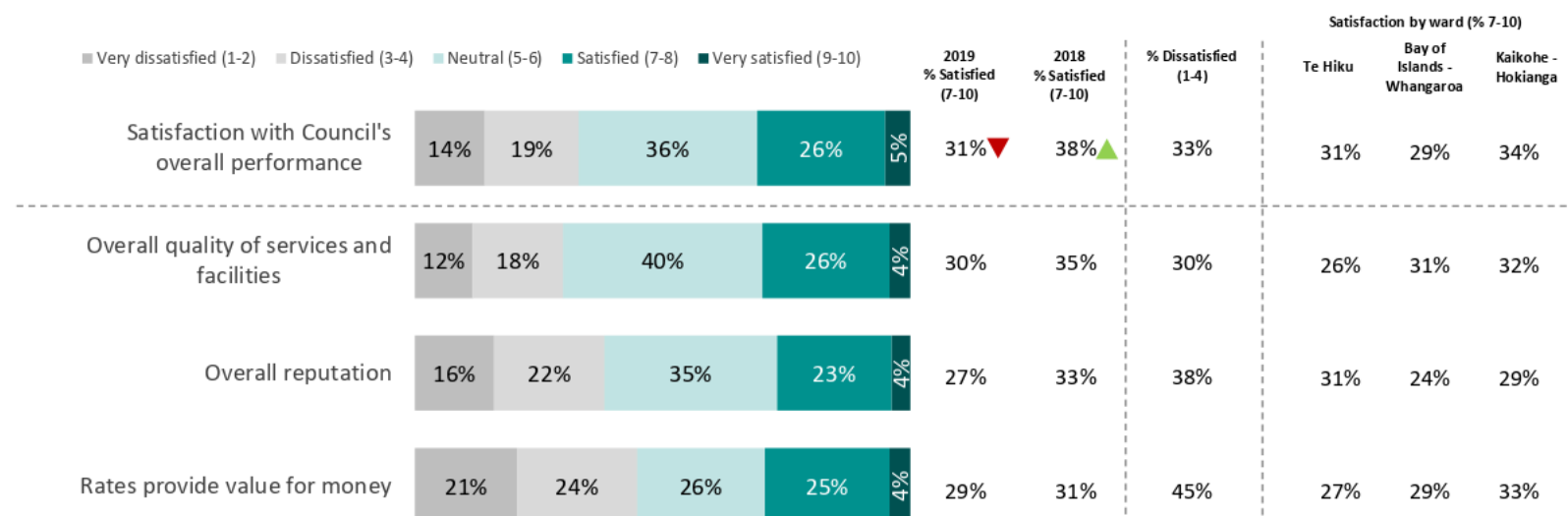
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In 2019, *Overall performance* significantly decreased with only three out of ten respondents (31%) being satisfied with the Council. Similarly, less than a third of respondents were satisfied with the *Quality of services and facilities* (30%), *Rates providing value for money* (29%) and *Overall reputation* (27%)

## Overall performance



**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. REP5. How would you rate Council for its overall reputation?
3. REP4. How would you rate them for the quality of what they provide the district?
4. VM2. How satisfied are you that your rates provide value for money?
5. OP1. How satisfied are you with the OVERALL performance of the Far North District Council?

▲ Significantly higher  
▼ Significantly lower



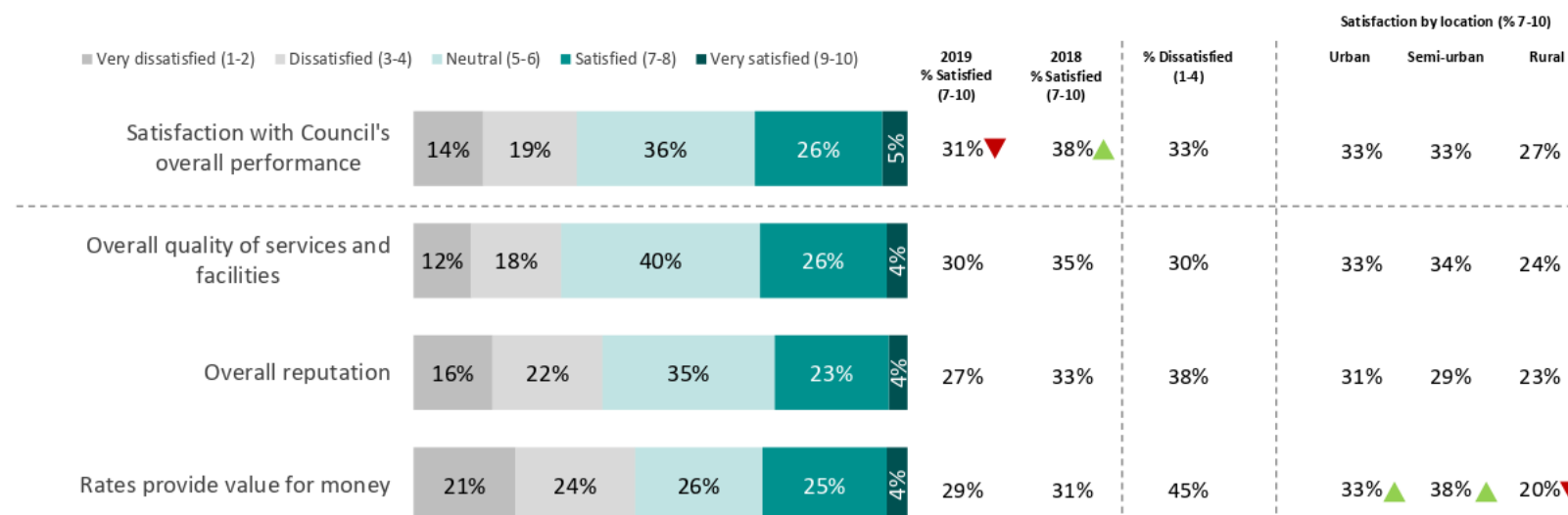
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Rural residents were less satisfied that their rates provide value for money compared with urban and semi-urban residents

## Overall performance



**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Urban n=178, Semi urban n=118, Rural n=2014 Excludes 'don't know'
2. REP5. How would you rate Council for its overall reputation?
3. REP4. How would you rate them for the quality of what they provide the district?
4. VM2. How satisfied are you that your rates provide value for money?
5. OP1. How satisfied are you with the OVERALL performance of the Far North District Council?


▲ Significantly higher  
▼ Significantly lower

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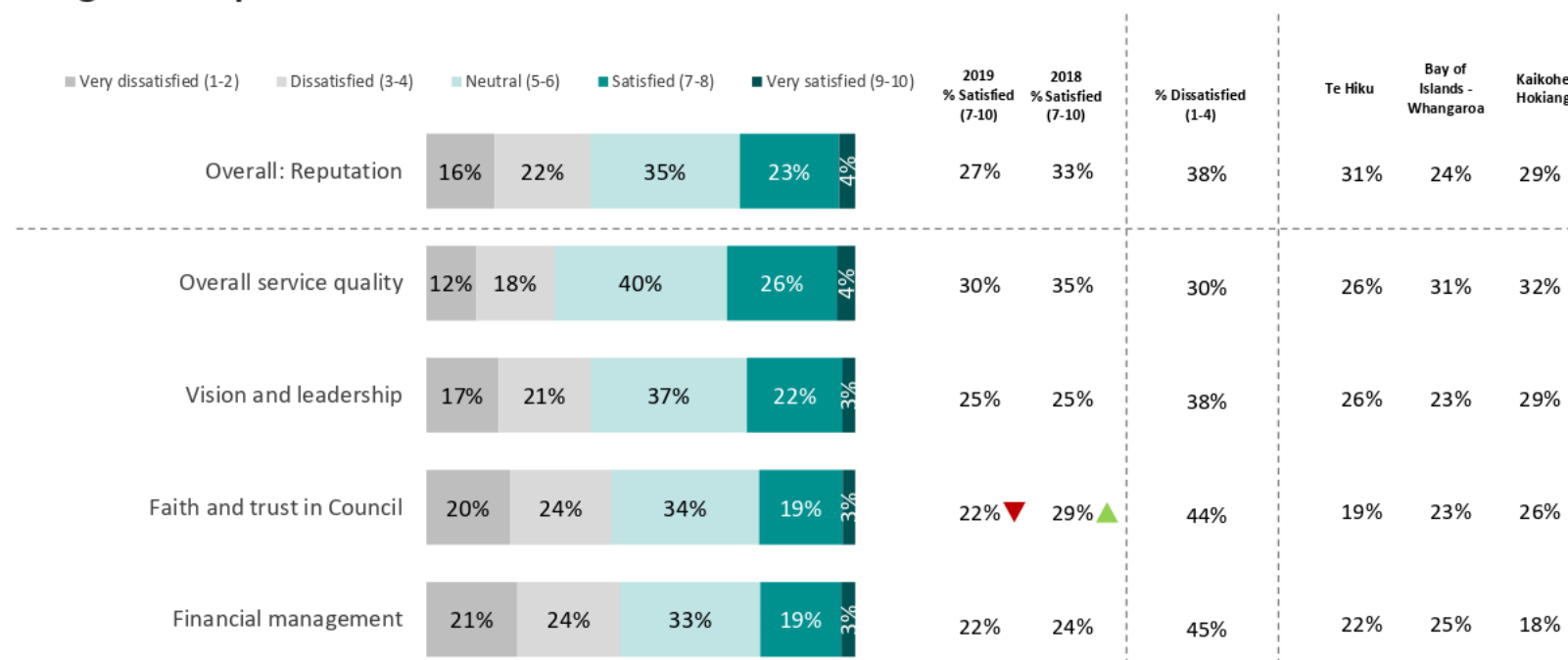
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*Overall services quality achieved the highest satisfaction (30%), while satisfaction with **Faith and trust in Council** significantly decreased to 22%. Around a fifth of respondents were 'very dissatisfied' with the **Faith and trust in Council** (20%) and **Council's Financial management** (21%)*

## Image and reputation



**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. REP1. So how would you rate the FNDC for being committed to creating a great district, how it promotes economic development, being in touch with the community and setting clear direction... overall how would you rate Council for its vision and leadership?
3. REP2. Next I'd like you to think about how open and transparent Council is, how Council can be relied on to act honestly and fairly, and their ability to work in the best interest of the district? Overall how would you rate Council in terms of the faith and trust you have in them?
4. REP3. Not thinking about Council's financial management – how appropriately it invests in the district, how wisely it spends and avoids waste, and its transparency around spending. How would you rate Council overall for its financial management?
5. REP4. And thinking about all the services, facilities and infrastructure Council provides, how would you rate them for the quality of what they provide the district?
6. REP5. So considering leadership, trust, financial management and quality of services provided, how would you rate Council for its overall reputation?

▲ Significantly higher  
▼ Significantly lower





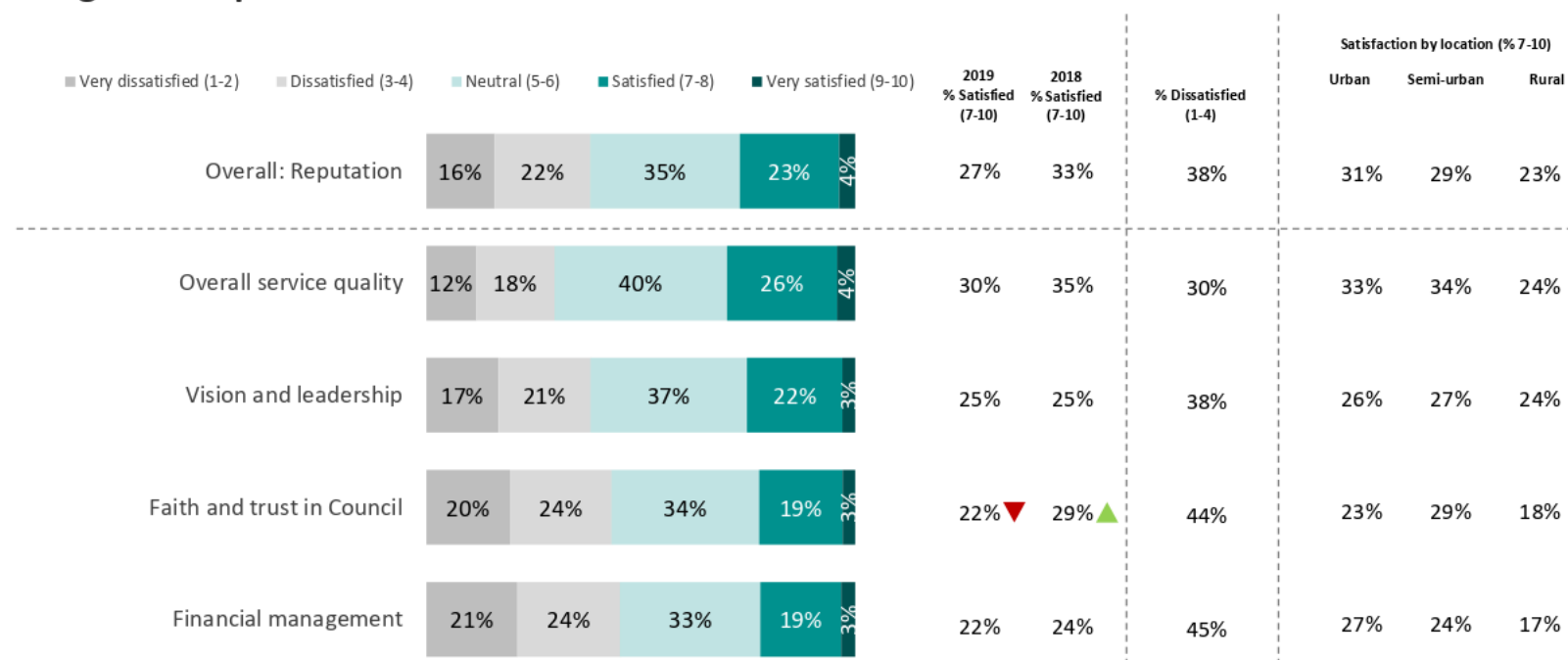
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Although *Vision and leadership* received similar ratings across all areas, rural residents provided lower satisfaction ratings for *Faith and trust in Council*, *Financial management* and *Overall service quality*

## Image and reputation



### NOTES:

1. Total sample: 2018 n=500; 2019 n=500; Urban n=178, Semi urban n=118, Rural n=2014 Excludes 'don't know'
2. REP1. So how would you rate the FNDC for being committed to creating a great district, how it promotes economic development, being in touch with the community and setting clear direction... overall how would you rate Council for its vision and leadership?
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▲ Significantly higher  
▼ Significantly lower

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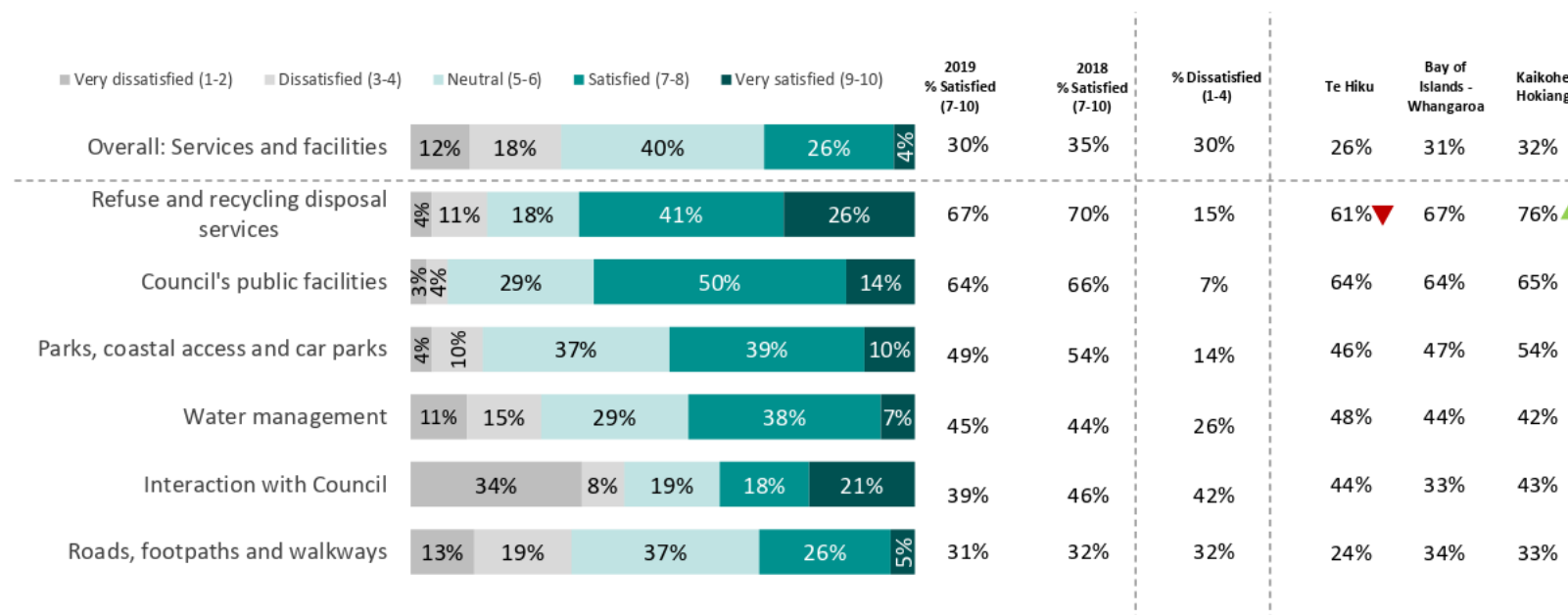
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Around two-thirds of respondents were satisfied with *Refuse and recycling disposal services* (67%) and *Council's public facilities* (64%). *Interaction with Council* and *Roads, footpaths and walkways* were the two areas with the lowest satisfaction scores, 39% and 31% respectively

## Services and facilities



### NOTES:

1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. RF2. Overall, how satisfied are you with the roads, footpaths and walkways around the district?
3. TW6. How would you rate your satisfaction with Council overall for its management of water in the district?
4. WR5. How would you rate your satisfaction with the Council overall for its refuse and recycling disposal services?
5. CF4. How would you rate your overall satisfaction with the public facilities that are provided?
6. PR2. And overall, how satisfied are you with Council parks, coastal access and car parks
7. RS4G. How would you rate Council overall for how well they handled your request or complaint? Those who had contact with Council 2018 n=212, 2019 n=199
8. REP4. How would you rate them for the quality of what they provide the district?

▲ Significantly higher  
▼ Significantly lower



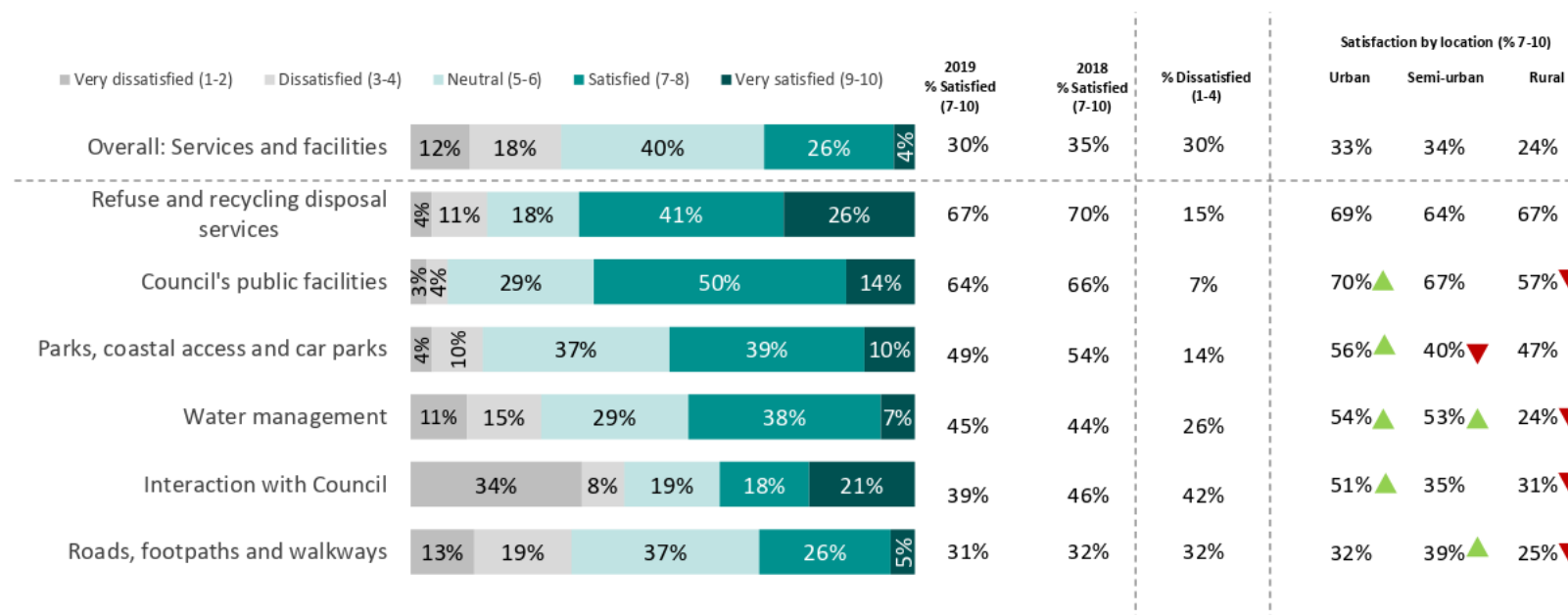
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Urban residents were more likely to be satisfied with *Council's public facilities, Parks, coastal access and car parks, water management and Interaction with Council*. Semi-urban residents were more likely to be satisfied with *Water management and Roads, footpaths and walkways*

## Services and facilities



### NOTES:

1. Total sample: 2018 n=500; 2019 n=500; Urban n=178, Semi urban n=118, Rural n=2014 Excludes 'don't know'
2. RF2. Overall, how satisfied are you with the roads, footpaths and walkways around the district?
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8. REP4. How would you rate them for the quality of what they provide the district?

▲ Significantly higher  
▼ Significantly lower

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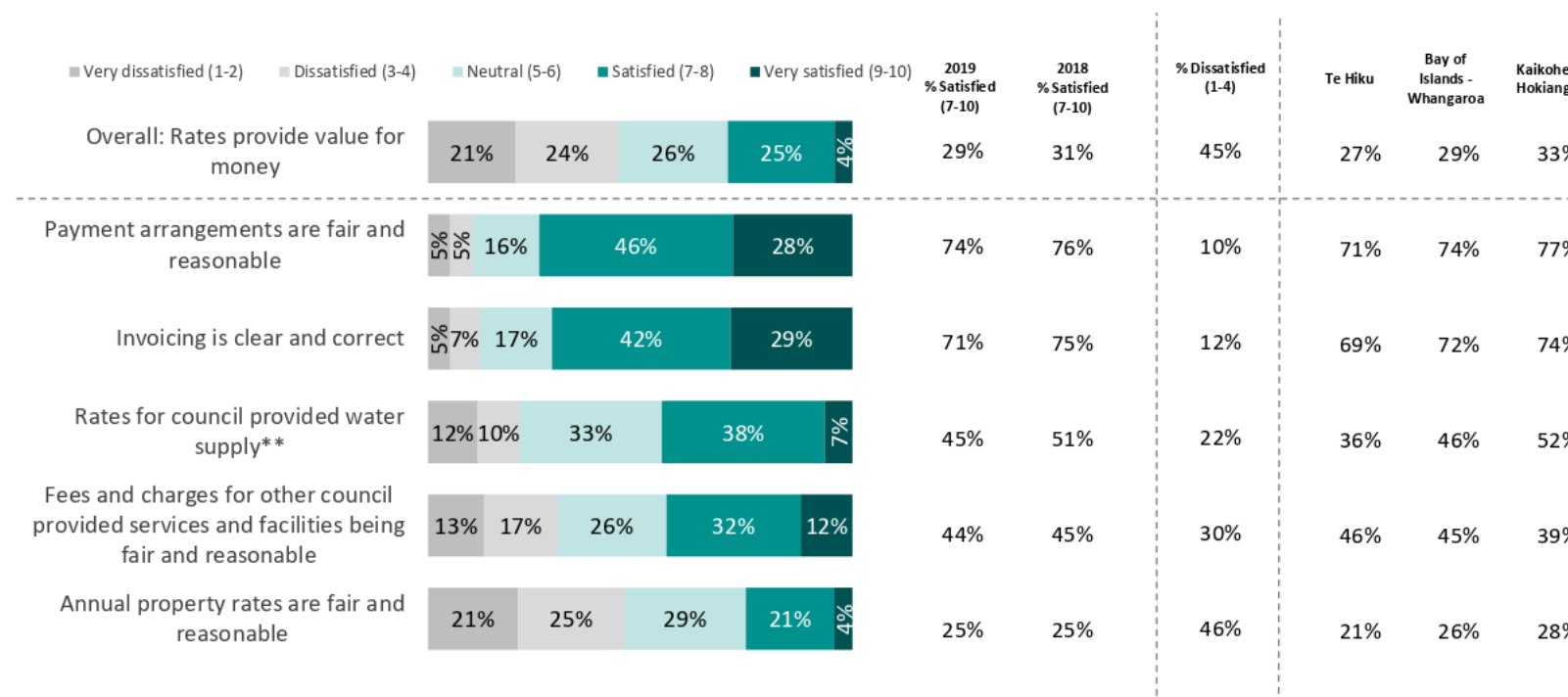
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Respondents were satisfied that *Payment arrangements are fair and reasonable* (74%) and *Invoicing is clear and correct* (71%). There were high levels of dissatisfaction with *Annual property rates being fair and reasonable*, with nearly half of respondents (46%) 'very dissatisfied' or 'dissatisfied' with this aspect

## Value for money



**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. \*\* Rates for Council-provided water supply based on n=187 who have Council water supply connection
3. VM1. Using a scale of 1-10 where 1 is strongly disagree and 10 is strongly agree, how much do you agree with the following statements?
4. VM2. Thinking about everything Council has done over the last 12 months and what you have experienced of its services and facilities, how satisfied are you that your rates provide value for money?



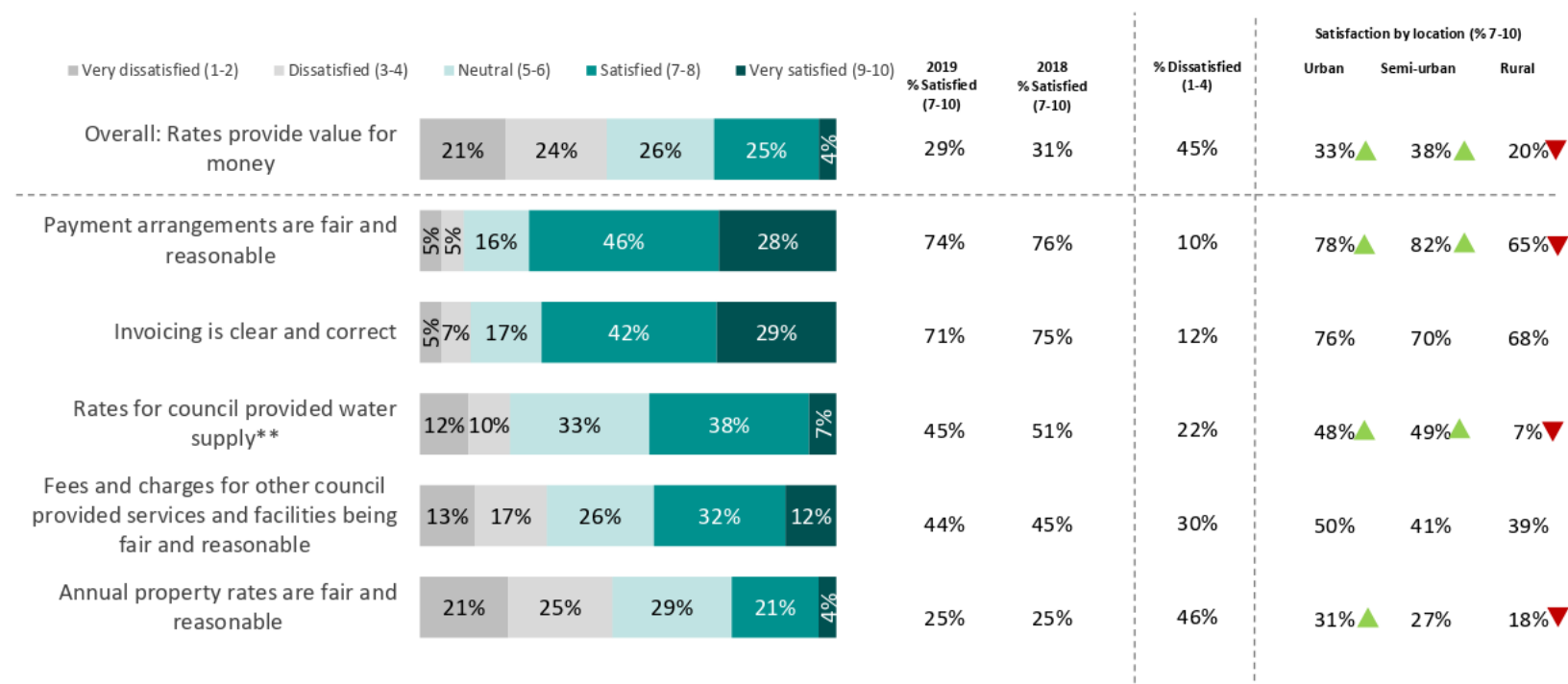
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Rural residents were less satisfied that their *Rates provide value for money* with lower satisfaction across all aspects, especially *Payment arrangements being fair and reasonable* and *Annual property rates being fair and reasonable*

## Value for money



**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Urban n=178, Semi urban n=118, Rural n=2014 Excludes 'don't know'
2. \*\* Rates for Council-provided water supply based on n=187 who have Council water supply connection
3. VM1. Using a scale of 1-10 where 1 is strongly disagree and 10 is strongly agree, how much do you agree with the following statements?
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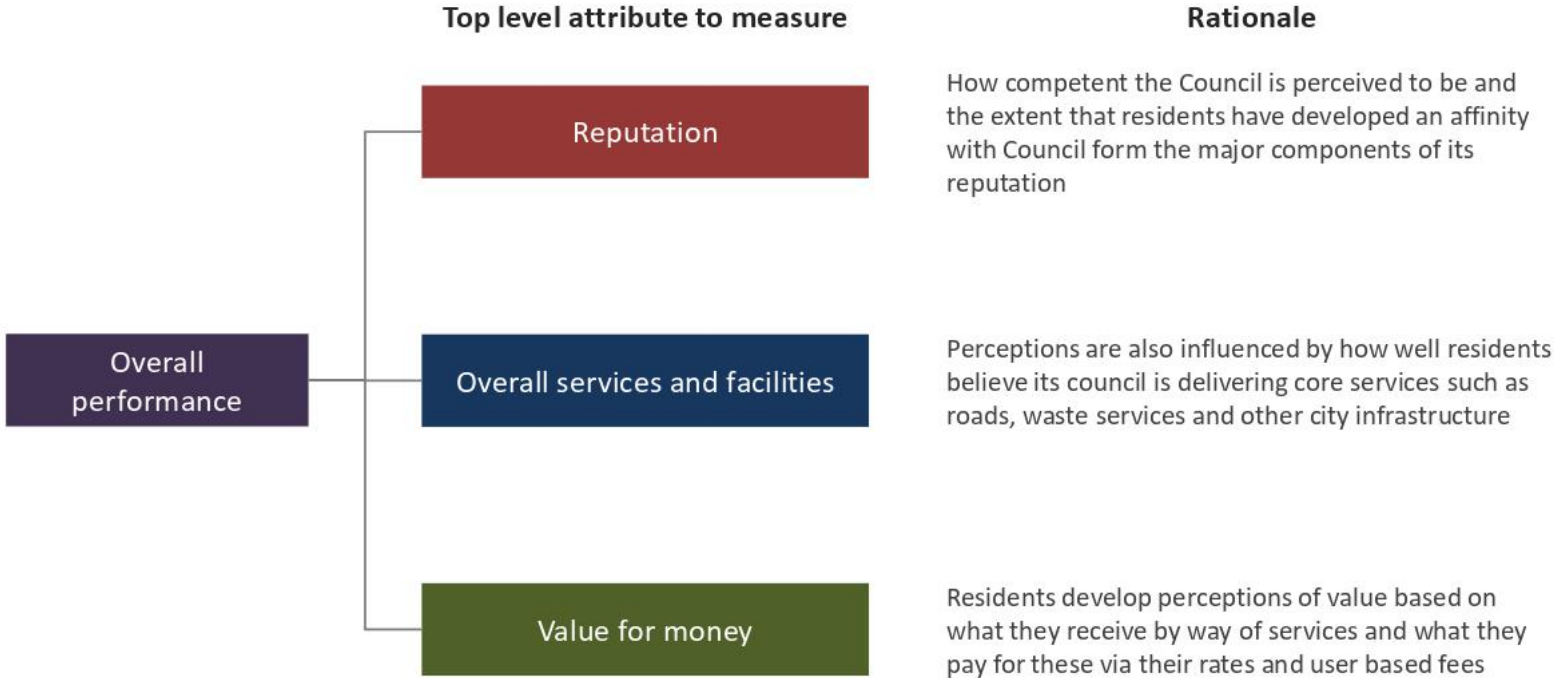
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A Customer Value Management framework was used to determine how the various reputation, service and value elements impact residents overall evaluation of Council

