



**Far North  
District Council**



**Te Kaunihera o Tai Tokerau ki te Raki**

# **AGENDA**

## **Ordinary Council Meeting**

**Thursday, 8 April 2021**

**Time: 10.00 am**  
**Location: Council Chamber**  
**Memorial Avenue**  
**Kaikohe**

**Membership:**

Mayor John Carter - Chairperson  
Deputy Mayor Ann Court  
Cr David Clendon  
Cr Dave Collard  
Cr Felicity Foy  
Cr Mate Radich  
Cr Rachel Smith  
Cr Kelly Stratford  
Cr Moko Tepania  
Cr John Vujcich

**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>
<b>Hon Mayor John Carter QSO</b>	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
<b>Deputy Mayor Ann Court</b>	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	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	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	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.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
<b>Ann Court - Partner</b>	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
	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.
<b>David Clendon</b>	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
<b>David Clendon – Partner</b>	Resident Shareholder on Kerikeri Irrigation			
<b>David Collard</b>	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
<b>Felicity Foy</b>	Flick Trustee Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties Seaview Road – Cable Bay, and Allen Bell Drive - Kaitaia.		
	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	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			dwellings are located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive.	
	Foy Farms Partnership	Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for 7 dwellings on Church Road, Kaingaroa and 2 dwellings on Allen Bell Drive, Kaitaia, and 1 property on North Road, Kaitaia, one title contains a cell phone tower.		
	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.	
	112 Commerce Street Holdings Ltd	Owner of commercial property in Commerce Street Kaitaia.		
	Foy Property Management Ltd	Owner of company that manages properties owned by Foy Farms Rentals and Flick Family Trust.		
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
	Shareholder of Coastline Plumbing NZ Limited			
<b>Felicity Foy - Partner</b>	Director of Coastal Plumbing NZ Limited			
	Friends with some FNDC employees			
<b>Mate Radich</b>	No form received			
<b>Rachel Smith</b>	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		



Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
<b>Rachel Smith (Partner)</b>	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
<b>Kelly Stratford</b>	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
<b>Kelly Stratford - Partner</b>	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
<b>Moko Tepania</b>	Teacher	Te Kura Kaupapa Māori o Kaikohe.	Potential Council funding that will benefit my place of employment.	Declare a perceived conflict

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Chairperson	Te Reo o Te Tai Tokerau Trust.	Potential Council funding for events that this trust runs.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Te Rarawa	As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Whaingaroa	As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations.	Declare a perceived conflict
	Tribal Member	Kahukuraariki Trust Board	As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga ā-Iwi o Ngāpuhi	As a descendent of Te Rūnanga ā-Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-Iwi o Ngāpuhi Council relations.	Declare a perceived conflict
<b>John Vujcich</b>	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company 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

<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>
	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



**Far North District Council**  
**Ordinary Council Meeting**  
**will be held in the Council Chamber, Memorial Avenue, Kaikohe on:**  
**Thursday 8 April 2021 at 10.00 am**

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**Te Paeroa Mahi / Order Of Business**

<b>1</b>	<b>Karakia Timatanga – Opening Prayer.....</b>	<b>11</b>
<b>2</b>	<b>Apologies and Declarations of Interest.....</b>	<b>11</b>
<b>3</b>	<b>Deputation.....</b>	<b>11</b>
<b>4</b>	<b>Mayoral Announcements .....</b>	<b>11</b>
<b>5</b>	<b>Confirmation of Previous Minutes.....</b>	<b>12</b>
5.1	Confirmation of Previous Minutes.....	12
<b>6</b>	<b>Reports.....</b>	<b>27</b>
6.1	Solid Waste Bylaw Review .....	27
6.2	Hihi Wastewater Treatment Plant Capital Works Business Case.....	80
6.3	Northland Transportation Alliance (NTA) - Resourcing Request - Supporting Delivery of 2021/24 Long Term Plan Transport Programmes .....	88
6.4	Rates Arrears Policy.....	108
<b>7</b>	<b>Information Reports.....</b>	<b>124</b>
7.1	Community Board Updates March 2021 .....	124
7.2	CEO Report to Council 01 January 2021 - 28 February 2021.....	138
7.3	Informal Consultation Feedback Māori Wards.....	Supplementary Agenda
<b>8</b>	<b>Public Excluded .....</b>	<b>184</b>
8.1	Confirmation of Previous Minutes - Public Excluded .....	184
8.2	Property Purchase at 9/288 Hokianga Harbour Drive, Omapere .....	Supplementary Agenda
<b>9</b>	<b>Karakia Whakamutunga – Closing Prayer.....</b>	<b>185</b>
<b>10</b>	<b>Meeting Close .....</b>	<b>185</b>



**1 KARAKIA TIMATANGA – OPENING 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 Democracy 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 DEPUTATION**

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

**4 MAYORAL ANNOUNCEMENTS**

## 5 CONFIRMATION OF PREVIOUS MINUTES

### 5.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A3127874

**Author:** Kim Hammond, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

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

#### TŪTOHUNGA / RECOMMENDATION

**That Council:**

- a) confirms the minutes of the Council meeting held on 23 February 2021 as a true and correct record.
- b) confirms the minutes of the Council meeting held 25 February 2021 as a true and correct record.
- c) confirms the minutes of the Extraordinary Council meeting held on 5 March 2021 as a true and correct record.

#### 1) TĀHUHU KŌRERO / BACKGROUND

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

#### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The minutes of the meetings are attached.

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


#### Take Tūtohunga / Reason for the recommendation

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

#### 3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

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

#### NGĀ ĀPITI HANGA / ATTACHMENTS

- 1. 2021-02-23 Council Unconfirmed Minutes - A3092935 [↓](#) 
- 2. 2021-02-25 Council Unconfirmed Minutes - A3095452 [↓](#) 
- 3. 2021-03-05 Council Unconfirmed Minutes - A3103954 [↓](#) 



**Te Hōtaka Take Ōkawa / 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.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Te Aromatawai Kaimahi / Staff Assessment</b>
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 for 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 (for example – youth, the aged and those with disabilities).	This report is asking for 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  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE VIRTUALLY VIA MICROSOFT TEAMS  
ON TUESDAY, 23 FEBRUARY 2021 AT 9.30 AM**

- PRESENT:** Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy (via TEAMS), Cr Mate Radich (via TEAMS), Cr Rachel Smith, Cr Kelly Stratford (via TEAMS), Cr Moko Tepania, Cr John Vujcich
- IN ATTENDANCE:** Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson), Adele Gardner (Te Hiku Community Board Chairperson via TEAMS), Belinda Ward (Bay of Islands-Whangaroa Community Board via TEAMS), Dale Ofsoske (Managing Director – Electoral Officer)
- STAFF PRESENT:** Shaun Clarke (Chief Executive Officer), Glenn Rainham (General Manager Infrastructure and Asset Management - Acting), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Jaime Dyhrberg (General Manager Corporate Services - Acting)

**1 KARAKIA TIMATANGA – OPENING PRAYER**

His Worship the Mayor commenced the meeting with a prayer.

**2 APOLOGIES AND DECLARATIONS OF INTEREST**

Nil

**3 DEPUTATION**

Nil

**4 MAYORAL ANNOUNCEMENTS**

His Worship the Mayor was to attend the Christchurch Earthquake Memorial in Christchurch, however his flight was cancelled. The Chambers held a minute of silence in respect.

**5 REPORTS**

**5.1 NON-BINDING POLL ON MĀORI WARDS**

Agenda item 5.1 document number A3083247, pages 12 - 15 refers.

**RESOLUTION 2021/5**

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

**That Council does not hold a non-binding poll, under section 9 of the Local Electoral Act on Māori Wards prior to 21 May 2021.**

In Favour: His Worship the Mayor John Carter, Deputy Mayor Ann Court, Crs David Clendon, Dave Collard, Felicity Foy, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Abstained: Cr Mate Radich

**CARRIED**

The meeting was adjourned from 10.13 am to 10.25 am.

**RESOLUTION 2021/6**

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

**That Council agree to discuss with the community via informal consultation, to gauge community feedback on Māori representation and report back to 8 April 2021 Council meeting.**

**CARRIED**

The meeting was adjourned from 10.34 am to 10.43 am.

**MOTION – REQUEST A REPORT FOR THE ESTABLISHMENT OF A WORKING PARTY FOR IMPROVING COMMUNITY PARTICIPATION**

**RESOLUTION 2021/7**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That Council direct the Chief Executive Officer to bring a paper to a Council meeting to establish a working party to look at options for improving community participation in Far North District Council decision making.**

**CARRIED**

**6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Councillor Smith closed the meeting with a Karakia.

**7 MEETING CLOSE**

The meeting closed at 11.01 am.

The minutes of this meeting will be confirmed at the Council Meeting to be held on 08 April 2021.

.....  
**CHAIRPERSON**

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON THURSDAY, 25 FEBRUARY 2021 AT 10.02 AM**

- PRESENT:** Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Mate Radich, Cr Rachel Smith, Cr Kelly Stratford, Cr Moko Tepania, Cr John Vujcich
- IN ATTENDANCE:** Mike Edmonds (Kaikohe-Hokianga Community Board Chairperson), Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board),
- STAFF PRESENT:** Shaun Clarke (Chief Executive Officer), Glen Rainham (Acting General Manager Infrastructure and Asset Management), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Janice Smith (General Manager Corporate Services - Acting)

**1 KARAKIA TIMATANGA – OPENING PRAYER**

His Worship the Mayor John Carter opened the meeting and Cr John Vujcich commenced the meeting with a prayer.

**2 MAYORAL ANNOUNCEMENTS**

- Rangitoto Reserve (Hihi Bay) – Residents request the transfer of this Council Reserve into Department of Conservation ownership.
- Duffus Trust in Russell are looking for support from Council.
- Working Party Delegations – ensure that the delegations are right and expectations and terms of reference are clear. Any changes are signed off by Council.
- Cr Stratford - Manifesto update for Disability Action Group - key points are:
  - members of public are frustrated with people parking in mobility spaces, and lack of enforcement by Council because these spaces are on private supermarket property.
  - developers need to consider the needs of people with disability or mobile needs when completing projects.
  - need to make sure the levels of service capture the new engineering standards.
- Cr Foy - Procurement Policy;
  - concerns about delivery of Capital Work program, particularly Shovel Ready projects.
  - need a system that highlights risks for lack of output.
- His Worship the Mayor attended the opening of the Kerikeri Mens Shed and received complimentary comments about Council staff for work being done in the community.
- Notes that the Community Board Chair's report is included in this agenda and His Worship the Mayor invites the Chairs to make any further comments in the meeting today.
- Extraordinary meeting 3 March 2021, 3:30pm in Chambers.

### 3 CONFIRMATION OF PREVIOUS MINUTES

#### 3.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 5.1 document number A3052352, pages 12 - 30 refers.

**RESOLUTION 2021/8**

Moved: Mayor John Carter

Seconded: Cr Kelly Stratford

**That Council confirm the minutes of the Council meetings held 10 December 2020, 21 December 2020, and 2 February 2021 as a true and correct record.**

**CARRIED**

### 4 REPORTS

#### 4.1 VODAFONE LICENCE

Agenda item 6.1 document number A3073394, pages 31 - 38 refers.

**RESOLUTION 2021/9**

Moved: Cr Rachel Smith

Seconded: Cr Moko Tepania

**That the Far North District Council:**

- a) **in its role as administering body of the local purpose (quarry) reserve and pursuant to its powers under Section 48A of the Reserves Act 1977, grants a licence to Vodafone to operate a telecommunications facility over 610m2 of local purpose (quarry) reserve, being Section 3 Block XIII Whakarara Survey District.**
- b) **in its role as the Minister of Conservation's delegate, consents to the granting of the aforementioned licence. The terms of the licence shall be:**
  - i) **Term: 10 years**
  - ii) **Annual rental: \$9,000 plus GST (if any)**
  - iii) **Rent review: 3 yearly from commencement date; linked to Consumer Price Index (CPI)**

**CARRIED**

Cr Moko Tepania left meeting at 11:32 am – 11:34 am

Cr Kelly Stratford declared a conflict for agenda item 6.2 and did not participate in the discussion or decision making.

#### 4.2 TRANSFER OF LOCAL PURPOSE (ESPLANADE) RESERVE TO LANDOWNERS OF KOPUAKAWAU BLOCK

Agenda item 6.2 document number A3084332, pages 48 - 52 refers.

**RESOLUTION 2021/10**

Moved: Mayor John Carter

Seconded: Cr David Clendon

**That:**

- a) Council, subject to the directions of the Māori Land Court, approve the transfer of Lot 9 DP 102838 being Local Purpose (Esplanade) Reserve to the landowners of Kopuakawau, or to such body or Trust as the Māori Land Court directs; and
- b) the transfer of land is to occur at no cost to Council.

**CARRIED**

#### **4.3 OPTIONS REPORT TREATED WATER SUPPLY REGULATION**

Agenda item 6.3 document number A3083951, pages 53 - 60 refers.

##### **MOTION**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

That Council, under section 155 of the Local Government Act 2002:

- a) agrees that making a new Treated Water Supply Bylaw is the most appropriate way to regulate reticulated water supply in the Far North District;
- b) requests that staff prepare a statement of proposal to make a new Treated Water Supply Bylaw.

##### **AMENDMENT**

Moved: Cr Rachel Smith

Seconded: Cr Kelly Stratford

- c) notes that in order to ensure the bylaw is not revoked, that it will need to be finalised by Council at the 25 September Council meeting

The amendment became the substantive motion.

##### **RESOLUTION 2021/11**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That Council, under section 155 of the Local Government Act 2002:**

- a) agrees that making a new Treated Water Supply Bylaw is the most appropriate way to regulate reticulated water supply in the Far North District;
- b) requests that staff prepare a statement of proposal to make a new Treated Water Supply Bylaw.
- c) notes that in order to ensure the bylaw is not revoked, that it will need to be finalised by Council at the 25 September Council meeting

**CARRIED**

#### **4.4 ADOPTION OF THE LONG TERM PLAN 2021-2031 CONSULTATION DOCUMENT AND SUPPORTING INFORMATION**

Agenda item 6.4 document number A3070043, pages 61 - 64 refers.

Consultation document and supporting information are still going through audit process. An extraordinary meeting has been scheduled for 3 March 2021 for 3:30 pm to adopt the Long Term Plan 2021-2031 Consultation Document And Supporting Information.

**4.5 AMENDMENT TO RATING DELEGATIONS**

Agenda item 6.5 document number A3074131, pages 65 - 76 refers

**RESOLUTION 2021/13**

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

**That Council approves the amended Rating Delegations for 2021, as attached.**

**CARRIED**

**4.6 ELECTED MEMBER REPORT - 2020 YOUNG ELECTED MEMBER HUI**

Agenda item 6.6 document number A3039899, pages 77 – 85 refers.

Meeting adjourned 11:11 am – 11:23 am

**RESOLUTION 2021/14**

Moved: Cr Moko Tepania

Seconded: Cr Rachel Smith

**That Council:**

- a) note the report entitled “Elected Member Report – 2020 Young Elected Member Hui.
- b) that a YEM Hui Organisation Working Party be established to progress this and subsequent hosting should the bid be successful.
- c) that Cr Smith and Cr Tepania be appointed as co-chairs of this working party and that appropriate staff members, ideally from Democracy Services are appointed to the working party to progress the bid.
- d) approve an initial financial commitment of up to \$10,000 should the bid be successful.
- e) working party work with the Chief Executive to report back to Council.

In Favour: Mayor John Carter, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Nil

Abstained: Deputy Mayor Ann Court

**CARRIED**

**4.7 CHANGES TO THE 2021 FORMAL MEETING CALENDAR**

Agenda item 6.7 document number A3079410, pages 86 - 87 refers>

**RESOLUTION 2021/15**

Moved: Cr John Vujcich

Seconded: Cr Rachel Smith

**That the Executive Review Committee meeting scheduled for 9 March 2021 be rescheduled to 22 March 2021.**

**CARRIED**

NOTE: Cr Felicity Foy reminded Council of it's commitment to hold 2 Council meetings or workshops in Kaitaia this year.

## 5 INFORMATION REPORTS

### 5.1 COMMUNITY BOARD UPDATES JANUARY - FEBRUARY 2020

Agenda item 7.1 document number A3083969, pages 88 - 103 refers.

#### **RESOLUTION 2021/16**

Moved: Mayor John Carter

Seconded: Cr Dave Collard

**That Council note the following Community Board minutes:**

- a) **Te Hiku Community Board – 26 January 2021.**
- b) **Kaikohe-Hokianga Community Board – 3 February 2021.**
- c) **Bay of Islands-Whangaroa Community Board – 4 February 2021.**

**CARRIED**

#### NOTES

Chair Adele Gardner – Te Hiku Community Board:

- Rangitoto Reserve report to be presented to Te Hiku Community Board and then to Council.

Chair Mike Edmonds – Kaikohe Hokianga Community Board:

- Community Board delegations.
- Community Board sub-committee set up to receive information for Glyphosate spraying in Hokianga. Potential for combined community boards to address the matter together with other Boards.

Chair Belinda Ward – Bay of Islands-Whangaroa Community Board:

- pg 101 requesting urgent report on existing to give effect to levels of services in the Bay of Islands-Whangaroa ward.
- Follow-up on service related contracts with staff attending the Board meetings to report on these.
- Pressure on the Board with the number of people wanting assistance for funding.
- Requests contact details for District Facilities staff be provided to Community Board chairs in cases of emergency.

Cr Stratford left the meeting 11:44 pm – 11:47 am.

### 5.2 TRANSITIONAL LEGISLATION ON MĀORI REPRESENTATION

Agenda item 7.2 document number A3073875, pages 104 - 105 refers.

#### **RESOLUTION 2021/17**

Moved: Mayor John Carter

Seconded: Cr Moko Tepania

**That the Council receive the report Transitional Legislation on Māori Representation.**

**CARRIED**

12:03 pm His Worship the Mayor John Carter asked In-House Counsel George Swanepoel to address the matter of the Kauri Dam raised by Cr Radich.



**5.3 CEO REPORT TO COUNCIL 01 NOVEMBER 2020 - 31 DECEMBER 2020**

Agenda item 7.3 document number A3086904, pages 109 - 109 refers.

**RESOLUTION 2021/18**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That the Council receive the report CEO Report to Council 01 November 2020 - 31 December 2020.**

**CARRIED**

**6 PUBLIC EXCLUDED****RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2021/19**

Moved: Mayor John Carter

Seconded: Cr Felicity Foy

**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>6.1 - Confirmation of Previous Minutes - Public Excluded</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons 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>6.2 - Re-appointment of Directors for Far North Holdings Limited</b>	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	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>6.3 - All of Government Electricity Providers</b>	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the	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

	<p>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>	<p>of information for which good reason for withholding would exist under section 6 or section 7</p>
<b>CARRIED</b>		

**7.1 CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC****RESOLUTION 2021/10**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That Council confirms that the information and decisions contained in the part of the meeting held with public excluded be restated in public meeting as follows:**

**a) item 6.2 - Re-Appointment Of Directors For Far North Holdings Limited; and**

**6.2 RE-APPOINTMENT OF DIRECTORS FOR FAR NORTH HOLDINGS LIMITED**

Agenda item 8.2 document number A3082199, pages 25 - 29 refers

**RESOLUTION 2021/9**

Moved: Cr John Vujcich

Seconded: Mayor John Carter

**That Council approve that:**

- a) the following Directors be re-appointed to the Board of Far North Holdings Limited for a further term of 3 years without advertisement:**
- I. Sarah Petersen**
  - II. Murray McCully**

**CARRIED**

**RESOLUTION 2021/10**

Moved: Cr John Vujcich

Seconded: Mayor John Carter

- b) the current Chair, Bill Birnie, is re-appointed to the Board of Far North Holdings Limited for a further period of 2 years to July 2023 without advertisement, noting that this decision is “out of policy” and relates to the specific knowledge and support the Board requires for the completion of the Ngawha Innovation & Enterprise Park.**

In Favour: Crs John Carter, Ann Court, David Clendon, Dave Collard, Felicity Foy, Mate Radich, Rachel Smith and John Vujcich

Against: Crs Moko Tepania and Kelly Stratford.

Abstained: Nil

**CARRIED**

**RESOLUTION 2021/11**

Moved: Cr John Vujcich

Seconded: Mayor John Carter

- c) at the end of the extension identified in b) above, Bill Birnie will retire from the Board of Far North Holdings.**

**CARRIED**

**RESOLUTION 2021/12**

Moved: Cr John Vujcich

Seconded: Mayor John Carter

- d) note the current policy enables the appointment of a fifth director, which Council supports.**

**CARRIED**

- b) item 6.3 - All Of Government Electricity Providers, with the total value redacted,

**ALL OF GOVERNMENT ELECTRICITY PROVIDERS**

Agenda item 8.3 document number A3077994, pages 37 - 41 refers.

**RESOLUTION 2021/13**

Moved: Mayor John Carter

Seconded: Cr Dave Collard

That:

- a) Council approve the recommendation to enter into four contracts with the following Energy suppliers (Pricing Supplements) for the Supply of Electricity to the Far North District Council from 1 July 2021 to the following dates:

Electricity Providers	Contract Period
Genesis Energy	1 July 2021 to 30 June 2024
Contact Energy	1 July 2021 to 29 February 2024
Contact Energy - Ventia	1 July 2021 – 29 February 2024
Meridian Energy	1 July 2021 to 29 February 2024

- b) the Total Value of the contracts over the term of the agreements is **REDACTED**.  
c) Council delegate the execution of the contracts and approval and execution of any variations to the contracts to Far North District Council's Chief Executive Officer.

**CARRIED**

**.CARRIED**

**8 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Cr Stratford closed the meeting with a karakia

**9 MEETING CLOSE**

The meeting closed at 1:07 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 8 April 2021.

.....  
**CHAIRPERSON**

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE VIRTUALLY VIA , MICROSOFT TEAMS  
ON FRIDAY, 5 MARCH 2021 AT 2.00 PM**

**PRESENT:** Mayor John Carter (HWTM), Deputy Mayor Ann Court, Cr David Clendon, Cr Dave Collard, Cr Felicity Foy, Cr Rachel Smith, Cr Kelly Stratford, Cr Moko Tepania, Cr John Vujcich

**IN ATTENDANCE:** Adele Gardner (Te Hiku Community Board Chairperson), Belinda Ward (Bay of Islands-Whangaroa Community Board)

**STAFF PRESENT:** Shaun Clarke (Chief Executive Officer), Andy Finch (General Manager Infrastructure and Asset Management), Dean Myburgh (General Manager District Services), William J Taylor, MBE (General Manager Strategic Planning and Policy - Acting), Jaime Dyhrberg (General Manager Corporate Services - Acting)

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Cr Tepania commenced the meeting with a karakia.

**2 APOLOGIES AND DECLARATIONS OF INTEREST**

**RESOLUTION 2021/21**

Moved: Mayor John Carter

Seconded: Cr John Vujcich

**That the apology received from Cr Mate Radich be accepted and leave of absence granted.**

In Favour: Crs John Carter, Ann Court, David Clendon, Dave Collard, Felicity Foy, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Nil

**CARRIED**

**3 DEPUTATION**

Nil

**4 MAYORAL ANNOUNCEMENTS**

Nil

**5 REPORTS**

**5.1 ADOPTION OF LONG TERM PLAN 2021-2031 CONSULTATION DOCUMENT AND SUPPORTING INFORMATION**

Agenda item 5.1 document number A3100850, pages 12 - 282 refers.

**RESOLUTION 2021/22**

Moved: Mayor John Carter

Seconded: Deputy Mayor Ann Court

**That Council:**

- a) **adopt the supporting information as information that is relied upon by the content of the Consultation Document in accordance with section 95A (4) of the Local Government Act 2002:**
  - i) **proposed significant forecasting assumptions**
  - ii) **proposed 10-year financial strategy**
  - iii) **proposed 30-year infrastructure strategy**
  - iv) **proposed capital works programme and achievability statement**
  - v) **forecast financial statements and COVID-19 statement**
  - vi) **forecast funding impact statements (whole of Council and activity)**
  - vii) **proposed funding impact statement (rates)**
  - viii) **forecast reserve funds**
  - ix) **proposed accounting policies**
  - x) **proposed revenue and financing policy**
  - xi) **proposed treasury, liability and investment policies**
  - xii) **proposed rates remission and postponement policies**
  - xiii) **proposed significance and engagement policy**
  - xiv) **proposed fees and charges for 2021/22.**
- b) **adopt the Consultation Document for the Long-Term Plan 2021-2031;**
- c) **delegate authority to the Chief Executive Officer to approve any final edits and design changes required to the Consultation Document and/or supporting information to finalise documents for printing and distribution.**

In Favour: Crs John Carter, Ann Court, David Clendon, Dave Collard, Felicity Foy, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Nil

**CARRIED**

## **6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

Cr Stratford closed the meeting with a karakia.

## **7 MEETING CLOSE**

The meeting closed at 2.12 pm.

The minutes of this meeting will be confirmed at the Extraordinary Council Meeting held on 8 April 2021.

.....  
**CHAIRPERSON**

## **6 REPORTS**

### **6.1 SOLID WASTE BYLAW REVIEW**

**File Number:** A3127952

**Author:** Briar Macken, Planner

**Authoriser:** William J Taylor MBE, General Manager - Strategic Planning and Policy (Acting)

#### **TAKE PŪRONGO / PURPOSE OF THE REPORT**

To agree that the Solid Waste Bylaw should continue without amendment.

#### **WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY**

- The Solid Waste Bylaw (the Bylaw) is due for review by 05 May 2021.
- The Bylaw has been mostly effective in regulating people's behaviour to address identified problems relating to solid waste.
- The current Bylaw has not been effective in regulating minimising recyclables in the landfill waste stream. The components of the Bylaw that refer to waste separation are not monitored or enforced due to a lack of available staff.
- There are several Central Government policies due to be finalised in 2021 which may require amendments to the Bylaw.
- The Bylaw is the most appropriate way of addressing solid waste problem in the Far North District.
- The Bylaw should continue without amendment.
- The Strategy and Policy Committee considered this report at their meeting on 23 March 2021 and makes the following recommendation to Council.

#### **TŪTOHUNGA / RECOMMENDATION**

**That Council:**

- a) agree, under section 155(1) of the Local Government Act 2002, the Solid Waste Bylaw 2016 is the most appropriate way of addressing solid waste problems in the Far North District
- b) agree, under section 155(2) of the Local Government Act 2002, the Solid Waste bylaw 2016:
  - 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) agree the provisions of the Solid Waste Bylaw be reassessed in conjunction with the Waste Management and Minimisation Plan review, which is due by 2023, or after central government legislation comes into effect.

#### **1) TĀHUHU KŌRERO / BACKGROUND**

The Strategy and Policy Committee passed the following resolution at the 23 March 2021 meeting:

**5.1 SOLID WASTE BYLAW REVIEW**

Agenda item 5.1 document number A3111502, pages 19 - 25 refers.

**RESOLUTION 2021/8**

Moved: Cr Kelly Stratford

Seconded: Bay of Islands-Whangaroa Community Board Belinda Ward

**That the Strategy and Policy Committee recommends that the Council:**

- a) **agree, under section 155(1) of the Local Government Act 2002, the Solid Waste Bylaw 2016 is the most appropriate way of addressing solid waste problems in the Far North District**
- b) **agree, under section 155(2) of the Local Government Act 2002, the Solid Waste bylaw 2016:**
  - 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) **agree the provisions of the Solid Waste Bylaw be reassessed in conjunction with the Waste Management and Minimisation Plan review, which is due by 2023, or after central government legislation comes into effect.**

**CARRIED**

The Solid Waste Bylaw 2016 was made on 05 May 2016 utilising the Council's discretionary functions under the following Acts:

- Local Government Act 2002
  - section 146 specifically allows for a bylaw regulating solid waste
- Waste Minimisation Act 2008
  - section 56 allows for a bylaw to regulate the collection, transportation and disposal of waste
- Health Act 1956
  - section 64 allows for a bylaw to regulate solid waste to protect public health and prevent nuisance
- Litter Act 1979
  - section 12 allows for a bylaw to give effect to the provisions of the Litter Act which regulates the control of litter.

Under section 158 of the Local Government Act 2002, the Council's Solid Waste Bylaw (the Bylaw) is due for review by 05 May 2021. Under section 160(1) of the Local Government Act 2002, a review requires the Council to make the determinations required by section 155 of the Act, namely:

(a) is the Bylaw the most appropriate way of addressing the perceived problem with respect to solid waste; and, if it is:

(b) the bylaw is the most appropriate form of bylaw; and

(c) whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

As per section 56 of the Waste Minimisation Act 2008, any bylaw must not be inconsistent with the Council's waste management and minimisation plan. The Waste Management and Minimisation Plan is due for review by 2023.

To inform solid waste related decisions, the Council will be undertaking a review under section 17A of the Local Government Act 2002 for solid waste services.



## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

### Problem to be addressed

The Determination Report (June 2015) for the Bylaw identified a number of problems relating to solid waste in the Far North District. Following a consultation process, a bylaw was determined to be the most appropriate way to address the following problems:

- To meet the Council's legal requirements under the Waste Minimisation Act 2008, specifically
  - minimising recyclables in the landfill waste stream
  - gathering accurate data for waste planning
- Protecting public health and safety, and avoiding nuisances including
  - control of hazardous wastes
- Control of litter including
  - control of waste generated by events
  - control of waste receptacles in a public place
- Control of waste generated by multi-unit developments.

Disposal of domestic type waste in a public place (illegal dumping) is a significant problem for the Far North District. Illegal dumping includes general household rubbish, large appliances, and furniture. Illegal dumping is regulated under the Litter Act 1979 and cannot be further regulated by a bylaw.

A review of RFS data and internal consultation with Council staff has not identified any additional problems relating to solid waste that need to be addressed.

However, Central Government is in the process of consulting on and implementing several waste-related proposals that may need to be addressed in a bylaw, as outlined below:

<b>Government proposal</b>	<b>Overview</b>	<b>Report due</b>	<b>Impact on the Council</b>
Improve data collection	<ul style="list-style-type: none"> <li>- Create a centralised database</li> <li>- National consistency of data</li> </ul>	March 2021	<ul style="list-style-type: none"> <li>- May require Bylaw amendment</li> </ul>
Increase Waste Disposal Levy	<ul style="list-style-type: none"> <li>- Include additional landfill types</li> <li>- Increase levy to \$60 per tonne by 2024</li> </ul>	Consultation in 2021	<ul style="list-style-type: none"> <li>- Increase revenue for the Council</li> <li>- Amendments to Waste Minimisation Act 2008</li> </ul>
Standardisation of kerbside rubbish collections	<ul style="list-style-type: none"> <li>- National consistency in kerbside rubbish collections</li> </ul>	Mid-2021	<ul style="list-style-type: none"> <li>- May require changes to kerbside rubbish collections including provisions for food scraps</li> <li>- May require Bylaw amendment</li> </ul>
Container return scheme	<ul style="list-style-type: none"> <li>- Consumers receive financial incentive for returning containers</li> </ul>	Early 2021	<ul style="list-style-type: none"> <li>- May require changes to kerbside rubbish collections</li> <li>- May have regulatory impact</li> </ul>

### Review findings

The Bylaw has been effective in regulating people's behaviour to address the following problems:

- gathering accurate data for waste planning
- protecting public health and safety, and avoiding nuisances

- control of hazardous wastes
- control of waste generated by events
- control of waste receptacles in a public place
- control of waste generated by multi-unit developments.

Therefore, the Bylaw is still the most appropriate way of addressing those problems with respect to solid waste.

The Bylaw has not been effective in regulating minimising recyclables in the landfill waste stream. The components of the Bylaw that refer to waste separation are not monitored or enforced due to a lack of available staff. Budgetary constraints mean that it is not possible to employ staff to enforce this component of the Bylaw.

Therefore, the form of the bylaw may no longer be the most appropriate. This report considers what other options for the form of the bylaw may be more appropriate to deal with that problem.

### **Option One: Status quo: The Bylaw stays in force with no changes (recommended option)**

It is highly likely that once the Central Government proposals are finalised (later in 2021), the Bylaw will need to be amended to accommodate legislative changes to the Waste Minimisation Act 2008.

Both Whangarei District Council and Kaipara District Councils will be reviewing their solid waste related bylaws after the release of the finalised Central Government proposals. Therefore, there is a future opportunity to have regional consistent solid waste bylaws.

#### *Advantages and disadvantages of the status quo*

- Advantages      - Waiting to amend the bylaw will allow for the bylaw to:
- meet any new legislative requirements
  - be informed by the section 17A of the Local Government Act 2002 review
  - align better with the Waste Management and Minimisation Plan
  - be more cost effective in that there will be less consultation costs than if the Bylaw was amended now

Disadvantages      - Bylaw continues to have provisions that are unnecessary because the Council does not enforce them

### **Option Two: Amend the Bylaw**

The provisions of the Bylaw referring to waste separation are revoked because they are unnecessary if the Council cannot assign resources to enforce them.