Overview







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District Council**

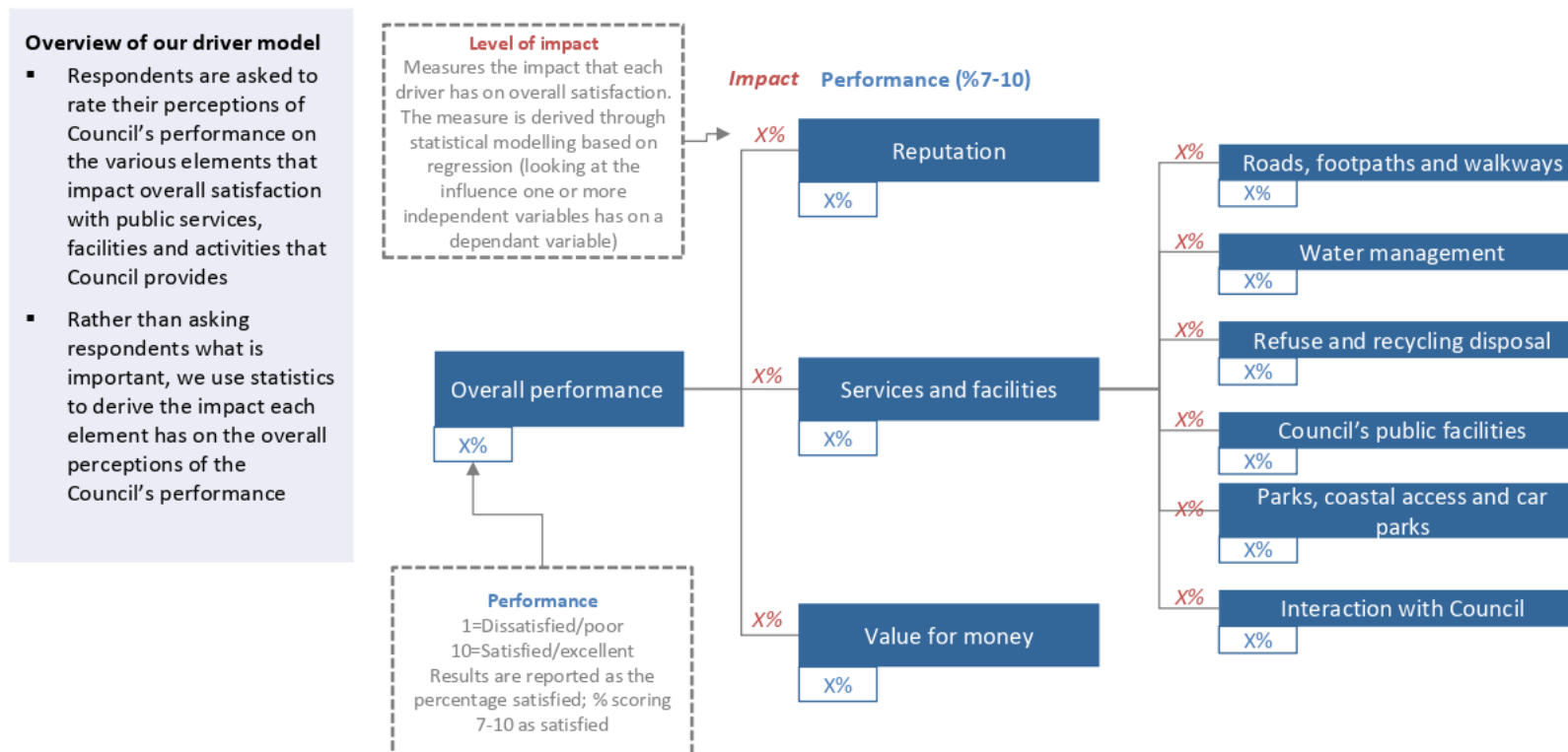
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The model analyses the relationship between ‘overall satisfaction’ and the various services that are expected to influence perceptions

## Introduction to the CVM driver model

EXAMPLE





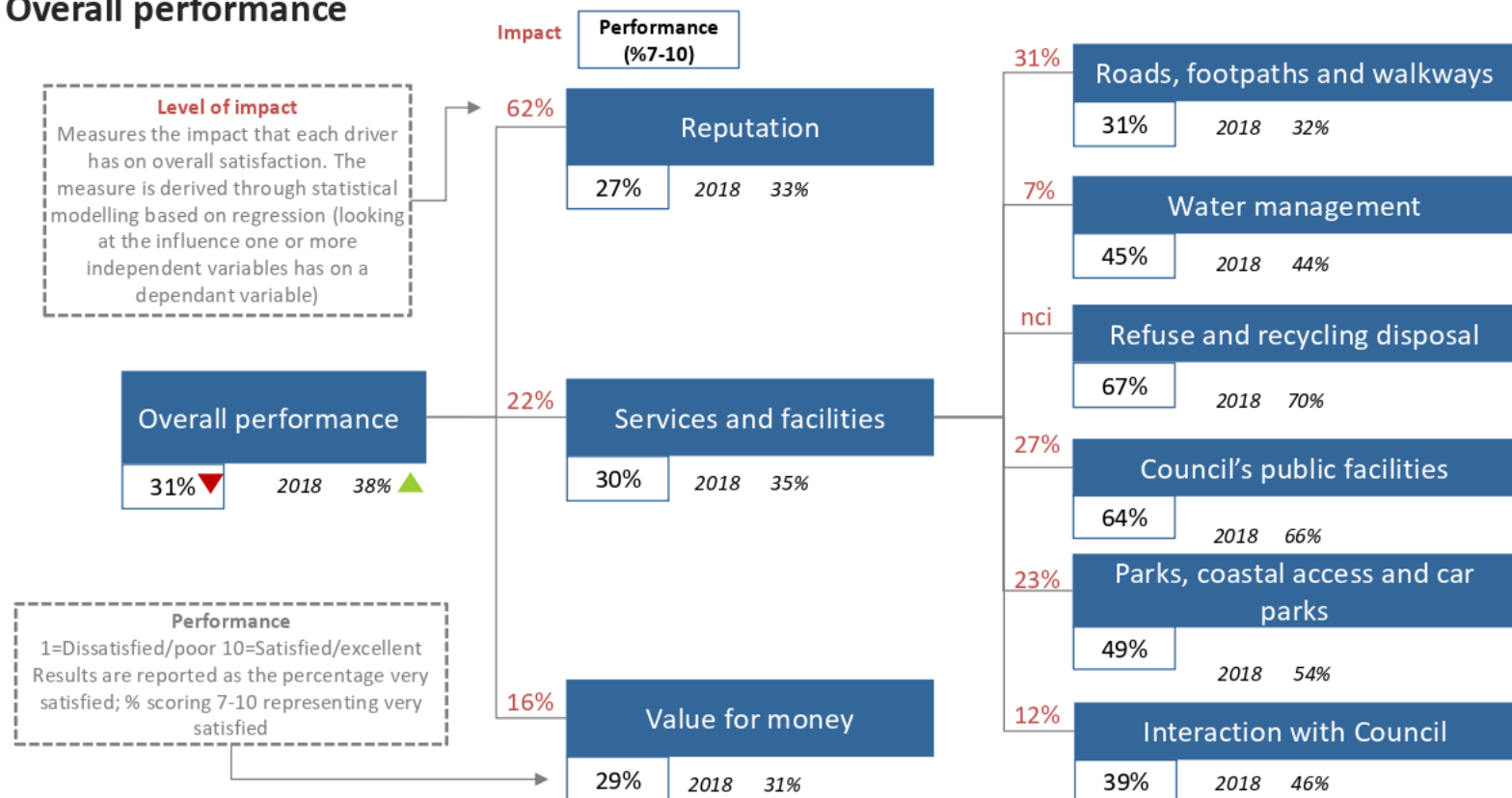
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The *Overall performance* evaluation was impacted most heavily by *Reputation*, followed by *Services and facilities*. Within *Services and facilities*, *Roads, footpaths and walkways* have the greatest impact, followed by *Council's public facilities* and *Parks, coastal access and car parks*

## Overall performance



- NOTES:
- Sample: 2019 n=500; 2018 n=500
  - nci = no current impact

▲ Significantly higher  
▼ Significantly lower

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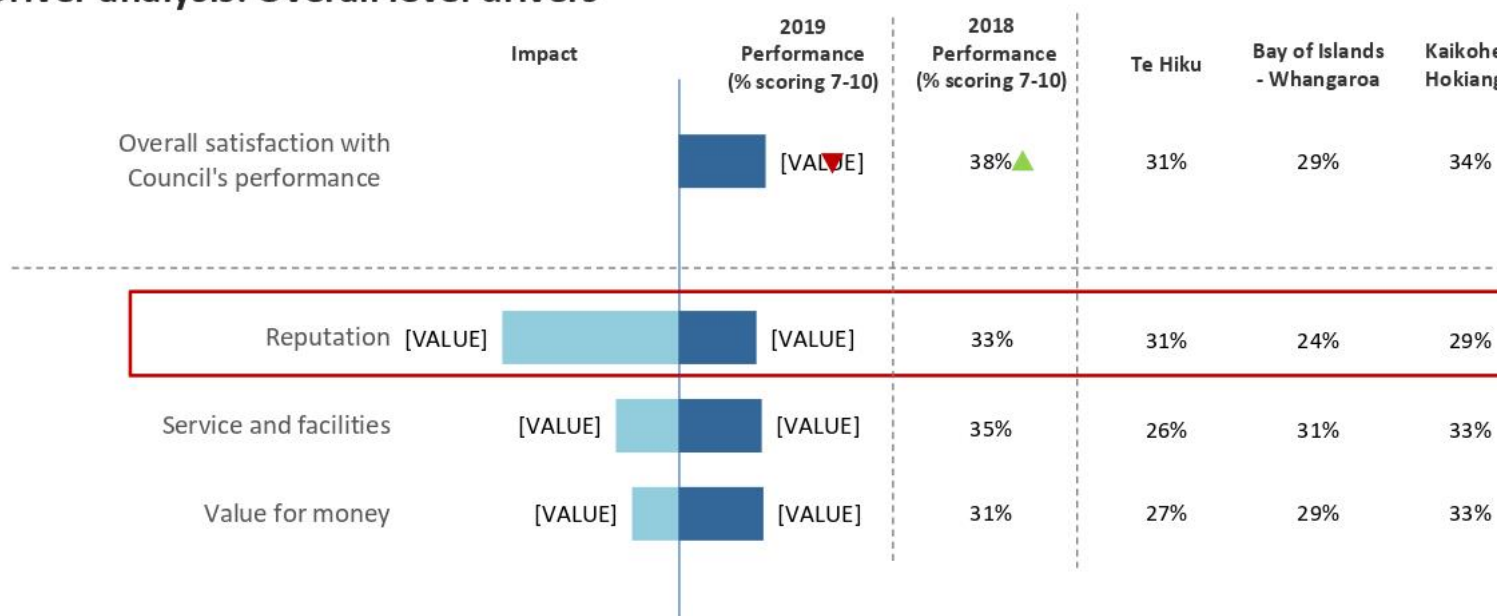
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*Reputation* has the greatest impact on satisfaction with *Overall performance*. Because performance was relatively low, making improvements in this area will increase residents' positive perceptions of Council


### Driver analysis: Overall level drivers



**NOTES:**


1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. REP5. How would you rate Council for its overall reputation?
3. REP4. How would you rate them for the quality of what they provide the district?
4. VM2. How satisfied are you that your rates provide value for money?
5. OP1. How satisfied are you with the OVERALL performance of the Far North District Council?

 Significantly higher  
 Significantly lower










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Two areas that had the most influence over *Overall reputation* were *Vision and leadership* and *Quality of services*. Satisfaction scores for both were low (25% and 30% respectively), so improving these aspects have the greatest potential impact on the perceptions of Council's reputation

### Driver analysis: Reputation

	Impact	2019 Performance (% scoring 7-10)	2018 Performance (% scoring 7-10)	Te Hiku	Bay of Islands - Whangaroa	Kaikohe - Hokianga
Overall: Reputation	[VALUE] 	[VALUE]	33%	31%	24%	29%
Vision and leadership	[VALUE] 	[VALUE]	25%	26%	23%	29%
Quality of services	[VALUE] 	[VALUE]	35%	26%	31%	32%
Financial management	[VALUE] 	[VALUE]	24%	22%	25%	18%
Faith and trust in Council	[VALUE] 	[VALUE] 	29% 	19%	23%	26%

**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. REP1. So how would you rate the FNDC for being committed to creating a great district, how it promotes economic development, being in touch with the community and setting clear direction... overall how would you rate Council for its vision and leadership?
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5. REP4. And thinking about all the services, facilities and infrastructure Council provides, how would you rate them for the quality of what they provide the district?
6. REP5. So considering leadership, trust, financial management and quality of services provided, how would you rate Council for its overall reputation?

 *Significantly higher*  
 *Significantly lower*

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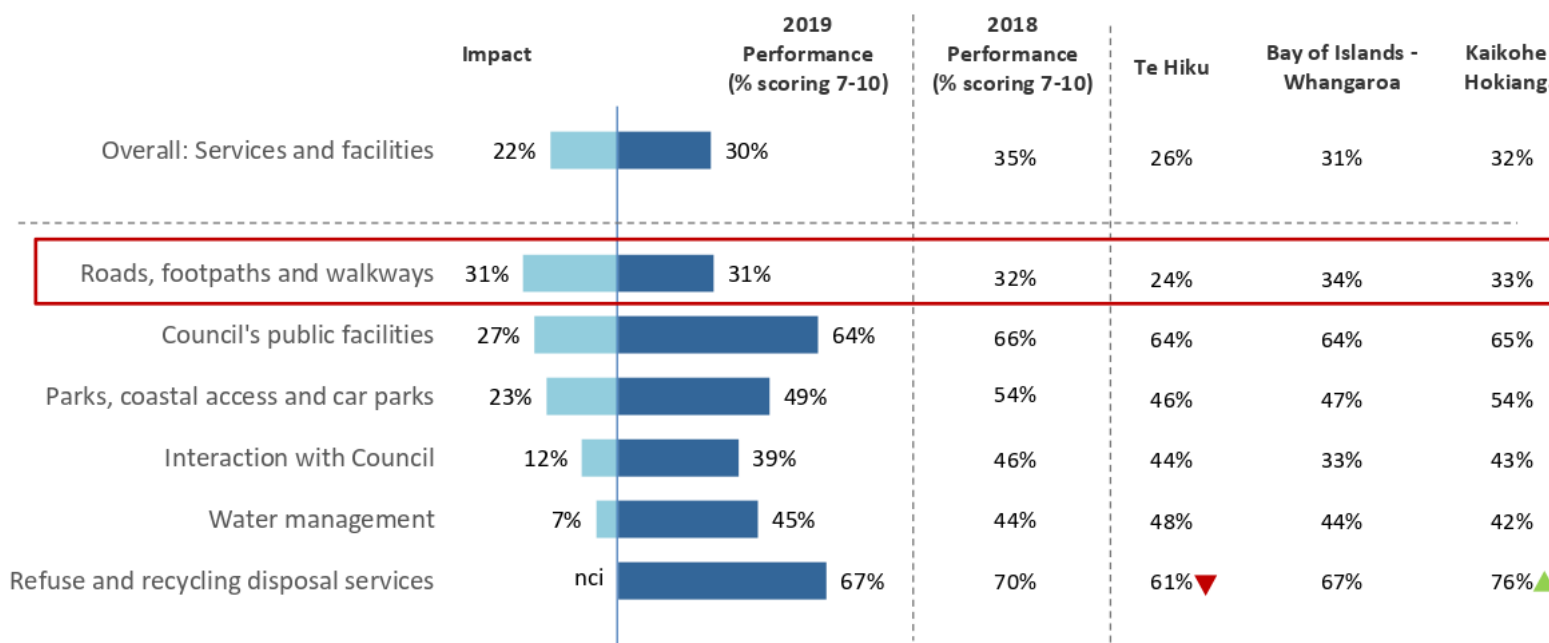
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*Roads, footpaths and walkways have the most impact on residents' Overall satisfaction with Services and facilities. With comparatively poor performance, making improvements in this area will have the most influence on the evaluation of services and facilities*

## Driver analysis: Services and facilities



**NOTES:**

1. Total sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. RF2. Overall, how satisfied are you with the roads, footpaths and walkways around the district?
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5. CF4. How would you rate your overall satisfaction with the public facilities that are provided?
6. PR2. And overall, how satisfied are you with Council parks, coastal access and car parks
7. RS4G. How would you rate Council overall for how well they handled your request or complaint? Those who had contact with Council 2018 n=212, 2019 n=199
8. REP4. How would you rate them for the quality of what they provide the district?
9. nci=no current impact

▲ Significantly higher  
▼ Significantly lower


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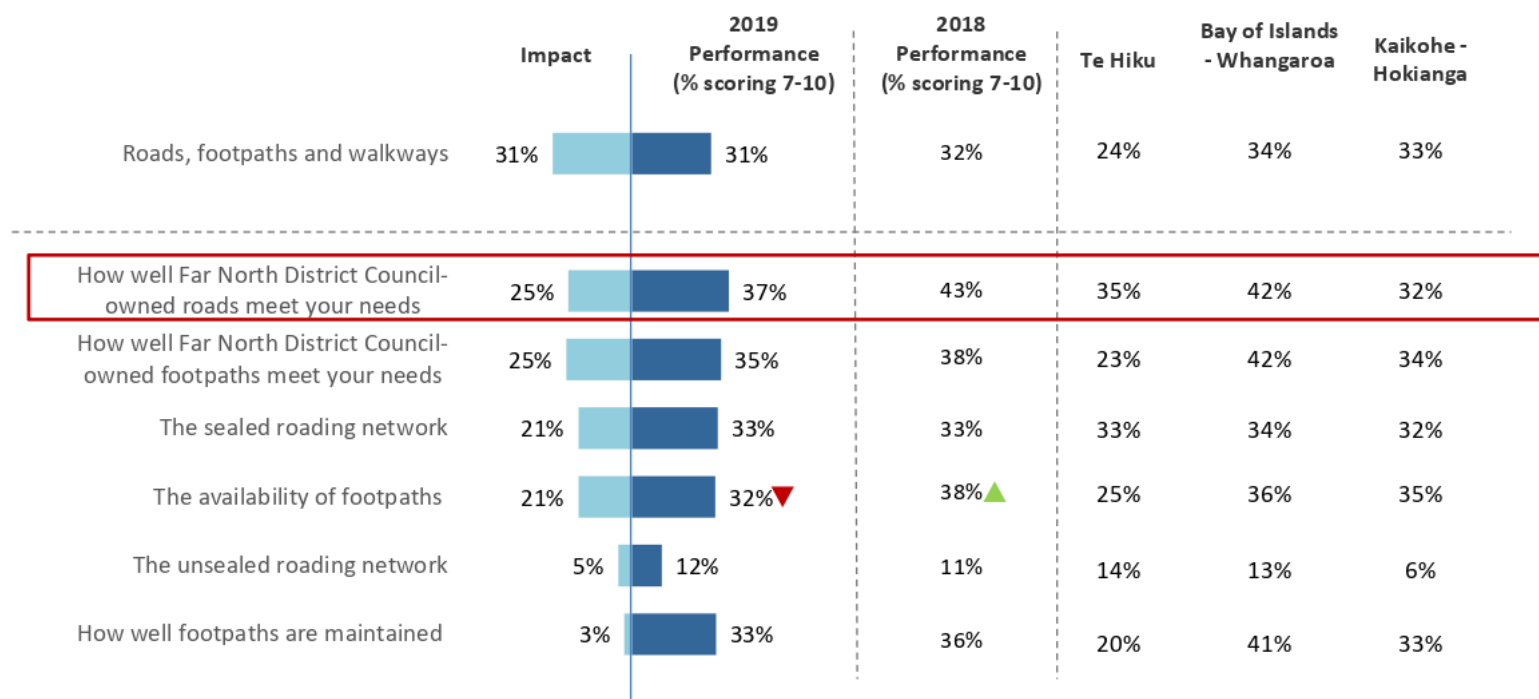
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*How well Far North District Council-owned roads meet residents' needs has the most impact on perceptions of Roads, footpaths and walkways. The unsealed roading network has the lowest satisfaction score, but the impact it has is comparatively low, so improving it will not influence the overall score much*

### Driver analysis: Services and facilities: Road, footpaths and walkways



**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. RF1. Using the 1 to 10 scale, where 1 means 'very dissatisfied' and 10 means 'very satisfied', how would you rate your level of satisfaction with each of the following...
3. RF2. Overall, how satisfied are you with the roads, footpaths and walkways around the district?











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*Cleanliness of public toilets* had a satisfaction score of 55%, which is significantly lower than 2018. However, this element has the second highest impact on perceptions of *Council's public facilities*. Making improvements in this area is recommended to increase positive perceptions of the Council's public facilities

### Driver analysis: Services and facilities: Facilities

	Impact		2019 Performance (% scoring 7-10)	2018 Performance (% scoring 7-10)	Te Hiku	Bay of Islands - Whangaroa	Kaikohe - Hokianga
Council's public facilities	27%		[VALUE]	66%	64%	64%	65%
Cemeteries	54%		80%	86%	73%	81%	87%
Cleanliness of public toilets	24%		55%▼	63%▲	54%	63%▲	40%▼
Public library	22%		93%	89%	94%	92%	92%
Kaikohe Pool**	nci		50%▼	92%▲	0%	100%	58%
Kawakawa Pool	nci		81%	88%	100%	81%	77%
Kerikeri Pool**	nci		69%	88%	0%	71%	51%
Kaitaia Pool	nci		65%	75%	63%	67%	80%

**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. CF2. On the scale of 1- 10, how would you rate your level of satisfaction with...
3. CF4. How would you rate your overall satisfaction with the public facilities that are provided?
4. \*\* Caution: small base size <n=30

▲ Significantly higher  
▼ Significantly lower





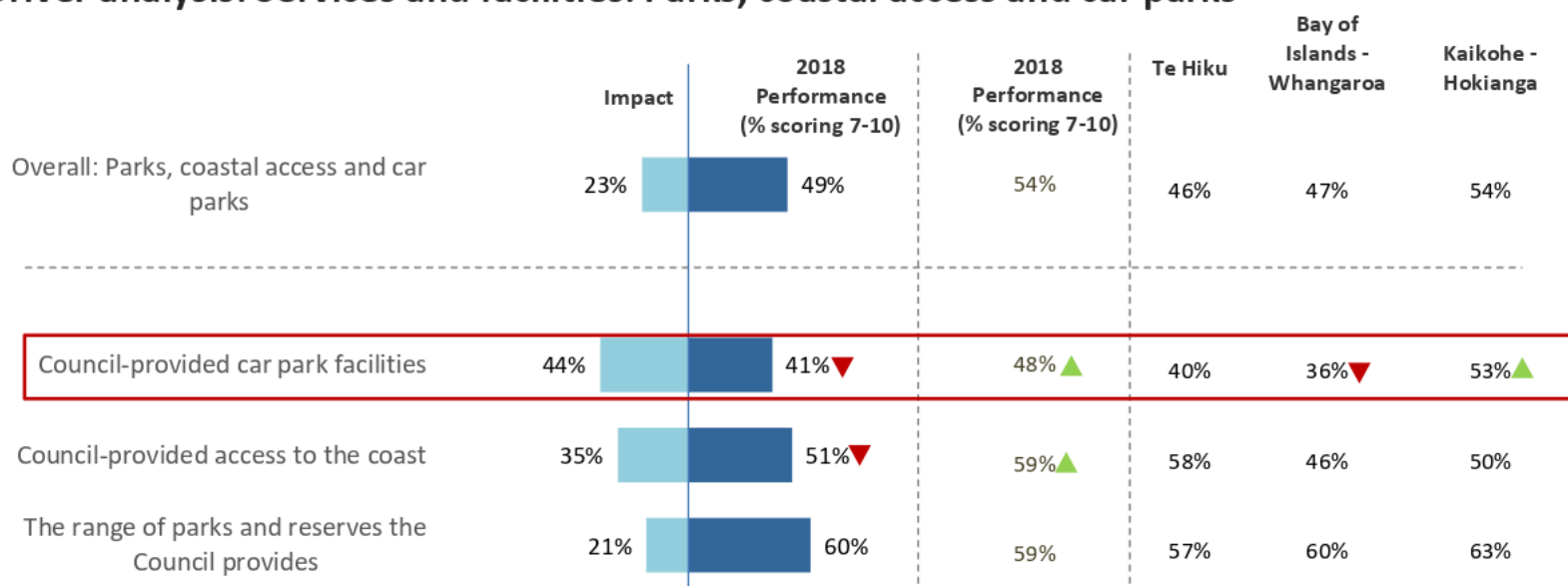
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*Council-provided car park facilities were the most important for residents' positive evaluation of Parks, coastal access and car parks. With a significant decline in satisfaction in this area since last year, making improvements is recommended*

### Driver analysis: Services and facilities: Parks, coastal access and car parks



**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. PR1. Still using the 1 to 10 scale, where 1 means 'very dissatisfied' and 10 means 'very satisfied', how would you rate your satisfaction with the following...
3. PR2. And overall, how satisfied are you with Council parks, coastal access and car parks?

▲ Significantly higher  
▼ Significantly lower



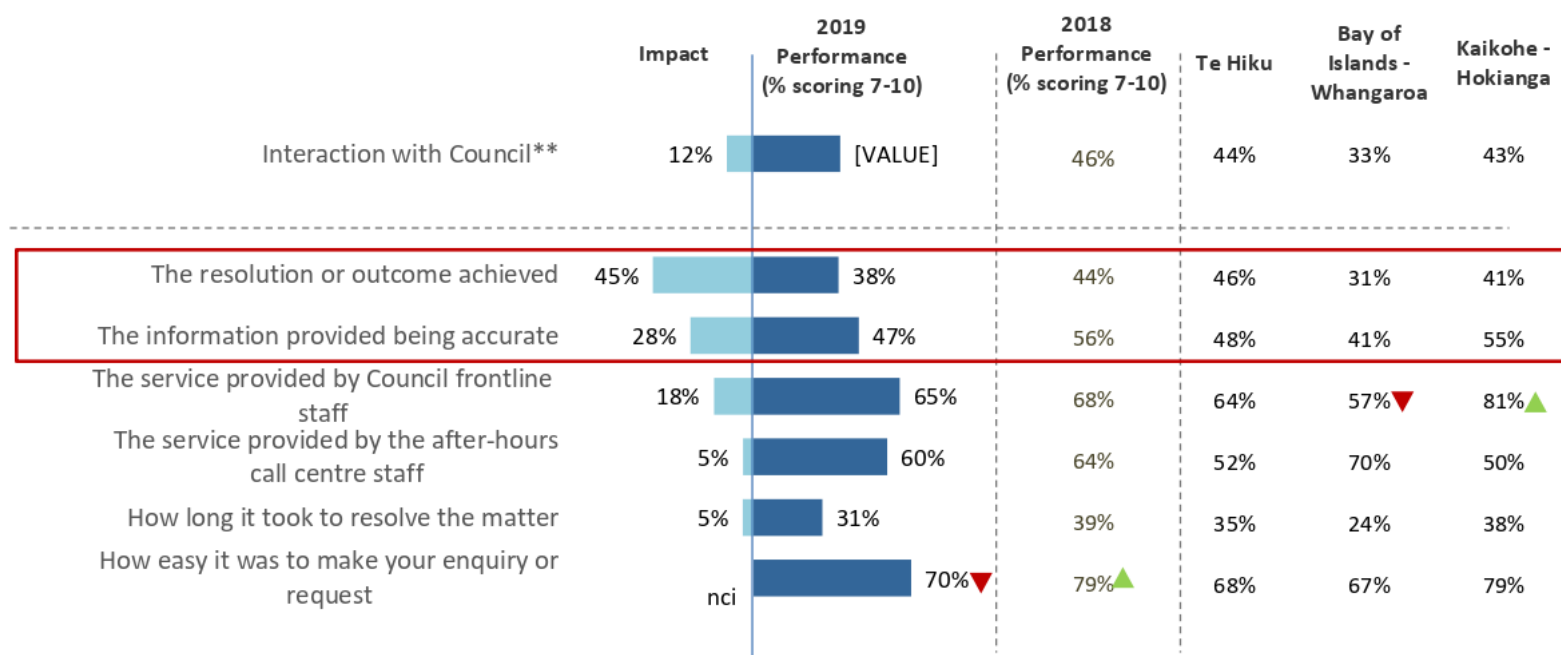
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*The resolution of outcome achieved has the greatest impact on perceptions of the **Interaction with Council**. The relatively low performance score represents an opportunity to improve perceptions. The second most impactful measure was the **Information provided being accurate**. Similarly, performance can be improved for a better overall evaluation*

### Driver analysis: Services and facilities: Contact with Council



**\*\*Interaction with Council: Overall how well Council handled residents' request or complaint**

**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know' Those who contacted Council in past 12 months 2018 n=212, 2019 n=199
2. RS4. Thinking back to your most recent request or complaint, how would you rate your satisfaction with each of the following?
3. RS4B. How would you rate Council overall for how well they handled your request or complaint?
4. nci = no current impact

▲ Significantly higher  
▼ Significantly lower

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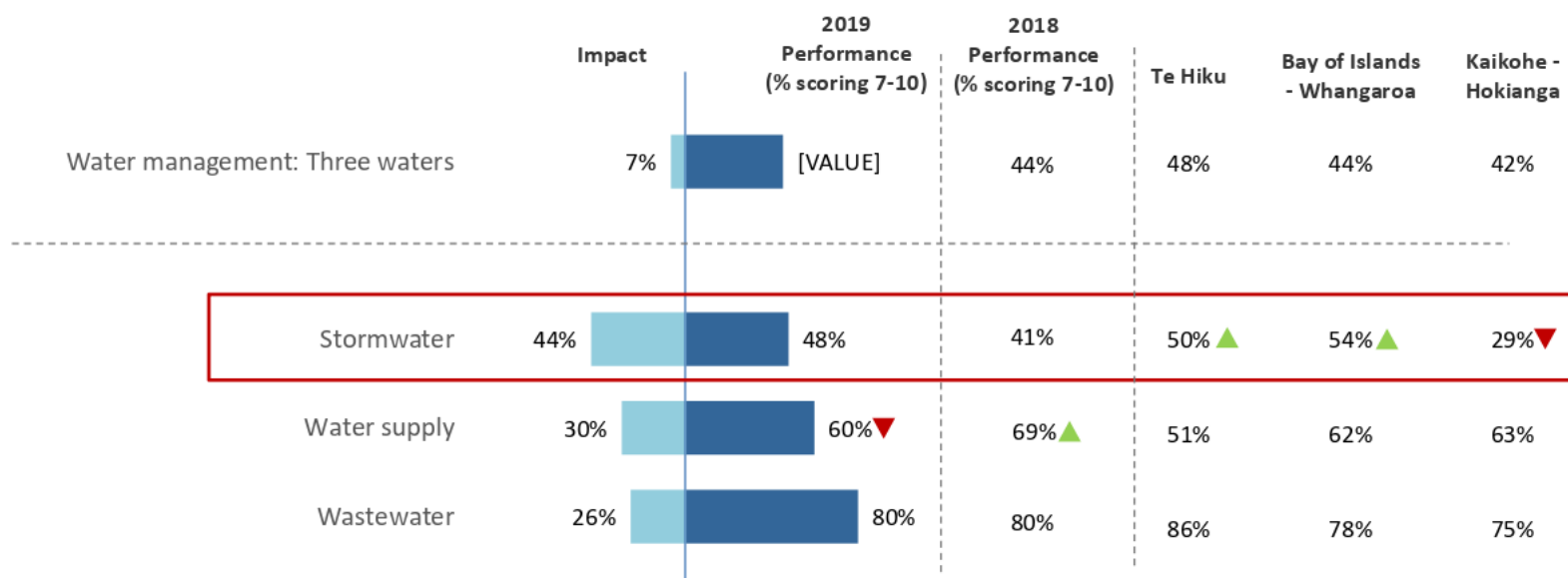
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All *Three waters* have relatively high impact on overall perceptions of *Water management*. Improving the *Stormwater system* has the greatest potential to improve perceptions of water management, as it has the lowest satisfaction score (48%) and the highest impact rating overall

### Driver analysis: Services and facilities: Water management



**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. TW2B. Overall, how satisfied or dissatisfied are you with the water you receive from the Far North District Council? This is about the service not the cost.
3. TW4. On the scale of 1- 10, how satisfied or dissatisfied are you with the Far North District Council sewerage system? Please note, this is about the service not the cost.
4. TW5. How satisfied are you with the Far North District Council-owned urban (town) stormwater management system?
5. TW6. How would you rate your satisfaction with Council overall for its management of water in the district?

▲ Significantly higher  
▼ Significantly lower



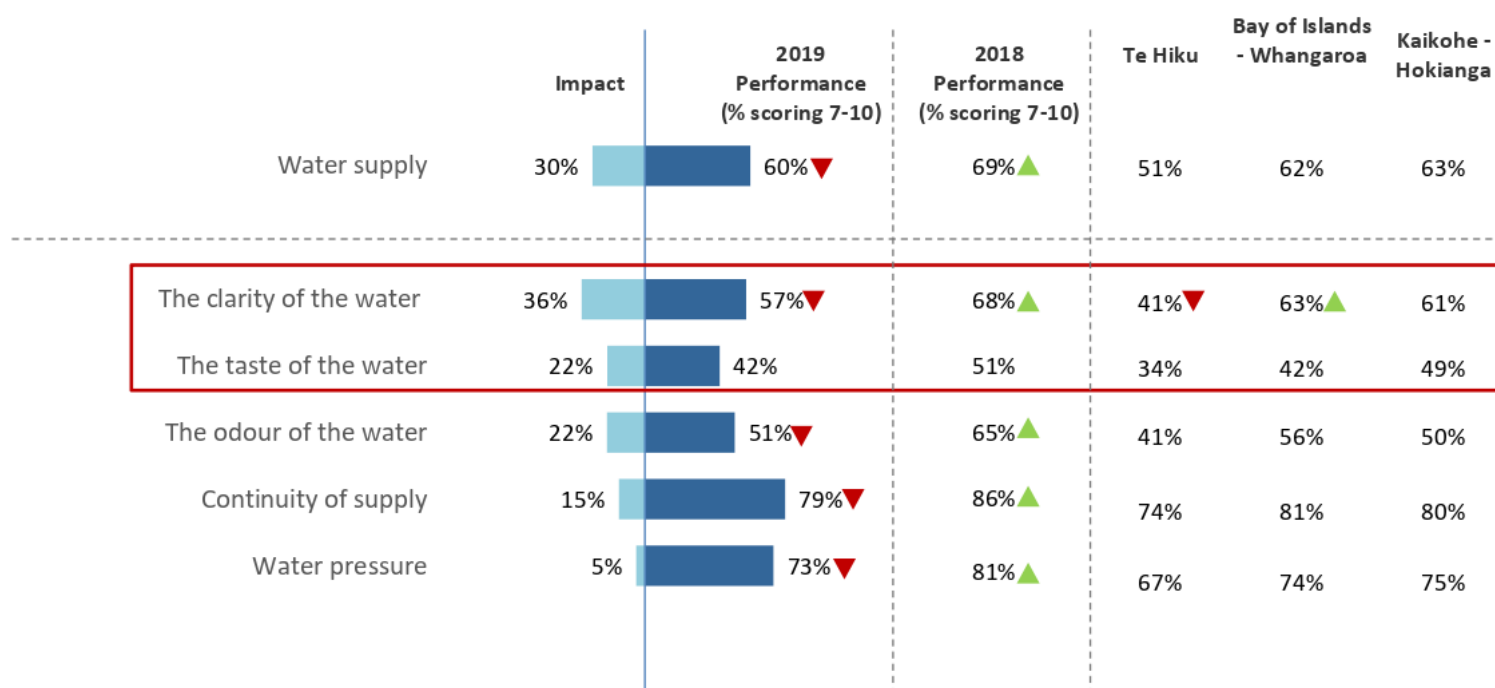
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Satisfaction across all *Water supply* related areas decreased considerably since last year. The *Clarity of the water* has the greatest impact on perceptions of water supply, but the *Taste of water* is the most important issue to focus on because it had the lowest satisfaction levels, and relatively high impact

### Driver analysis: Services and facilities: Water supply



**NOTES:**

1. Sample: Those connected to the Council water supply 2018 n=417, 2019 n=372; Te Hiku n=118, Bay of Islands-Whangaroa n=167, Kaikohe-Hokianga n=87 Excludes 'don't know'
2. TW2. On the scale of 1- 10, how would you rate your satisfaction with...
3. TW2B. Overall, how satisfied or dissatisfied are you with the water you receive from the Far North District Council? This is about the service not the cost.

▲ Significantly higher  
▼ Significantly lower



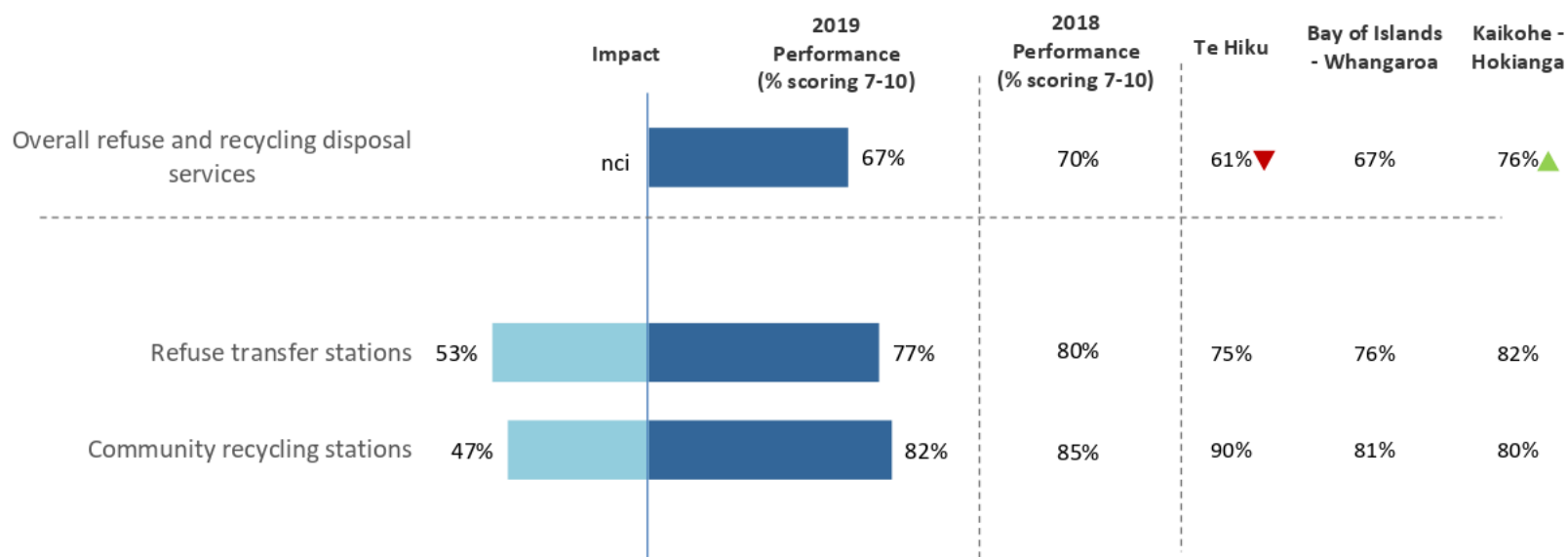
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Perceptions of *Refuse transfer stations* and *Community recycling stations* have similar impacts on *Overall satisfaction with Refuse and recycling disposal services*. As satisfaction with these measures was strong, the strategy should be to maintain current service levels

### Driver analysis: Services and facilities: Refuse and recycling



**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. WR2. Still using the 1-10 scale, how satisfied or dissatisfied are you with the rubbish and recycling services at the Council's refuse transfer stations?
3. WR4. Still using the 1-10 scale, how satisfied or dissatisfied are you with the Council's community recycling stations?
4. WR5. How would you rate your satisfaction with the Council overall for its refuse and recycling disposal services?
5. nci=no current impact

▲ Significantly higher  
▼ Significantly lower

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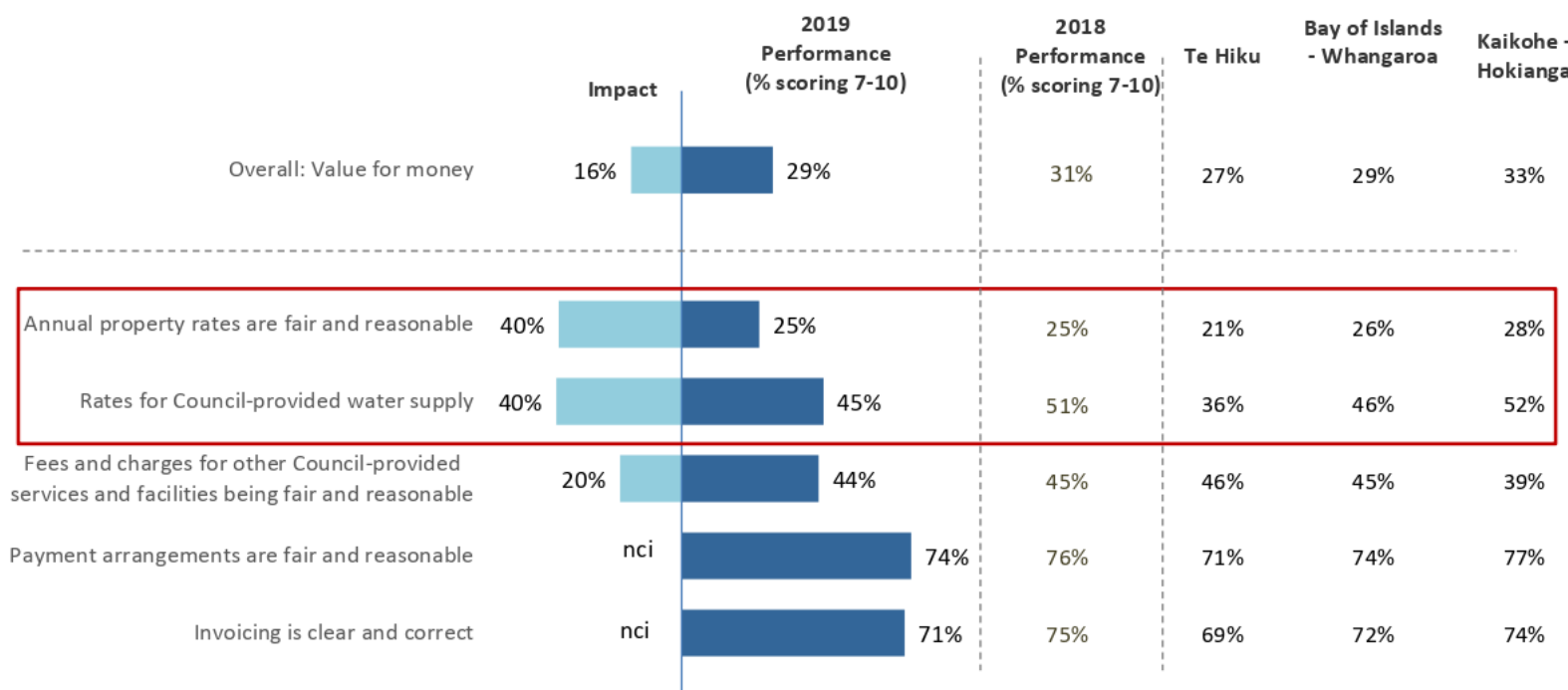
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*Annual property rates being fair and reasonable and Rates for Council-provided water supply have the same level of impact on overall perceptions of Value for money. However, satisfaction with annual rates was relatively low and presents the better opportunity to improve overall value perceptions*

## Driver analysis: Rates and value



**NOTES:**

1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. VM1. Using a scale of 1-10 where 1 is strongly disagree and 10 is strongly agree, how much do you agree with the following statements?
3. VM2. Thinking about everything Council has done over the last 12 months and what you have experienced of its services and facilities, how satisfied are you that your rates provide value for money?
4. nci = no current impact

▲ Significantly higher  
▼ Significantly lower

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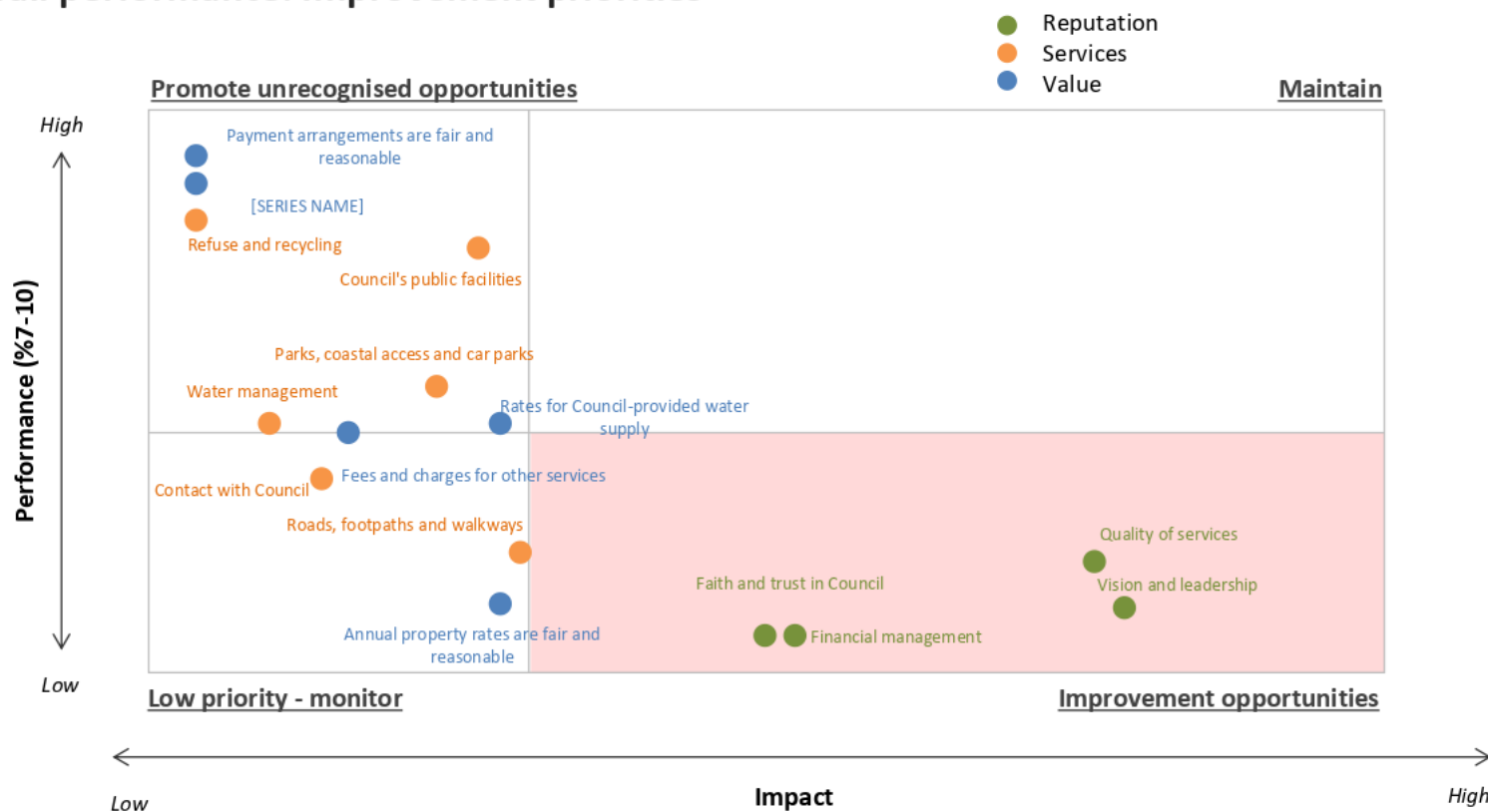
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All *Reputation* measures, namely *Faith and trust in Council*, *Financial management*, *Quality of services* and *Vision and leadership* present opportunities for improvement with relatively low performance ratings and high impact on *Overall performance*

## Overall performance: Improvement priorities



NOTES:  
1. Sample: n=500







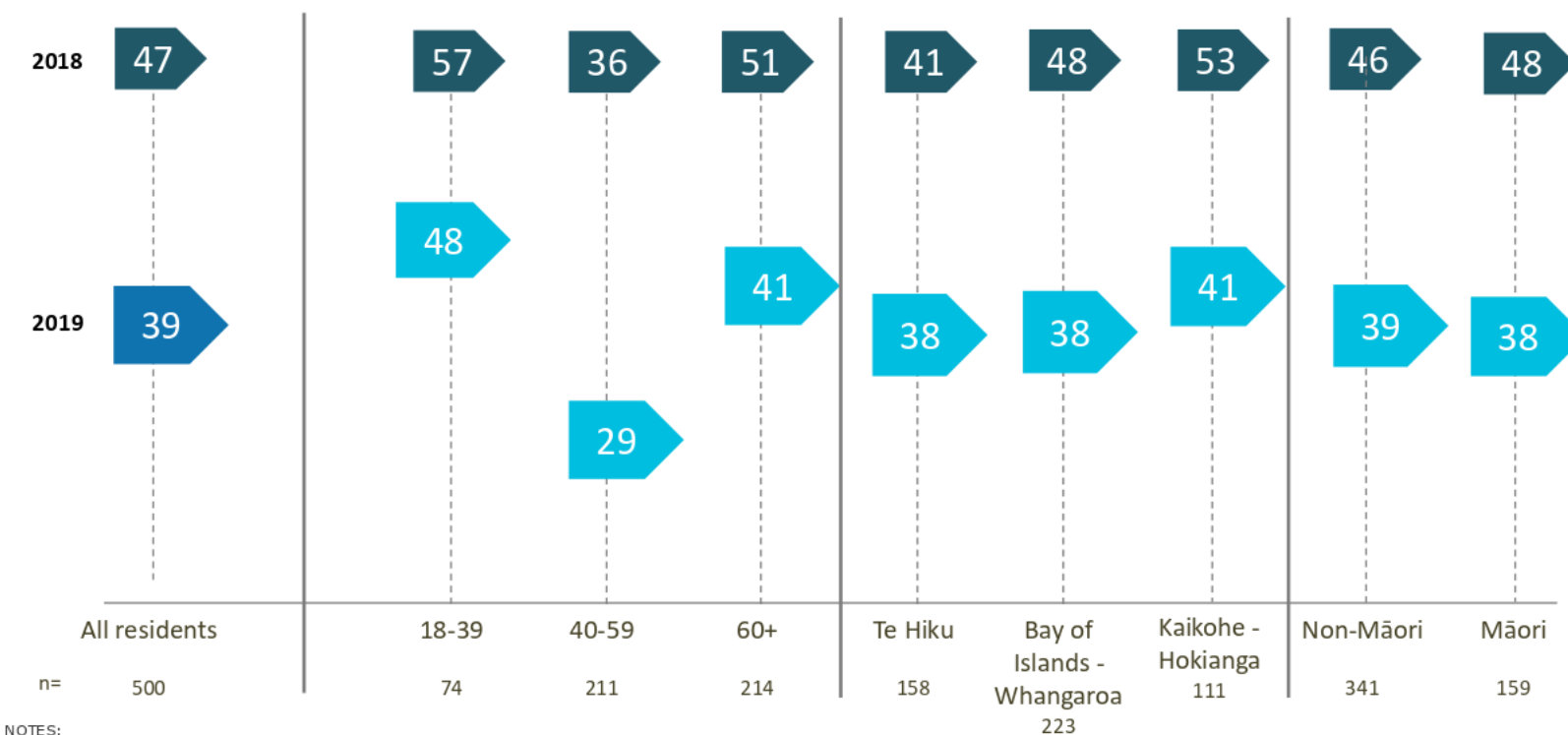
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Overall, Council's *Reputation* declined since last year and was considered poor, especially within the 40 to 59 year age group

## Reputation benchmarks

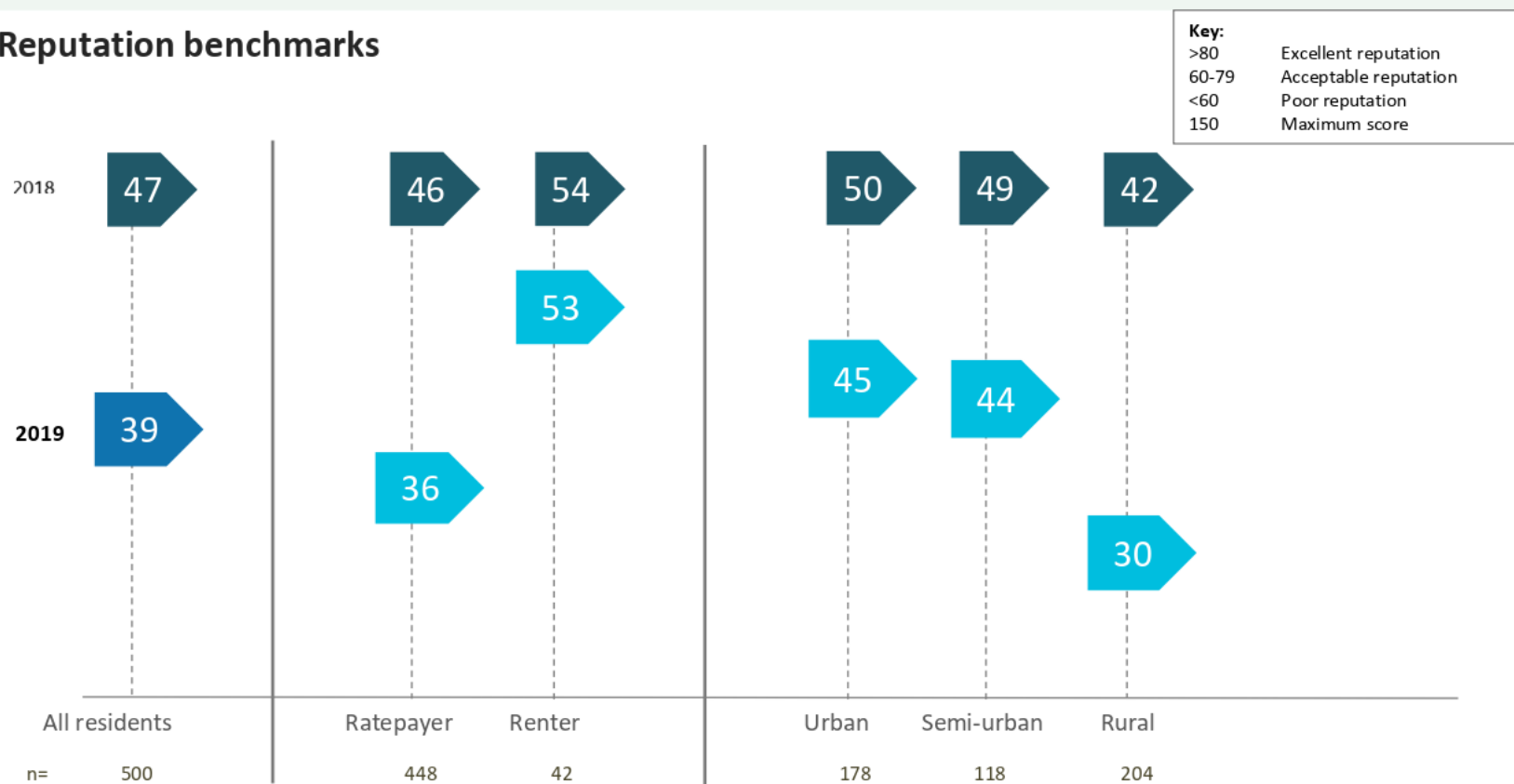


NOTES:  
 1. Sample 2018 n=500; 2019 n=500; 18-39 n=74, 40-59 n=211, 60+ n=177; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111, Non-Maori n=341, Maori n=159 Excludes 'don't know'  
 2. REPS. So considering, leadership, trust, financial management and quality of services provided, how would you rate Council for its overall reputation?  
 3. The benchmark is calculated by re-scaling the overall reputation measure to a new scale between -50 and +150 to improve granularity for the purpose of benchmarking



*Reputation declined across all demographics. The most positive perceptions of the Council remained with Renters and Urban residents*

## Reputation benchmarks



**NOTES:**

1. Sample 2018 n=500; 2019 n=500. Ratepayer n=448, Renter n=42; Urban n= 178, Semi-urban n=118, Rural n=204
2. REPS. So considering, leadership, trust, financial management and quality of services provided, how would you rate Council for its overall reputation?
3. The benchmark is calculated by re-scaling the overall reputation measure to a new scale between -50 and +150 to improve granularity for the purpose of benchmarking



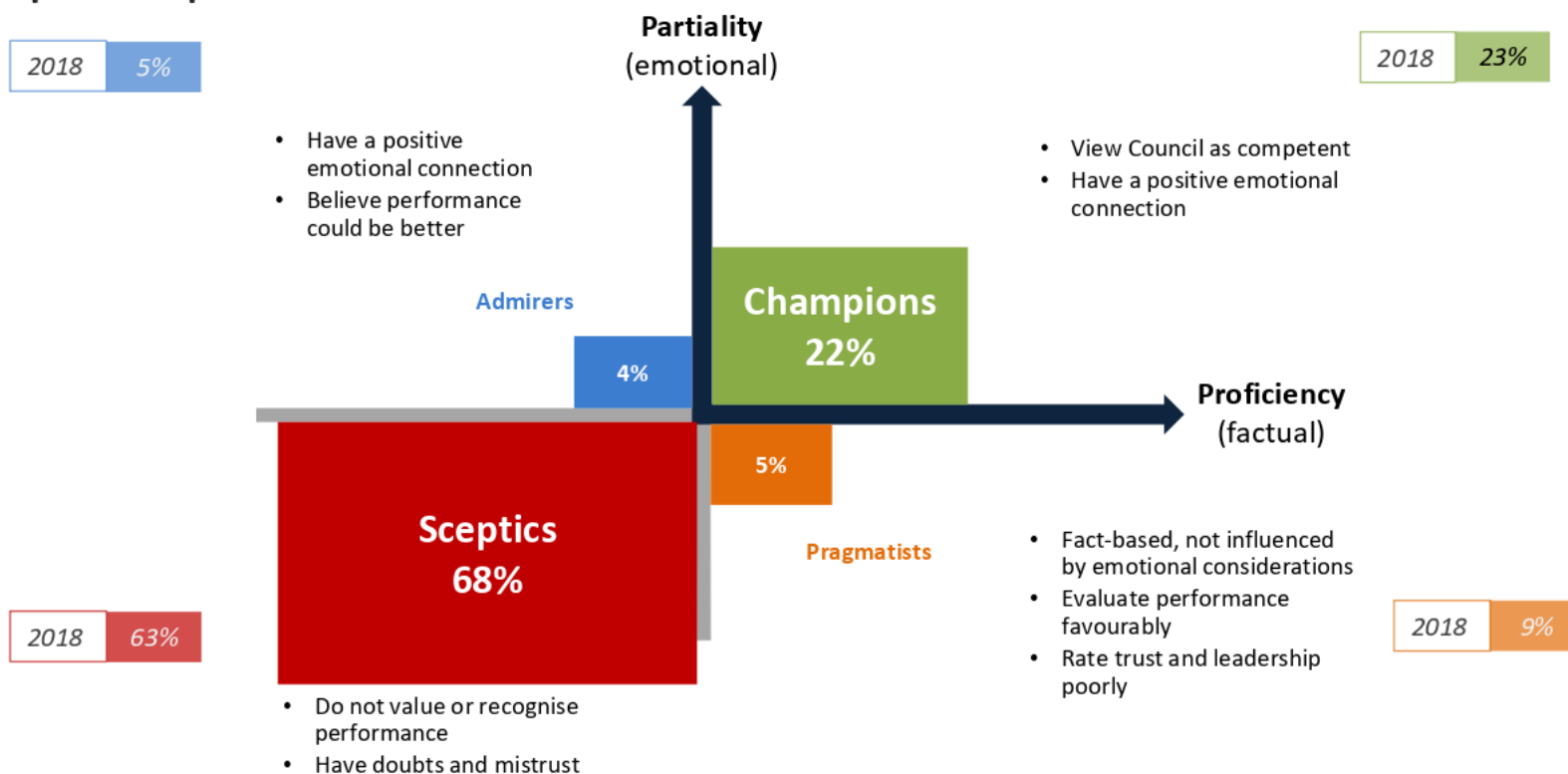
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Over two-thirds of residents in the Far North District were *Sceptics* (increase of 5% to 68%) which means they have low levels of trust and tend to question the decisions made by the Council. Around one-fifth of residents were classified as *Champions* (22%), who have a more positive connection with Council

## Reputation profile




NOTES:  
 1. Sample: n=500. Excludes 'don't know' responses to any of the reputation questions  
 2. Segments have been determined using the results from a set of five overall level questions  
 3. REP1 leadership, REP2 trust, REP3 financial management, REP4 services quality, REP5 overall reputation



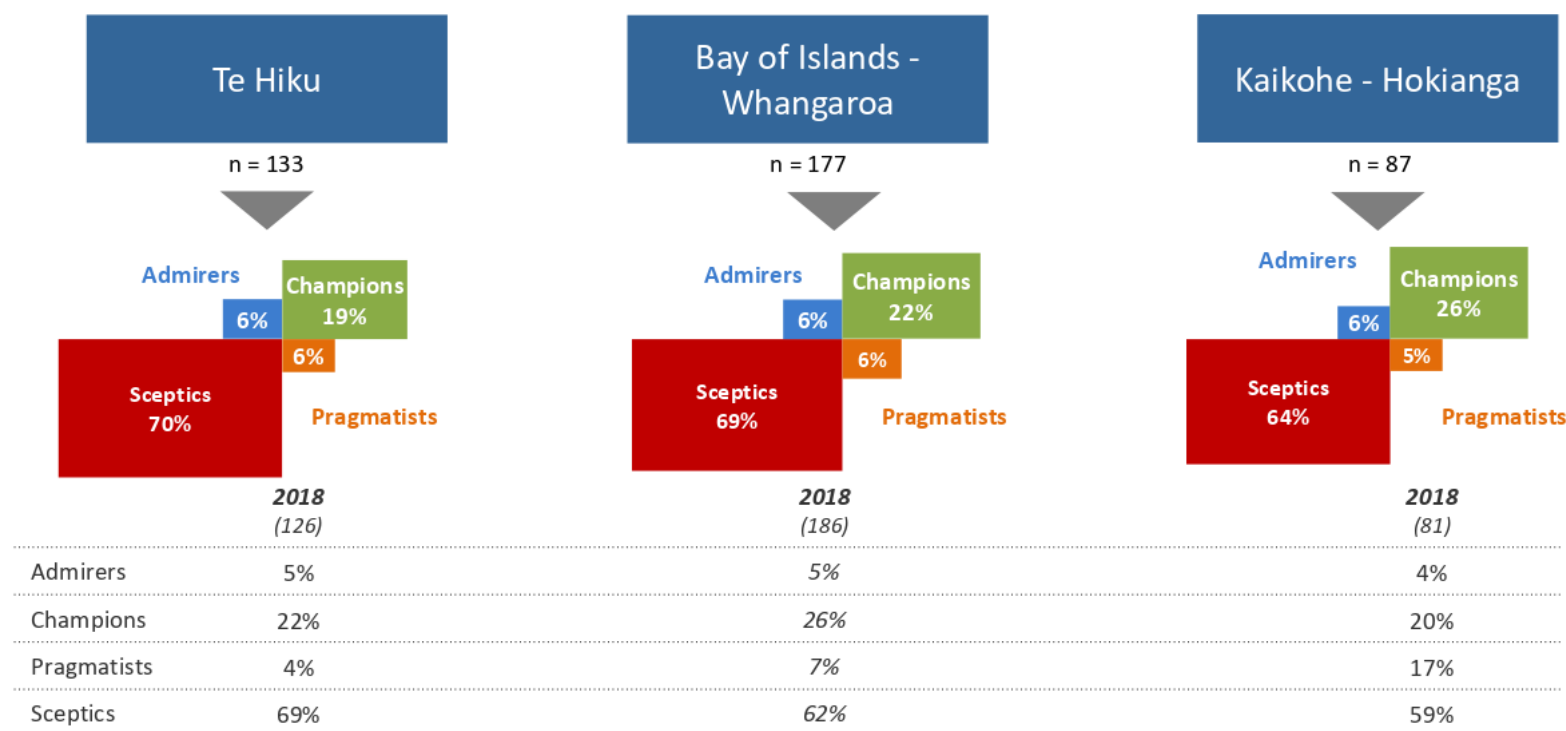
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Residents of Te Hiku Ward have the lowest trust in the Council's decision-making with the highest proportion of *Sceptics* (70%) and the lowest proportion of *Champions* (19%). Kaikohe-Hokianga Ward was the most supportive of the Council with over a quarter of residents being *Champions* (26%)

## Reputation profile: Wards




**NOTES:**

1. Sample: ; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know' responses to any of the reputation questions
2. Segments have been determined using the results from a set of five overall level questions
3. REP1 leadership, REP2 trust, REP3 financial management, REP4 services quality, REP5 overall reputation