However, it is possible that future Central Government policy will require the Council to regulate waste separation.

Amending the Bylaw now to revoke the provisions about waste separation will have little effect on the public (as it is not enforced). However, if the Council needs to reinstate the provisions following legislative changes, it may lead to reputational risk as it may appear the Council is not knowledgeable of Central Government proposals.

#### *Advantages and disadvantages of amending the Bylaw*

- Advantages      - Removing provisions that are unnecessary because the Council does not enforce them

- Disadvantages
- Extra consultation and resource costs in amending bylaw now and again in after Central Government policy changes
  - Risk of consultation fatigue
  - Reputational risk

### **Option Three: Do nothing: Revoke the Bylaw**

If the Bylaw is not reviewed by May 2021, the Bylaw will automatically revoke in May 2023.

The problems that the Bylaw is addressing are not controlled by other bylaws, policies or legislation.

The Council does not contract services for the collection and transportation of waste and so has no other means to address issues relating to solid waste collection.

#### *Advantages and disadvantages of revoking the Bylaw*

- Advantages
- None

- Disadvantages
- Extra consultation and resource costs in making a new bylaw if required by upcoming Central Government policy changes
  - Less authority to manage commercial waste collection services
  - Risk of increased health and safety, and nuisances' issues related to solid waste
  - Risk of not meeting current and upcoming legislative changes under the Waste Minimisation Act 2008
  - Reputational risk

### **Take Tūtohunga / Reason for the recommendation**

The bylaw is still the most appropriate way of addressing the problems with solid waste and is in the most appropriate form for now. A new form of bylaw may be needed when Central Government proposals are finalised.

#### **New Zealand Bill of Rights Assessment**

The Bylaw may potentially have implications on the rights to freedom of movement and freedom of expression. For example, the bylaw limits the times and specific locations in which approved containers can be placed for collection.

The Bylaw limits these rights only to the extent they create:

- a danger to health and safety
- a nuisance to others or the public generally

In addition, while the Bylaw will require waste collectors and operators to be licensed and comply with minimum standards, it does not limit public access to these services. The Bylaw only controls the methods used to carry out these services in order to meet waste management goals.

Therefore, any limitations of the rights in question are justified in accordance with the New Zealand Bill of Rights Act 1990.

### **Next steps**

If the Council agrees with the recommendation, a Proposal will be presented to the Strategy and Policy Committee outlining the low significance public consultation process as per section 82 of the Local Government Act 2002. The proposal is planned for the 20 July 2021 committee meeting.





Following consultation, presentation of final documents is planned for the 16 December 2021 Council meeting.

Proposed timeframes and governance touchpoints are subject to organisation wide priorities.

### **3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

The cost of consulting on retaining the status quo will be met from existing operation budgets.

#### **NGĀ ĀPITI HANGA / ATTACHMENTS**

1. Review Report - Solid Waste - A3071885 [↓](#) 
2. Solid Waste Bylaw 2016 - A2674692 [↓](#) 
3. Solid Waste Bylaw 2016 Control 1 Containers - A2674694 [↓](#) 
4. Solid Waste Bylaw 2016 Control 2 Waste Separation - A2674695 [↓](#) 

**Te Hōtaka Take Ōkawa / 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.

<b>He Take Ōkawa / Compliance requirement</b>	<b>Te Aromatawai Kaimahi / Staff assessment</b>
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>	As retaining the status quo will have little effect on ratepayers or level of service, the level of significance as determined by the <i>Significance and Engagement Policy</i> is low.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The following legislation applies to the decision recommended in this report: <ul style="list-style-type: none"> <li>• Local Government Act 2002, section 146, 155 and 160</li> <li>• Waste Minimisation Act 2008, section 56</li> <li>• Health Act 1956, section 64</li> <li>• Litter Act 1979, section 12.</li> </ul>
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	As the recommendation is to maintain status quo, the Community Boards views have not been sought.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Seeking the views and input of iwi in the development of bylaws is integral. Māori will be provided an opportunity to contribute during the consultation stage of the bylaw development process.
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).	Affected and interested parties will be given an opportunity to share their views and preferences during the consultation phase including: <ul style="list-style-type: none"> <li>• Waste collection service providers</li> <li>• Community groups concerned about solid waste in their community</li> <li>• Ngā Tai Ora – Public Health Northland</li> <li>• Ministry for the Environment</li> <li>• Northland Regional Council</li> </ul>

State the financial implications and where budgetary provisions have been made to support this decision.	The cost of consulting on retaining the current bylaw will be met from existing operation budgets.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

## 1 Purpose

To describe and discuss the review of the Solid Waste Bylaw (2016).

## 2 Context and Situation

Under section 158 of the Local Government Act 2002, the Council's Solid Waste Bylaw (the Bylaw) is due for review by 05 May 2021. The Council is required to consider whether the Bylaw is still the most appropriate way of addressing the perceived problem with respect to solid waste.

### 2.1 Council's role relating to solid waste

Under section 10 of the Local Government Act 2002, the purpose of local government is to "... promote the social, economic, environmental, and cultural wellbeing of communities, in the present and for the future".

Accumulation of solid waste can have a negative effect on a community's wellbeing through direct impacts, such as affecting the physical health of people and causing environmental harm. However, accumulation of solid waste can also lead to loss of amenity and poor mental health, affecting the social and economic wellbeing of communities.

Under the Waste Minimisation Act 2008, the Council is required to "*encourage waste minimisation and a decrease in waste disposal in order to protect the environment from harm; and to provide environmental, social, economic and cultural benefits*". Council must promote effective and efficient waste management and minimisation within its district by adopting a waste management and minimisation plan (section 43). As per section 56 of the Waste Minimisation Act 2008, a bylaw must not be inconsistent with the Council's waste management and minimisation plan.

To support the purpose of local government and the Waste Minimisation Act 2008, the Council has discretionary functions to regulate solid waste under the following Acts:

- Local Government Act 2002, section 146
- Waste Minimisation Act 2008, section 56
- Health Act 1956, section 64
- Litter Act 1979, section 12.

#### 2.1.1 Local Government Act 2002

Council can specifically make a bylaw regulating solid waste under section 146a of the Act.

#### 2.1.2 Waste Minimisation Act 2008

Under section 56, the Council can make a bylaw for the following purposes:

- a) prohibiting or regulating the deposit of waste:
- b) regulating the collection and transportation of waste:
- c) regulating the manner of disposal of dead animals, including their short-term storage pending disposal:
- d) prescribing charges to be paid for use of waste management and minimisation facilities provided, owned, or operated by the territorial authority:
- e) prohibiting, restricting, or controlling access to waste management and minimisation facilities provided, owned, or operated by the territorial authority:
- f) prohibiting the removal of waste intended for recycling from receptacles provided by the territorial authority by anyone other than—
  - i. the occupier of the property from which the waste in the receptacle has come; or
  - ii. a person authorised by the territorial authority to remove the waste.

#### 2.1.3 Health Act 1956

Relating to solid waste, the Council can make a bylaw under section 64 for the following reasons:

- a) improving, promoting, or protecting public health, and preventing or abating nuisances
- b) regulating the handling and storage of noxious substances, or of goods which are or are likely to become offensive

- c) for preventing the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

#### 2.1.4 Litter Act 1979

The Litter Act 1979 regulates the abatement and control of litter. The Council can make a bylaw under section 12 of the Act to give effect to the provisions of the Act.

## 3 Objectives

### 3.1 Purpose of review

To determine whether a bylaw is still the most appropriate way to address problems regarding solid waste in the Far North District as per section 155 of the Local Government Act 2002.

### 3.2 Review objectives

- To define solid waste related problems in the Far North District that are within Council's function to control.
- To identify if a bylaw is still the most appropriate way to address the regulation of solid waste in the Far North District.
- To identify if the Bylaw meets current legislative requirements.

## 4 Problem definition

### 4.1 Scope

#### In scope

Problems relating to solid waste in the Far North District which are a function of Council to control or address.

Waste as defined in the Waste Minimisation Act 2008:

- any thing disposed of or discarded; and
- includes a type of waste that is defined by its composition or source (for example, organic waste, electronic waste, or construction and demolition waste); and
- to avoid doubt, includes any component or element of diverted material, if the component or element is disposed of or discarded.

#### Out of scope

- Waste in liquid form such as:
  - Trade Waste as any liquid, with or without matter in suspension or solution, that is or may be discharged from a Trade Premises to the COUNCIL's Sewerage System. Trade waste will not be considered as it is already regulated by the Trade Waste Bylaw and Resource Management Act.
  - Wastewater, on-site wastewater system or anything to do with wastewater infrastructure. Control of wastewater is regulated other bylaws (e.g. On-site Wastewater Bylaw) and other legislation.
- Diverted material, as defined in the Waste Minimisation Act 2008, "any thing that is no longer required for its original purpose and, but for commercial or other waste minimisation activities, would be disposed of or discarded".
- Problems which are not a function of the Council to control or address including:
  - burning rubbish and smoke nuisance as it is a function of the Northland Regional Council and Fire and Emergency New Zealand.
  - litter disposed of on privately owned land including Department of Conservation owned land and roadsides managed by Waka Kotahi
  - accumulation of litter at events held on privately owned land.
- Waste discarded by roaming dogs. Dogs are regulated by the Dog Control Act 1996 and the Dog Management Bylaw 2018.



## 4.2 Purpose of current bylaw

The Determination Report (June 2015)<sup>1</sup> for the current Bylaw identified a number of problems relating to solid waste in the Far North District. The purpose of the current Bylaw is to contribute to:

- the regulation of the collection, transportation and disposal of waste;
- the protection of the health and safety of waste collectors, waste operators and the public;
- the management of litter and nuisance.

Following a consultation process, the current Bylaw was deemed to be the most appropriate way to address the following problems:

- To meet the Council's legal requirements under the Waste Minimisation Act 2008, specifically
  - minimising recyclables in the landfill waste stream
  - gathering accurate data for waste planning
- Protecting public health and safety, and avoiding nuisances including
  - control of hazardous wastes
- Control of litter including
  - control of waste generated by events
  - control of waste receptacles in a public place
- Control of waste generated by multi-unit developments.

## 4.3 Other problems relating to solid waste not currently controlled or addressed by the Bylaw

Disposal of domestic type waste in a public place (illegal dumping) is a significant problem for the Far North District. Illegal dumping includes general household rubbish, large appliances, and furniture. Illegal dumping is regulated under the Litter Act 1979.

A review of RFS data and internal consultation with Council staff has not identified any additional problems relating to solid waste.

# 5 Review of Bylaw

## 5.1 Council responsibilities to minimise waste as per the Waste Minimisation Act 2008

An audit conducted in 2011 identified that 80-90% of kerbside waste, and 30-40% of all waste delivered to landfill could potentially have been diverted<sup>1</sup>. The current FNDC Waste Management and Minimisation Plan 2017-2023 was adopted by the Council in May 2017. The Council has an ambitious goal, in the plan, of reducing waste sent to landfill from 320kg per person in 2015 to 200kg per person by 2023.

The Council has an obligation to encourage waste minimisation however, waste sent to landfill is impacted by external factors such as:

- Gross Domestic Product (GDP)- research shows that there is a direct correlation between GDP and volume of waste.
- Recycling facilities – What can be recycled is dependent on whether there is global availability of facilities to process the products.

Measuring the amount of waste sent to landfill may not be an accurate measure of effective waste minimisation.

### 5.1.1 Gathering accurate data for waste planning

To identify and monitor waste minimisation, the Council must have an accurate record of waste data. Kerbside waste collection is undertaken by private companies and kerbside collection waste data was unknown. The Council does not contract waste collection services and is therefore unable to include data collection as a component of a contract. To access accurate data regarding kerbside waste collections, the current Bylaw regulates private waste collection services to provide the Council specific data.

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<sup>1</sup> [Solid Waste Bylaw Determination Report June 2015](#)

This section of the Bylaw has been effective in that the waste collection services are providing the Council with regular data. However, the Bylaw requires the provision of more data than what the Council currently requests. For example, the Bylaw stipulates that the waste collection services provide waste logbooks and receipts, which is not data that the Council currently requires.

#### 5.1.2 Central Government proposal to improve data collection

As part of developing a more effective waste levy, central government is consulting on improving data collection at landfills, cleanfills and transfer stations. There is currently no centralised database of landfills, and data held by individual councils is of variable quality.

A report on the reporting requirements consultation is due to Cabinet in March 2021. The outcomes of the proposal may impact on the data required from waste collection services and may require an amendment to the Bylaw.

#### 5.1.3 Minimising recyclables in the landfill waste stream

To address the problem of too many recyclables being sent to landfill, the Council encourages waste minimisation through education and regulation.

There are a number of barriers to recycling including lack of consistent kerbside recycling services, lack of transport access to recycling stations, and lack of incentives for the public to recycle i.e. kerbside recycling whilst cheaper still costs the user. Confusion as to what can and cannot be recycled is the main motivational barrier to recycling.

Funding for waste minimisation education activities is supported by the Waste Disposal Levy. Education includes activities such as providing information via the Council's website, information leaflets, at community events, and presentations to organisations. Council staff provide advice to schools, businesses and community groups on recycling systems and event waste minimisation. Despite community education activities, RFS records identify that there is some confusion as to what can and cannot be recycled.

Community education is an effective tool to support behaviour change, however it does not provide a satisfactory solution for a small percentage of the population who knowingly breach waste collection rules. Furthermore, education and advice alone, will not be sufficient in managing private waste collection services who are largely driven by cost considerations.

Therefore, the current Bylaw regulates the separation of waste from recyclable materials. However, this section of the Bylaw is not effective in that it is not monitored or enforced due to the lack of an implementation plan and allocated resources.

#### 5.1.4 Government proposal to increase Waste Disposal Levy

The Waste Disposal Levy (Levy) is a key incentive for diverting waste away from landfill to recycling and composting. The levy provides additional revenue for local authorities to implement their WMMPs. Central government is implementing annual incremental increases of the municipal landfill levy from the current \$10 per tonne to \$60 per tonne by 2024. The levy is to be expanded to include additional landfill types such as construction and demolition fills. Council staff estimate that when fully implemented, the new levy could increase the cost of the weekly kerbside rubbish bag by about \$1.30.

Table 1: Planned changes to national waste disposal levy<sup>2</sup>

LANDFILL CLASS	1 JULY 2021	1 JULY 2022	1 JULY 2023	1 JULY 2024
Municipal landfill (class 1)	\$20	\$30	\$50	\$60

<sup>2</sup> Table sourced <https://www.mfe.govt.nz/waste/waste-and-government>

Construction and demolition fill (class 2)		\$20	\$20	\$30
Managed fill (class 3)			\$10	\$10
Controlled fill (class 4)			\$10	\$10

The revenue received from the Levy must be allocated to waste minimisation initiatives such as upgrading or improving recycling systems and education programmes. The government still needs to confirm the investment plan to allocate waste levy funds. Changes in allocation require an amendment of the Waste Minimisation Act 2008. Consultation on the amendments to the Waste Minimisation Act 2008 is expected to begin in 2021. However, additional revenue from the Levy increase, may become available to territorial authorities as early as 2022.

#### 5.1.5 *Standardisation of kerbside rubbish collections*

A WasteMINZ (May 2020)<sup>3</sup> report reviewed kerbside rubbish collections around New Zealand. Central Government is currently developing a strategic direction for kerbside collections based on the four key recommendations of the report, which are:

1. Standardise materials to be collected in domestic kerbside recycling collections across the country, and how they should be presented, to increase consistency, reduce confusion for householders and reduce contamination
2. Incentivise local authorities to collect food waste for composting to reduce kerbside residual rubbish to landfill
3. Incentivise local authorities to collect glass separately to other recyclable materials to improve the quality of all materials accepted in kerbside recycling
4. Provide best practice recommendations for food waste, recycling, and residual rubbish collections to increase consistency across the country.

Currently there is wide variance between districts as to what is collected by kerbside waste collections. For example, most kerbside recycling collections allow the collection of plastics 1 and 2 although some also collect 3, 4, 6 and 7 plastics. Although it is becoming increasingly difficult to find facilities who can recycle plastics 3-7, therefore most councils are stopping the collection of plastics 3-7. Some districts require recycling to be separated at kerbside i.e. separate wheelie bins / crates for glass, plastics, and cardboard / paper, and some districts allow co-mingling of recycling at kerbside i.e. all recycling in one container, which is later sorted at a facility.