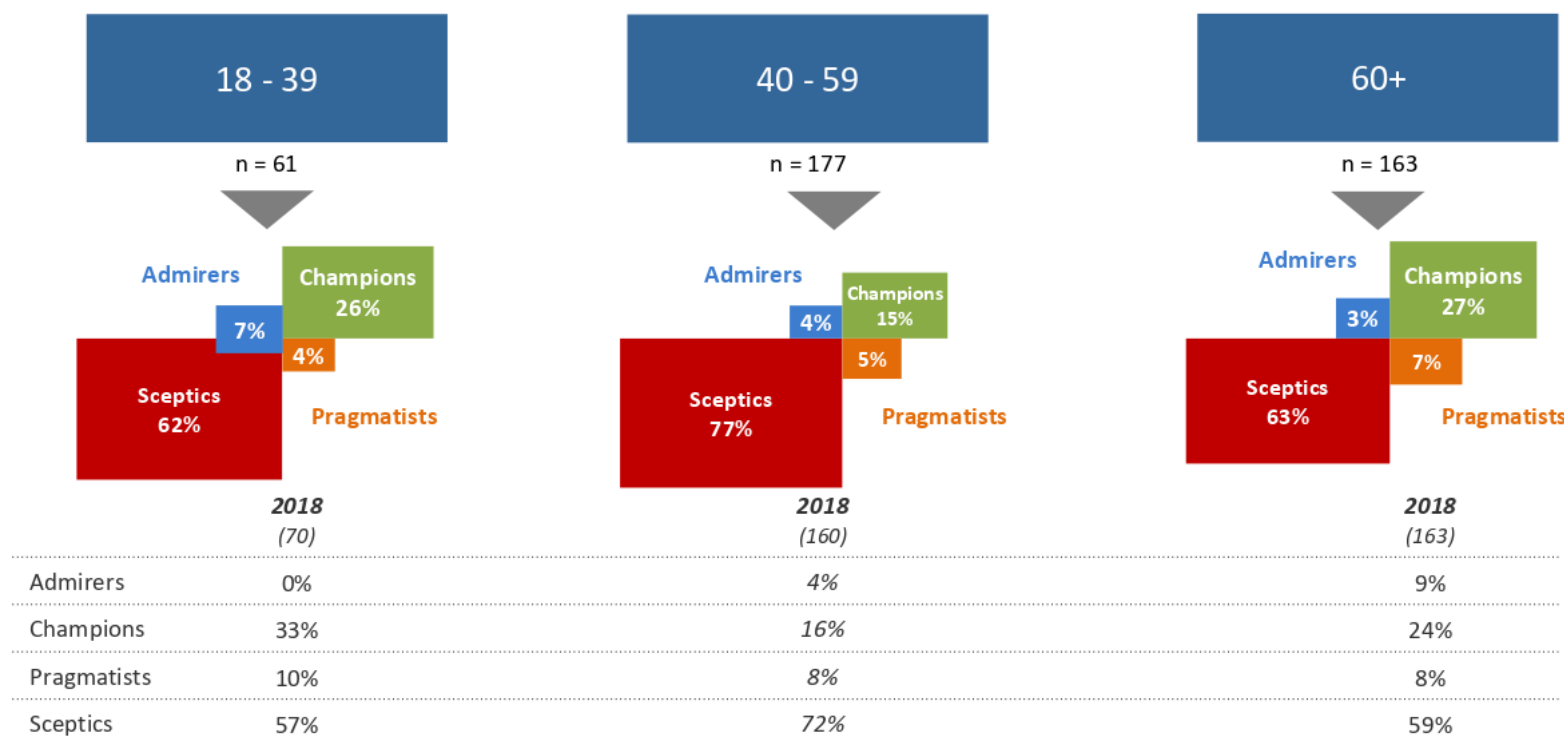
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Residents aged 40-59 were more likely to be *Sceptics* (77%). Around a quarter of residents aged 60 or older (27%) and residents aged 18 to 39 years (26%) were classified as *Champions*

### Reputation profile: Age



NOTES:  
 1. Sample: 2019 n=500; 18-39 n=74, 40-59 n=211, 60+ n=177; Excludes 'don't know' responses to any of the reputation questions  
 2. Segments have been determined using the results from a set of five overall level questions  
 3. REP1 leadership, REP2 trust, REP3 financial management, REP4 services quality, REP5 overall reputation





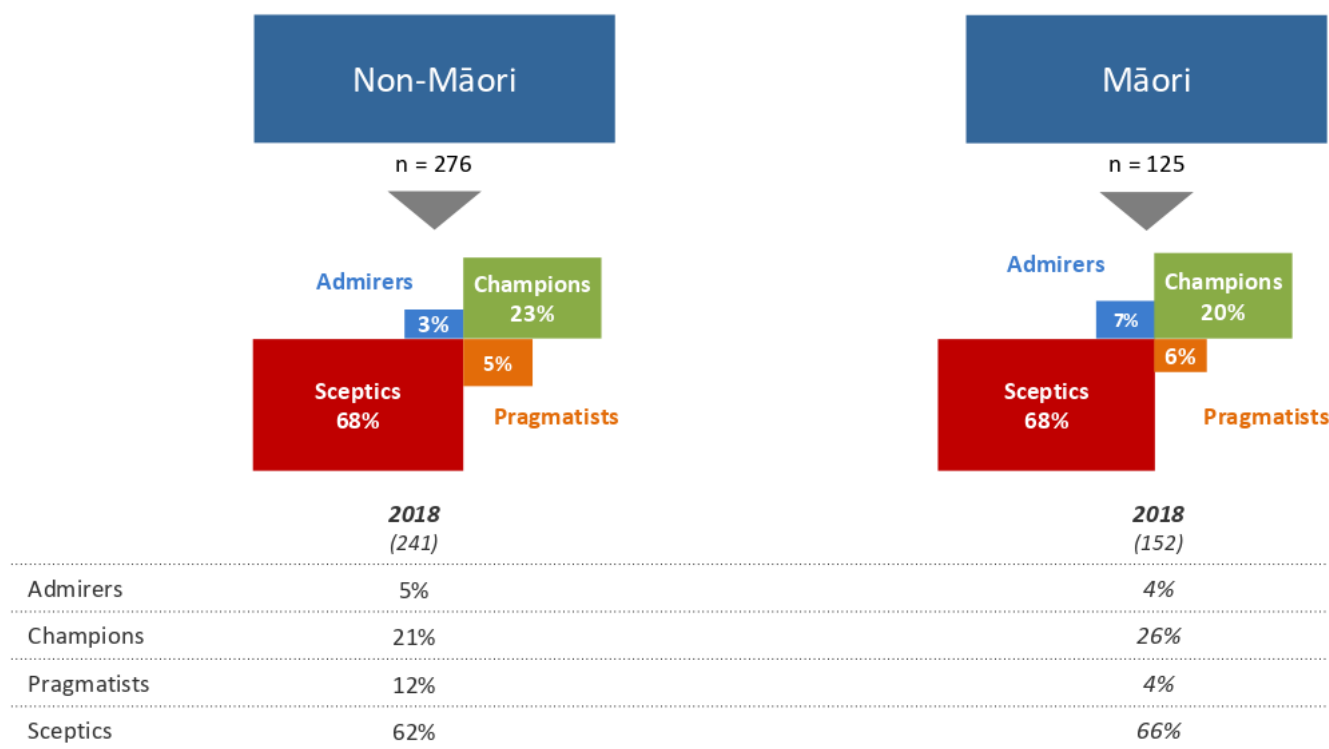
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Both Māori and Non-Māori were likely to be *Sceptics* with Māori having a slightly higher proportion of *Admirers* compared to other ethnicities

### Reputation profile: Ethnicity




NOTES:  
 1. Sample: 2019 n=500. Non-Maori n=341, Maori n=159 Excludes 'don't know' responses to any of the reputation questions  
 2. Segments have been determined using the results from a set of five overall level questions  
 3. REP1 leadership, REP2 trust, REP3 financial management, REP4 services quality, REP5 overall reputation





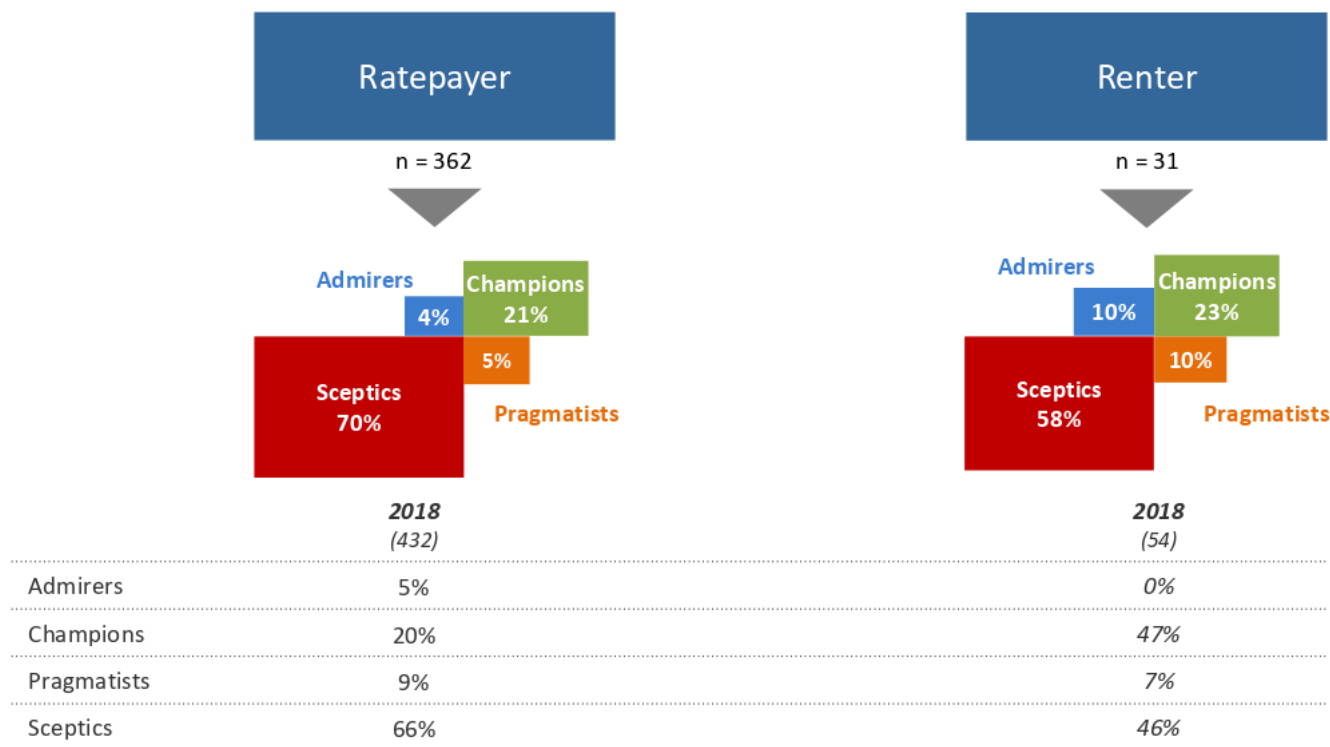
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As many as seven out of ten ratepayers (70%) tend to be *Sceptics*. While a tenth of renters were *Admirers* (10%) or *Pragmatists* (10%), nearly a quarter were classified as *Champions* (23%)

### Reputation profile: Ratepayer vs Renter



**NOTES:**

1. Sample: 2019 n=500 Ratepayer n=448, Renter n=42;. Excludes 'don't know' responses to any of the reputation questions
2. Segments have been determined using the results from a set of five overall level questions
3. REP1 leadership, REP2 trust, REP3 financial management, REP4 services quality, REP5 overall reputation



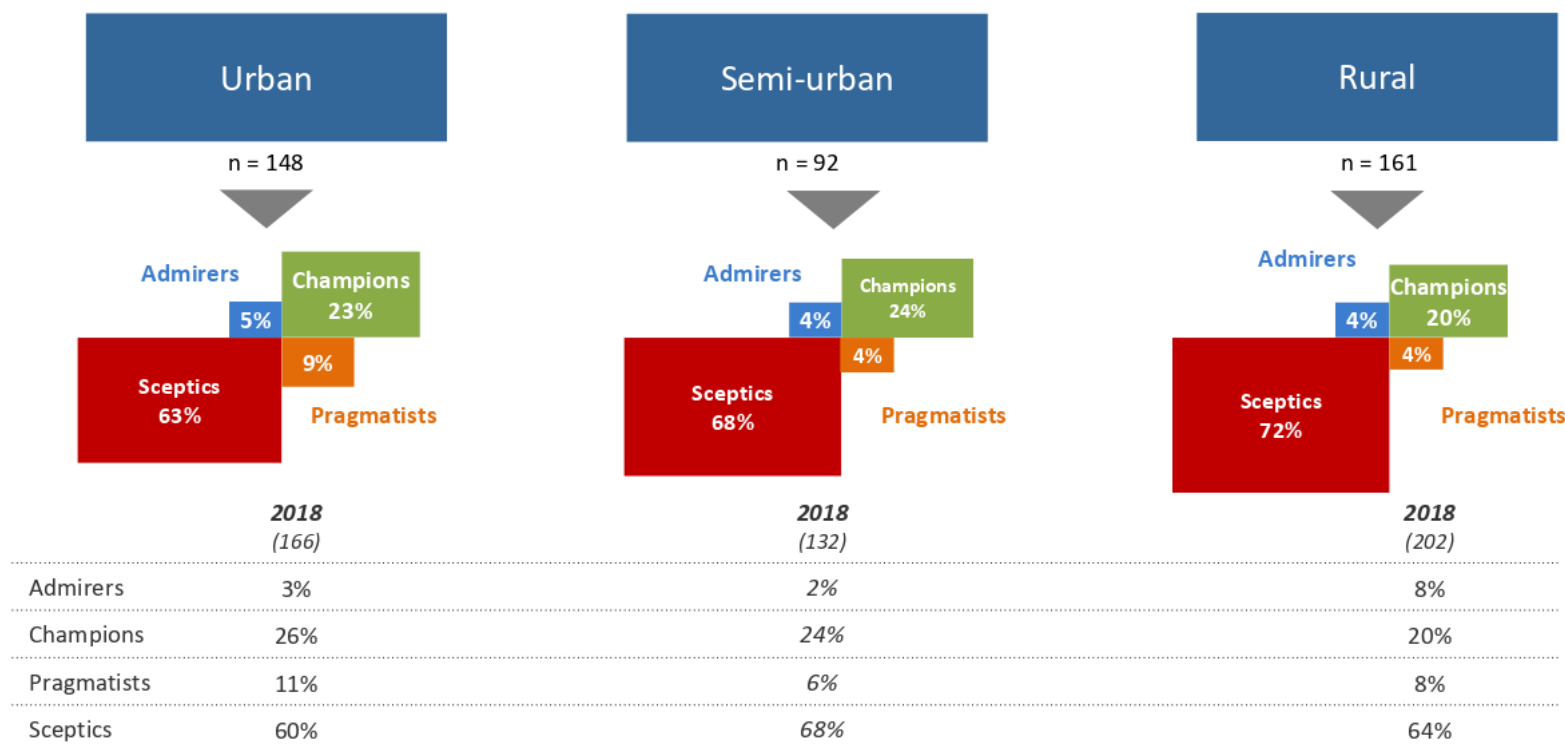
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Urban residents tend to have the most trust in the actions of the Council, with the lowest proportion of *Sceptics* and high metrics for both *Champions*, *Admirers* and *Pragmatists*. More than seven in ten rural residents (72%) were *Sceptics*

### Reputation profile: Urban vs Rural



**NOTES:**

1. Sample: 2019 n=500 Urban n= 178, Semi-urban n=118, Rural n=204. Excludes 'don't know' responses to any of the reputation questions
2. Segments have been determined using the results from a set of five overall level questions
3. REP1 leadership, REP2 trust, REP3 financial management, REP4 services quality, REP5 overall reputation





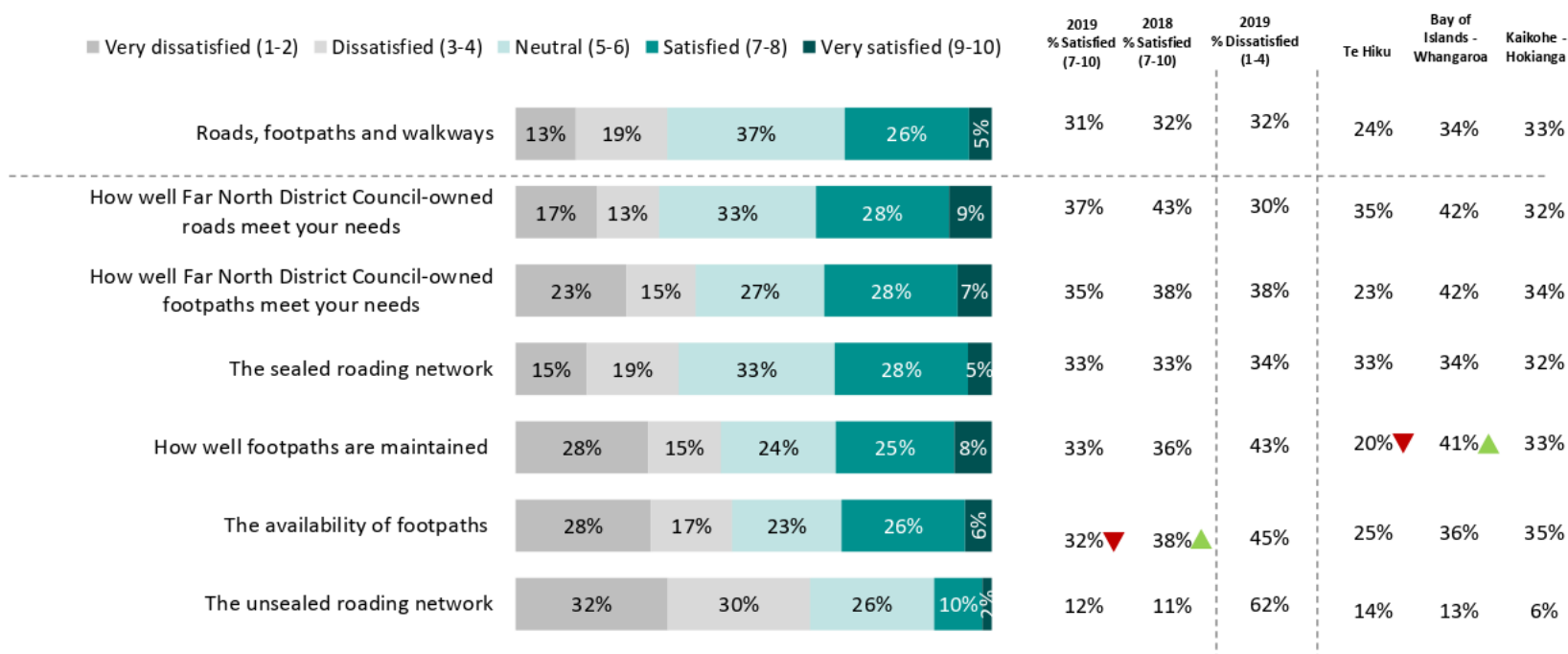
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In terms of *Roads, footpaths and walkways*, overall scores were relatively low across all the wards, with the residents of Kaikohe-Hokianga Ward having the lowest proportion of people satisfied with the *Unsealed roading network* (6%)

## Services and facilities: Roads, footpaths and walkways



**NOTES:**

- Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
- RF1. Using the 1 to 10 scale, where 1 means 'very dissatisfied' and 10 means 'very satisfied', how would you rate your level of satisfaction with each of the following...
- RF2. Overall, how satisfied are you with the roads, footpaths and walkways around the district?


▲ Significantly higher  
▼ Significantly lower

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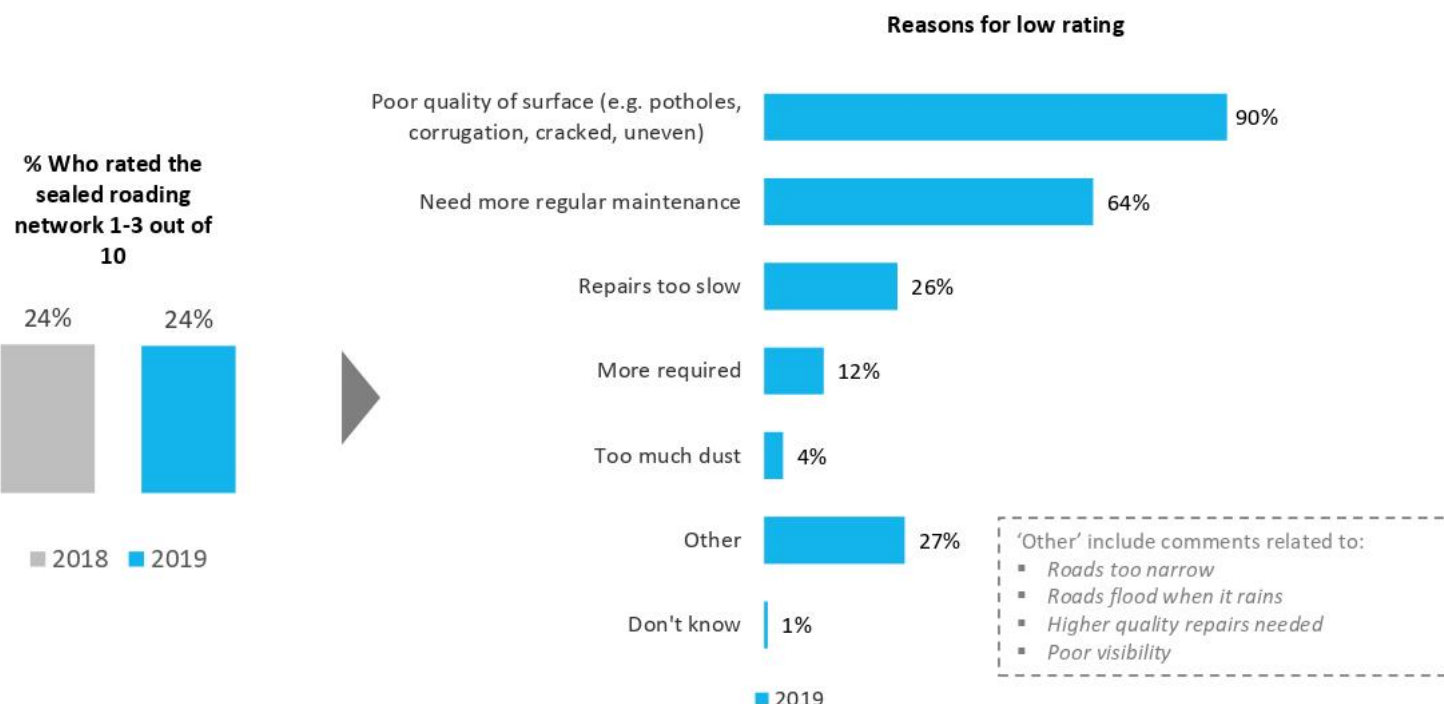
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Just under a quarter of respondents (24%) rated the *Sealed roading network* 1 to 3 out of 10. The main reasons for low satisfaction related to *Poor quality surface* (90%) and the *Need for more regular maintenance* (64%). More than a quarter of respondents indicated that *Repairs are too slow* (26%)

## Reasons for dissatisfaction: The sealed roading network




NOTES:  
 1. Sample: 2018 n=500. 2019 n=500; very dissatisfied (1-3) n=125  
 2. RF1A. Why weren't you satisfied with <Xxx>?





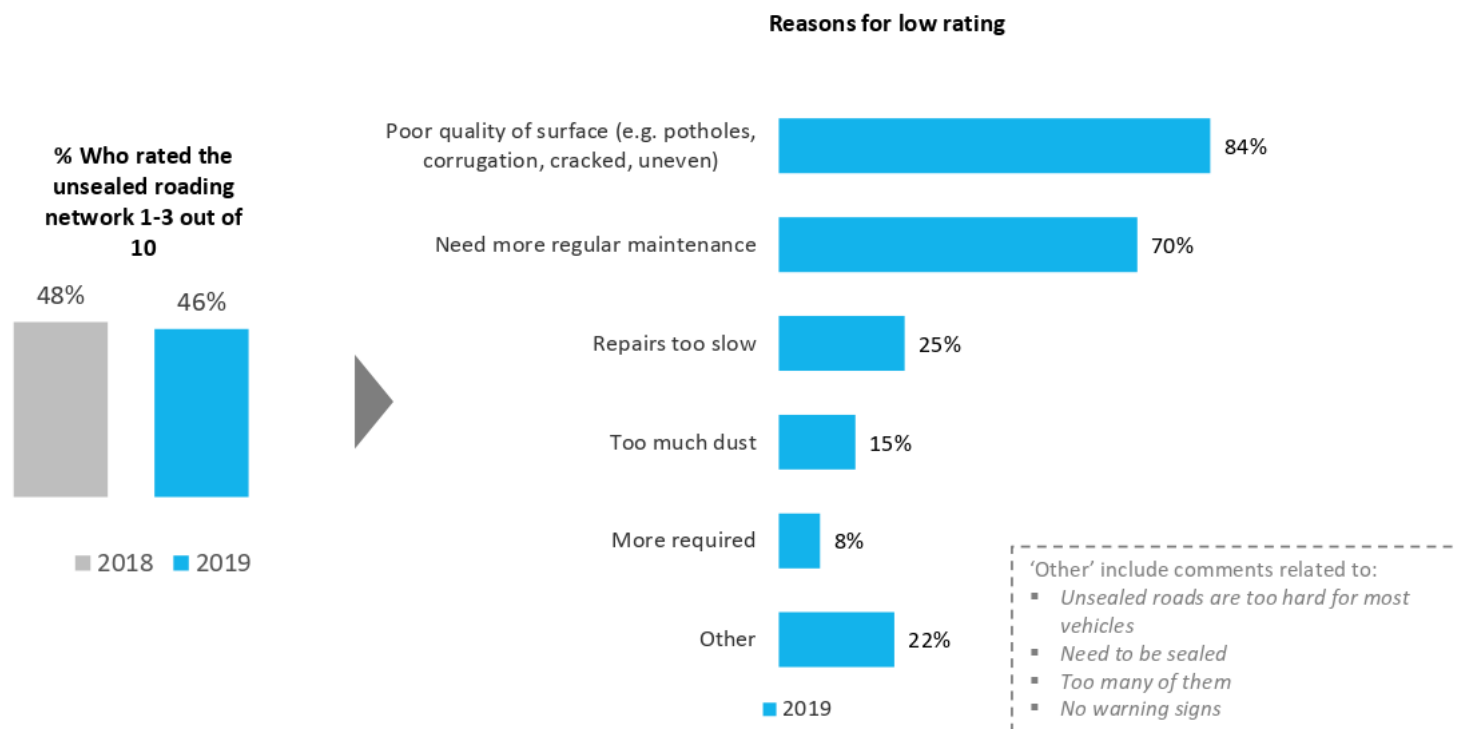
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Close to half of respondents (46%) rated the *Unsealed roading network* 1 to 3 out of 10. As with the sealed roading network, dissatisfaction mainly stemmed from *Poor quality of surface* (84%) and a *Need for more regular maintenance* (70%)

## Reasons for dissatisfaction: The unsealed roading network




- NOTES:
1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=208
  2. RF1A. Why weren't you satisfied with <Xxx>?



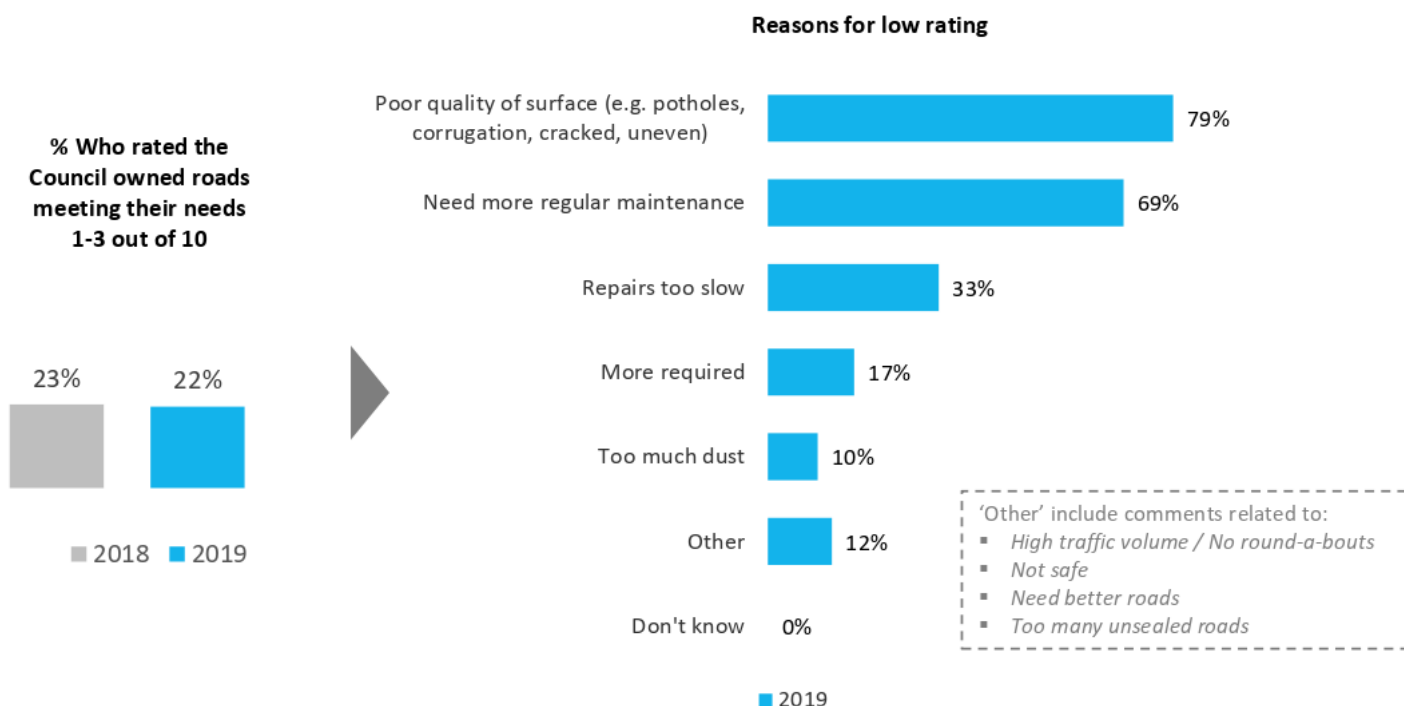
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Two out of ten respondents (22%) didn't believe that *Council-owned roads meet their needs*, rating this aspect 1 to 3 out of 10. *Poor quality of surface (79%)* and *Need more regular maintenance (69%)* were the biggest contributing factors to low satisfaction ratings and a third indicated that *Repairs are too slow (33%)*

## Reasons for dissatisfaction: How well Far North District Council-owned roads meet your needs



- NOTES:
1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=111
  2. RF1A. Why weren't you satisfied with <Xxx>?





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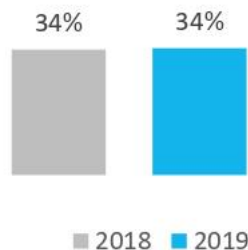
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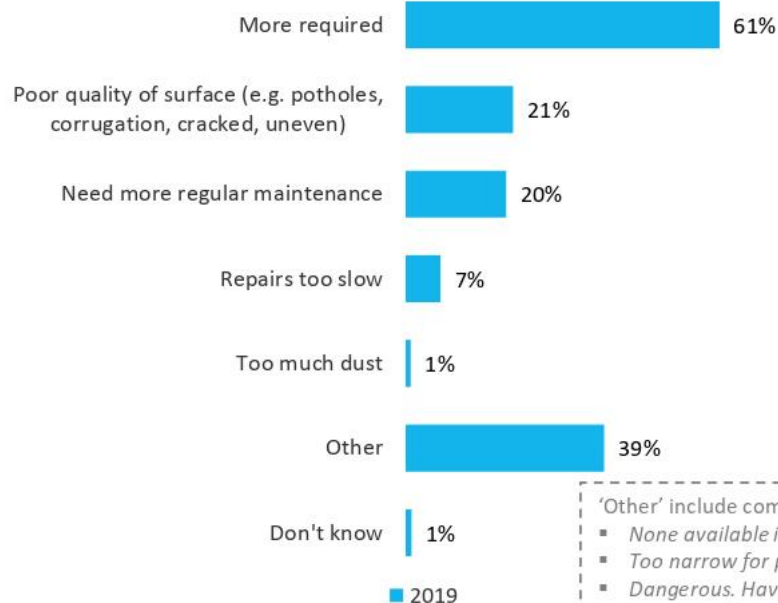
Slightly more than one-third of respondents rated *The availability of footpaths* (34%) low. 61% say *More (footpaths) are required*, while around a fifth commented on the *Poor quality of surface* (21%) and *Need for more regular maintenance* (20%)

## Reasons for dissatisfaction: The availability of footpaths

% Who rated the availability of footpaths 1-3 out of 10



Reasons for low rating



'Other' include comments related to:

- None available in the area
- Too narrow for prams and wheelchairs
- Dangerous. Have to keep crossing roads to stay on footpaths.

**NOTES:**

1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=155
2. RF1A. Why weren't you satisfied with <Xxx>?

▲ Significantly higher  
▼ Significantly lower



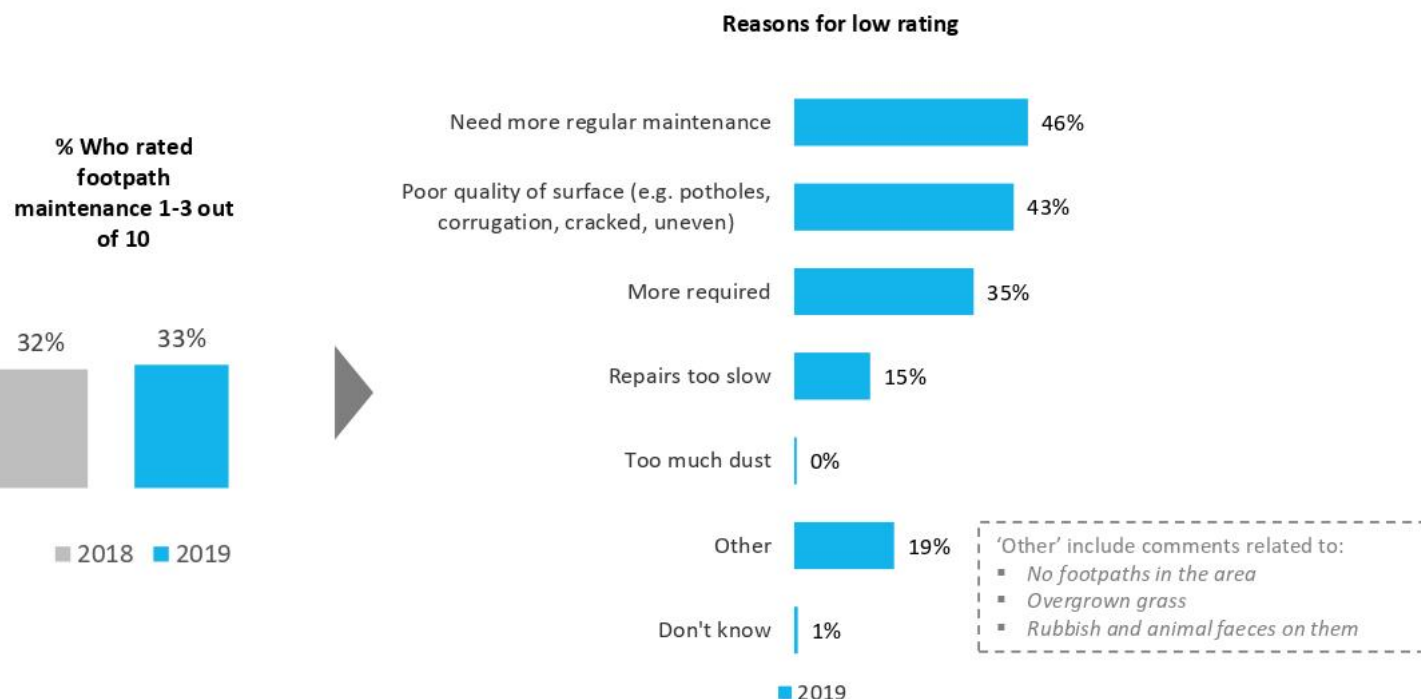
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A third of respondents (33%) rated the *Maintenance of the footpaths* in the District 1 to 3 out of 10. A *Need for more regular maintenance* was the most commonly mentioned reason for low ratings, (46%) followed by *Poor quality of surface* (43%)

### Reasons for dissatisfaction: How well footpaths are maintained



NOTES:  
 1. Sample 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=144  
 2. RF1A. Why weren't you satisfied with <Xxx>?

▲ Significantly higher  
 ▼ Significantly lower



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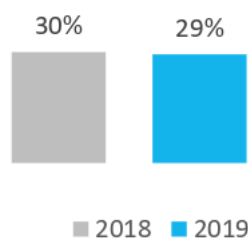
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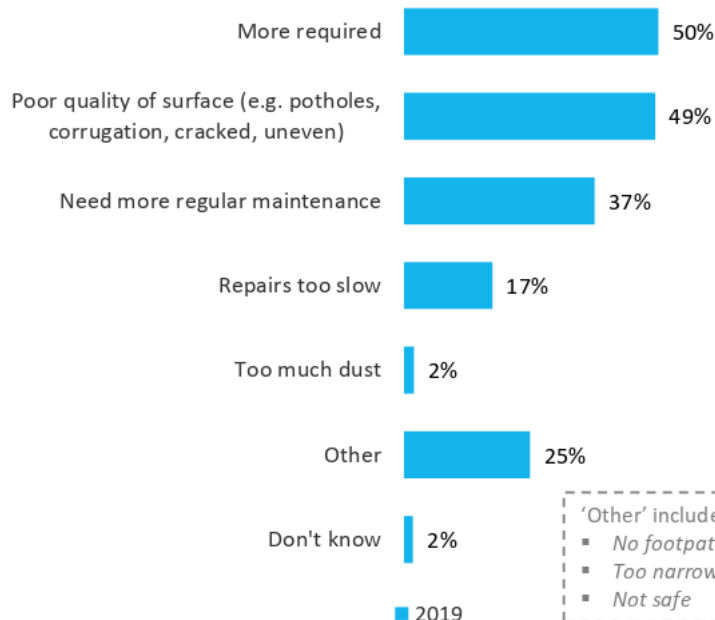
Slightly more than a quarter of respondents (29%) felt the Council-owned footpaths do not meet their needs, rating this aspect low. About half of these low ratings stemmed from a need for *More footpaths* (50%) and *Poor quality of surfaces* (49%)

## Reasons for dissatisfaction: How well Far North District Council-owned footpaths meet your needs

% Who rated Council footpaths meeting their needs 1-3 out of 10



Reasons for low rating



'Other' include comments related to:

- No footpaths available
- Too narrow for wheelchairs or prams
- Not safe

**NOTES:**

1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=138
2. RF1A. Why weren't you satisfied with <Xxx>?

▲ Significantly higher  
▼ Significantly lower







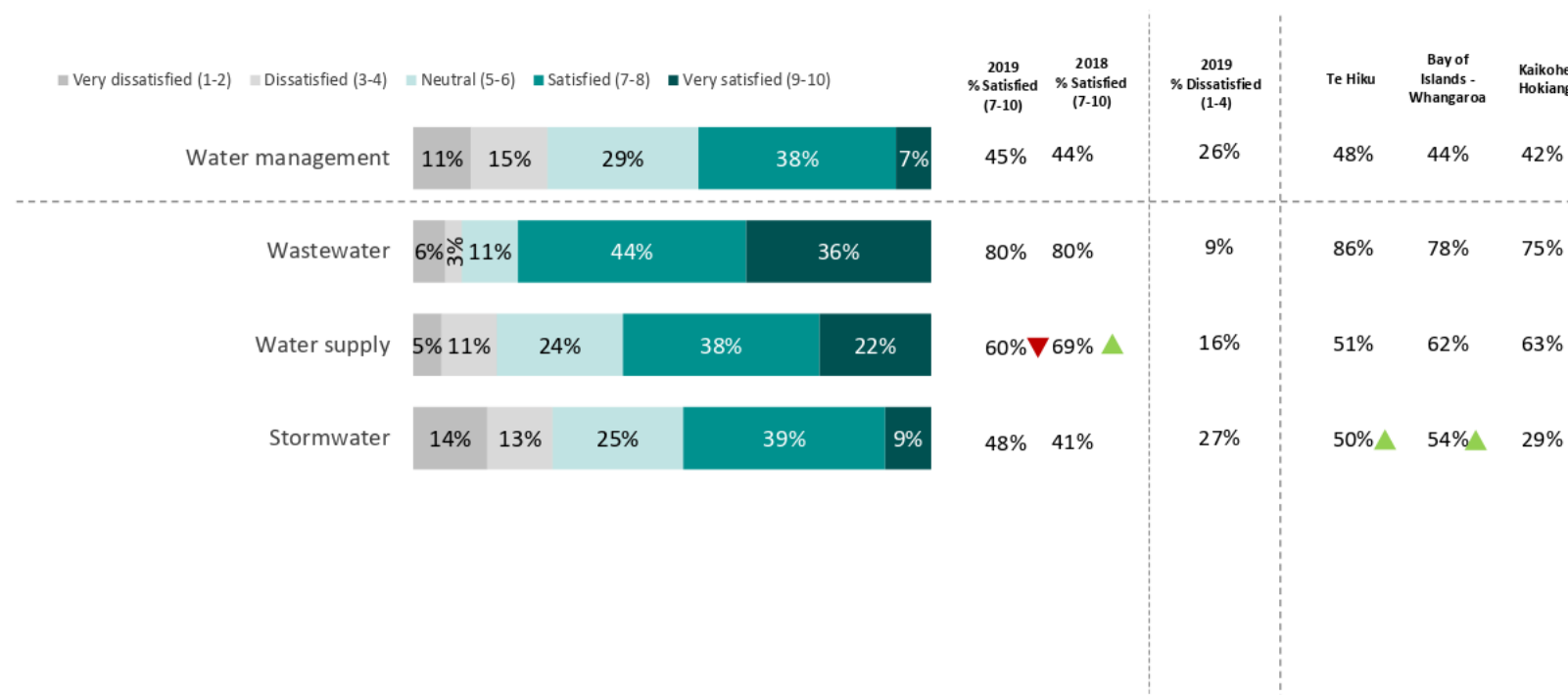
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Less than half the respondents were satisfied with *Overall water management* (45%). Eight out of ten respondents (80%) were satisfied with the *Wastewater* systems provided by the Council. There was a significant decrease in satisfaction with *Water supply* compared to 2018, with 60% satisfied with this service

## Services and facilities: Water management



### NOTES:

- Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
- TW2B. Overall, how satisfied or dissatisfied are you with the water you receive from the Far North District Council? This is about the service not the cost. Those connected to the Council water supply 2018 n=417, 2019 n=372;
- TW4. On the scale of 1- 10, how satisfied or dissatisfied are you with the Far North District Council sewerage system? Please note, this is about the service not the cost.
- TW5. How satisfied are you with the Far North District Council-owned urban (town) stormwater management system?
- TW6. And overall, when you think about the supply of water, the management and disposal of stormwater and disposal of wastewater, how would you rate your satisfaction with Council overall for its management of water in the district

▲ Significantly higher  
▼ Significantly lower



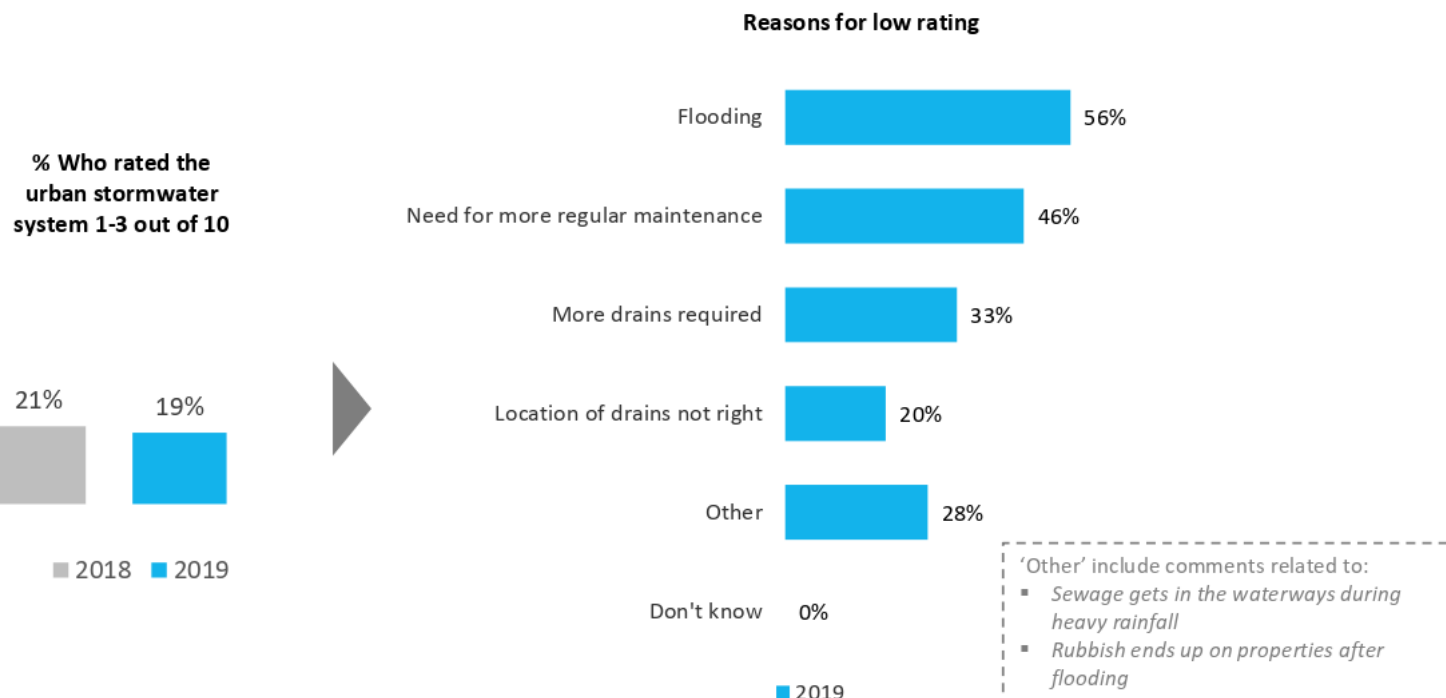
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For the urban respondents who rated the *Stormwater management systems* 1 to 3 out of 10, *Flooding* remained an issue, with over half mentioning this as the reason for their dissatisfaction (56%). *More regular maintenance* was the second most important reason for dissatisfaction (46%), with a third saying *More drains are required* (33%)

### Reasons for dissatisfaction: Council-owned urban (town) stormwater management system



NOTES:  
 1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=77  
 2. TW5A. Why weren't you satisfied with <Xxx>?

▲ Significantly higher  
 ▼ Significantly lower





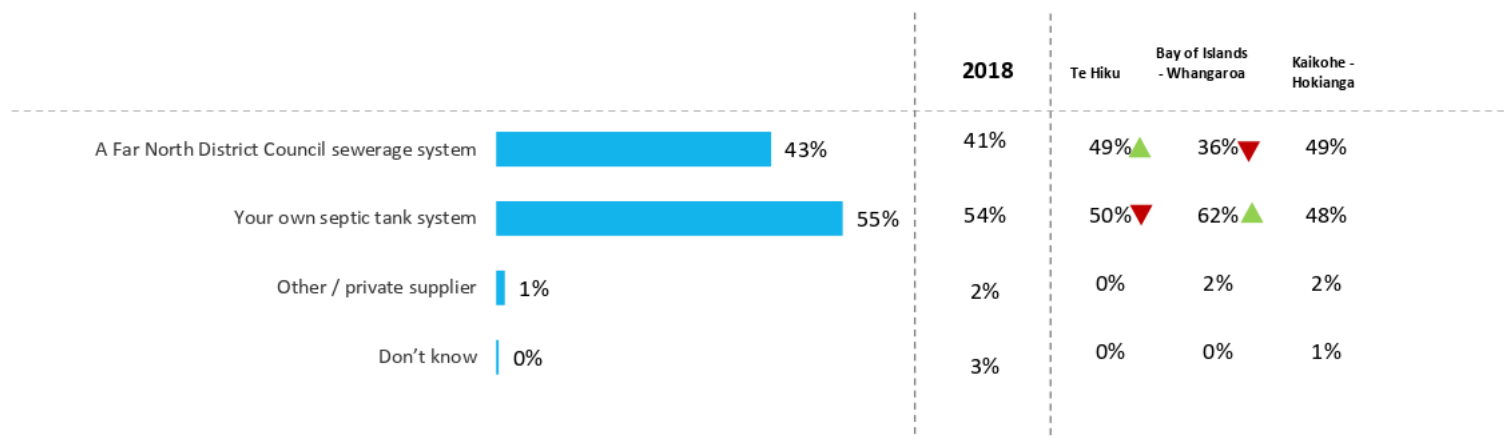
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The proportion of people *Connected to Council's sewerage system* and *Owning a septic tank* remained steady. Te Hiku residents were more likely to be connected to the Council-owned sewerage system while Bay of Islands-Whangaroa residents were more likely to have their *Own septic tank system*


## Wastewater property connected to



**NOTES:**


- Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
- TW3. Which of the following best describes the wastewater system that your property is connected to?

▲ Significantly higher  
▼ Significantly lower



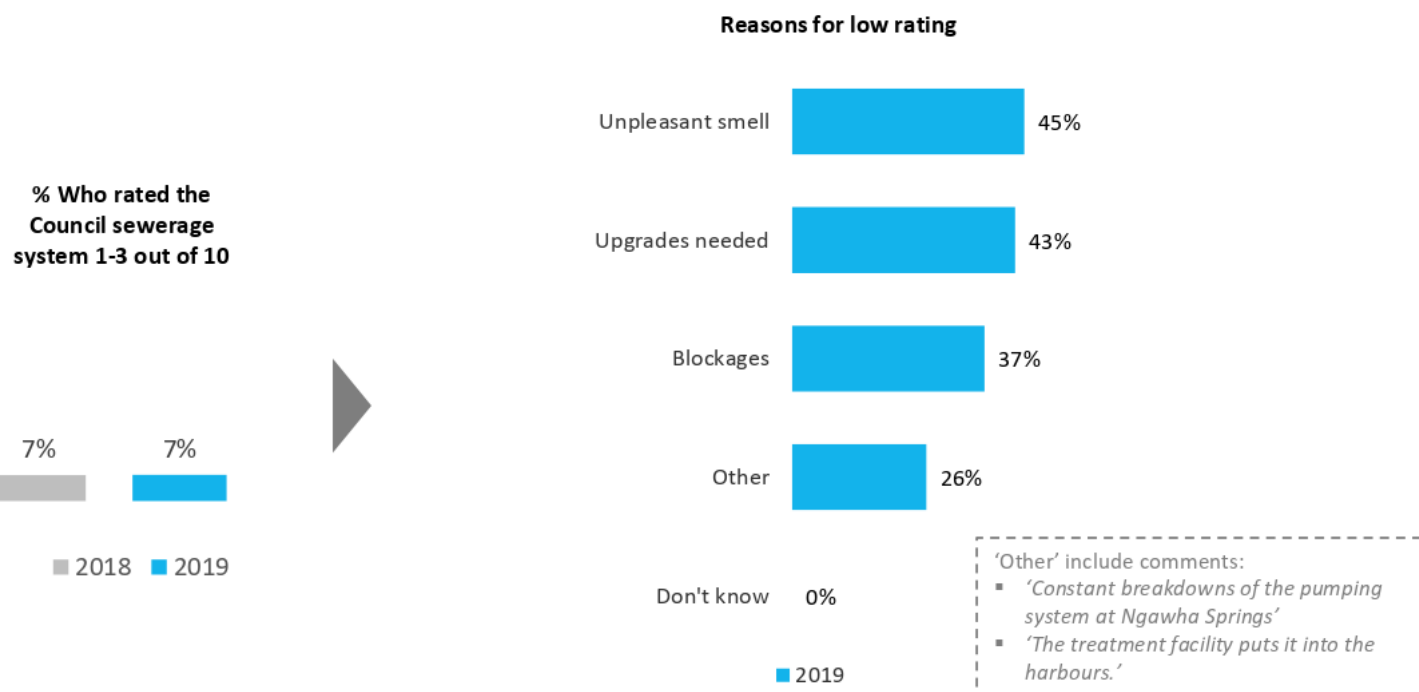
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Less than a tenth of those connected to the wastewater system rated the *Council's sewage systems* 1 to 3 out of 10. They mentioned *Unpleasant smell* and *Need for upgrades* as the main reasons for low ratings

## Reasons for dissatisfaction: Council sewerage system



**NOTES:**

1. Sample: Those connected to the Council sewerage system 2018 n=197, 2019 n=212 n=191; very dissatisfied (1-3) n=16\*
2. TW4A. Why weren't you satisfied with <Xxx>?
3. \*Caution small base size <n=30

▲ Significantly higher  
▼ Significantly lower








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There was a slight increase in the proportion of residents who have their *Own water supply* (55% compared to 53% in 2018). Te Hiku residents were more likely to have their *Own water supply system, e.g. roof or bore*


## Water supply connection

	2018	Te Hiku	Bay of Islands - Whangaroa	Kaikohe - Hokianga
A Far North District Council supply  41%	43%	30% ▼	44% ▲	51% ▲
Your own water supply system (e.g. roof or bore)  55%	53%	68% ▲	52% ▼	44% ▼
A combination of town and your own supply  3%	3%	1%	3%	4%
Other, private supplier  1%	2%	1%	1%	1%
Don't know  <1%	<1%	0%	0%	0%

**NOTES:**


- Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
- TW1. Which of the following best describes your water supply connection?

▲ Significantly higher  
▼ Significantly lower



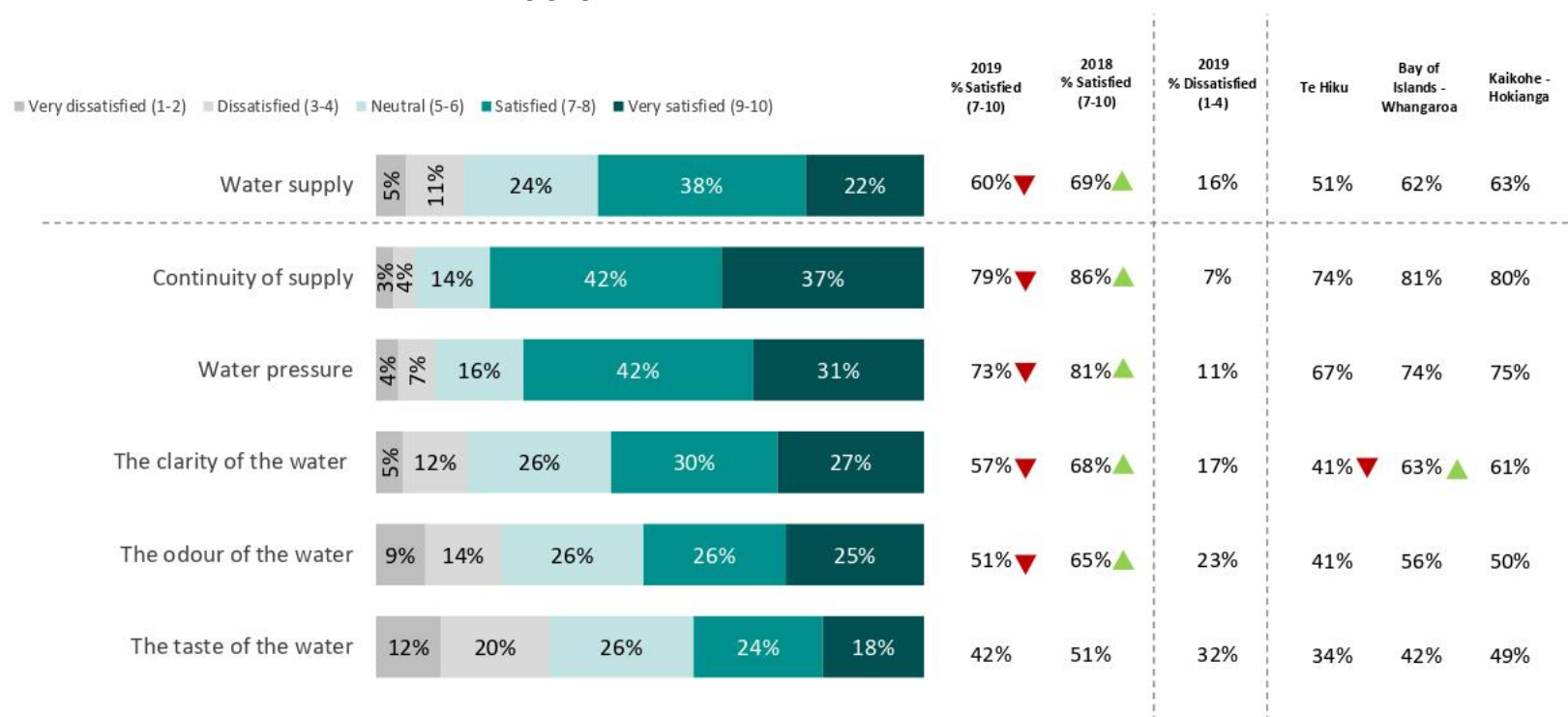
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Satisfaction with all aspects related to *Water supply* declined considerably since last year including *Continuity of supply* (down 7% to 79%), *Water pressure*, (down 8% to 73%), *Clarity of water* (down 11% to 57%), *Odour* (down 14% to 51%) and *Taste of water* (down 9% to 42%)

## Services and facilities: Water supply



**NOTES:**

- Sample: Those connected to the Council water supply 2018 n=417, 2019 n=372; Te Hiku n=118, Bay of Islands-Whangaroa n=167, Kaikohe-Hokianga n=87 Excludes 'don't know'
- TW2. On the scale of 1- 10, how would you rate your satisfaction with...
- TW2B. Overall, how satisfied or dissatisfied are you with the water you receive from the Far North District Council? This is about the service not the cost.

▲ Significantly higher  
▼ Significantly lower



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Verbatim comments regarding dissatisfaction with the town water supply related to the water not being fit for consumption, chemical treatments to improve water quality affecting the taste and smell of the water, breaks in supply and poor taste

## Reasons for dissatisfaction: Water Supply

- Our main line water is only good for animals.
- It is undrinkable. The Council website says not to drink and not to give to pets.
- I am very unsatisfied with the water and everything about it.
- We have 2 breakdowns a year. The breakdowns are due to the Council-controlled main water pipes being old, ill placed and un-serviced.
- Too many unexpected breaks.
- The systems pressure is rubbish, and during a drought the water is bad.
- There are quite often breaks in the water supply and we end up having no water. The pipes are old.
- Disruptions to supply in heavy rain. The taste turns bad, water restrictions in summer. They have not delivered in terms of supply issues. Wasted huge amounts of money not fixing water supply issues.
- We have had 3-4 burst water mains in the last year.
- It often tastes like chlorine and earth.
- It has got a dirt taste.
- Sometimes it tastes of chlorine. We have to re-filter our water and boil it as well to drink.
- Disgusting. Over chlorinated and muddy taste. Undrinkable.
- Undrinkable, doesn't matter if I boil it.
- It just has a real dirty taste and when you look at it in the glass it just looks yuck, like swamp. Green and dirty.
- It just tastes chemically and it just tastes yuck - we don't drink it.
- Some days it tastes foul, like a metallic lead taste.
- Too much chlorine in the water x5
- It's not pleasant to drink
- Find it not drinkable / undrinkable x3
- Does not taste nice.
- Too much chlorine. Doesn't taste very good. We use bottled water.
- It is not fit for consumption for animals, let alone us.
- Not for human consumption.
- Chemical taste / smell x4
- It is shocking. Had to put filters on our system.
- Quite often a different colour.
- The taste is not nice, I have to use a filter to have my water tasting better.
- In the summer, it tastes disgusting and it stinks.
- Get the chlorine and fluoride out of it, it's not needed.
- It's brown and gross.
- Tastes like a swamp
- It has a bitter / tangy taste to it.
- We get a lot of sediment in the water. A lot of sediment, but we use a filter.
- Sometimes doubt whether it is treated enough. A lot of effluent and contamination in the river after a storm.
- It tastes like it is full of chemicals and when cleaning potatoes they go white as soon as you put them under the tap when cleaning them.
- We had to put a water purifier to drink it.
- It tastes metallic and my partner does not shower here. Quite a few of our friends have filters on the water supply and no one drinks out of the tap.

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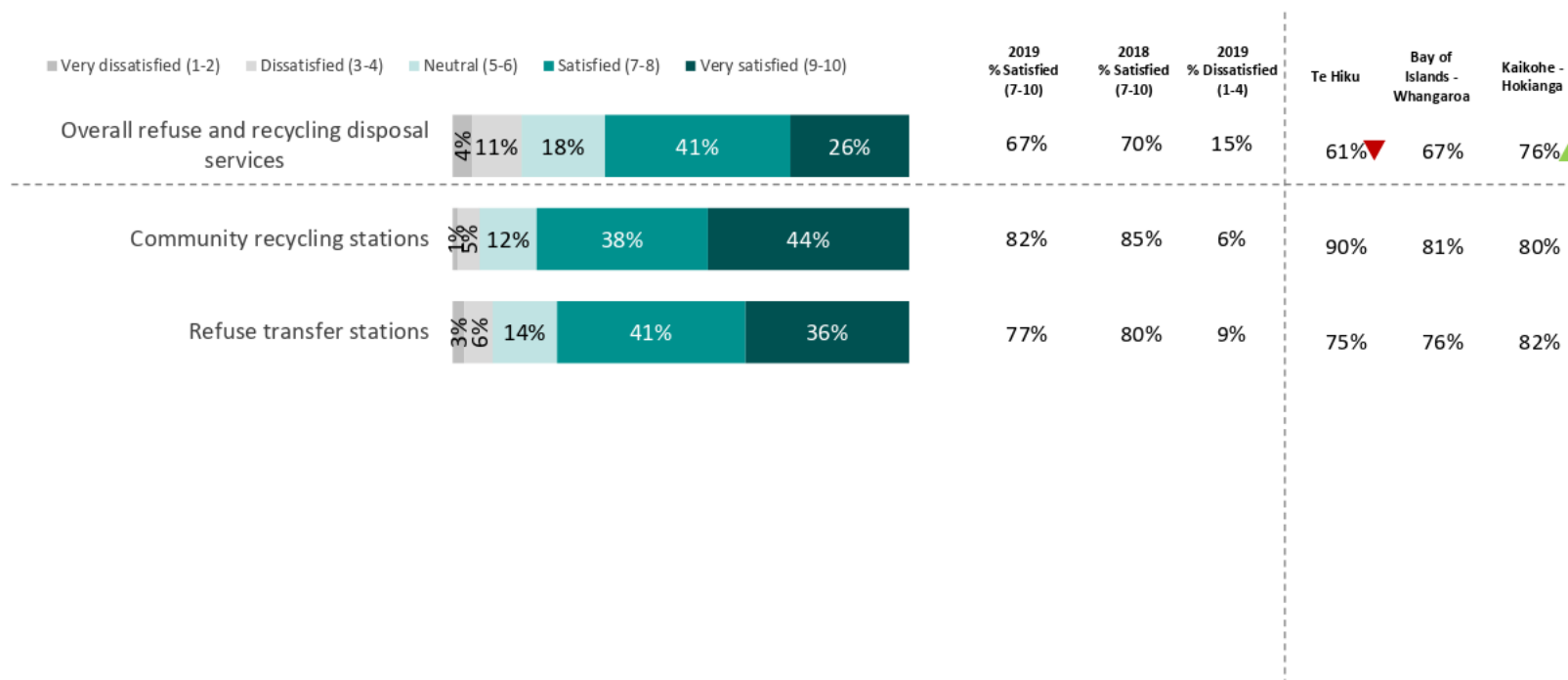
**Far North  
District Council**

Report | June 2019



Around two-thirds of respondents (67%) were satisfied with *Refuse and recycling disposal services overall*. Performance remained steady with around eight in ten users satisfied with the *Community recycling stations* (82%) and *Refuse transfer stations* (77%)


## Services and facilities: Refuse and recycling



**NOTES:**


1. Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. WR2. Still using the 1-10 scale, how satisfied or dissatisfied are you with the rubbish and recycling services at the Council's refuse transfer stations?
3. WR4. Still using the 1-10 scale, how satisfied or dissatisfied are you with the Council's community recycling stations?
4. WR5. How would you rate your satisfaction with the Council overall for its refuse and recycling disposal services?

▲ Significantly higher  
▼ Significantly lower



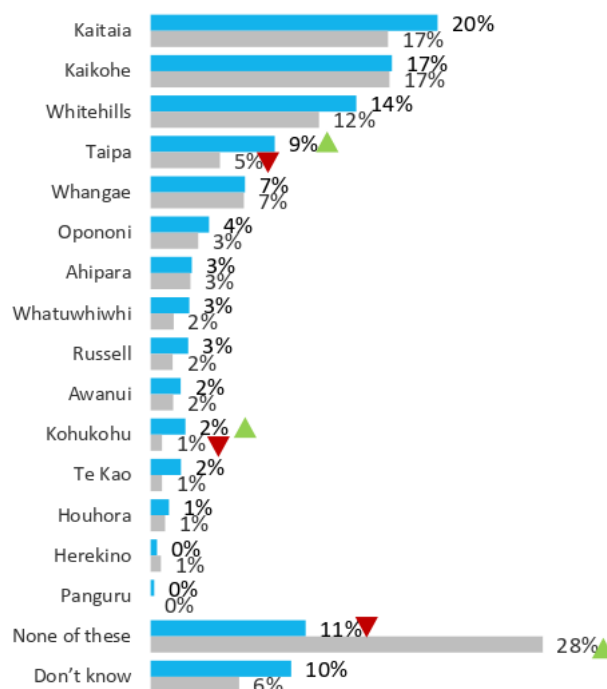
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Report | June 2019



There was a considerable increase in the number of respondents who used the transfer stations in the last year (89% compared to 72% in 2018). *Kaitaia* (20%) and *Kaikohe* (17%) transfer stations were used most often by respondents, with a considerable increase in use of the *Taipa* (9%) and *Kohukohu* (2%) facilities

### Refuse transfer station used in past 12 months



**NOTES:**

- Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
- WR1. Which Far North District Council refuse transfer station have you used in the last 12 months? A refuse transfer station is a place where you can dispose of rubbish, and a wide range of recyclables.