Separation at kerbside encourages less contamination of recycling. Further to this, districts which collect fewer recycling materials have increased contamination as consumers are more likely to 'wishcycle' (placing items in recycling in the hope that they can be recycled). A recent national survey identified that the main motivational barrier to recycling was confusion as to what can and cannot be recycled (51% of respondents). Some districts separate the collection of organic waste (food scraps and green waste). It is estimated that, in New Zealand, 50% of household waste is organic waste. Organic waste is responsible for a significant proportion of methane emissions from landfills. The separate collection of food scraps increases householder awareness of food waste, helping to reduce the amount of edible food wasted. Reducing food waste supports household economies and reduces climate emissions.

The aim of the strategic direction is to provide a strong signal to territorial authorities to move towards improved kerbside collections. A ten-year road map for improving kerbside collections is due mid-2021. Standardising kerbside collections may require an amendment to the Bylaw in that the Bylaw currently only specifies the separation of refuse and recyclables (in general).

<sup>3</sup> [WasteMINZ – Recommendations for standardization of kerbside collections in Aotearoa](#)

### 5.1.6 Further upcoming government proposals regarding waste minimisation

#### *Rethinking plastics*

Central Government is currently consulting on two initiatives to remove hard to recycle plastics from our environment. The first initiative is to phase out unrecyclable plastic such as PVC and polystyrene food and beverage packaging by 2025. The second initiative is to continue the process of phasing out single use plastics. For example, single use plastics bags were prohibited from 2019. Other single use plastics which will potentially be phased out include plastic straws, single use plastic cups and lids, plastic cotton buds, plastic cutlery, and plastic drink stirrers.

#### *Container return scheme (CRS)*

An estimated 2.3 billion glass, plastic, aluminium, paperboard and other single use drink containers are consumed each year in New Zealand. CRS can encourage recycling and help to reduce litter in the environment. A CRS requires the consumer to pay a deposit on a beverage container at purchase. The deposit is refunded when the empty container is returned to a designated drop-off point.

Central government is investigating the feasibility of implementing a CRS for beverage containers. The investigation is considering the potential management systems, operating costs, and types of containers to be included i.e. plastic, glass, aluminium. The investigation report is due to cabinet at the end of 2020. If implemented, a CRS is expected to impact the amount and composition of beverage containers collected at kerbside. Any changes to kerbside collection systems need to consider some flexibility to incorporate changes in quantities of beverage containers set out at kerbside that could result from the implementation of a CRS.

#### *Proposed National Environmental Standard for the Outdoor Storage of Tyres<sup>4</sup>*

Outdoor tyre storage can pose risks to the environment, and human health, particularly when stored in large volumes and/or located within or near sensitive receiving environments. The main risks associated with outdoor tyre storage relate to fire, discharge of contaminants, pests, financial liability and visual amenity impacts. The storage of tyres can currently be controlled through the Resource Management Act and bylaws made under the Local Government Act.

Cabinet is to decide on the draft National Environmental Standard for the Outdoor Storage of Tyres. If approved the new regulations will come into force in 2021 and the storage of tyres will be controlled by Northland Regional Council.

## 5.2 Protecting public health and safety, and avoiding nuisances

### 5.2.1 Health nuisance

Section 29 of the Health Act 1956 specifies a range of behaviours and conditions that are nuisances, in particular the following clauses are applicable to potential solid waste issues:

- b) where any accumulation or deposit is in such a state or is so situated as to be offensive or likely to be injurious to health
- c) where any premises, including any accumulation or deposit thereon, are in such a state as to harbour or to be likely to harbour rats or other vermin
- q) where there exists on any land or premises any condition giving rise or capable of giving rise to the breeding of flies or mosquitoes or suitable for the breeding of other insects, or of mites or ticks, which are capable of causing or transmitting disease

RFS records show that there are incidents where people are concerned about rubbish accumulating on neighbouring properties leading to a health nuisance by attracting pests, and an odour nuisance.

A bylaw remains the most appropriate regulatory tool for controlling the accumulation of waste that may lead to a health nuisance.

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<sup>4</sup> [Regulatory Impact Statement NES Outdoor Storage of Tyres](#)

### 5.2.2 Health and safety of kerbside collections

The collection and transportation of waste can lead to potential health and safety, and nuisance issues. The Bylaw regulates certain components of the collection and transportation of waste to minimise the risk. For example:

- Placement of containers / bags ensures
  - pedestrian safety
  - more efficient waste management service – reducing traffic obstruction
  - reduced nuisance caused by placement i.e. not blocking driveways etc
- Approved containers / bags
  - ensure containers are not too big or too heavy for waste collector staff
- Controlling collection times ensures
  - traffic is not blocked during rush hour,
  - noise from collections is not at inappropriate times
- Controlling types of rubbish collected ensures waste collectors, the public and the environment, are not exposed to hazardous and/or infectious waste.

Kerbside collections are managed by private waste collection services. This report has not investigated the health and safety records of the private waste collection services. RFS records show only one reported health and safety issue regarding kerbside collections in which rubbish from a destroyed rubbish bag was strewn across the footpath and was a potential tripping hazard for a blind resident.

RFS records show there are incidents in which rubbish bags are deposited on the kerbside or at approved collection points at inappropriate times (too early, too late etc) and are destroyed by rats, birds, or roaming dogs. RFS records show that some people in the community are concerned the approved collection points attract rats to the area.

The current *Bylaw Control 1 – Containers* regulates the times in which approved containers can be placed on the kerbside for collection. However, due to lack of Council resources, this is not actively monitored and responds reactively to complaints. Waste collection services are responsible for clearing all pre-paid kerbside collection bags. Bags that are placed at incorrect times are searched for potential evidence by the waste collection service in order to issue an infringement by Council staff.

In line with the Local Government Act 2002 section 145(b), and the Health Act 1956 sections 23(e) and s64(1)(a), a bylaw remains the most appropriate regulatory tool for controlling the deposition of dangerous, hazardous and infectious substances within the waste stream. However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

### 5.3 Control of litter

Litter and littering in general are regulated by the Litter Act 1979. However, the current Bylaw specifically regulates litter with regards to controlling kerbside rubbish collections.

Disposal of domestic type waste in a public place (illegal dumping) is a significant problem for the Far North District. Illegal dumping includes general household rubbish, large appliances, and furniture. Illegal dumping is regulated under the Litter Act 1979.

The causes of illegal dumping are complex. Barriers to disposing of rubbish either via kerbside collections or at a transfer station include but are not limited to:

- Financial constraints
- Transport access to transfer stations when kerbside collections are unavailable
- Lack of understanding to the damage caused by illegal dumping.

Further regulation of illegal dumping will not address the problem.

In the past, litter along the side of Council-controlled roads has been managed by community volunteers. However, community volunteers are now required to implement a traffic management plan to address health and

safety concerns. These plans are considered a barrier for community groups and the number of litter control events has significantly reduced. The Council has not allocated resources for roadside litter control.

#### 5.3.1 *Control of waste generated by events*

Community events such as sports events, markets, festivals etc can overwhelm existing public rubbish bins and significantly increase litter, creating a public nuisance. The current Bylaw requires all event holders to have an approved waste management and minimisation plan to address waste minimisation and prevent the accumulation of litter in a public place. The Bylaw is only applicable to events held on council-controlled land.

The Bylaw has been effective in increasing the amount of material diverted from landfill and reducing the amount of litter during and post-events.

A bylaw remains the most appropriate regulatory tool for controlling waste management and minimisation at events. However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

#### 5.3.2 *Control of waste receptacles in a public place*

The current Bylaw controls the use of non-licensed or non-approved waste receptacles in a public place i.e., non-prepaid black bags placed out for kerbside collection, which amounts to littering or illegal dumping.

Non-licensed or non-approved waste receptacles in a public place are searched for potential evidence by Council staff in order to issue an infringement.

A bylaw remains the most appropriate regulatory tool for controlling the use of non-licensed or non-approved waste receptacles in a public place. However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

#### 5.4 *Control of waste generated by multi-unit developments*

At present, there is not many multi-unit residential properties in the Far North, although it is expected that over time more units will be built, particularly in coastal holiday areas. There is a need to ensure that adequate provisions are made for waste services at these premises, both at design stage and operationally once the units are occupied.

Broadly, a multi-unit development refers to a property comprising two or more separately occupied household/residential units, whether in the same building or in separate buildings, and held either in common ownership or in separate ownership located on the one site.

Whilst the Building Code (Clause G15 Solid Waste) stipulates that such “buildings shall be provided with space and facilities for the collection, and safe hygienic holding prior to disposal, of solid waste arising from the intended use of the buildings”, this clause does not apply to multi-unit dwellings if there is an independent access, or if there is a private open space at the ground level.

Building Code provisions are therefore considered inadequate for amenity protection, and for accommodating the waste management needs of residents, for the following reasons:

- Where a development is exempt from Clause G15:
  - The provision of an independent site access does not guarantee that multi-unit developments are designed with sufficient on-site waste and recycling storage areas. Furthermore, existing bylaw provisions prohibit the storage of waste and recycling material within a public place.
  - The provision of a private open space at the ground level does not guarantee that this open space is available or accessible for waste storage or servicing needs.
- Where Clause G15 is deemed applicable to a development:
  - It does not specify a minimum site size for on-site waste and recycling storage. It is, however, noted that Building Code provision G15/AS1 provides detail of a possible ‘acceptable solution’ for waste storage, which when complied with, will be deemed acceptable in terms of Building Code compliance.



## 6 Potential impacts on Bylaw development

### 6.1 S17a review

The previous *Roadside Rubbish and Recycling* report presented to Council in December 2020 indicated a full S17A Service Delivery Review is planned in 2021, followed by a public tender for the solid waste services. The current north and south solid waste contracts expire on 30 September 2022.

Changes in the service delivery of solid waste, i.e., moving to a rates funded system may require an amendment to the Bylaw.

### 6.2 Potential to have regional consistency

To reduce confusion amongst communities, 19 territorial authorities across the Waikato / Bay of Plenty regions have successfully subscribed to a consistent solid waste bylaw and waste management and minimisation plan.

The Whangarei District Council (WDC) Solid Waste Management Bylaw 2013 is due for review in 2023. However, WDC will most likely review their bylaw ahead of schedule in response to the forthcoming central government recommendations. Kaipara District Council is looking to separate out certain components of their consolidated bylaw and is planning to make a new solid waste bylaw in the next couple of years.

Therefore, there is potential to create a regionally consistent solid waste bylaw for the Northland Region. Initial discussions have indicated that a regionally consistent bylaw could align with either the Waikato / Bay of Plenty bylaw or the newly made Wellington City Solid Waste Bylaw. The current Bylaw is already consistent with the Waikato / Bay of Plenty bylaw. There are some consistencies between the current bylaw and the Wellington City bylaw, although the Wellington City bylaw contains components that are not justified for FNDC's more rural setting.

### 6.3 Waste management and minimisation plan

Under the Waste Minimisation Act 2008, the waste management and minimisation plan must be reviewed every six years. Therefore, the *Waste Management and Minimisation Plan 2017 – 2023*<sup>5</sup> is due for review by 2023.

As per section 43 of the Waste Minimisation Act 2008, a waste management and minimisation plan must provide for the following:<sup>6</sup>

- a) objectives and policies for achieving effective and efficient waste management and minimisation within the territorial authority's district:
- b) methods for achieving effective and efficient waste management and minimisation within the territorial authority's district, including—
  - i. collection, recovery, recycling, treatment, and disposal services for the district to meet its current and future waste management and minimisation needs (whether provided by the territorial authority or otherwise); and
  - ii. any waste management and minimisation facilities provided, or to be provided, by the territorial authority; and
  - iii. any waste management and minimisation activities, including any educational or public awareness activities, provided, or to be provided, by the territorial authority:

As per section 56 of the Waste Management Act 2008, a bylaw must be consistent with the Waste Management and Minimisation Plan.

Therefore, amendments to the Waste Management and Minimisation Plan may require amendments to the Bylaw.

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<sup>5</sup> [Waste Management and Minimisation Plan 2017 – 2023](#)

<sup>6</sup> [Waste Minimisation Act 2008](#)

## 7 Discussion

### 7.1 Is a bylaw still the most appropriate way to address the regulation of solid waste in the Far North District?

The review has identified that a bylaw is still the most appropriate way to address the following solid waste problems:

- To meet the Council's legal requirements under the Waste Minimisation Act 2008, specifically
  - minimising recyclables in the landfill waste stream
  - gathering accurate data for waste planning
- Protecting public health and safety, and avoiding nuisances including
  - control of hazardous wastes
- Control of litter including
  - control of waste generated by events
  - control of waste receptacles in a public place
- Control of waste generated by multi-unit developments

### 7.2 Is the current bylaw effective?

The current Bylaw has been effective in regulating the following:

- gathering accurate data for waste planning
- protecting public health and safety, and avoiding nuisances
- control of hazardous wastes
- control of waste generated by events
- control of waste receptacles in a public place
- control of waste generated by multi-unit developments

Therefore, the Bylaw is still the most appropriate way of addressing those problems with respect to solid waste.

However, community education advocating best practice waste management behaviour is required in order for the bylaw to be effective.

Although, the Bylaw has been in place for five years without any apparent problems, the components of the Bylaw referring to minimising recyclables in the landfill waste stream are not effective.

Due to not allocating sufficient resources the components of the Bylaw that refer to waste separation are not enforced and therefore the Bylaw is not effective in minimising recyclables in the landfill waste stream. Either the Bylaw needs to be amended and the components referring to waste separation removed or this section of the Bylaw needs to be actively monitored and enforced.

However, given that central government is considering standardising kerbside collections, including organic collections, the Bylaw may need to be amended once the Government proposals are finalised to allow for a range of waste types collected at kerbside. Therefore, it may be imprudent to amend the Bylaw as there is a risk that Central Government will require changes to kerbside collections and the Bylaw will need to be amended again.

Both Whangarei District Council and Kaipara District Councils will be reviewing their solid waste related bylaws after the release of the finalised central government proposals. Therefore, there is an opportunity to have



regional consistent solid waste bylaws. Further to this the Council is undertaking a S17a review for solid waste services, and the Waste Management and Minimisation Plan is due for review by 2023.

An increase in resources to actively monitor and enforce solid waste regulation in the Far North District may help to not only encourage adherence to the current Bylaw but also reduce the problem with illegal dumping. Illegal dumping is a complex problem and further investigation as to potential council interventions is required.

Community education advocating best practice waste management behaviour remains to be required in order for the bylaw to be effective. The upcoming increases to the Waste Levy may provide extra resources for more effective education.

## 8 Conclusion

Bylaw controls, in conjunction with effective education, remain a necessary regulatory mechanism for efficient and effective waste minimisation operations across the Far North District. However, the problem of ineffective regulation regarding the separation of waste from recyclables caused by non-existent monitoring and enforcement will need to be addressed.

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Solid Waste Bylaw 2016



**Far North  
District Council**

*Te Kaunihera o Tai Tokerau Ki Te Raki*



# **Solid Waste Bylaw 2016**

*for the collection, transport and disposal of solid waste*

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Pursuant to the Local Government Act 2002, section 56 of the Waste Minimisation Act 2008, section 64 of the Health Act 1956, section 12 of the Litter Act 1979 and any other enactments.

## CONTENTS

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### Clause

1. Title
2. Commencement
3. Application

### Part 1 Preliminary provisions

4. Purpose
5. Interpretation

### Part 2 General

6. Controls specified under the bylaw
7. Compliance with bylaw

### Part 3 Collection, transportation and disposal of waste

#### *Subpart 1 – Separation of waste for collection and use of approved containers*

8. Use of approved containers for domestic type waste collection from a public place
9. Deposit or removal of domestic type waste
10. Responsibilities of owners, occupiers and managers
11. Deposit of waste at council collection points

#### *Subpart 2 – Collection and transportation of waste*

12. Licensing of the collection or transportation of waste
13. Deposit at and collection of waste from a public place
14. Use of a public place for collection of waste

#### *Subpart 3 – Disposal of waste on land*

15. Disposal of waste on land

#### *Subpart 4 – Licensing process and conditions*

16. Application for licence
17. Consideration of application for licence
18. Conditions of licences

#### *Subpart 5 – Additional controls relating to the collection, transportation and disposal of waste*

19. Controls for the collection, transportation and disposal of waste

#### *Subpart 6 – Multi-unit developments*

20. Collection from multi-unit developments
21. Multi-unit developments controls

#### *Subpart 7 – Events*

22. Waste Management and Minimisation Plans for events

#### *Subpart 8 – Nuisance and litter*

23. Nuisance
24. Litter

### Part 4 Enforcement Powers

25. Non-compliance with conditions of a licence
26. Non-compliance with conditions for collection of waste from a public place
27. Non-compliance with controls for council collection points

### Part 5 Offences and Penalties

28. Bylaw breaches

### Part 6 Exceptions, revocation and saving provisions

29. Exceptions
30. Revocation
31. Savings and transitional provisions

**1 TITLE**

This bylaw is the Solid Waste Bylaw 2016.