▲ Significantly higher  
▼ Significantly lower



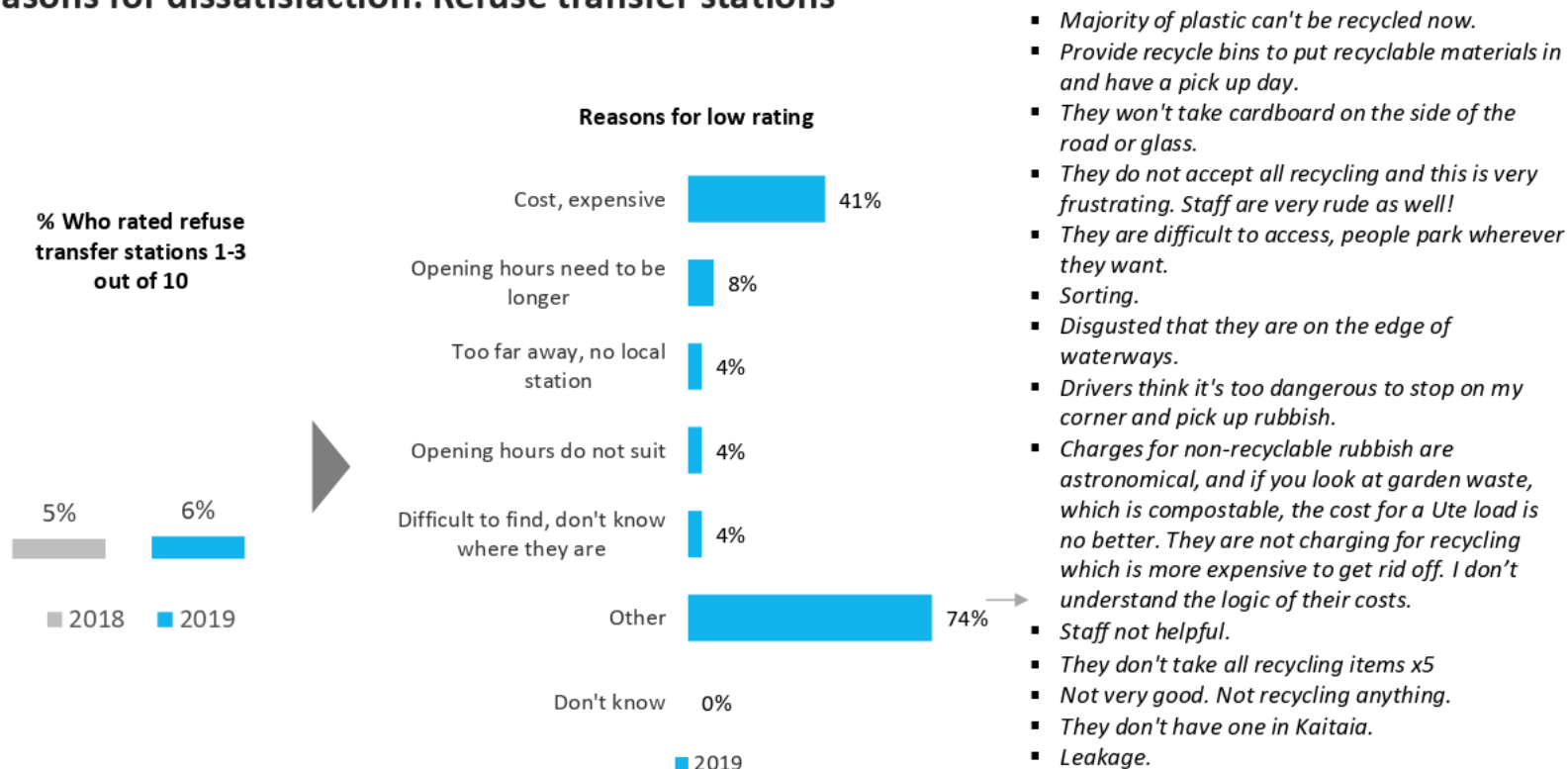
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District Council**

Report | June 2019



There was a small portion of respondents who rated the *Refuse transfer stations* 1 to 3 out of 10 (6%). Although the main reasons for dissatisfaction related to *Cost* and *Opening hours*, community misunderstanding and/or misinformation around refuse service suppliers and services were evident

## Reasons for dissatisfaction: Refuse transfer stations



NOTES:

1. Sample: Those who use Council's refuse transfer stations 2018 n=325, 2019 n=384; very dissatisfied (1-3) n=25\*
2. WR2A. Why weren't you satisfied with <Xxx>?
3. \*Caution: small sample base <n=30

▲ Significantly higher  
▼ Significantly lower

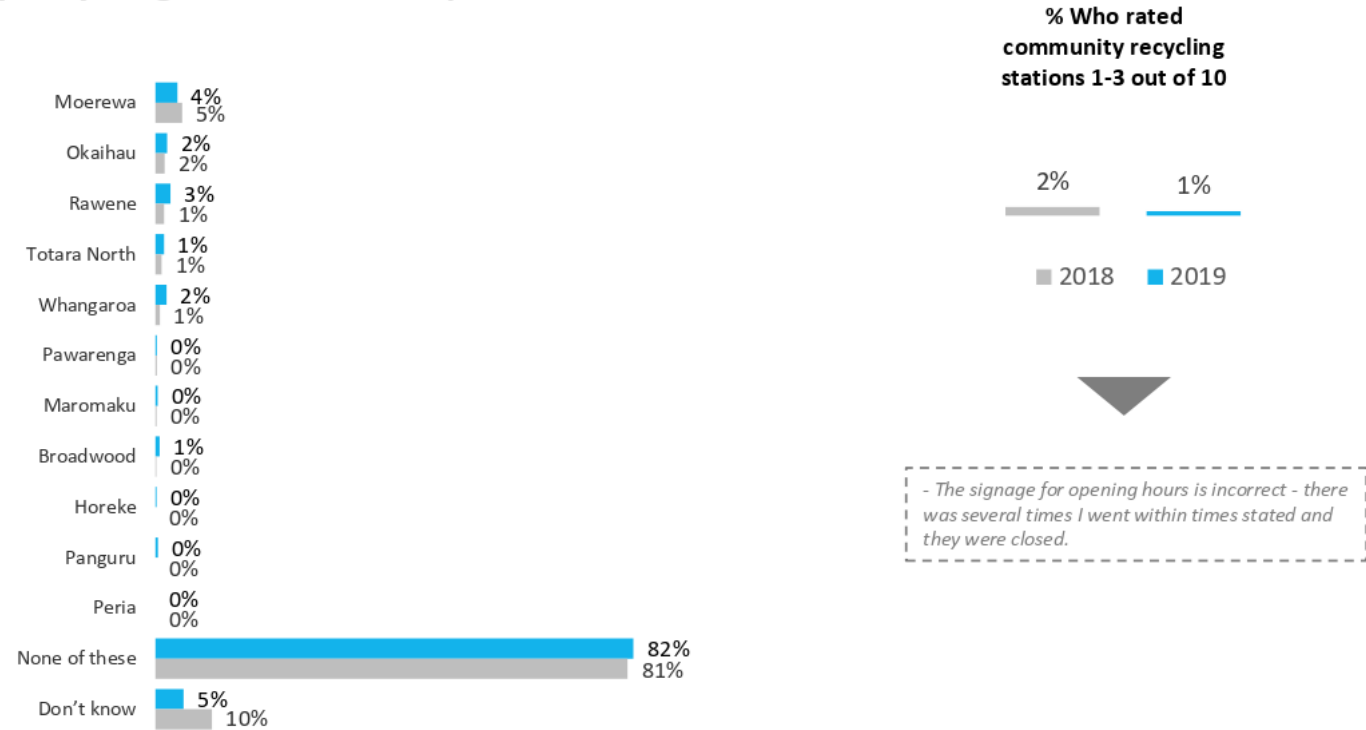


Report | June 2019



Most of respondents (82%) have not used a *Community recycling station in the past 12 months*. 1% of users were dissatisfied and dissatisfaction stemmed from opening hours not being correct as stated

Community recycling station used in past 12 months



NOTES:  
Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'  
1. WR3. Which Far North District Council community recycling stations have you used in the last 12 months? These are places where you can take recyclables, but not dispose of rubbish.







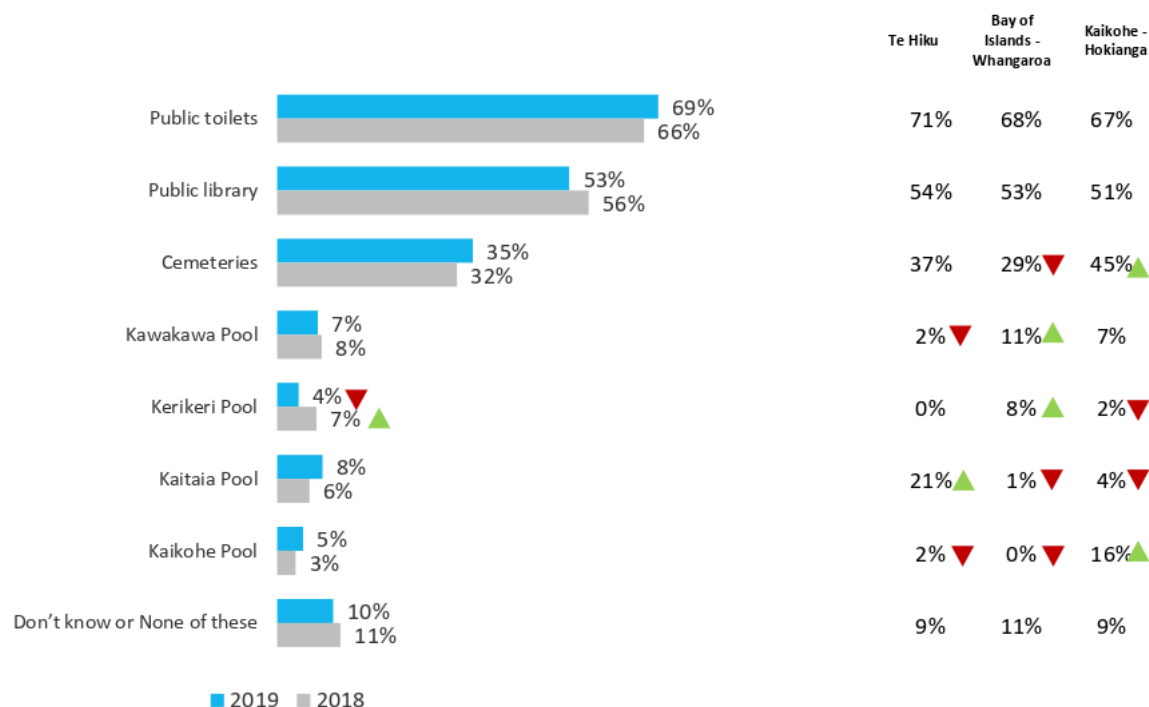
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*Public toilets and Public libraries* were the most visited facilities in the last 12 months, with 69% and 53% of respondents visiting each respectively. Slightly more than a third of respondents (35%) visited a *Cemetery* in the last year

## Facilities visited or used in past 12 months




**NOTES:**

- Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
- CF1. Which of the following facilities have you visited in the last year?


▲ Significantly higher  
▼ Significantly lower





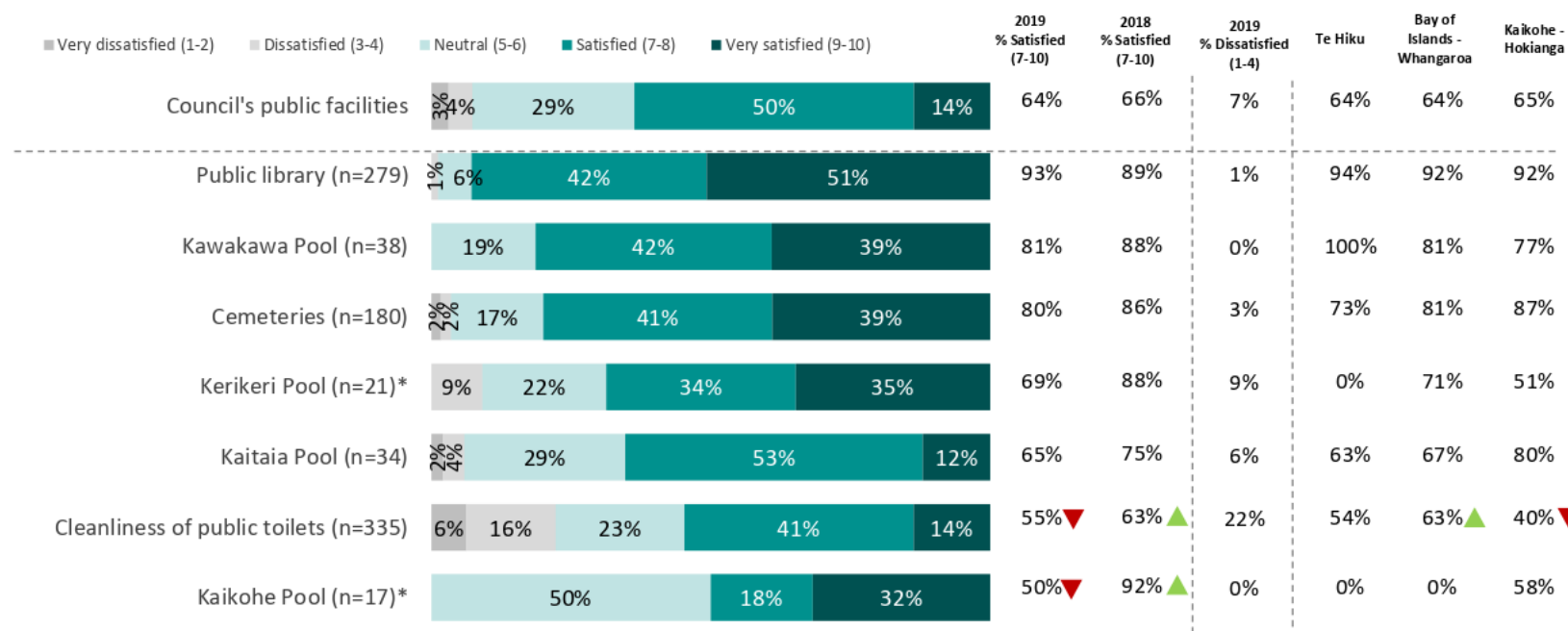
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Almost all of the visitors (93%) were satisfied with *Public libraries*. In 2019, significantly fewer users were satisfied with the *Cleanliness of public toilets* (50% compared with 63% in 2018) and the *Kaikohe Pool* (50% compared with 92% last year)

## Services and facilities: Council's public facilities



**NOTES:**

1. Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. CF2. On the scale of 1- 10, how would you rate your level of satisfaction with...
3. CF4. When you consider all the public facilities that are provided by Council including how well they are maintained, the opening hours and where applicable, the cost to use these, how would you rate your overall satisfaction with the public facilities that are provided?
4. \* Caution: small sample base <n=30

▲ Significantly higher  
▼ Significantly lower

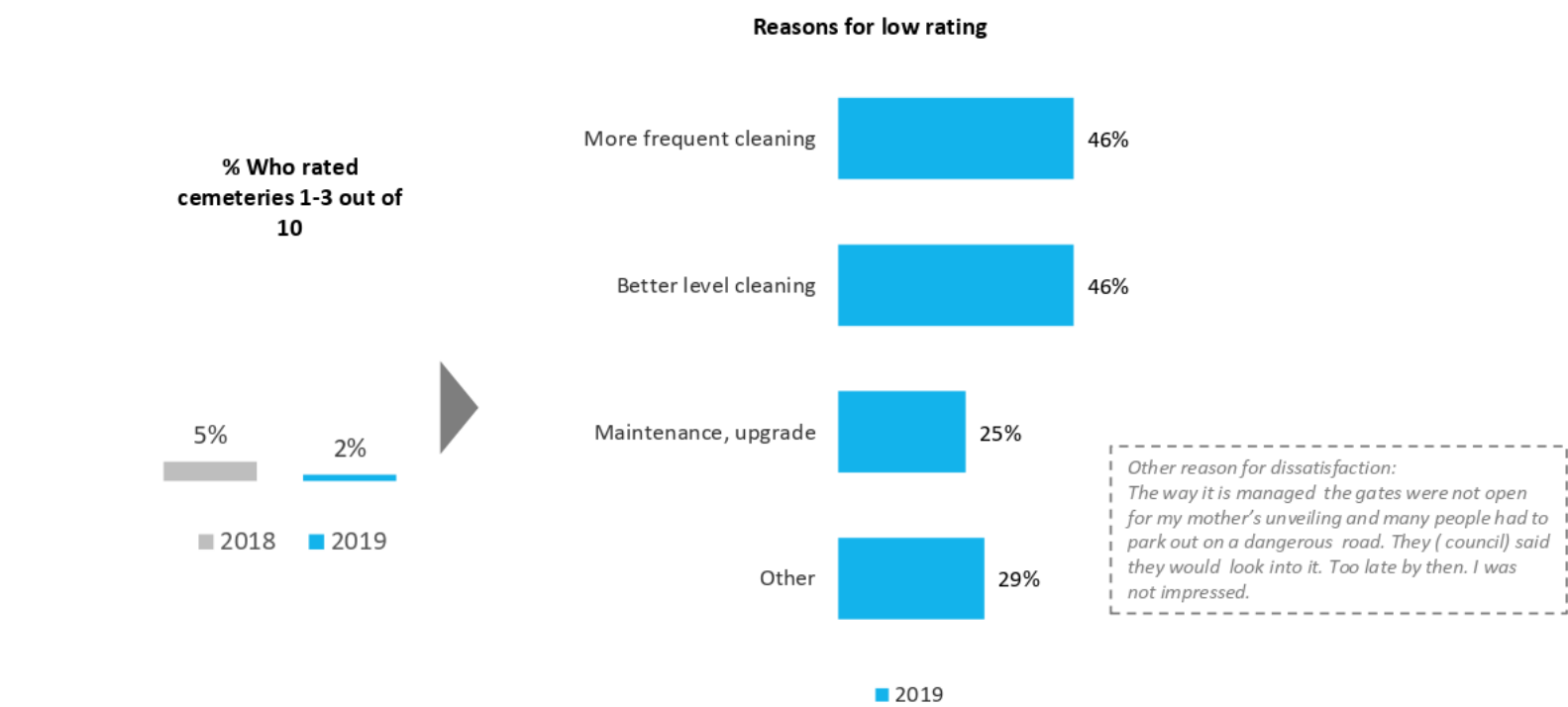


Report | June 2019



Only three people who visited cemeteries in 2019 rated the facilities 1 to 3 out of 10. They indicated that *More frequent cleaning* and *Better level cleaning* of the facilities was required

Reasons for dissatisfaction: Cemeteries



NOTES:  
1. Sample: Those who visited cemeteries 2018 n=165, 2019 n=176; very dissatisfied (1-3) n=3\*  
2. CF2AA. Why weren't you satisfied with <Xxx>?  
3. \* Caution: small base size <n=30

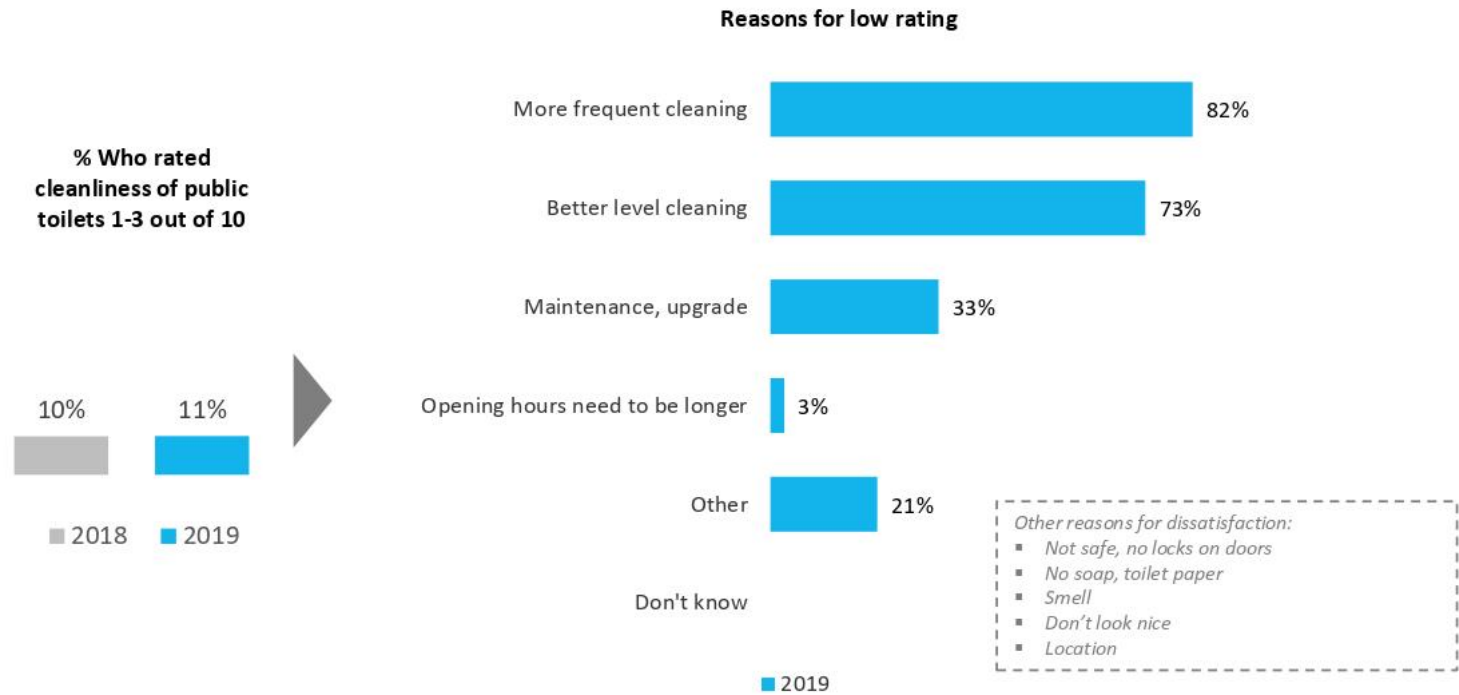


Report | June 2019



Slightly more than one out of ten visitors (11%) rated the *Cleanliness of public toilets* 1 to 3 out of 10. The main reasons for dissatisfaction related to a *Need for more frequent cleaning* (82%) and *Better level of cleaning* (73%)

Reasons for dissatisfaction: Cleanliness of public toilets



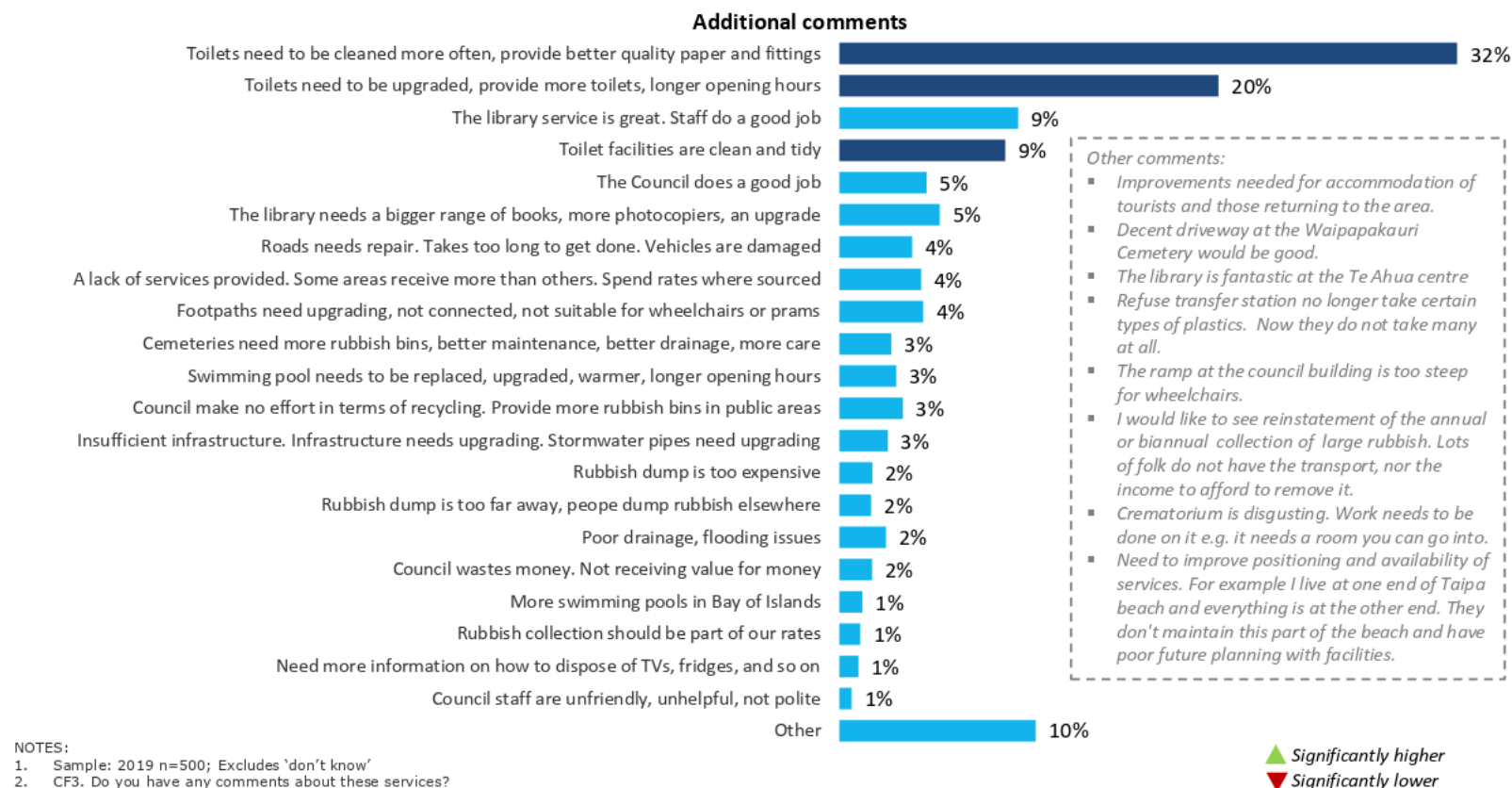
NOTES:  
1. Sample: Those who have used public toilets 2018 n=336, 2019 n=333; very dissatisfied (1-3) n=35  
2. CF2AG. Why weren't you satisfied with <Xxx>?

▲ Significantly higher  
▼ Significantly lower

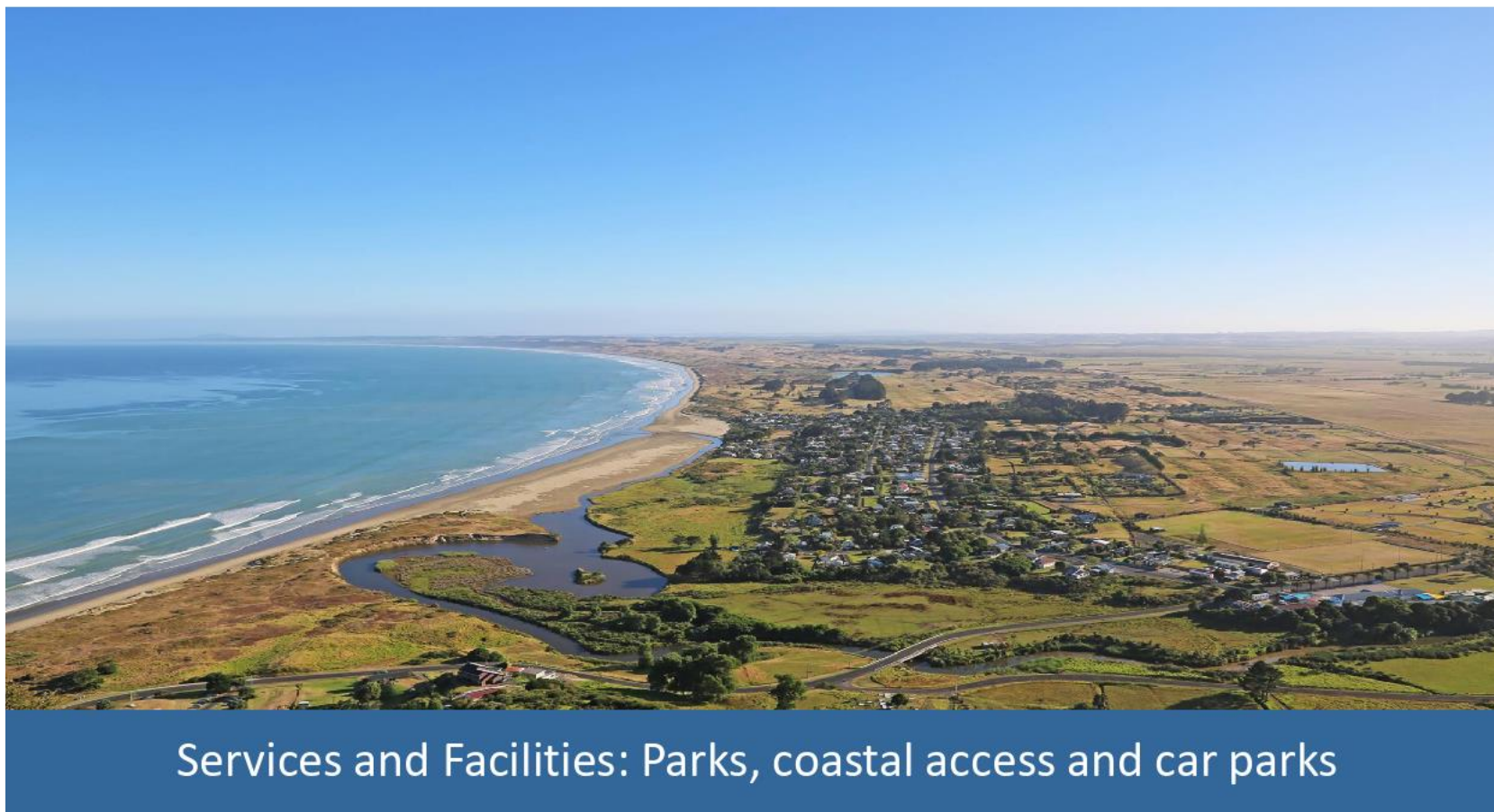


More than half of additional comments regarding *Council's public facilities* related to some aspect of public toilets

## Comments about Council's public facilities









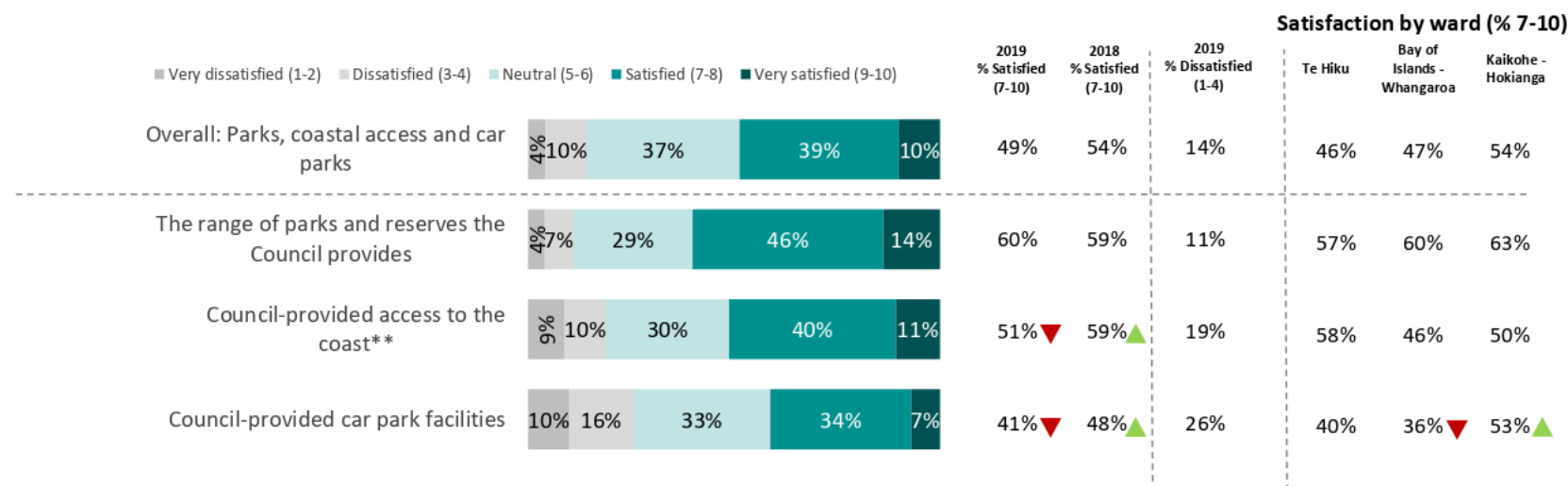
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District Council**

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Half of the respondents were satisfied with *Parks, coastal access and car parks overall*. In 2019, there was a significant decrease in respondents' satisfaction with *Council-provided access to the coast* (51%) and *Council-provided car park facilities* (41%); with residents from the Bay of Islands-Whangaroa Ward least satisfied with car parks

## Services and facilities: Parks, reserves and open spaces



\*\*Coastal access means Council-maintained roads, reserves and walkways that allows access to beaches in the Far North

### NOTES:

1. Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. PR1. Still using the 1 to 10 scale, where 1 means 'very dissatisfied' and 10 means 'very satisfied', how would you rate your satisfaction with the following...
3. PR2. And overall, how satisfied are you with Council parks, coastal access and car parks?