**2 COMMENCEMENT**

This bylaw comes into force on 1 July 2016.

**3 APPLICATION**

This bylaw applies to the Far North District.

**PART 1****PRELIMINARY PROVISIONS****4 PURPOSE**

- (1) The purpose of this bylaw is to contribute to:
- (a) the regulation of the collection, transportation and disposal of waste;
  - (b) the protection of the health and safety of waste collectors, waste operators and the public;
  - (c) the management of litter and nuisance.

**5 INTERPRETATION**

- (1) In this bylaw, unless the context otherwise requires,—

**Act** means the Waste Minimisation Act 2008.

**Approved container** means any container approved by the council for the collection of any type of domestic type waste from a public place, with approval criteria based on the prevention of nuisance and the protection of the health and safety of waste collectors and the public.

**Authorised Officer** means any person appointed or authorised by the Council to act on its behalf and with its authority, including a member of the Police.

**Clean fill material** means waste that:

- (a) does not undergo any physical, chemical or biological transformation that, when deposited or with the effluxion of time, is likely to have adverse effects on the environment or human health; and
- (b) is not diverted material; and
- (c) includes virgin materials such as clay, soil, rock, and other inert materials such as concrete or brick that are free of:
  - (i) combustible, putrescible, degradable or leachable components;
  - (ii) hazardous waste;
  - (iii) products or materials derived from hazardous waste treatment, hazardous waste stabilisation or hazardous waste disposal practices;
  - (iv) materials that may present a risk to human health or the environment; and
  - (v) liquid waste; and
- (d) has less than two per cent by volume by load of tree or vegetable matter.

**Clean fill site** means the land used for the disposal of clean fill material.

**Commercial waste** means waste that results from a commercial enterprise and includes waste generated by the carrying on of any business, manufacture, process, trade, market, or other undertaking.

**Construction and demolition waste** means waste generated from any building construction or demolition works; and includes any concrete, plasterboard, wood, steel, brick, cardboard, metals, plastic or glass.

**Council** means the Far North District Council or any person delegated or authorised to act on its behalf.

**Council collection points** mean places or containers in locations such as high density areas, marine areas or rural areas where approved containers may be left for collection or waste may be deposited if collection from a public place is unfeasible or impractical.

**Cover material** means material specified by Council under clause 20 as suitable for use as cover material at a landfill site, managed fill site, clean fill site or mono-fill site, as the case may be.

**Deposit** means to cast, place, throw or drop any waste or diverted material.

**Disposal** has the meaning given by the Waste Minimisation Act 2008.

**Diverted material** has the meaning given by the Waste Minimisation Act 2008.

**Domestic type waste** means waste consisting of refuse, recyclable material or organic matter (food waste and/or greenwaste) originating from any household or from the cafeteria, lunchroom or canteen of any commercial enterprise.

**Event** means any organised temporary activity of significant scale that is likely to create litter in a public place including an organised gathering, open-air market, parade, protest, festival, film shoot, concert or celebration.

**Food waste** means domestic waste that is derived from any item of food and is organic in origin and includes fruit and vegetable scraps, meat, fish and bone discards, and any other similar food waste.

**Green waste** means waste that is organic in origin and that results from domestic gardening activities or arboricultural business activities and includes lawn clippings and plant material.

**Hazardous waste** means waste that:

- (a) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2001 under the Hazardous Substances and New Organism Act 1996; or
- (b) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433:1999 Transport of Dangerous Goods on Land; or
- (c) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982; or it does not include domestic waste, commercial-domestic waste, inorganic material, construction and demolition waste or commercial waste.

**Home composting** means the activity of creating decaying organic matter from domestic green waste and/or food waste into compost.

**Landfill site** means land used for the disposal of waste by burying it, or placing it upon land or other waste.

**Licence** means a licence, consent, permit or approval to do something under this bylaw and includes any conditions to which the licence is subject.

**Litter** means any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth or waste matter or any other thing of a like nature.

**Litter receptacle** means a receptacle provided for the collection of refuse, recyclable material or organic matter.

**Managed fill site** means land used for the disposal of soil with low levels of contamination.

**Manager** means a person who controls or manages any premises, activity, or event, regardless of whether that person has a proprietary interest in those premises or that activity or event.

**Mono-fill site** means land used for the disposal or storage of waste of a category specified by the council and that originates from a specified source or location.

**Multi-unit development** means a development consisting of 10 or more residential or residential and commercial units on any premises. It includes a unit title development and any development with controlled or restricted access.

**Natural hardfill material** means materials specified by Council as suitable for use as natural hardfill material at a clean fill site.

**Nuisance** has the meaning given by the Health Act 1956.

**Occupier** in relation to any property or premises, means the inhabitant occupier of that property or premises.

**Organic matter** means food waste and/or green waste that is specified by Council under clause 19 as organic matter.

**Other hardfill material** means materials other than natural hardfill material specified by Council under clause 19 as suitable for use as hardfill material at a clean fill site.

**Owner** in relation to any property or premises, means the person entitled to receive the rack rent of the property or premises, or who would be so entitled if the property or premises were let to a tenant at a rack rent.

**Person** includes an individual, a corporation sole, a body corporate, and an unincorporated body.

**Premises** means any separately occupied land, building, or part of the same.

**Prohibited waste** means waste containing –

- (a) any material capable of causing injury to any person or animal unless the material is sufficiently contained to prevent injury;
- (b) any material capable of causing damage to the approved container or likely to shatter in the course of collection material unless the material is sufficiently contained to prevent damage to the approved container or to prevent injury;
- (c) any material that may endanger any person, animal or vehicle which may come in to contact with it prior to, during or following collection, transportation or disposal;
- (d) any liquid or any viscous fluid;
- (e) any radioactive wastes, but excluding domestic smoke detectors;
- (f) any used oil and lead-acid batteries;
- (g) any hazardous waste;
- (h) medical waste (as defined in New Zealand Standard 4304:2002 Management of Healthcare Waste);
- (i) any material prohibited by Council under clause 19.

**Public place** means

- (a) a place that is-
  - (i) under the control of Council and/or
  - (ii) that is open to or being used by the public, whether or not there is a charge for admission and
- (b) includes:
  - (i) a road, whether or not the road is under the control of Council, and
  - (ii) any part of the public place.

**Recyclable material** means waste specified by Council under clause 19 as suitable for recycling. It does not include diverted material.

**Recycling** means the reprocessing of waste to produce new materials.

**Refuse** means waste which:

- (a) subject to (b), is not organic matter, recyclable material, prohibited waste, construction and demolition waste, or inorganic material; and
- (b) may include organic matter and/or recyclable material that does not exceed the maximum allowable limits specified by Council under clause 19 of this bylaw.

**Resource recovery facility** means any facility that receives, collects, sorts, stores or processes waste to ensure waste minimisation and includes a commercial composting operation, a recovery operation, a materials recovery facility, a transfer station and a recycling depot.

**Waste** has the meaning given by the Act. It does not include diverted material.

**Waste collector** means any person who collects or transports waste and includes commercial and non-commercial collectors and transporters of waste.

**Waste operator** means a person who owns or manages a landfill site, cleanfill site, managed fill site, monofill site or a resource recovery facility.

**Waste management and minimisation plan** means the waste management and minimisation plan adopted by Council under section 43 of the Act.

- (1) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.
- (2) Explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- (3) The Interpretation Act 1999 applies to this bylaw.

## PART 2

### GENERAL

#### 6 CONTROLS SPECIFIED UNDER THE BYLAW

- (1) Any control specified by Council under clauses 14, 19 and 21:
  - (a) must, after consultation pursuant to the Local Government Act 2002, be made by a Council resolution that is publicly notified; and
  - (b) may:
    - (i) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
    - (ii) apply to all waste or to any specified category of waste;
    - (iii) apply to all of the Far North District or to a specified part of the District;
    - (iv) apply at all times or at any specified time or period of time.

#### 7 COMPLIANCE WITH BYLAW

- (1) No person may deposit, collect, transport, sort, store, process or dispose of waste other than in accordance with this bylaw.
- (2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

**PART 3****COLLECTION, TRANSPORTATION AND DISPOSAL OF WASTE****SUBPART 1 – SEPARATION OF WASTE FOR COLLECTION AND USE OF APPROVED CONTAINERS****8 USE OF APPROVED CONTAINERS FOR DOMESTIC TYPE WASTE COLLECTION FROM A PUBLIC PLACE**

- (1) The Council may approve the type, size and construction of containers for the collection of domestic type waste from a public place.
- (2) The owner, occupier and/or the manager of a premises must ensure that the domestic type waste from the premises is separated and deposited for collection in the correct approved containers for refuse and recyclable material.
- (3) No person may deposit in the approved containers material that is not approved for them.

**9 DEPOSIT OR REMOVAL OF DOMESTIC TYPE WASTE**

- (1) No person may put waste into an approved container provided to any other person without that other person's consent.
- (2) No person may remove waste from, or interfere with any waste deposited in, an approved container, except the Council, a licensed waste collector or the person who deposited the waste.
- (3) Except with the prior written approval of the Council, no person may remove a container provided by the Council from the premises to which it has been allocated.
- (4) The owner, occupier and/or manager of any premises is responsible for any waste generated on the premises until it has been collected.

**10 RESPONSIBILITIES OF OWNERS, OCCUPIERS AND MANAGERS**

- (1) The owner, occupier and/or manager of any premises must ensure that:
  - (a) waste is stored in a suitable container that is fit for purpose;
  - (b) reasonable steps are taken to prevent the waste from escaping from any waste container;
  - (c) there are minimal adverse effects of waste on surrounding occupiers;
  - (d) any waste container is regularly emptied when it is full;
  - (e) the contents of any waste container, excluding containers for green waste, are protected from rain or ingress or egress of flies and animals.
- (2) In addition, the owner, occupier and/or manager of any premises who is in control of an approved container must ensure that:
  - (a) the container is kept in a safe location, is hygienic, in good repair, and without any modifications or alterations to its appearance;
  - (b) waste is deposited in the container in a manner that allows the whole of the contents to fall out easily and cleanly when the container is emptied;
  - (c) every owner, occupier and/or manager of a building needs to ensure that sufficient space for the storage of waste receptacles is provided;
  - (d) unless the container is placed at a Council collection point, the container is placed for collection in an upright position off the roadway at the collection point for the premises from which the waste originated and as close to the kerbside as possible;
  - (e) reasonable steps are taken to prevent the container disrupting or obstructing pedestrian and vehicular traffic and to preserve access to the premises;



- (f) the container is placed for the collection of waste and retrieved in accordance with any applicable control and/or instruction specified by the Council.

#### **11 DEPOSIT OF WASTE AT COUNCIL COLLECTION POINTS**

- (1) The Council may specify:
  - (a) any place or receptacle in a public place or on a barge in a marine area, as a Council collection point for the collection of domestic type waste;
  - (b) controls relating to the deposit of waste at the Council collection point including the use of specified containers.
- (2) No person may deposit waste at a Council collection point other than in accordance with any applicable control.

### **SUBPART 2 – COLLECTION AND TRANSPORTATION OF WASTE**

#### **12 LICENSING OF THE COLLECTION AND TRANSPORTATION OF WASTE**

- (1) Any person who collects or transports waste from and to land in the Far North District must obtain a licence to do so from the Council if the total amount of waste collected by that person in a 12 month period exceeds 20 tonnes.

#### **13 DEPOSIT AT AND COLLECTION OF WASTE FROM A PUBLIC PLACE**

- (1) Waste that can be placed in a public place for collection includes:
  - (a) domestic type waste; and
  - (b) green waste.
- (2) Prohibited waste, diverted material, construction and demolition waste or commercial waste may not be placed in a public place for collection unless authorised by Council under this bylaw.
- (3) Any waste collector who collects or transports domestic type waste from a public place may:
  - (a) not collect or dispose of at a landfill site any domestic type waste which has not been separated into refuse and recyclable material unless the amount of recyclable material mixed with the refuse does not exceed the maximum allowable limits specified by the Council under clause 19.
  - (b) not dispose to a landfill site, managed fill site, monofill site or cleanfill site recyclable material that is capable of being reused or recycled.

#### **14 USE OF A PUBLIC PLACE FOR COLLECTION OF WASTE**

- (1) The Council may specify controls for the following matters in relation to the collection or transportation of waste from a public place:
  - (a) the area to which the control applies;
  - (b) the type, size and construction of approved containers that may be used for the storage and collection of refuse and recyclable materials;
  - (c) the categories of recyclable material and refuse that may be deposited at or collected from a public place;
  - (d) the conditions applicable to any collection service from a public place, including the placement and retrieval of approved containers for collection, collection times and restrictions on the number and weight of approved containers;
  - (e) requirements to ensure the correct separation of refuse and recyclable materials into approved containers;
  - (f) the locations, access times and conditions of use of Council waste collection points;

- (g) any other operational matter required for the safe and efficient operation of a collection service from a public place.
- (2) Any person providing or using a waste collection service in or from a public place must comply with all controls made by the Council relating to that collection.

### **SUBPART 3 – DISPOSAL OF WASTE ON LAND**

#### **15 DISPOSAL OF WASTE ON LAND**

- (1) Waste must be disposed of on land in accordance with this bylaw.
- (2) This clause does not apply to the disposal:
  - (a) of less than 30 cubic metres on the land, or such greater amount as the Council may approve, of clean fill material measured over any continuous 12 month period;
  - (b) of waste for home composting;
  - (c) of dead companion animals and nuisance pests;
  - (d) of dead farm animals in rural areas.

### **SUBPART 4 – LICENSING PROCESS AND CONDITIONS**

#### **16 APPLICATION FOR LICENCE**

- (1) Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Council may require to enable processing of the application.
- (2) The holder of an existing licence may apply to the Council for a renewal of that licence.
- (3) Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.
- (4) A licence is personal to the holder and is not transferable.

#### **17 CONSIDERATION OF APPLICATION FOR LICENCE**

- (1) When considering an application for a licence and the conditions to be imposed under it, the Council may take into account matters relating to the suitability of the applicant to hold a licence including but not limited to the following:
  - (a) the extent to which the licensed activities will promote public health and safety and achievement of the Council's Waste Management and Minimisation Plan and waste reduction initiatives;
  - (b) the applicant's experience, reputation and track record in the waste industry, including any known past operational issues which may affect, or may in the future affect, the applicant's performance;
  - (c) the type of waste to be collected or transported;
  - (d) the manner of treatment (if any) and disposal of the waste type, and the identity of the resource recovery facility, landfill site, managed fill site, mono fill site or cleanfill site at which it is proposed that treatment or disposal will occur;
  - (e) the terms and conditions under which such disposal of waste is permitted and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such disposal;
  - (f) the frequency and location of the waste collection, transportation or disposal services;

- (g) the specifications of the vehicles, equipment and approved containers to be used for the collection, transportation or disposal of waste.

## **18 CONDITIONS OF LICENCES**

- (1) The terms and conditions upon which a licence may be granted include, but are not limited to the following:
  - (a) term – a licence may be granted for a term of up to five years;
  - (b) licence fee – the licensee must pay an annual licence fee in an amount determined by the Council from time to time and be publicly notified;
  - (c) bond – the Council may from time to time and on a case by case basis require a licence holder to post a bank guaranteed bond;
  - (d) compliance with standards – the licence holder must comply with the Council's standards and policies for waste collection, transportation or disposal services including, in respect of collection services:
    - (i) the collection of any litter within five metres of an approved container awaiting collection and any litter spillage from the licence holder's vehicle during the collection, transportation or disposal process;
    - (ii) provision of waste collection services within reasonable times specified by Council;
  - (e) provision of information – the licence holder must provide waste data to the Council during the term of the licence in the form and at the times determined by the Council from time to time including the following data:
    - (i) waste log books for each vehicle operated in accordance with the licence recording the quantity, composition and destination of each waste type and the point in time when such data was recorded during the waste collection, transportation or disposal process;
    - (ii) weighbridge receipts;
    - (iii) gate records of waste tonnage.
- (2) The Council will take all reasonable measures to keep commercially sensitive information confidential including by the aggregation of such information for recording purposes.