▲ Significantly higher  
▼ Significantly lower





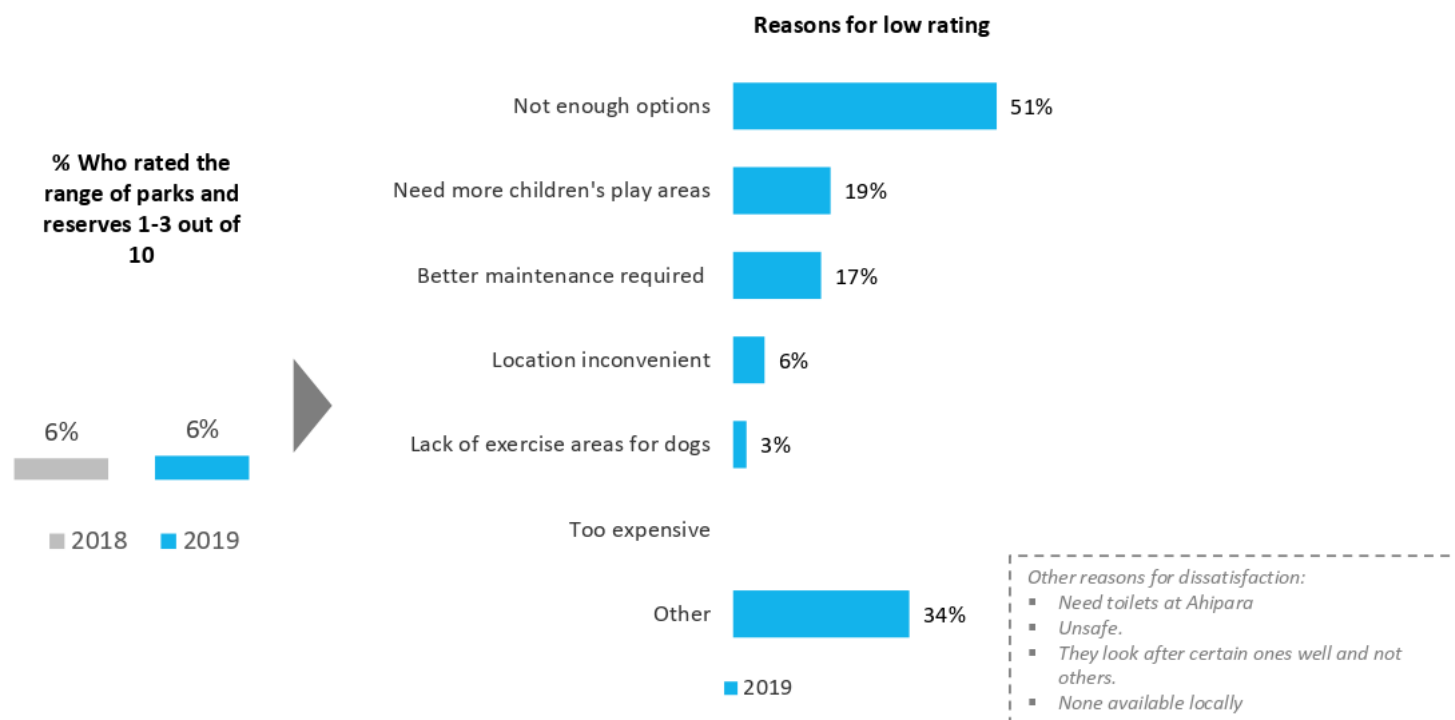
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Respondents who rated the *Range of parks and reserves the Council provides* 1 to 3 out of 10 mentioned the need for *More options and more children's play areas* as the main reasons behind dissatisfaction

## Reasons for dissatisfaction: The range of parks and reserves the Council provides



NOTES:  
 1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=32  
 2. PR1A. Why weren't you satisfied with <Xxx>?



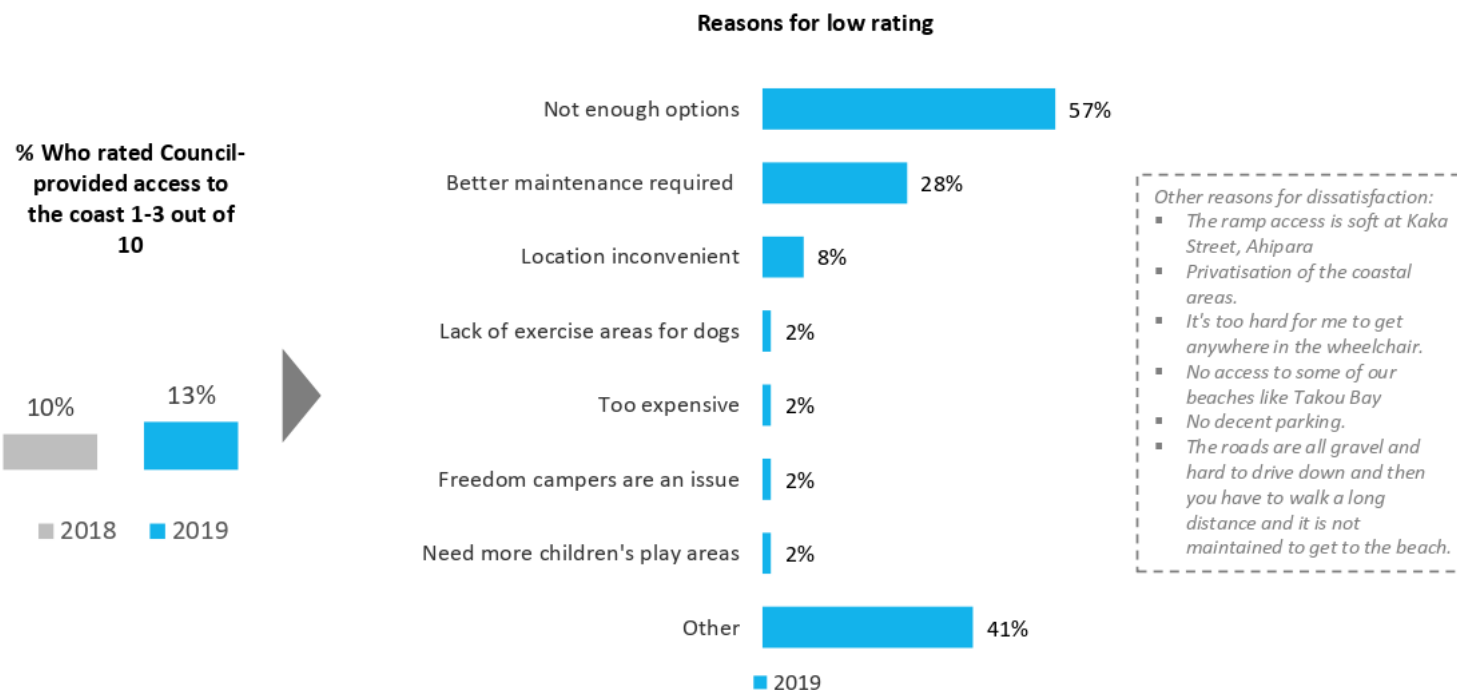
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District Council**

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The main reasons for low ratings regarding *Council-provided access to the coast* included a *Need for more options* (57%) and that *Better maintenance is required* (28%)

## Reasons for dissatisfaction: Council-provided access to the coast



NOTES:  
 1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=60  
 2. PR1A. Why weren't you satisfied with <Xxx>?

▲ Significantly higher  
 ▼ Significantly lower

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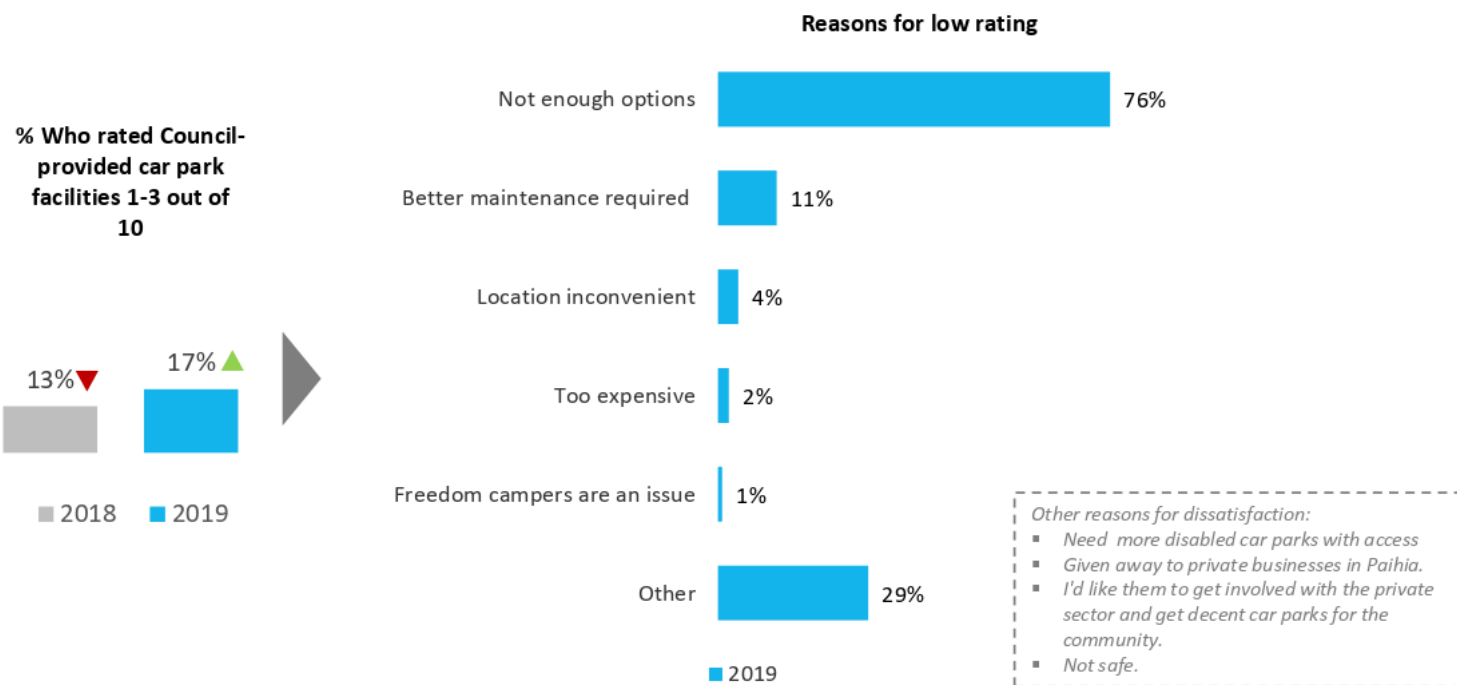
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There was a significant increase in the proportion of respondents who rated the *Council-provided parking facilities* 1 to 3 out of 10 (17%). A lack of options was the main reason for dissatisfaction(76%), while around a tenth (11%) said *Better maintenance is required*


### Reasons for dissatisfaction: Council-provided car park facilities



NOTES:  
 1. Sample: 2018 n=500, 2019 n=500; very dissatisfied (1-3) n=84  
 2. PR1A. Why weren't you satisfied with <Xxx>?


▲ Significantly higher  
 ▼ Significantly lower





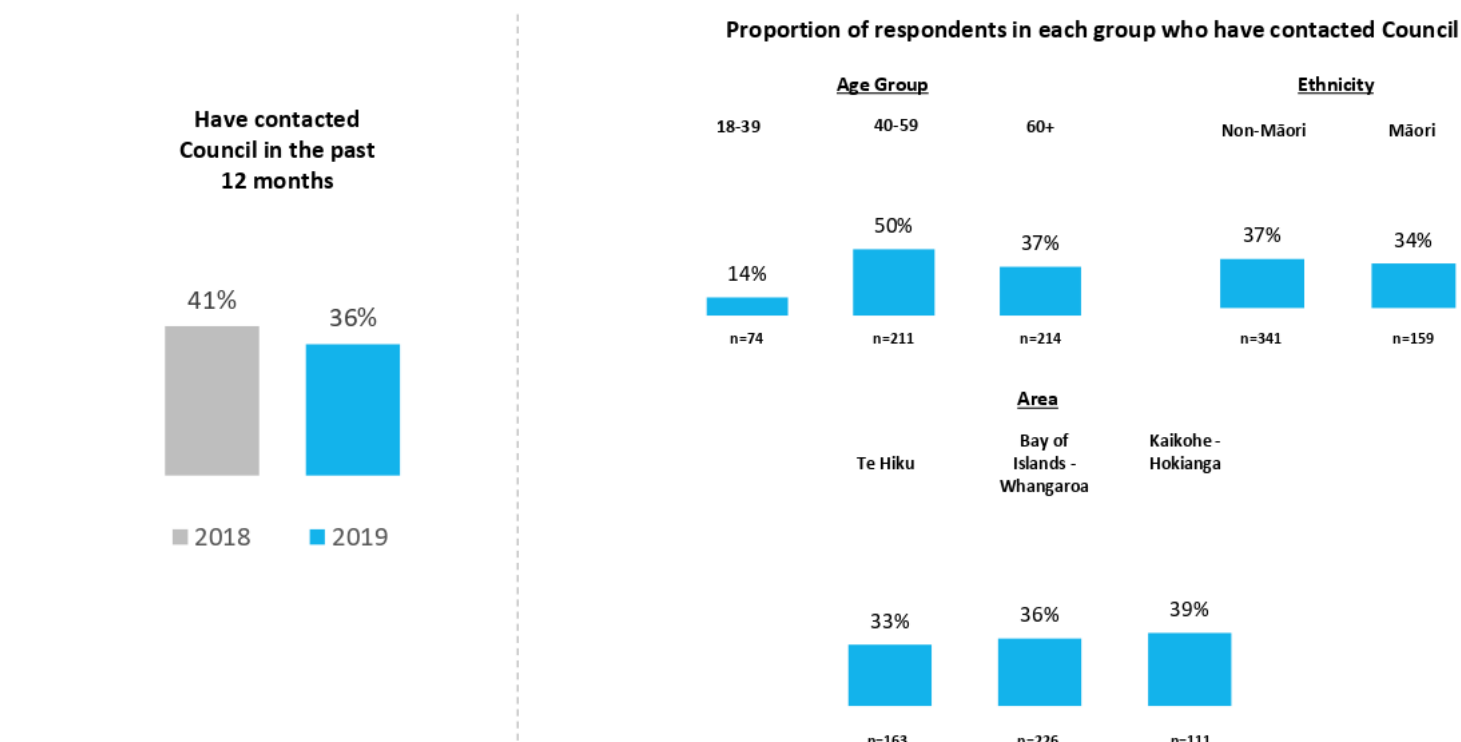
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District Council**

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Just over one-third of the respondents (36%) had contacted the Council in the last year for a service request or complaint. Half of them (50%) were aged 40-59 and nearly four out of ten (39%) were from the Kaikohe-Hokianga Ward

## Contact with Council in the last 12 months



NOTES:  
 Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 18-39 n=74, 40-59 n=211, 60+ n=177; Non-Maori n=341, Maori n=159  
 Excludes 'don't know'  
 1. RS1. Have you had to contact Council for a service request or complaint during the past 12 months?

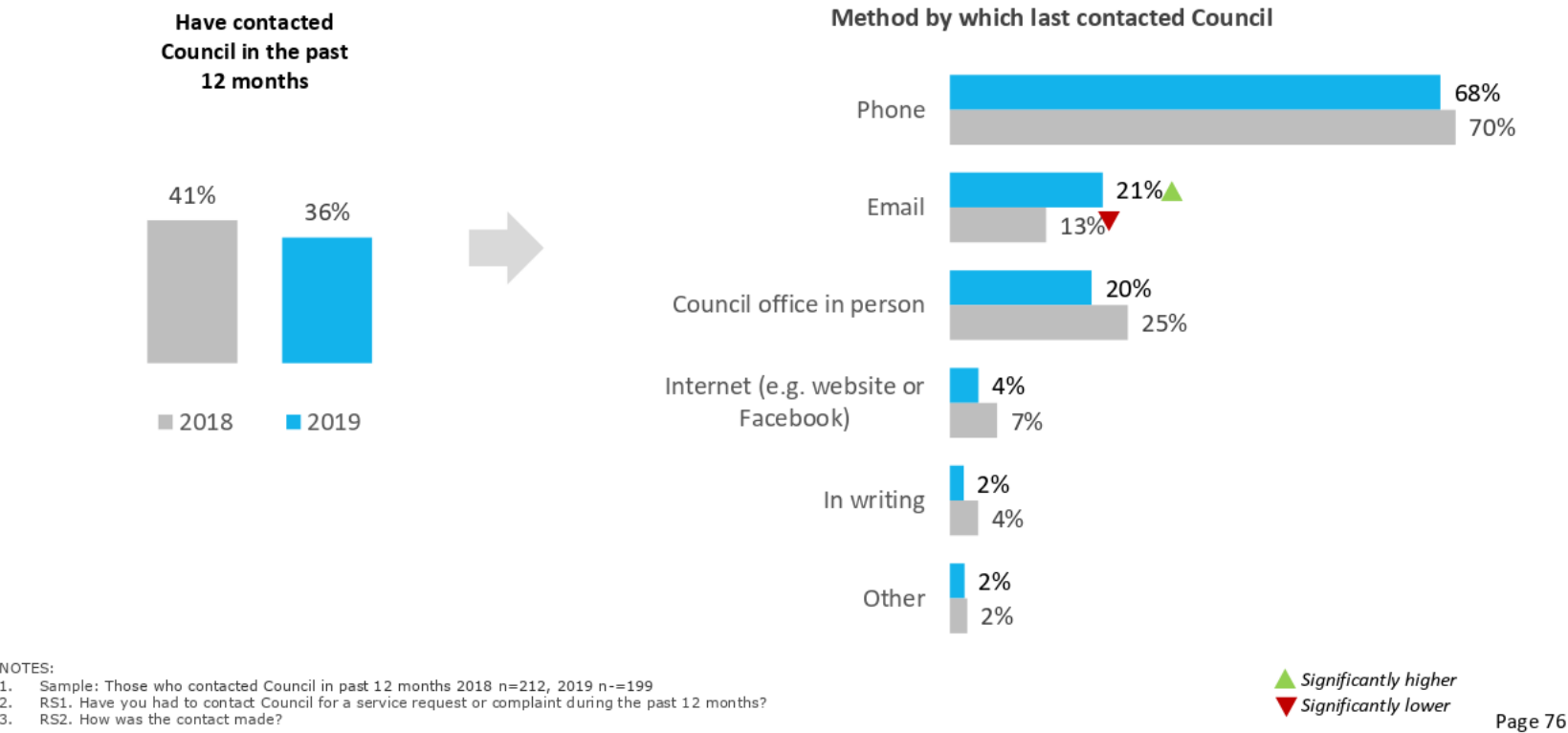


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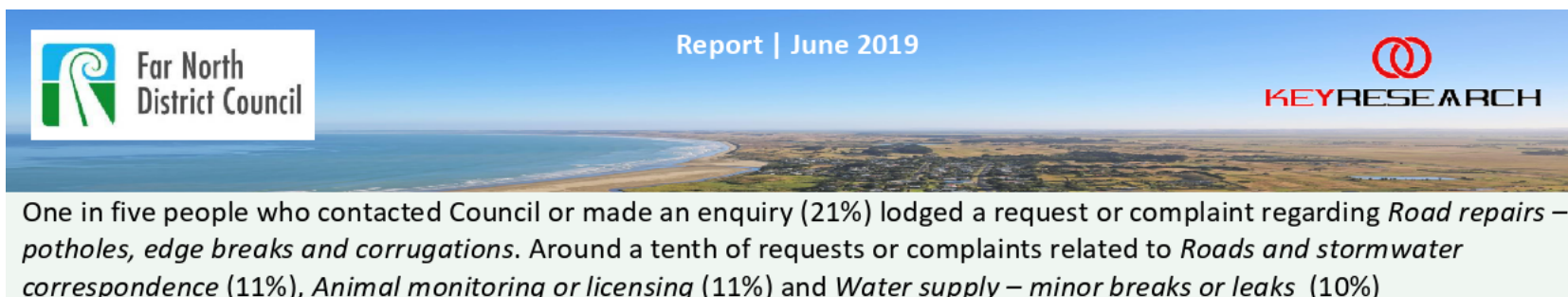


The majority of residents who contacted council for a service request or complaint in the last year (68%) did so via telephone. There was a considerable increase in contact via email, with 21% using this method

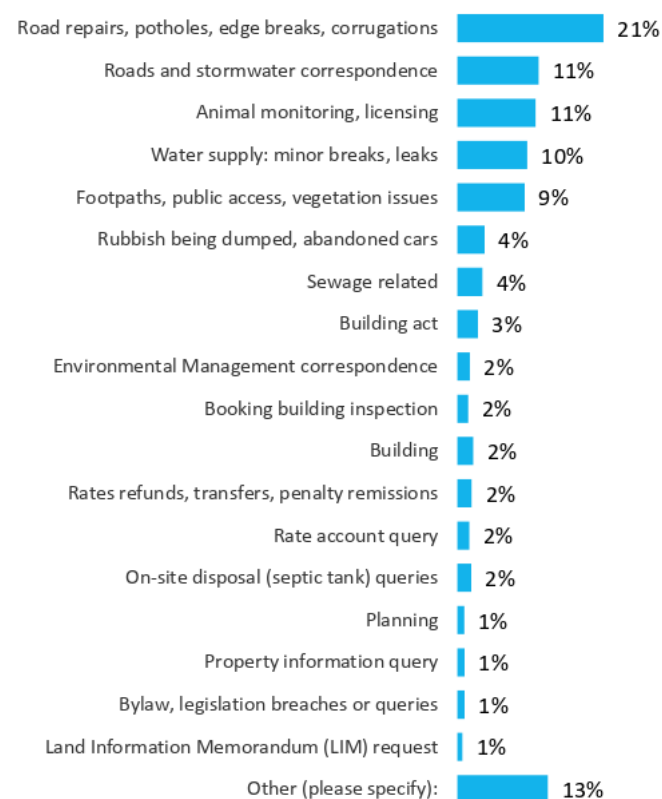
Contact with Council in the last 12 months







### Request or complaint related to...




#### Other enquires made by residents:

- Parking
- On farm enquires
- Putting a sign up
- Freedom campers
- Picnic tables
- Funding
- Noise
- Call centre worker complaint
- Fire ban
- Ajax valve on water meter
- Fire hazard
- Poison spraying
- Boat ramps
- New rapid number
- Vandalism
- Lighting out


#### NOTES:

1. Sample: Those who contacted Council in past 12 months 2018 n=212, 2019 n=199
2. RS3. Thinking about your most recent request or complaint, what did it relate to?



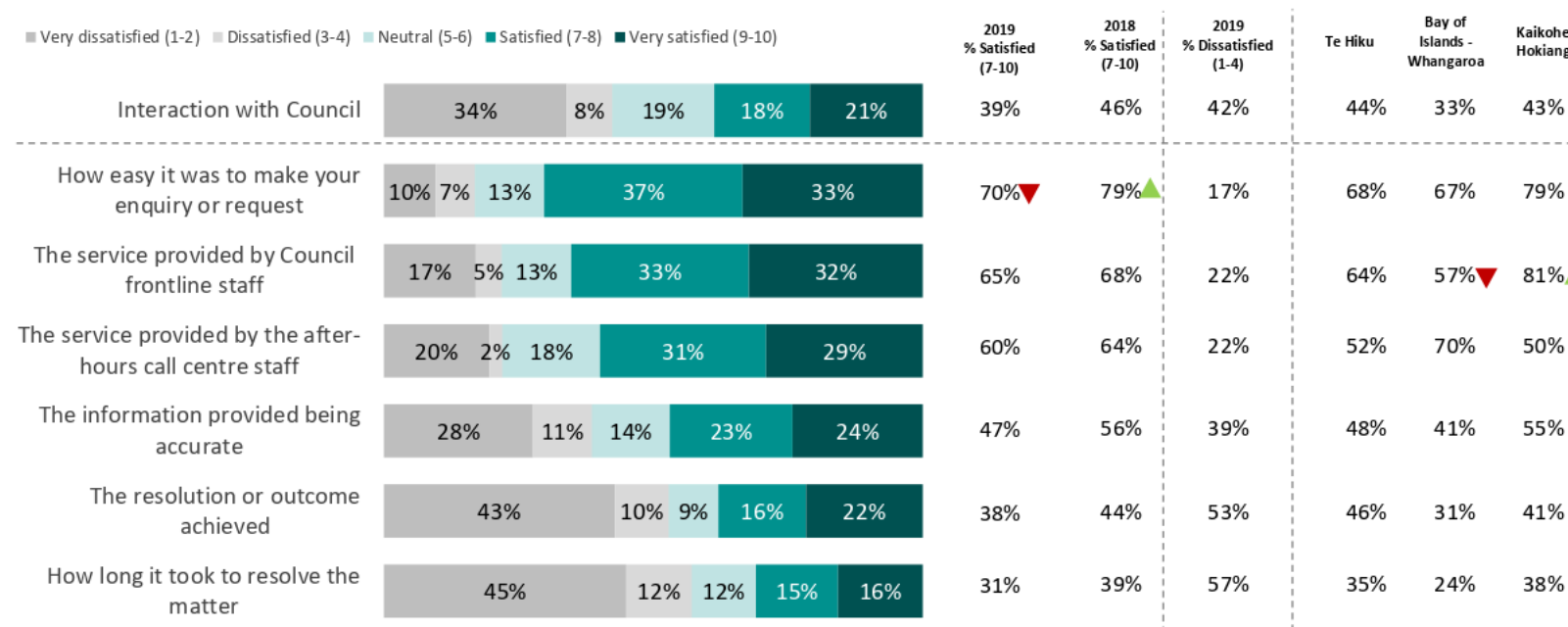
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District Council**

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Overall, slightly less than four out of ten respondents (39%) were satisfied with *Interaction with Council*, with 42% 'very dissatisfied' or 'dissatisfied'. Those who contacted Council were dissatisfied with the *Resolution or outcome achieved* (53%) and *How long it took to resolve the matter* (58%)

## Services and facilities: Interaction with Council



**NOTES:**

- Sample: 2018 n=500; 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know' Those who contacted Council in past 12 months 2018 n=212, 2019 n=199
- RS4. Thinking back to your most recent request or complaint, how would you rate your satisfaction with each of the following?
- RS4B. How would you rate Council overall for how well they handled your request or complaint?

▲ Significantly higher  
▼ Significantly lower

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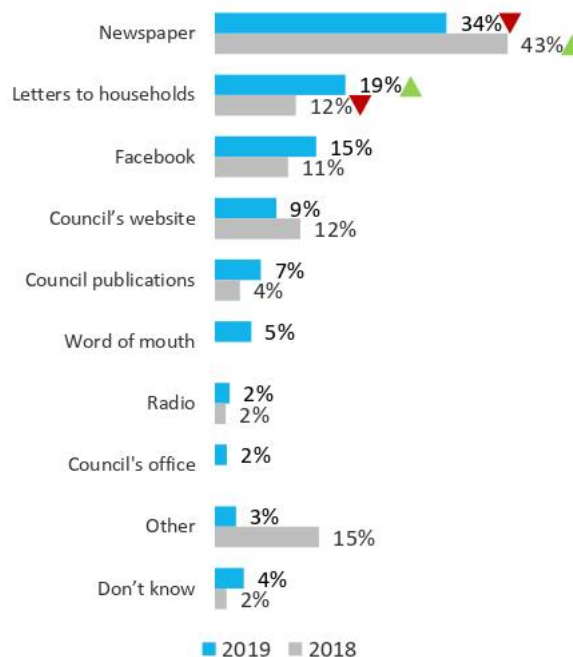
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District Council**

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*Newspapers, Letters to households and Facebook were the top-3 most relied on sources of information regarding Council's activity. Less than a tenth of respondents (9%) turned to the Council's website for information*

### Most relied on source of information about Council



**NOTES:**

1. Sample: n=500
2. GC3. Which of the following do you most rely on for information about Council?

▲ Significantly higher  
▼ Significantly lower



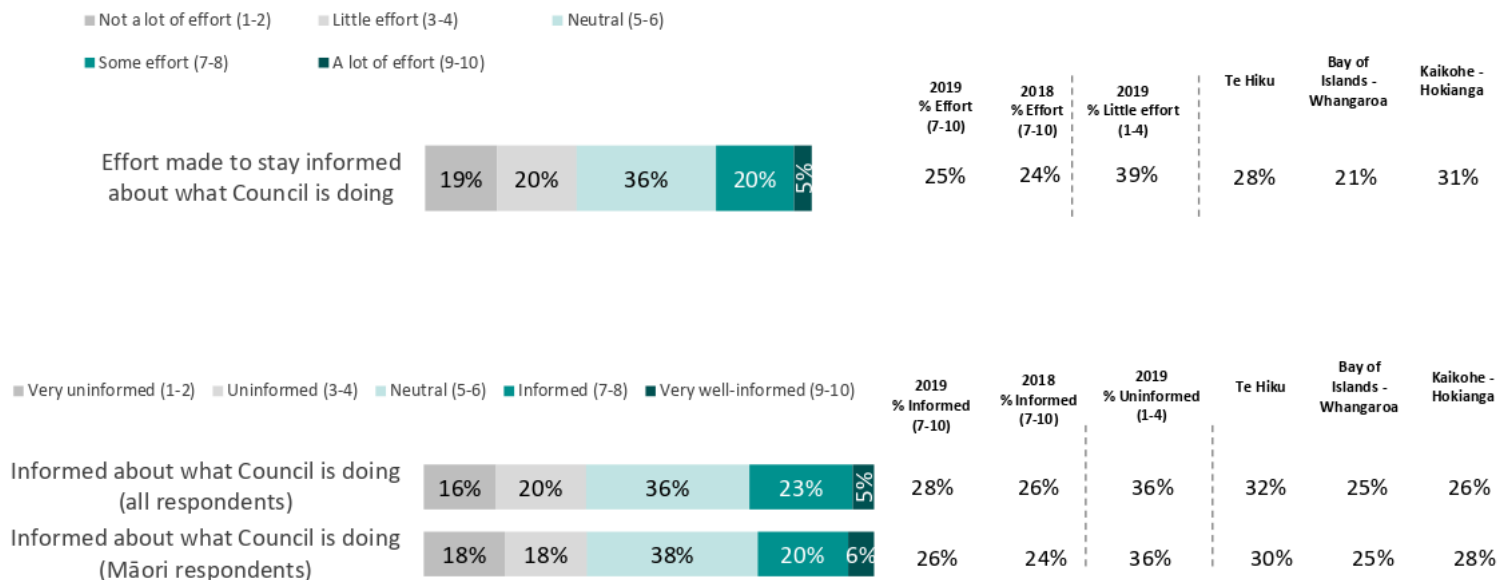
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A quarter of all residents *Make an effort to stay informed* in regards to Council's activity (25%), while a similar proportion (27%) felt they were *Informed about what Council is doing*


## Informed about what Council does



**NOTES:**


1. Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. GC2. Using a scale of 1-10, where 1 is not much effort and 10 is a lot of effort, how much effort do you make to stay informed about what Council is doing?
3. GC4. Using a scale of 1-10 where 1 is Very uninformed and 10 is Very well-informed, in general how well-informed do you feel about what Council is doing?





**Far North  
District Council**

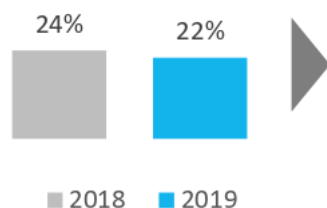
Report | June 2019



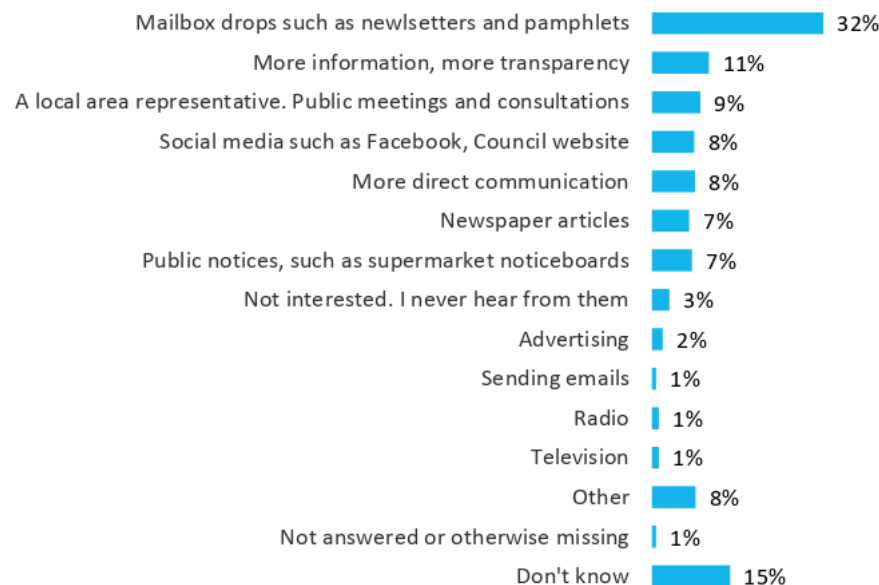
Two out of ten respondents (22%) felt that they were not informed about what Council is doing, rating this aspect 1 to 3 out of 10. Almost one-third of these respondents (32%) suggested *Mailbox drops with newsletters and pamphlets* as the way to improve communication with the public

## Suggested improvements to keep residents informed

**% Who rated being informed about what Council is doing 1-3 out of 10**



### Suggested improvements



**NOTES:**

1. Sample: 2019 n=500, those who feel uninformed n=105
2. GC4. In general, how well-informed do you feel about what Council is doing?
3. GC4A: How could Council improve the way it keeps you informed?





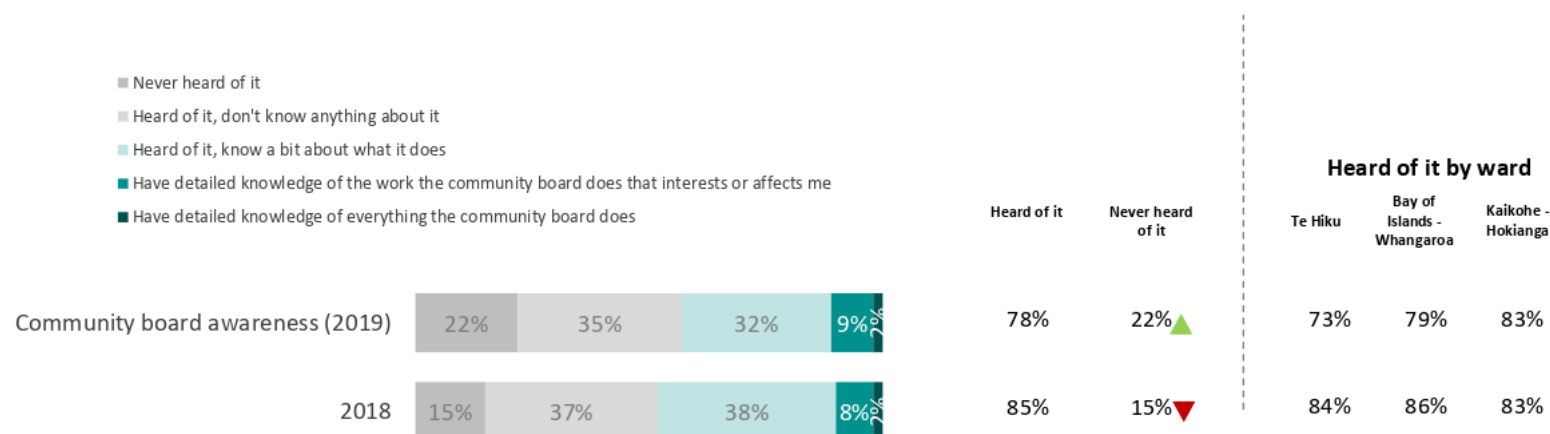
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There was a significant increase in residents who *Have never heard of* the community board operating in their area (22%). Kaikohe-Hokianga residents were more likely to be aware of *the Community board that operates in their area* (83%), while Te Hiku residents were the least aware (73%)

## Awareness of the community board that operates in your area



**NOTES:**

1. Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. GC1. Which of the following best describes your awareness of the community board that operates in your area?

▲ Significantly higher  
▼ Significantly lower



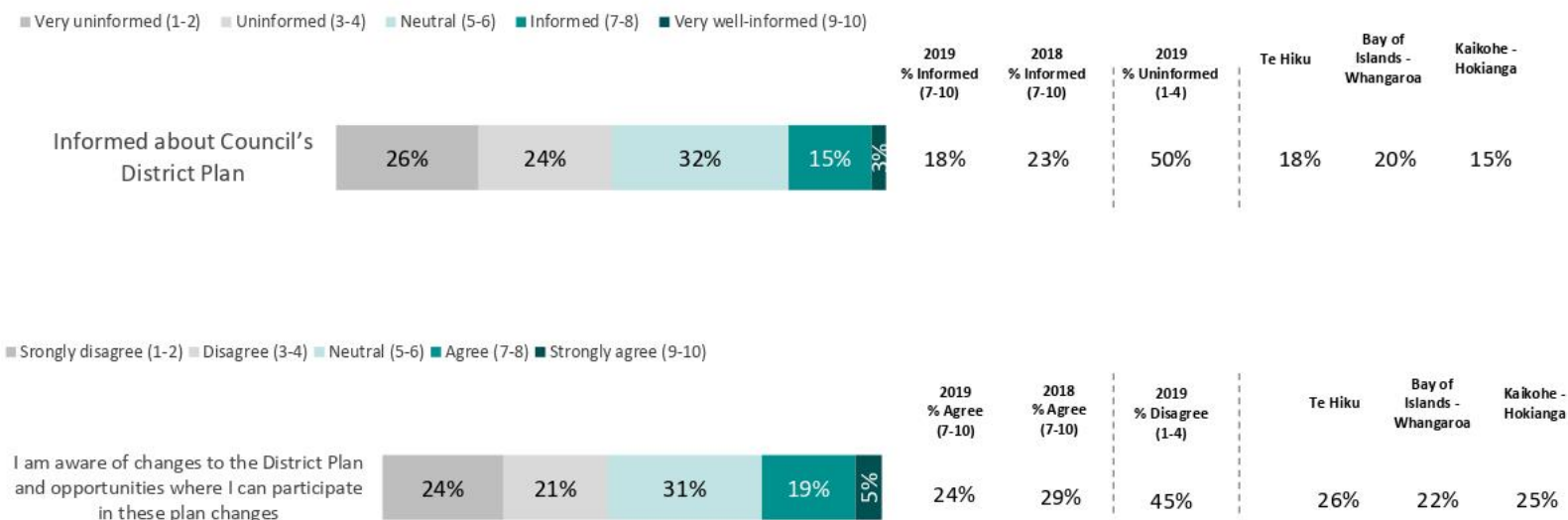
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Less than two out of ten residents (18%) felt informed about *Council's District plan*, with around one quarter (24%) aware of *Changes to the District Plan and opportunities where they can participate in these plan changes*

## Council's District Plan



**NOTES:**

1. Sample: 2018 n=500, 2019 n=500; Te Hiku n=163, Bay of Islands-Whangaroa n=226, Kaikohe-Hokianga n=111 Excludes 'don't know'
2. [READ OUT]: The District Plan controls land use in the district. The Annual Plan sets out what Council plans to do in the coming year
3. GC5. Using a scale of 1-10 where 1 is Very uninformed and 10 is Very well informed, in general how well informed do you feel about Council's District Plan (land use)?
4. GC6. Still thinking about the District Plan, on a scale of 1-10 where 1 is Strongly disagree and 10 is Strongly agree, how much do you agree or disagree with the following statement...?

▲ Significantly higher  
▼ Significantly lower

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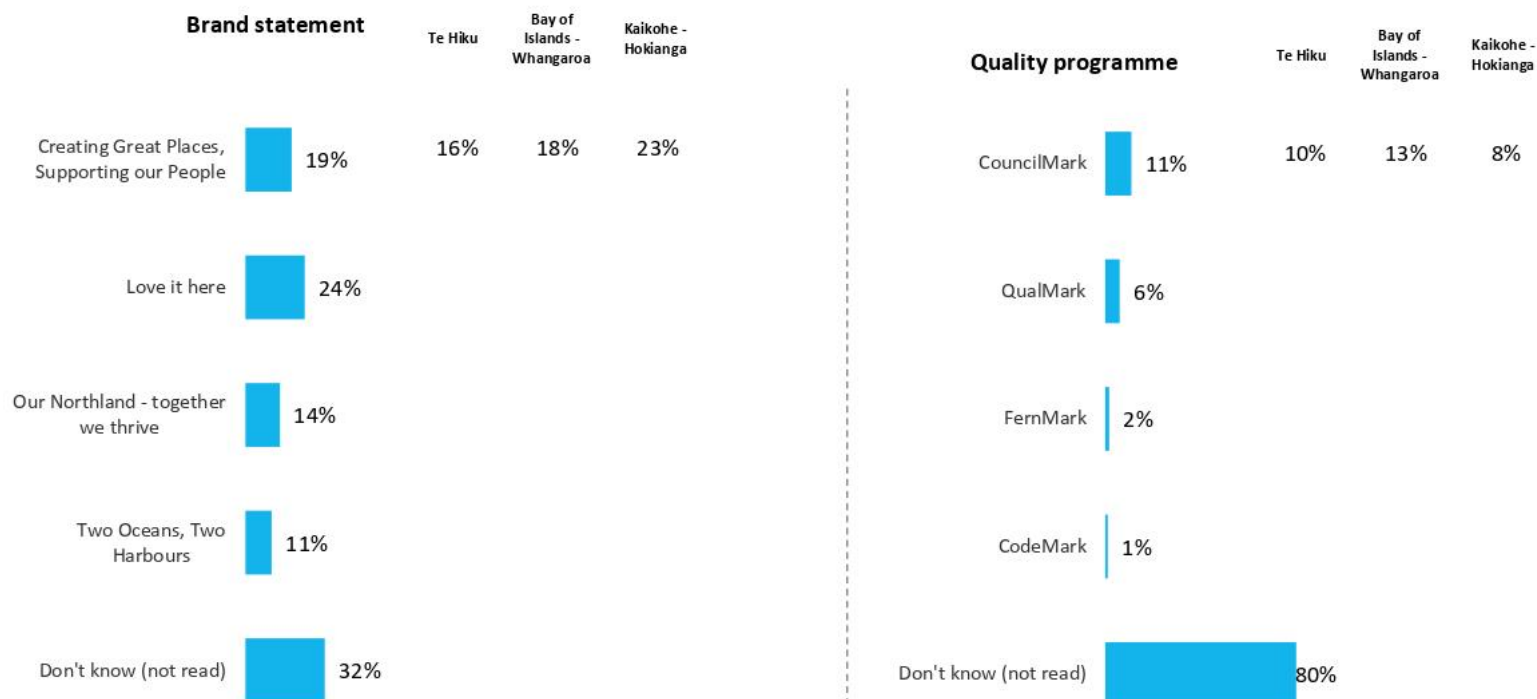
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Nearly one-fifth of respondents (19%) associated *'Creating Great Places, Supporting our People'* with the Council. One out of ten respondents (11%) indicated the local District Council was part of the *'CouncilMark'* quality programme

## Brand statements and quality programmes



- NOTES:
- Sample: 2019 n=500
  - GC5a. Which of the following brand statements do you associate with the Far North District Council?
  - GC5b Which of the following quality programmes is the Far North District Council a member of (single mention)



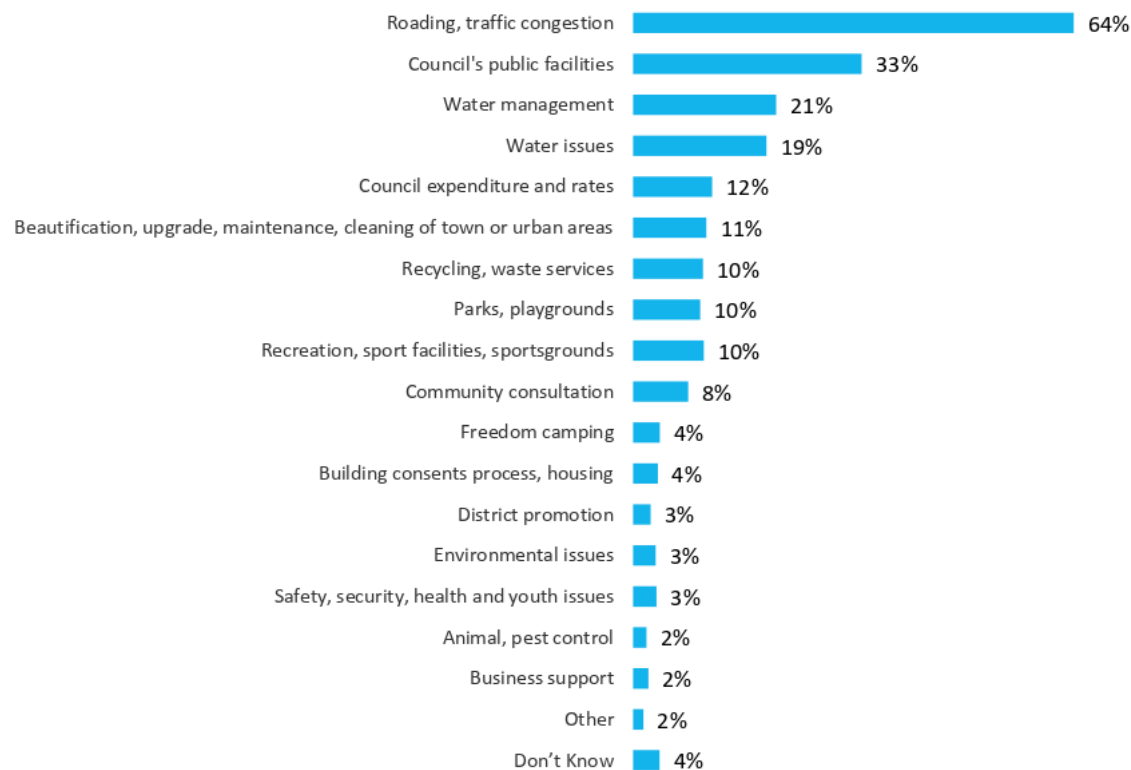
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Respondents mentioned *Roading, traffic congestion (64%), Council's public facilities (33%) and Water management (21%)* as the three main areas that the Council needed to focus on over the next 12 months

## Priority for next 12 months



**NOTES:**

1. Sample: 2018 n=500, 2019 n=500
2. OP2. Which three services or facilities do you think Council should give high priority to over the next 12 months? Response with 2% or more shown





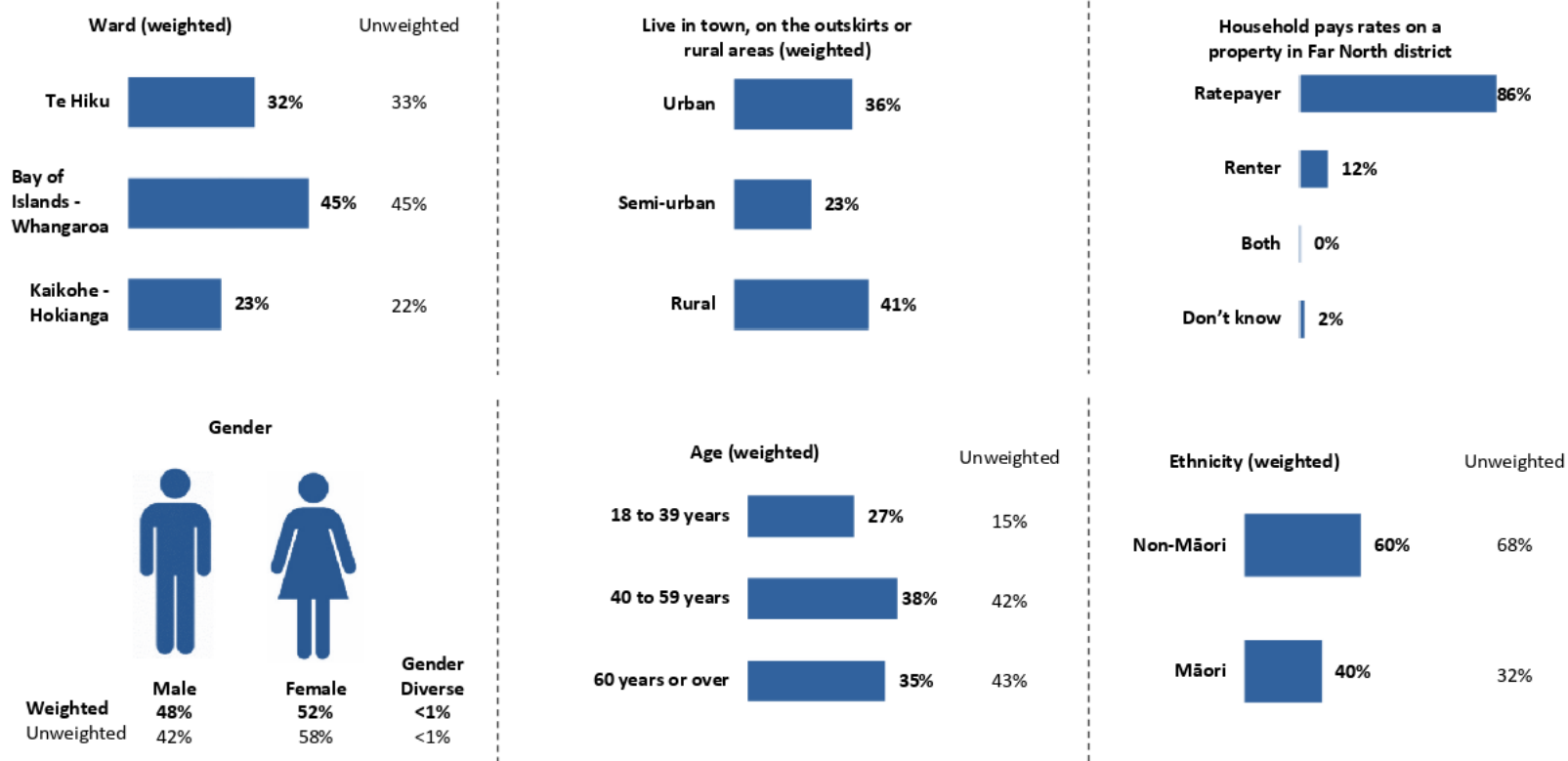


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District Council**

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## Demographic Profile



**Weighting**

The sample structure target was set broadly in line with known population distributions and was weighted post survey so as to be exactly representative of the known population distributions according to the 2013 Census. This represents 'best practice' in research and means that inferences made about the population will then be reliable, within the confidence limits.





## Head Office

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Tauranga 3141

Website: [www.keyresearch.co.nz](http://www.keyresearch.co.nz)

Image credit: Catherine Langford

# Far North District Council



Report | June 2019



1

### **Comparison of 2017/18 & 2018/19 resident survey results**

#### **Public libraries**

We are delighted that more library users were satisfied with our library services this year than last year. While we narrowly missed achieving our target of 95%, we are pleased to see that no survey respondents were very dissatisfied/dissatisfied, compared with 10% last year.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	0%	0%	6%	42%	51%	93%
2018	2%	8%	8%	32%	57%	89%

#### **Community Recycling Stations**

We are pleased that satisfaction levels with community recycling stations remained high in 2018/19. However, we are disappointed that we did not achieve our 84% target, particularly as the Council opened a new recycling facility at Waipapa, giving Kerikeri residents a long-awaited alternative to kerbside recycling services. We will review public information about our recycling services. Only 18% of respondents had used a community recycling station during the year and one of those complained that a recycling station wasn't open at the advertised times on a number of occasions.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	1%	5%	12%	38%	44%	82%
2018	2%	2%	11%	39%	45%	84%

#### **Public Swimming Pools**

We are pleased that satisfaction levels at public swimming pools remained high in 2018/19. The percentage of pool users who were satisfied/very satisfied averaged 66% at the four pools the Council operates or subsidises. While we only achieved our target of 70% at Kawakawa Pool, the percentage of very dissatisfied/dissatisfied pool users was low at the other pools. It is important to note that survey samples ranged from 38 to 17, so the results may not give an accurate picture.

2

**Kawakawa Pool**

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	0%	0%	19%	42%	39%	81%
2018	0%	0%	12%	54%	34%	88%

**Kerikeri Pool**

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	0%	9%	22%	34%	35%	69%
2018	3%	0%	9%	46%	41%	88%

**Kaitia Pool**

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	2%	4%	29%	53%	12%	65%
2018	4%	5%	15%	56%	19%	75%

**Kaikohe Pool**

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	0%	0%	50%	18%	32%	50%
2018	5%	0%	4%	44%	47%	91%

## Wastewater

We are pleased to see that a high percentage of survey respondents remain satisfied with the Council's wastewater services. Only 9% of respondents were very dissatisfied/dissatisfied in 2018/19, compared to 10% in 2017/18. We hope to achieve our 85% satisfaction target as more households and business enjoy the benefits of sewerage upgrades that are currently underway or planned.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	6%	3%	11%	44%	36%	80%
2018	5%	5%	10%	45%	35%	80%

## Cemeteries

We are pleased to have achieved our 2018/19 goal of 62%. While satisfaction levels were lower than in 2017/18, there were fewer very dissatisfied/dissatisfied respondents - only 3% compared with 8% last year.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	2%	1%	17%	41%	39%	80%
2018	4%	4%	6%	58%	28%	86%

## Percentage of residents aware of their community board

We are pleased that most survey respondents (78%) had heard of their community board. However, we are disappointed that 22% of respondents hadn't heard of their board compared with 15% in 2018. We also consider this target a low bar and would like to increase the percentage of respondents who know what their board does and how it affects them. We will consider this feedback when we plan our publicity campaign in the new triennium.

#### Awareness of community board

Year	Never heard of board	Heard of board, don't know anything about it	Heard of board, know a bit about what it does	Have detailed knowledge of board's work that interests or effects me	Have detailed knowledge of everything the board does
2019	22%	35%	32%	9%	2%
2018	15%	37%	38%	8%	2%

#### Refuse Transfer Stations

We are pleased to see high levels of satisfaction with refuse transfer station services again this year. While these were lower than in 2017/18 and we did not meet the 83% target, the percentage of very dissatisfied/dissatisfied respondents (9%) did not change. We also note that some negative feedback from respondents was about kerbside refuse services operated by private companies rather than services at refuse transfer stations. One respondent wasn't aware that there was a refuse transfer station in Kaitia and another wrongly believed that most plastics can't be recycled. We will review our public information about refuse and recycling services, so people are better-informed about these services.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	3%	6%	14%	41%	36%	77%
2018	3%	6%	11%	45%	35%	80%

#### Drinking Water

All of our water supplies will meet New Zealand Drinking Water Standards when we commission a new treatment plant at our Omanaia-Omapere water supply in 2019/20. We are therefore disappointed that we weren't able to sustain the improved satisfaction levels recorded in our previous two resident surveys. Satisfaction levels were lower this year across five areas measured (continuity of supply, water pressure, water clarity, water odour, water taste). We will discuss these results with our alliance partner Far North Waters and look for improvement opportunities. While we did not achieve our overall satisfaction target of 85%, only 16% of respondents were 'very dissatisfied' or 'dissatisfied'. Twenty-four percent had no strong opinion.

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### Water supply

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	5%	11%	24%	38%	22%	60%
2018	5%	6%	19%	46%	23%	69%

### Continuity of supply

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	3%	4%	14%	42%	37%	79%
2018	2%	3%	8%	42%	45%	87%

### Water pressure

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	4%	7%	16%	42%	31%	73%
2018	3%	4%	11%	45%	36%	81%

### Clarity of water

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	5%	12%	26%	30%	27%	57%
2018	7%	8%	18%	35%	33%	68%



### Odour of water

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	9%	14%	26%	26%	25%	51%
2018	7%	8%	20%	40%	25%	65%

### Taste of water

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	12%	20%	26%	24%	18%	42%
2018	14%	15%	19%	35%	16%	51%

### Parks & Reserves

We are pleased that only 11% of survey respondents were very dissatisfied/dissatisfied with the range of parks and facilities, compared with 13% last year. We have noted respondents' feedback about the need for more options, more play areas and better maintenance. We will consider this and other feedback when we start developing our Long Term Plan 2021-31.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	4%	7%	29%	46%	14%	60%
2018	2%	11%	28%	44%	15%	59%

### Cleanliness of public toilets

We are disappointed that satisfaction levels in 2018/19 were lower than in 2017/18 and short of our 62% goal. Respondents who weren't satisfied with the cleanliness of public toilets wanted the Council to increase the frequency and level of cleaning. We will consider this feedback when we start developing our Long Term Plan 2021-31 and discuss more specific concerns with Recreational Services which cleans public toilets on our behalf.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	6%	16%	23%	41%	14%	55%
2018	8%	8%	21%	40%	23%	63%

### Coastal access

We didn't achieve our 2018/19 target of 80%. However, only 19% of respondents were very dissatisfied/dissatisfied with access to the coast. Reasons for being dissatisfied with coastal access included not enough options, the need for better maintenance and lack of car parking. We will consider this feedback when we start developing our Long Term Plan 2021-31 and review our public information about Council reserves on the coast, so people know where these are located.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	9%	10%	30%	40%	11%	51%
2018	5%	11%	24%	43%	16%	59%

## Stormwater

We are pleased to see higher satisfaction with stormwater services in this year's resident survey. This corresponds to a 21% decrease in storm water-related requests for service and may reflect the effectiveness of drainage works in areas with historic stormwater issues. We hope to continue this improving trend in 2019/20 as we address stormwater issues in other areas.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	14%	13%	25%	39%	9%	48%
2018	15%	15%	30%	31%	10%	41%

## Roading

We are disappointed that the Council did not achieve its 2018/19 target of 57%. However, lower satisfaction levels in this year's resident survey reflect a higher percentage of neutral responses than last year, rather than higher dissatisfaction levels. Thirty-three percent of respondents had no strong opinion in 2018/19, compared with 27% in 2017/18. Thirty percent of respondents this year were dissatisfied/very dissatisfied, compared with 31% last year. There was also no change in the percentage of respondents who were 'very satisfied', 'satisfied' or had no strong opinion ('neutral'). Seventy percent of respondents were in this category last year and this figure didn't change this year, so we take some comfort from this result.

### How well Far North District Council-owned roading network meets your needs

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	17%	13%	33%	28%	9%	37%
2018	13%	18%	27%	33%	10%	43%

**Unsealed roading network meets your needs**

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Dissatisfied
2019	32%	30%	26%	10%	2%	12%
2018	35%	26%	29%	9%	2%	11%

**Sealed roading network meets your needs**

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Dissatisfied
2019	15%	19%	33%	28%	5%	33%
2018	14%	19%	33%	27%	6%	33%

**Car parking facilities**

We are aware that population and visitor growth puts pressure on parking facilities in some areas. This may partly account for lower satisfaction levels in this year's survey. We will consider this feedback when we start developing our Long Term Plan 2021-31.

Year	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	10%	16%	33%	34%	7%	41%
2018	8%	15%	30%	38%	10%	48%

## Footpaths

The Council completed 10 new footpaths in 2018/19, so it is disappointing that satisfaction with footpaths was lower than in 2017/18 and short of the 62% target. We will ensure that this feedback is considered when we start preparing our Long Term Plan 2021-31. We also acknowledge lower satisfaction levels with footpath maintenance. We have completed condition assessments of footpaths and will use this data to prioritise maintenance and renewal works so footpaths meet designated standards.

### How well FNDC-owned footpaths meet your needs

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	23%	15%	27%	28%	7%	35%
2018	24%	12%	26%	29%	10%	39%

### How well footpaths are maintained

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	28%	15%	24%	25%	8%	33%
2018	24%	16%	24%	28%	8%	36%

### The availability of footpaths

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	28%	17%	23%	26%	6%	32%
2018	25%	16%	20%	28%	11%	39%

### Percentage of residents who feel very well-informed or informed about what the Council is doing.

We are pleased that we continued an improving trend which started in 2017. We believe this may be partly due to an extensive publicity campaign that is designed to inform communities about Council projects. While we have a long way to go before we achieve our 80% target, we are encouraged by the fact that 64% of respondents were *not* dissatisfied with Council communications. We also feel it is relevant to point out that only 25% of survey respondents said they made an effort to stay informed about the Council.

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	16%	20%	36%	23%	5%	28%
2018	15%	22%	38%	22%	4%	26%

### Percentage of Maori who feel well-informed about what the Council is doing.

We are pleased that we continued an improving trend which started in 2017. We believe this may be partly due to an extensive publicity campaign that is designed to inform communities about Council projects. While we have a long way to go before we achieve our 80% target, we are encouraged by the fact that 63% of respondents were *not* dissatisfied with Council communications. We also feel it is relevant to point out that only 25% of survey respondents said they made an effort to stay informed about the Council.

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	18%	18%	38%	20%	6%	26%
2018	16%	20%	40%	17%	6%	23%



### Percentage of residents who are aware of plan change processes and opportunities for participation

We are disappointed that only 24% of survey respondents were aware of the District Plan Review, given the extensive community engagement exercise and publicity campaign the District Plan Review Team conducted in 2018/19. While we were close to achieving our 30% target, we consider this to be a low bar, given the strong public interest in land use issues. We will rethink our communications approach in the new triennium.

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	24%	21%	31%	19%	5%	24%
2018	24%	18%	29%	23%	5%	29%

### Percentage of residents who feel very well-informed or well-informed about the District Plan

We are disappointed that fewer respondents felt well-informed about the District Plan, given the extensive community engagement exercise and publicity campaign the District Plan Review Team conducted in 2018/19. Clearly, we need to rethink our communications approach if we want to reduce the number of people who are uninformed about the plan. We will consider this feedback when we plan our communications programme for the new triennium.

Date	Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied	Satisfied + Very Satisfied
2019	26%	24%	32%	15%	3%	18%
2018	24%	21%	32%	19%	4%	23%

### 10.3 RESULTS FROM THE ORGANISATIONAL SURVEY 2019

**File Number:** A2656778

**Author:** Michael Boyd, Manager - Talent and Development

**Authoriser:** Jill Coyle, Manager - People and Capability

#### PURPOSE OF THE REPORT

This report provides the results of the Annual Staff Survey 2019.

#### EXECUTIVE SUMMARY

- Far North District Council has used the same survey/questions since 2014.
- The attached survey results report provides an overview of the results from 2018 compared to 2019.
- Across the board improvement is shown in all areas with significant improvement in:
  - Health & Wellbeing
  - Common Purpose
  - Job Satisfaction
  - Quality & Performance

#### RECOMMENDATION

**That the Council receive the report “Results from the Organisational Survey 2019”.**

#### BACKGROUND

The Council undertakes an annual staff survey which provides the chance to get feedback from FNDC employees as to what they think of FNDC as a place to work. Using the data from the survey allow us to make changes within the organisation to help create a better workplace environment. 237 participants engaged in this year's survey which is a significant increase from 2018 which saw 188 staff partake in the survey.

#### DISCUSSION AND NEXT STEPS

The report of the survey findings is a clear measure of the effectiveness of continuous improvement and progressive initiatives in the workplace. Entitled 'Your Voice' the survey is also an opportunity for staff to provide recommendations or voice concerns regarding their role in FNDC. An increasing response rate indicates higher levels of engagement in the workplace and will continue to provide valuable feedback on the strategic direction of the organization

#### FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or budgetary provision required as a result of this report.

#### ATTACHMENTS

1. Results from the Organisation Survey 2019 - A2656693 [↓](#) 

## Organisational Survey 2019

Insights and observations from staff on the FNDC workplace

### SUMMARY AND KEY OBSERVATIONS

#### Methodology

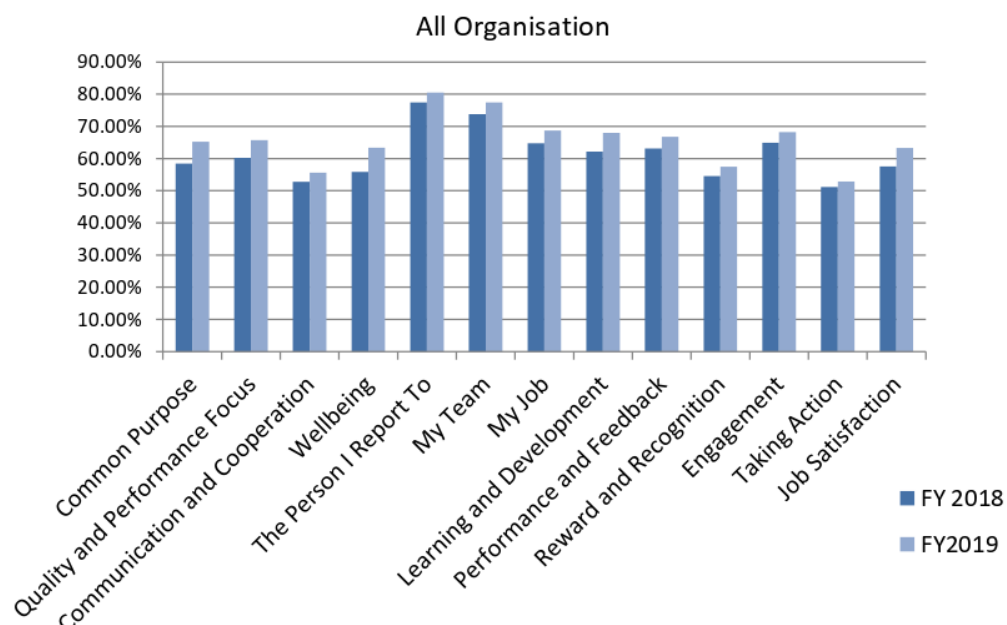
The questionnaire used for the FNDC survey is the same one used for this annual survey since 2014. For the purpose of this particular report, the analysis has been compared with the 2018 trend data. Weighted mean scores are used in the analysis because they provide a very accurate representation of the quality of the results. The survey comprises 64 questions across 13 key areas of working at FNDC.

#### Response Rate

There was a very good response to the 2019 survey with 237 participants engaging in the survey. This is a significant improvement over the 2018 response of 188 representing a higher level of engagement within the workforce. A higher response rate ensures the results presented in this report provide an accurate indication of employee perceptions and engagement within FNDC.

#### Survey results

Below are the overall results from the Organisational Survey. It shows that there has been an across the board improvement across all factors measured in the survey. This unprecedented and across the board improvement is a clear endorsement that staff believe that the organisation is heading in the right direction.



### How Employees Perceive FNDC as A Place to Work

The Engagement Index shown in the graph focuses on an employee's connection to our organisation, with six engagement survey items having been validated to be predictive of discretionary effort and resulting higher performance. Our Engagement Index for 2019 is 68%, an increase of 3 points over the 2018 figure.

### Summary of Areas with Most Year-On-Year Improvement Compared To 2018

The most improved areas compared to the 2018 Survey are:

- Wellbeing – up 13%
- Common Purpose – up 12%
- Job Satisfaction – up 10%
- Quality and Performance – up 9%

What is particularly pleasing is that these were areas of priority for the Strategic Leadership Team over the last year. For Wellbeing, we increased our support for health, safety, and wellbeing initiatives, updated the Council's leave policies, and actively work with staff to ensure annual leave is being taken. For Common Purpose, we iteratively developed a strategic framework on one A3 page and shared with staff through informal roadshows with SLT. For Quality and Performance, the Mariner 7 online performance development system was deployed, and managers and team leaders were given coaching on how to undertake effective performance conversations. These initiatives plus many others contributed to Job Satisfaction increasing by 10% on the previous survey.

Results reflect that FNDC staff believes in the senior leadership and vision of our organisation, also personal alignment with this vision has improved. Scores for survey items about communication lifted with regards to open and honest communication. Employees are feeling more informed about FNDC's activities, and a sense that the Council is more interested in hearing employee views and opinions.

Perceptions of a sense of common purpose and cooperation across the organisation continue to build. Finally, scores for questions about individual performance management – perceptions of performance assessment and receiving feedback and coaching – have also improved.



**11 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:

<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>11.1 - Confirmation of Previous Minutes - Public Excluded</b>	<p>s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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)</p>	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>11.2 - Extension of Current Swimming Pools Operations and Maintenance Contract</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>11.3 - Further Supporting Information for Consideration of Options to Build a Southern Animal Shelter</b>	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the</p>	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

	information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
<b>11.4 - Procurement Report for Panguru Flood Mitigation – Road Raising</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>11.5 - Loan to Manea Footprints of Kupe</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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>11.6 (under separate cover) Te Pu o Te Wheke - Risk Identification</b>	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>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).</p>	



**12 MEETING CLOSE**