## **SUBPART 5 – ADDITIONAL CONTROLS RELATING TO THE COLLECTION, TRANSPORTATION AND DISPOSAL OF DOMESTIC TYPE WASTE**

### **19 CONTROLS FOR THE COLLECTION, TRANSPORTATION AND DISPOSAL OF DOMESTIC TYPE WASTE**

- (1) The Council may specify controls for the following matters in relation to the collection, transportation or disposal of waste:
  - (a) domestic type waste that may be treated for all purposes (including deposit, collection, transportation and disposal) as recyclable material or refuse;
  - (b) maximum allowable limits of recyclable material or organic matter that may be disposed of at a land fill site, managed fill site, mono fill site or clean fill site;
  - (c) categories and types of waste that may be received, collected, stored, sorted, processed or disposed of at any landfill site, managed fill site, clean fill site, mono-fill site and material that may be used as cover material at any such site;
  - (d) materials that are suitable for use as natural or other hardfill material at a clean fill site;
  - (e) types of waste originating from a specified single source or location that may be disposed of at a monofill site;
  - (f) types of waste that are prohibited.

9

**SUBPART 6 – MULTI-UNIT DEVELOPMENTS****20 COLLECTION FROM MULTI-UNIT DEVELOPMENTS**

- (1) The developer, owner and/or manager of a multi-unit development must make provision for the management of all waste generated within the property.
- (2) The owner and/or manager of a multi-unit development must obtain approval from the Council for a waste management and minimisation plan for the development unless they comply with clause 20(5).
- (3) A waste management and minimisation plan must include but is not limited to:
  - (a) identification of an adequate area on the premises including carpark or hardstanding for the storage of containers that is readily accessible to the occupiers of units and to a licensed waste operator to enable separate collection and transportation of refuse, recyclable material and/or organic matter;
  - (b) the methods to be used to minimise noise and odour and to keep the area hygienic, free from vermin or other infestations and protected from theft and vandalism;
  - (c) identification of the means and route of access and egress to the waste storage area;
  - (d) an estimate of the volumes of refuse, recyclable material and organic matter that will be generated;
  - (e) the steps which will be taken to further the objective of waste minimisation.
- (4) Any person who owns, occupies or manages a multi-unit development must comply with an approved waste management and minimisation plan.
- (5) The Council may provide a written exemption on application to any person who owns and/or manages a multi-unit development from full compliance with the requirements of this clause if:
  - (a) in the opinion of the Council, the costs of full compliance would be disproportionate to any resulting waste management and minimisation benefits; or
  - (b) the manager or owner demonstrates to the satisfaction of the Council that refuse, recyclable material and organic waste are separately and regularly collected; or
  - (c) the manager or owner arranges for co-collection services from an adjacent property, to the satisfaction of the Council.

**21 MULTI-UNIT DEVELOPMENTS CONTROLS**

- (1) The Council may specify controls for the following matters in relation to the collection or transportation of waste from multi-unit developments:
  - (a) the categories of recyclable material, organic matter and refuse that may be deposited at or collected from a multi-unit development;
  - (b) the times, locations and conditions applicable to any collection service from a multi-unit development, including the placement and retrieval of containers for collection, collection times and restrictions on the number and weight of approved containers;
  - (c) requirements to ensure the correct separation of refuse, organic matter and recyclable materials into containers;
  - (d) any other operational matter required for the safe and efficient operation of a collection service from a multi-unit development.
- (2) Any person who manages a multi-unit development or owns or occupies a unit in a multi-unit development must comply with any controls for the deposit, collection, transportation and management of waste in the multi-unit development made by the Council.

**SUBPART 7 – EVENTS****22 WASTE MANAGEMENT AND MINIMISATION PLANS FOR EVENTS**

- (1) Any organiser of an event must obtain prior approval from the Council of a Waste Management and Minimisation Plan for the event.
- (2) The Council may require a Waste Management and Minimisation Plan to set out:
  - (a) an estimate of the types and amounts of waste to be generated by the event;
  - (b) how waste generated by the event is to be minimised;
  - (c) the steps that will be taken to maximise the collection and use of recyclables and re-usable material;
  - (d) the equipment to be provided for the storage, collection and transportation of waste and diverted material;
  - (e) the person responsible for the collection and disposal of waste and the methods to be used;
  - (f) a waste analysis following the conclusion of the event.
- (3) The organiser of an event must comply with the approved Waste Management and Minimisation Plan.

**SUBPART 8 – NUISANCE AND LITTER****23 NUISANCE**

- (1) No person may-
  - (a) allow any accumulation of waste or diverted material on any premises they own, occupy or manage to escape, to become offensive, to be a nuisance or be likely to be injurious to health;
  - (b) use an approved container in a manner that creates a nuisance, is offensive or is likely to be injurious to health;
  - (c) dispose of any waste on any premises except at –
    - (i) a landfill site, clean fill site, managed fill site, mono-fill site, or
    - (ii) on any premises they own, occupy or manage, for the purposes of home composting.

**24 LITTER**

- (1) No person may-
  - (a) deposit any waste arising from that person's household or that person's domestic or business activities in any litter receptacle provided by the Council in any public place;
  - (b) remove any waste from any litter receptacle provided by the Council in any public place, where this results in any waste being deposited outside the receptacle unless authorised by the Council to do so;
  - (c) deposit or attempt to deposit any litter in any receptacle provided by the Council in any public place if:
    - (i) the receptacle is full; or
    - (ii) the litter is likely to escape.
  - (d) fix or attach any flag, banner, bunting, balloon, sign, poster, leaflet or similar thing to any litter receptacle provided by the council in any public place; or
  - (e) damage any litter receptacle provided by the Council in any public place.

- (2) The owner, occupier and/or manager of any premises on which any flag, banner, bunting, balloon, sign, poster, leaflet or similar device is displayed that is likely to become litter, must take all steps to the satisfaction of the Council to prevent it becoming litter and to clean up any litter caused by the display.

## **PART 4**

### **ENFORCEMENT POWERS**

#### **25 NON-COMPLIANCE WITH CONDITIONS OF A LICENCE**

- (1) Where a licence holder does not comply with the terms and conditions of the licence, the Council may take one or more of the following steps:
  - (a) Issue a written warning to the licence holder, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
  - (b) Review the licence, which may result in:
    - (i) amendment of the licence; or
    - (ii) suspension of the licence; or
    - (iii) withdrawal of the licence.
  - (c) Have recourse to any performance bond or security where the Council has incurred any cost as a result of the breach of the licence condition, including where the Council has itself performed or arranged for the performance of any licensed activity on the default of the licence holder;
  - (d) Review the amount and nature of the performance bond or security, which may result in:
    - (i) an increase of the amount of the performance bond or security;
    - (ii) a change to the nature of the security that has been provided;
  - (e) Enforce any offence that may have been committed under the Litter Act 1979;
  - (f) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

#### **26 NON-COMPLIANCE WITH CONDITIONS FOR COLLECTION OF WASTE FROM A PUBLIC PLACE**

- (1) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the waste collector may:
  - (a) Reject (i.e. not collect) the contents of any approved container left out by that person for collection from a public place if the contents or placement of the container is noncompliant;
  - (b) Remove the contents of any approved container left out for collection from a public place, where the contents or placement of the container is noncompliant, subject to payment of the costs of removal, administrative costs and an additional penalty equivalent to the amount due for the collection of the largest available size of approved container of refuse from that premises;
  - (c) Withdraw or suspend the collection service provided by the waste collector to that person.
- (2) Where a person does not comply with clauses 8, 9, 10, 13 or 14 the Council may:
  - (a) Enforce any offence that may have been committed under the Litter Act 1979;
  - (b) Enforce any breach of this bylaw as provided for in the Health Act 1956.

#### **27 NON-COMPLIANCE WITH CONTROLS FOR COUNCIL COLLECTION POINTS**



- (1) Where a person does not comply with a control made by the Council under clause 11 the Council may-
  - (a) Issue a trespass notice to that person to prevent them from using the collection point;
  - (b) Suspend that person's use of any service provided by the Council at any or every waste collection service;
  - (c) Enforce any offence that may have been committed under the Litter Act 1979;
  - (d) Enforce any breach of this bylaw, as provided for in the Health Act 1956, the Local Government Act 2002 and the Waste Minimisation Act 2008.

## PART 5

### OFFENCES AND PENALTIES

#### 28 BYLAW BREACHES

- (1) A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Waste Minimisation Act 2008, the Local Government Act 2002 and/or the Health Act 1956.

*As at 1 July 2016, the penalty for breach of a bylaw made under the Waste Minimisation Act 2008 is a fine not exceeding \$20,000.*
- (2) A person who commits a breach of this bylaw that is an offence under the Litter Act 1979 is liable to a penalty under that Act.

## PART 6: EXCEPTIONS, REVOCATION AND SAVING PROVISIONS

#### 29 EXCEPTIONS

- (1) A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of an authorised officer.
- (2) A product stewardship scheme accredited under the Act may be exempted from the requirements of this bylaw.

#### 30 REVOCATION

- (1) The following bylaws are revoked:
  - (a) Collection and Transportation of Waste and Diverted Material: 1 December 2009.
  - (b) Disposal of Solid Waste: 1 July 2010

#### 31 SAVINGS AND TRANSITIONAL PROVISIONS

- (1) Any resolution or other decision made under the bylaws referred to in clause 30 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Council under this bylaw.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in clause 30 continues in force but:
  - (a) expires on the date specified in that approval; or
  - (b) if no expiry date is specified, expires on 1 December 2016; and
  - (c) can be renewed only by application made and determined under this bylaw.
- (3) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in clause 30 that was filed before the day on which this

bylaw commences must be dealt with by the Council as if it had been made under this bylaw.





**Far North  
District Council**

*Te Kaunihera o Tai Tokerau Ki Te Raki*



## **Solid Waste Bylaw 2016**

*Controls made under the Solid Waste Bylaw 2016 for approved containers for waste collected from a public place*

### **Control 1 Containers**

*Explanatory note: Clauses 6, 14(2) and 19 of the Solid Waste Bylaw 2016 provide that Council may establish Controls containing detailed provisions by resolution. This Control contains detailed provisions in relation to approved containers that may be placed for collection from a public place.*

**Pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956 and section 12 of the Litter Act 1979.**

## DOCUMENT CONTROL

### REVISION HISTORY

The following table outlines the revision history of this document:

REVISION	PUBLICATION DATE	COMMENTS
First draft	Feb 2015	Draft
Updated draft	April 2015	Revised draft
Updated draft (v3)	June 2015	For Council workshop
Revision 5	September 2015	Updated after Council workshop
Revision 6	June 2016	Updated after Waste Collector consultation

## CONTENTS

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### Clause Description

- 1 Title
- 2 Commencement
- 3 Application
- 4 Purpose
- 5 Interpretation

### Part 1 – Domestic and commercial waste

- 6 Commercial, urban and rural waste collection areas
- 7 Standards for containers
- 8 Placement and collection of domestic waste in rural and urban waste collection areas
- 9 Placement and collection of domestic and commercial waste in commercial centres

### Part 2 – Responsibilities of waste collectors

- 10 Responsibilities of waste collectors for commercial and domestic waste collection

**Attachment 1A Standards for approved containers: domestic waste bins for collection from public places**

**Attachment 1B Standards for approved containers: domestic waste bags for collection from public places**

**Attachment 1C Standards for containers: for the collection from public places of waste other than domestic waste**

**1 TITLE**

This control is entitled: *Controls made under the Solid Waste Bylaw 2016 for containers collected from a public place* and may be referred to as the *Containers for Kerbside Collection Control*.

**2 COMMENCEMENT**

This control comes into force on 1 August 2016.

**3 APPLICATION**

This control applies to the Far North District.

**4 PURPOSE**

This control regulates the placement and collection of waste in approved containers from a public place.

**5 INTERPRETATION**

- (1) In this control, unless the context otherwise requires-

**Bylaw** means the Solid Waste Bylaw 2016.

**Container** means a container approved by Council for the collection of domestic or commercial waste from a public place.

**Public place means**

- (a) a place that is-

(i) under the control of Council and/or

(ii) that is open to or being used by the public, whether or not there is a charge for admission and

- (b) includes:

(i) a road, whether or not the road is under the control of Council, and

(ii) any part of the public place\

- (2) Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.

- (3) Explanatory notes are for information purposes only and do not form part of this control.

## PART 1 – DOMESTIC AND COMMERCIAL WASTE

### 6 COMMERCIAL, URBAN AND RURAL WASTE COLLECTION AREAS

Council may from time to time specify commercial, urban and rural waste collection areas.

### 7 STANDARDS FOR CONTAINERS

- (1) The following weight requirements apply for the collection of domestic and commercial waste from a public place:

<b>Type Capacity</b>	<b>Maximum weight</b>
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**Bins**

1L – 80L bin	<20kg
81L- 120L bin	<30kg
121L – 140L bin	<35kg
140L – 240L bin	<60kg
241L – 360L bin	<90kg

**Bags**

1L - 80L bag	<10 kg
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- (2) Any container used for the collection of any domestic or commercial waste must meet the relevant minimum standards required by the Council, contained in Attachments 1A to 1C.

### 8 PLACEMENT AND COLLECTION OF DOMESTIC WASTE IN RURAL AND URBAN WASTE COLLECTION AREAS

- (1) A container deposited for collection of domestic waste from a public place must be placed directly adjacent to the premises from which it emanates, as close to the kerbside as possible and without restricting the access to any premises or footpath or due to compliance with the Code of Practice for Temporary Traffic Management (COPTTM) requirements, at a Council approved collection point.
- (2) Except with the approval of Council, no container containing domestic waste may be placed for collection or collected from any part of a public place except as provided in subclause (1). Council may, from time-to-time, approved suitable collection points in any areas where there is no kerbside collection service available, as per Clause 11 of Bylaw.
- (3) Except with the approval of Council, any container containing domestic waste may only be placed on a public place in a rural or urban waste collection area for collection between 12 noon of the day before collection and 7am on the morning of the collection.
- (4) Except on arterial routes and streets approved by Council, the collection of any container containing domestic waste in a rural or urban collection area must take place between 7 am and 7 pm on any day, except Sunday. Council may on application approve the collection of any container containing domestic waste on any arterial route or street in a rural and urban collection area to commence from 6am on any day, except Sunday.
- (5) Regardless of whether the waste has been collected, the owner or occupant of the premises from which domestic waste has been set out for collection in a rural or urban collection area must remove the container from the public place by 7am of the day following the scheduled collection day.

## **9. PLACEMENT AND COLLECTION OF DOMESTIC AND COMMERCIAL WASTE IN COMMERCIAL CENTRE**

- (1) A container deposited for collection of domestic or commercial waste from a public place must be placed directly adjacent to the premises from which it emanates, as close to the kerbside as possible and without restricting the access to any premises or footpath or due to COPTTM requirements, at a Council approved collection point.
- (2) Except with the approval of Council, no container containing domestic or commercial waste may be placed for collection or collected from any part of a public place except as provided in subclause (1).

### *Domestic waste*

- (3) Any container containing domestic waste may only be placed on a public place for collection in a commercial waste collection area between 12 noon on the day before collection and 7am on the morning of the collection.
- (4) The collection of any container containing domestic waste in a commercial waste collection area must take place between 7am and 7pm on any day, except Sunday.

### *Commercial waste normally collected by day*

- (5) Any container containing commercial waste that is normally collected by day that Council deems as a nuisance must be placed for collection on a public place in a commercial waste collection area up to one hour before the start of the collection and must be removed within one hour after collection.
- (6) Regardless of whether the waste has been collected, the owner or occupant of the premises from which domestic or commercial waste has been set out for collection must remove the container from the public place as soon as reasonably possible after the scheduled collection time.
- (7) Council may on application approve the extension of the hours for the placement and collection of any container containing domestic or commercial waste on a specific route or street in a commercial waste collection area or high density commercial collection area.

## **PART 2 – RESPONSIBILITIES OF WASTE COLLECTORS**

### **10. RESPONSIBILITIES OF WASTE COLLECTORS FOR COMMERCIAL AND DOMESTIC WASTE COLLECTION**

- (1) Every waste collector must provide its customers on an ongoing basis with current information on collection deadlines, as well as providing adequate signage information at every collection point approved under 8(2) above, relating to times of collections and times that waste may be placed at the collection point. Waste collectors shall ensure that their customers are adequately notified of the location of all collection points.
- (2) The waste collector is responsible for removing any spillage that results from the deposit or collection of waste on a public place including at a collection point approved under 8(2) above, before, during or after collection.
- (3) The waste collector is responsible for the removal of any illegal dumping at a collection point approved under 8(2) above within 4 days of it being dumped. The waste collector may claim waste disposal costs from Council for the disposal of the illegal dumping based on landfill disposal costs. The collector may investigate and pass on information regarding identity of the illegally dumped rubbish to Council, who may issue an infringement notice to the person identified.
- (4) The waste collector is responsible for the collection of waste deposited on a public place in any container provided by the collector regardless of the day or time of deposit. The waste must be removed within 4 days of it being placed. The collector

may pass on information regarding the identity of the person who dumped the rubbish to Council who may issue an infringement notice to the person identified. This includes the deposit on days that the waste collector does not provide a collection service, or on days affected by public holidays, or due to the early or late deposit of waste by the customers for collection.

- (5) The waste collector must not initially collect waste or recycling that is not compliant with Control 1 clause 7(1), Control 2 clauses 6(1) and 6(2), Control 2 clauses 8(1) and 8(3). The waste collector must attach a sticker to the bag or container explaining why the bag or container has not been collected and asking the owner to remove the container. If the bag or container is not removed by the owner within 2 days, the waste collector must collect it within a further 2 days. The contractor may pass on information regarding identity of the person who dumped the rubbish to Council, who may issue an infringement notice to the person identified.
- (6) Regardless of subclauses (2), (3), (4) and (5) of this clause, if any waste or container causes a nuisance or affects public health and safety, Council may collect the waste or remove the container as soon as practically possible.
- (7) Council may recover the costs incurred under subclause (6) above from the waste collector for the removal of waste or any container that belongs to or is provided by that waste collector.

## Attachment 1A

**STANDARDS FOR APPROVED CONTAINERS: DOMESTIC WASTE BINS FOR COLLECTION FROM PUBLIC PLACES**

Mobile garbage bins (the "bin") used for the collection of domestic waste from a public place must meet the following requirements:

1. The bin will have the waste collector's name (and logo, if any) printed on the bin in such a manner that the responsible waste collector may easily be identified from a collection vehicle on a roadway when the bin is deposited on a public place for collection. The waste collector may identify the premises on the bin to which the bin has been allocated.
2. Every waste collector must place a durable educational sticker on the inside of the bin lid at time of issue informing the customer of the material that may be collected as refuse, recyclable material or food waste (relevant to whatever the purpose of the specific bin may be) as well as the standard collection times provided by the waste collector.
3. Bins must meet the latest edition of BS EN 840-6:2012 *Mobile waste containers. Safety and health requirements* or its replacement.
4. Bins must also either:
  - a) meet the latest editions of either of the following standards or their replacements:
    - BS EN 840-1:2012 *Mobile waste and recycling containers* (2 wheels up to 400litres);
    - AS 4123: 2008 (Multiple parts): *Mobile Waste Containers* (Addresses dimensions and design, performance requirements, testing methods, colours, markings and recycled content of a mobile waste container);
    - AS 4123.1:2008 Containers with two wheels and a capacity up to 400 L for lifting devices - Dimensions and design
    - AS 4123.2:2008 Containers with four wheels with a capacity from 500 L to 1200 L with flat lid(s), for trunnion and/or lifting devices - Dimensions and design
    - AS 4123.3:2008 Containers with four wheels with a capacity from 770 L to 1300 L with dome lid(s), for trunnion and/or lifting devices - Dimensions and design
    - AS 4123.4:2008 Containers with four wheels with a capacity from 750 L to 1700 L with flat lid(s), for wide trunnion or BG and/or wide comb lifting devices - Dimensions and design
    - AS 4123.5:2008 Performance requirements and test methods
    - AS 4123.6:2008 Health, safety and environment
  - or,
  - b) be approved in writing by Council.
5. Council shall approve the bins under 4(b) if,
  - a) the bins are demonstrated to be 'fit-for-purpose', i.e. operationally efficient, durable and are able to securely contain the waste until collection, and it can be ensured that the contents are not trapped when the bin is emptied; and
  - b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything in the public place.
6. Every bin supplied to a customer will be free from defects that might affect its performance. Bins which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed in a public place for the collection of waste.





## Attachment 1B

**STANDARDS FOR APPROVED CONTAINERS: DOMESTIC WASTE BAGS FOR COLLECTION FROM PUBLIC PLACES**

Bags used for the collection of domestic waste from a public place must meet the following requirements:

1. The bag will have the waste collector's name (and logo, if any) printed on the bag in such a manner that the waste collector responsible may easily be identified from a collection vehicle on a roadway when the bag is deposited on a public place for collection.
2. From December 2016, every waste collector must print on the bag the standard collection times provided by the waste collector. The waste collector must provide public notice to customers regarding collection days and places.
3. Bags must either;
  - (a) meet the latest edition of either of the following standard or their replacements:
    - BS EN 13592: 2003 *Specification for disposable plastics refuse sacks made from polyethylene* or its replacement, or
    - NZS 7603:1979 *Specification for refuse bags for local authority collection (low density polyethylene)*, or
  - (b) be approved by Council.
4. Council shall approve the bag under 3(b) if,
  - (a) the bag is demonstrated to be 'fit-for-purpose' i.e. operationally efficient, durable and able to securely contain the waste until collection; and
  - (b) the bag does not create an unreasonable risk of injury to any person (including employees of the waste collector) or damage to the public place or anything in the public place.
5. Bags must be of a standard that does not allow liquid contents to leak in the public place.
6. Every bag supplied to a customer will be free from defects that might affect its performance. Bags which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed on a public place for the collection of waste.

## Attachment 1C

**STANDARDS FOR CONTAINERS: FOR THE COLLECTION FROM PUBLIC PLACES OF WASTE OTHER THAN DOMESTIC WASTE**

Bins used for the collection from a public place of waste other than domestic waste must meet the following requirements:

1. The bin will have the waste collector's name (and logo, if any) printed on the bin in such a manner that the responsible waste collector may easily be identified from a collection vehicle on a roadway when the bin is deposited on a public place for collection. The waste collector may identify the premises on the bin to which the bin has been allocated.
2. Mobile garbage bins must either;
  - (a) meet the latest edition of each of the applicable following standards or their replacements:
    - BS EN 840-1:2012 *Mobile waste and recycling container* (2 wheels up to 400 litres)
    - BS EN 840-2:2012 *Mobile waste and recycling containers* (4 wheels up to 1300 litres)
    - BS EN 840-3:2012 *Mobile waste and recycling containers* (4 wheels up to 1300 litres)
    - BS EN 840-4:2012 *Mobile waste and recycling containers* (4 wheels up to 1700 litres)
    - BS EN 840-5: 2012 *Test Methods*
    - BS EN 840-6:2012 *Mobile waste containers. Safety and health requirements*;
    - AS 4123: 2008: *Mobile Waste Containers* (Addresses dimensions and design, performance requirements, testing methods, colours, markings and recycled content of a mobile waste container);
  - or,
  - (b) be approved by Council.
3. Council shall approve the mobile garbage bins under 2(b) if,
  - (a) the bins are demonstrated to be 'fit-for-purpose'. i.e. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and
  - (b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.
4. Stationary bins must either;
  - (a) meet the latest edition of each of the applicable following standards or their replacements:
    - BS EN 13071-1:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. General requirements
    - BS EN 13071-2:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. Additional requirements for underground or partly underground systems
    - BS EN 12574-3:2006 Stationary waste containers. Safety and health requirements
    - BS EN 12574-2:2006 Stationary waste containers. Performance requirements and test methods
    - BS EN 13071-3:2011 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. Recommended lifting connections

- BS EN 13071-1:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. General requirements
- BS EN 13071-2:2008 Stationary waste containers up to 5000 litres, top lifted and bottom emptied. Additional requirements for underground or partly underground systems
- BS EN 12574-1:2006 Stationary waste containers. Containers with a capacity up to 10000 litres with flat or dome lid(s), for trunnion, double trunnion or pocket lifting device.

or,

(b) be approved by Council.

5. Council shall approve the stationary bins under 4(b) if,

(a) the bins are demonstrated to be 'fit-for-purpose', i.e. operationally efficient, durable and are able to securely contain the waste until collection, and able to ensure that the contents are not trapped when the bin is emptied; and

(b) the bins do not create a risk of injury to any person (including employees of the waste collector) or damage to the public place or anything on the public place.

6. Every bin supplied to a customer will be free from defects that might affect its performance. Bins which have been damaged or which are incomplete or faulty and that are no longer fit for purpose may not be placed in a public place for the collection of waste or diverted material.



**Far North  
District Council**

*Te Kaunihera o Tai Tokerau Ki Te Raki*



## **Solid Waste Bylaw 2016**

*Controls made under the Solid Waste Bylaw 2016 concerning the separation of waste collected from a public place and the disposal of waste at public waste disposal facilities*

### **Control 2 – Waste Separation**

*Explanatory note: Clauses 6, 14(2) and 20 of the Solid Waste Bylaw provide that Council may establish controls containing detailed provisions by resolution. This control contains detailed provisions in relation to the separation of waste in containers for collection from a public place.*

**Pursuant to section 56 of the Waste Minimisation Act 2008, sections 145 and 146 of the Local Government Act 2002, section 64 of the Health Act 1956 and section 12 of the Litter Act 1979.**

## DOCUMENT CONTROL

### REVISION HISTORY

The following table outlines the revision history of this document:

REVISION	PUBLICATION DATE	COMMENTS
Revision 3a	March 2015	Draft
Revision 4	June 2015	For Council workshop
Revision 5	September 2015	Updated after Council workshop
Revision 6	June 2016	Updated after Waste Collector consultation

## CONTENTS

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**Clause Description**

- |    |   |
|----|---|
| 1  | Title   |
| 2  | Commencement  |
| 3  | Application   |
| 4  | Purpose   |
| 5  | Interpretation  |
| 6  | Maximum permissible amounts of recyclable material and food waste allowed in refuse container |
| 7  | Classification and disposal of materials that are suitable or unsuitable for recycling        |
| 8  | Prohibition on green waste in containers used for refuse and recyclable material              |
| 9  | Separation of waste in waste deposited at a public waste handling facility                    |
| 10 | Disposal controls at public waste handling facilities   |

**Attachment 2A Public waste handling facilities****Attachment 2B Prohibited wastes**

**1 TITLE**

This control is entitled: *Controls made under the Solid Waste Bylaw 2016 concerning the separation of waste collected from a public place and the disposal of waste at public waste disposal facilities*, and may be referred to as the *Separation of Waste and Waste Disposal Controls*.

**2 COMMENCEMENT**

This control comes into force on 1 August 2016.

**3 APPLICATION**

This control applies to the Far North District.

**4 PURPOSE**

This control regulates the separation of waste collected from a public place.

**5 INTERPRETATION**

- (1) In this control, unless the context otherwise requires;

**Bylaw** means the Solid Waste Bylaw 2016.

**Public place means**

- (a) a place that is-
  - (i) under the control of Council and/or
  - (ii) that is open to or being used by the public, whether or not there is a charge for admission and
- (b) includes:
  - (i) a road, whether or not the road is under the control of Council, and
  - (ii) any part of the public place.

Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.

**Recycling container** means a container approved by Council for the collection of recyclable material from a public place.

**Refuse container** means a refuse bag or a stationary or mobile garbage bin approved by Council for the collection of refuse from a public place.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Act or the bylaw used, but not defined, in this control has the meaning given by the Act or bylaw.
- (3) Explanatory notes are for information purposes only and do not form part of this control.

**6 MAXIMUM PERMITTED AMOUNTS OF RECYCLABLE MATERIAL AND FOOD WASTE ALLOWED IN REFUSE CONTAINER**

- (1) The total proportion of recyclable material in a refuse container left for collection from a public place must not exceed twenty per cent by volume of waste in that container.
- (2) The total proportion of food waste in a refuse container left for collection on a public place must not exceed twenty per cent by volume of waste in that container.



**7 CLASSIFICATION AND DISPOSAL OF MATERIALS THAT ARE SUITABLE OR UNSUITABLE FOR RECYCLING**

- (1) Materials that are classified as being suitable for recycling on Council's web site should not be deposited in a refuse container left for collection from a public place.
- (2) Materials that are classified as being unsuitable for recycling will be any material that is not currently listed as suitable on Council's web site must not be deposited in a recycling container left for collection from a public place.
- (3) Materials that are suitable for recycling that have been separated out of the waste stream must not be recombined with waste and/or disposed of to landfill.

**8 PROHIBITION ON GREEN WASTE IN CONTAINERS USED FOR REFUSE AND RECYCLABLE MATERIAL**

- (1) Subject to the exemption in sub-clauses 8(2) and 8(3), no green waste may be deposited in a refuse container left for collection from a public place.
- (2) Pest plants listed on the Northland Regional Council's web site may be deposited in a refuse container left for collection from a public place.
- (3) No green waste may be deposited in a recycling container left for collection from a public place unless the recycling container is specifically dedicated to the collection of green waste.

**9 SEPARATION OF WASTE DEPOSITED AT A PUBLIC WASTE HANDLING FACILITY**

- (1) The total proportion of recyclable material deposited for disposal at a public waste handling facility may not exceed twenty per cent by volume of waste.
- (2) The total proportion of food waste deposited for disposal at a public waste handling facility may not exceed twenty per cent by volume of waste.
- (3) Subject to the exemption in sub-clause 9(4), no green waste may be placed in a waste container deposited for disposal at a public waste handling.
- (4) Pest plants listed on the Northland Regional Council web site may be placed in a waste deposited for disposal at a public waste handling facility.

**10 DISPOSAL CONTROLS AT PUBLIC WASTE HANDLING FACILITIES**

- (1) The disposal of waste at any public waste handling facility listed in Attachment 2A shall be subject to such conditions as Council may by resolution publicly notified from time to time decide in respect of:
  - (a) The hours of opening and closing;
  - (b) The nature of the waste which may be disposed of therein;
  - (c) The nature of the waste to be directed to a recycling area;
  - (d) The charges in respect of any disposal;
  - (e) The position in any such place, in which waste may be placed; and
  - (f) Any other matter which Council may consider necessary or desirable to determine by any such resolution.Council may amend or revoke a resolution made under Clause 10(1) at any time. Council will publicly notify any resolution made under Clause 10(1).
- (2) No refuse shall be deposited at any of the public waste handling facilities listed in Attachment 2A to this part of the Bylaw Control without paying the required fee as set by the Council or the Chief Executive or by way of an account with the site contractor.
- (3) Any person using a public waste handling facility shall abide by notices and the instructions of an authorised officer or operator of that facility for the placing or disposing of different classes of waste.
- (4) No person shall:

- (a) Deposit or dispose of any waste, recyclables or organic material at a public waste handling facility or any other waste that is not permitted to be disposed of at that facility;
- (b) Deposit or dispose of any particular type of waste, recyclables or organic material at any location within a public waste handling facility which has been marked off and designated for the depositing or disposal of a different type of waste;
- (c) Deposit or dispose of any trade refuse or prohibited wastes as listed in Attachment 2B at a public waste handling facility unless authorised to do so by the operator of that facility;
- (d) Enter a waste handling facility without authorisation from the operator of that facility;
- or,
- (e) Move or remove any article, waste or recyclables or organic material found in a public waste handling facility without the permission of the operator of that facility.
- (5) On any land or premises set aside by Council for the disposal of refuse, it shall be unlawful for any unauthorised person to enter, loiter or to disturb any deposit of refuse or to remove any article or materials of any kind.
- (6) No person shall light any fire upon or near any public waste handling facility without the express permission of the Chief Executive.

**Attachment 2A**

## **PUBLIC WASTE HANDLING FACILITIES**

List of Public Waste Handling Facilities at which refuse can only be deposited in accordance with the provisions of Bylaw Control Clauses 9 and 10.

### **Council Refuse Transfer Stations**

- Ahipara
- Awanui
- Houhora
- Herekino
- Kaikohe
- Kaitaia
- Kohukohu
- Opononi
- Panguru
- Russell
- Taipa
- Te Kao
- Whangae
- Whatuwhiwhi
- Whitehills

### **Council Landfill Facilities**

- Ahipara
- Russell

**Attachment 2B****PROHIBITED WASTES**

Wastes prohibited from being deposited at public waste handling facilities unless deposited into containers designated for the receipt of such wastes:

**A. SUBSTANCES HAZARDOUS TO THE ENVIRONMENT**

1. Substances with one or more of the following intrinsic properties:
  - An explosive nature
  - Flammability
  - An oxidising mixture
  - Acute or immediate toxicity (including ecotoxicity)
  - Delayed or chronic toxicity (including carcinogenicity, mutagenicity, teratogenicity or ecotoxic effects)
  - Radioactivity
  - Corrosivity
  - Environmental persistence
  - Infectious or pathogenic.
2. Any substance emitting or breaking down to a substance with any of the above properties upon entering the environment.
3. Any substance or group of substances prescribed as hazardous by the Hazardous Substances Regulations (Minimum Degrees of Hazard) 2001.

**B. LIQUID WASTES**

Bulk liquid waste of any kind or emulsions in liquid.

**C. ODOUROUS WASTE**

Highly odorous wastes.

**D. OTHER WASTES**

- glue
- oil
- caustic water
- lime
- resin
- bitumen waste
- electroplating wastes
- acids
- any scheduled poison (as defined by the Hazardous Substances Regulations (Minimum Degrees of Hazard) 2001)
- any dangerous goods (as defined by the Hazardous Substances Regulations (Minimum Degrees of Hazard) 2001)
- any other chemical (in liquid or powder form, whether of agricultural or industrial use, in sealed drums or otherwise)
- hazardous inorganic chemicals (including heavy metals and blue asbestos)
- septic tank sludge

**6.2 HIHI WASTEWATER TREATMENT PLANT CAPITAL WORKS BUSINESS CASE****File Number: A3127943****Author: Mary Moore, Business Case Specialist****Authoriser: Andy Finch, General Manager - Infrastructure and Asset Management****TE TAKE PŪRONGO / PURPOSE OF THE REPORT**

To present the detailed business case for the replacement of the Hihi Wastewater Treatment Plant and progress the planning of this capital works by approving the advancement of the preferred option identified, Option 3 - Membrane Bio Reactor, to detailed design.

**TE WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

Replacement of the Hihi Wastewater Treatment Plant has been the subject of investigation, discussion, and consultation without success for the last 20 years. The plant is currently in such poor condition that it is at risk of complete failure, with periodic breaches of consent conditions occurring and the risk of injury to operators is high. The plant is unable to meet seasonal demand and replacement is now the only option due to asset conditions beyond repair.

This project is required to meet Council's strategic priority - Affordable core infrastructure - and Community Outcome - Communities that are healthy, safe, connected and sustainable.

The detailed business case demonstrates a similar capital cost for Options 2 – Activated Sludge Plant (ASP) and 3 – Membrane Bio Reactor (MBR) with a slightly higher Whole of Life cost for MBR. However, after factoring in quality and time. MBR is the preferred option as it will deliver the required level of service. This compares to ASP which will deliver the required level of service most of the time.

The budget included in the Long-Term Plan 2018-2028 is insufficient to undertake the minimum required remedial works without replacing the treatment plant. Revised budget forecasts are currently included in Years 1 and 2 of the proposed Long-Term Plan 2021-2031. Additional budget may be required in Year 3, but this would be quantified in detailed design.

The Long-Term Plan 2021-2031 public consultation phase provides the opportunity for the district to answer the following questions:

- Do we need it?
- Is it the timing correct?
- Is the budget provision appropriate?

As affordability and the impact on rates continues to be a critical constraint in reaching an acceptable solution, further community consultation will provide them the opportunity to agree:

- Are the options relevant?
- Is the preferred option likely to achieve the best outcomes?
- Does the preferred option represent value for money?

Given the advanced deterioration of the plant, implementation of an acceptable solution is now regarded as a matter of urgency in order to avoid this community completely losing this service. While affordability continues to impede efforts to resolve the situation, it is acknowledged that this remains a critical issue for this community due to application of the current funding model.

This report was presented to the Infrastructure Committee at their meeting on 24 March 2021. The Infrastructure Committee makes the following recommendation to Council.

**NGĀ TŪTOHUNGA / RECOMMENDATION****That Council:**

- a) **approves the detailed business case preferred Option 3 – Membrane Bio Reactor, to be located on the existing Hihi Wastewater Treatment Plant site, to be advanced to detailed design and community consultation**
- b) **notes the potential cost of the preferred option and the impact upon rates.**

## 1) TE TĀHUHU KŌRERO / BACKGROUND

The small coastal township of Hihi is located within the Doubtless Bay area of the Te Hiku ward, a short distance across the harbour from the Mangonui township. A popular retirement and holiday spot, Hihi's residential population numbers 200 during the winter months, growing to 400 during summer and peaking during the Christmas holiday period (24 Dec – 7 Jan) to 600+. All properties are served by roof tank water supply, so water usage is low for the catchment and connectors to the wastewater scheme include a campground operation.

Originally a temporary installation constructed circa 1975, the Hihi Wastewater Treatment Plant was designed using a 'least expense' approach with capacity to meet the needs of approximately 200 people. The treatment plant is located within the residential area with discharge of treated water to the harbour is via a wetlands system located a short distance outside of town. The consent for the plant expires in November 2022.

From early 2001, Council records have indicated the plant is structurally at the end of its life and unsafe. If it is not replaced the risks of injury to onsite personnel and of catastrophic failure is high. Periodic breaches of consent conditions are occurring due to insufficient flow and load treatment capacity to meet seasonal and peak population demand.

Relocation of the plant outside the residential area (adjacent to the wetlands) using the MBR option was investigated and widely supported by the community (79%) but was eventually (2011) discounted as viable on a cost/benefit basis.

In March 2019 a Conceptual Design Options report was prepared by WSP Opus. The options considered were:

- Conventional Activated Sludge
- Fixed Film Treatment
- Membrane Bioreactor (MBR)
- Other (Low energy treatment, Storm storage, relocation of treatment plant, and other discharge location)

The first three options were compared with the recommendation being to progress the MBR option for the purpose of setting a project budget. A peer review was also commissioned which raised several concerns about the disadvantages of the MBR option and further investigation was undertaken.

A structural condition assessment of the treatment plant was undertaken in the presence of the maintenance operator during October/November 2019 to confirm previously observed issues (2014) and assess if any further damage had occurred. While the assessment confirmed multiple issues and recommended substantial remedial works, the overall condition of the plant remained poor and at risk of failure.

In November 2019 an indicative business case highlighted several issues requiring resolution to enable a detailed business case to be completed. This prompted a Business Risk Assessment Workshop (Dec 2019) followed by an Options Workshop (Jan 2020). Both workshops were attended by FNDC (asset management & planning and project delivery), Far North Waters & Broadspectrum (operations & maintenance), as well as external engineering consultants.

The Options Workshop considered a long list of options:

Option 1 - Do minimum (refurbish aeration tank only)

Option 2 - Activated Sludge Plant (ASP)

Option 3 - Pump to Mangonui

Option 4 - Moving Bed Bioreactor

Option 5 - Membrane Bioreactor

From this long list, the following short list was determined with Option 3 – MBR identified as the preferred option based on estimated costings v. benefits:

Option 1 - Do minimum (tank refurbishment)

Option 2 - Activated Sludge Plant (ASP)

Option 3 - Membrane Bioreactor Plant (MBR)

The March 2020 Hihi Options Review report summarises these workshops and the Business Risk Assessment Workshop report (Appendix F) provides a comprehensive assessment of the issues and the associated risks.

The final steps to completing the detailed business case was to peer review the estimated costings and include a Whole of Life (WOL) analysis and a Rating Impact comparison.

**Note:** Attachments to this report have been abridged to those principal reports referenced in the Detailed Business Case. All other reports and appendices are available upon request.

## **2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

The detailed business case (Attachment 1) considers the following three options using a Whole of Life approach:

Option 1 - Do Nothing

Option 2 - Activated Sludge Plant (ASP)

Option 3 - Membrane Bioreactor Plant (MBR)

The outcome of this approach using the Options Workshop cost estimates reveals Option 3 - MBR as the recommended option as summarised below.

### **Option 1 - Do Nothing**

This option will not address the existing problems and this plant is not expected to meet future consent requirements once the consent is replaced in 2022.

The significant risks of this option include the increasing risk of injury to operators and the catastrophic failure of the plant leaving the community with no wastewater treatment and negative environmental consequences, the consequential needs to manually dispose of waste daily and a high risk of enforcement action being taken against Council.

Emergency measures (24/7) will be required to provide interim services to the community until such time as a replacement plant is commissioned.

This option is not recommended.

### **Option 2 - Activated Sludge Plant (ASP)**

A conventional solution known to operators, will achieve likely consent conditions for renewal in 2022, benefit the environment through improved effluent quality, be designed for future growth and peak loads and enable efficient operating and asset maintenance.

Performance is expected to drop during seasonal increases in load, particularly on ammonia and suspended solids, the overall rating of an ASP for this community is that it will deliver required levels of service most of the time.

Additional known risks associated with the site and process limitations will require ongoing monitoring and active management. The decommissioning and installation phase will also require close management to minimise plant downtime and control of these costs. Until a detailed design is completed it cannot be confirmed that this type of plant will fit or allow construction within the allowable footprint and additional funding may be required to accommodate this.

As ASPs are more susceptible to variable flows, repairs to the network are considered essential to the success of this project to reduce/eliminate irregular influx from stormwater.

Wetlands - the long-term deferral of maintenance and the impact of the most recent weather events indicates both the connective pipe network and wetlands need remedial work. The condition of the rising main between the treatment plant and the wetlands is currently unknown but may well require renewal.

While the condition of the wetlands does not directly impact the operation of the treatment plant and it is not an interdependency for replacement of the treatment plant, the business case includes this work is for transparency and completeness.

This option is not recommended.

### **Option 3 - Membrane Bio Reactor (MBR)**

This option will ensure levels of service are maintained, will achieve likely future consent requirements, can be designed for future growth and peak loads (no drop in performance) and the need for the wetlands may be eliminated. Staged construction could minimise plant downtime and the plant's modular nature may enable relocation. The ability of an MBR to cope with seasonal loads may mean that the repair work to the network (required by ASP) is not imperative for the success of the treatment plant replacement.

MBR is a new system for FNDC and FNW Alliance which introduces the risk of recruitment and retention of suitably trained personnel as well as on-going operational costs. Membranes require a high level of maintenance and regular replacement (5-10 years) to ensure the plant operates efficiently and, being a more technical plant to manage, there will be a need for highly trained personnel including an on-site full-time operator. Increased energy usage and the need for regular chemical cleaning also contribute to higher running costs.

The slightly higher capital and Whole of Life costs of an MBR system returns better outcomes through the plant delivering a very high quality of effluent regardless of changes in load and is not susceptible to poor settlement due to Nocardia. These outcomes are particularly desirable for this community given the plant's location within the residential area and coastal proximity. A shorter construction timeframe also represents a desirable outcome for both the community and Council.

While there is the possibility of the MBR not requiring the wetlands, the existing wetlands would require decommissioning to ensure it did not pose an on-going environmental risk. The business case includes this work is for transparency and completeness.

Community consultation will be required to ensure the relevant options have been considered, and whether the preferred option will result in the best outcomes and represents value for money.

This option is recommended.

Other alternative options that could be considered to mitigate the overall cost of the project would include amendments to District Plan zoning to increase the number of potential residential properties connected or moving to individual on-site disposal. Both of these alternative options would have challenges, particularly in relation to climate change and sea level rise. Staff have not undertaken any diligence on these options.

### **Te Take Tūtohunga / Reason for the recommendation**

The detailed business case recommends Option 3 – MBR as the preferred option to achieve the Community Outcome and required levels of service based on an overall analysis of quality, time and whole of life cost analysis.

### **3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Due to the age and low-cost nature of the original plant, combined with a reactive maintenance approach, replacement of the plant will require a significant level of "new" capital investment.

The Long-Term Plan 2018-2028 includes a budget of \$1.89m for refurbishment of the treatment plant which was scheduled for delivery in FY 2019 - 2020.

Considerable effort has been invested since 2018 in specifying requirements and identifying possible options through structural assessments, design options, community consultation, and various stakeholder workshops to assess business risk and options. All of this, including the detailed business case, demonstrates current budget provision as inadequate, with timely solutions expected to cost upwards of \$6m.

The draft Long-Term Plan 2021-2031 currently has a budget provision of \$6m for the capital replacement of the treatment plant which is scheduled for delivery in FY 2022 and 2023. The detailed business case indicates a budgetary requirement of \$6.3m, including network renewal, excluding wetlands works to be funded through Sludge Management budgets.

These costings will be updated as part of the detailed design phase.

The attached detailed business case estimates the capital costs of each of the three options as follows (these figures exclude contingency and professional fees):

#### Option 1 – Unknown

The cost of emergency measures required in the event of failure will be a full operational cost and as this is expected to be a 24/7 service for which the daily cost is estimated at \$15k - \$20k. This cost would continue until such time as a new plant is commissioned which is could take anywhere from 12 – 24 months for which the capital cost would be like Options 2 or 3.

If successfully prosecuted, the Court may impose a fine which the RMA specifies a maximum fine of \$300k for a natural person and \$600k for any other person.

#### Option 2 - \$6,215,951

#### Option 3 - \$6,970,973 (including \$600k for network repairs)

Council's approach to funding the provision and availability of wastewater services is that each scheme will pay its own interest and depreciation costs using a separate targeted capital rate, whereas operating costs are funded based on a districtwide operating rate.

The above costs result in a new capital rate per SUIP (connection) of \$1,458.59 (Option 2 – ASP) and \$1,851.01 or \$1,677.48 (Option 3 including and excluding network repairs respectively). The capital rate is on-going but does not commence until the financial year after the project is completed which is forecast as November 2023. These new rate value represents an increase of \$1,000 - \$1,400 per SUIP.






#### Operating costs

The total direct operating cost of the existing treatment plant increased 62% from 2018 (\$112k) to 2020 (\$183k). Current year direct operating costs are already tracking towards a 20% increase (\$220k) on the 2020 FY. The additional costs reflect the additional input required by the plant's operator to keep the plant functioning.




No additional operational rate impact has been calculated as the detailed business case whole of life analysis has used operational costs for both options like the actual total direct operating costs. The detailed design will provide accurate operating costs that will be used to better inform the impact on the on-going operational rate but at this point

While the impact of Options 2 and 3 on the Hihi community's rates is significant this must be weighed up against the unknown cost of 'Do Nothing'.

### NGĀ ĀPITI HANGA / ATTACHMENTS

1. **Capital Works Business Case Hihi Wastewater Treatment Plant - A3068094 (under separate cover)** 
2. **Indicative Business Case - A3071541 (under separate cover)** 
3. **Indicative Business Case - Appendix A - Item 14 - A3071878 (under separate cover)** 
4. **Hihi WWTP Activated Sludge Reactor - Report Only - A3071492 (under separate cover)** 
5. **Hihi Options Review - A2894649 (under separate cover)** 



6. **Hihi Options Review - Appendix F - Business Risk Assessment Workshop Report December 2019 - A3071520 (under separate cover)** 
7. **Hihi Options Review - Appendix G - Minutes of Option Workshop January 2020 - A3071523 (under separate cover)** 
8. **Hoskin Civil QS Report August 2020 - A3071535 (under separate cover)** 

**Te Hōtaka Take Ōkawa / 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.

<b>He Take Ōkawa / Compliance requirement</b>	<b>Te Aromatawai Kaimahi / Staff assessment</b>
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 matter is of high significance as the proposal will generate considerable community interest and the should the plant fail the prospect of adverse national publicity is high.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The relevant community outcome is: 'Communities that are healthy, safe, connected and sustainable'.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The issue has specific relevance to the Hihi community. The Community Board's views have not been sought as the issue relates to the provision of core infrastructure which is outside the scope of the Community Board.
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 will be included as part of the community consultation process with particular regard to environmental impacts.
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).	Hihi community, ratepayers and local iwi/hapu will be included in the community consultation process.
State the financial implications and where budgetary provisions have been made to support this decision.	Financial provision included within the LTP 2018-2028 has been identified as insufficient.  Revised financial provision of \$6m has been included in the draft LTP 2021-2031 for delivery of the capital works in financial years 2022 and 2023. Final costings would be determined in the detailed design phase.  The rating impact of this is therefore contained within the rates movements of the LTP 21-31.

Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.
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### **6.3 NORTHLAND TRANSPORTATION ALLIANCE (NTA) - RESOURCING REQUEST - SUPPORTING DELIVERY OF 2021/24 LONG TERM PLAN TRANSPORT PROGRAMMES**

**File Number:** A3112133

**Author:** Calvin Thomas, Northland Transport Alliance Manager

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

#### **TE TAKE PŪRONGO / PURPOSE OF THE REPORT**

The purpose of this paper is to support a request for three additional Far North District Council (FNDC) transportation full time employee (FTE) positions. These positions are a subset of a total of nine positions identified as required to support the delivery of the 2021/24 District Council Transport programmes across the region.

#### **TE WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY**

- The Northland Transport Agency (NTA) provides transportation services across the Far North and the remainder of Northland
- The NTA comprises the three constituent District Councils, Northland Regional Council and Waka Kotahi (NZTA)
- Staff are seconded into the NTA from the constituent Council's
- FNDC has no roading staff outside of the NTA
- Due to the growth in workload due to increasing transportation budgets, the NTA are now seeking approval to increase the number of staff to reduce the engagement of external consultants
- The total growth proposed for the NTA is nine FTE; FNDC contribution being three FTE
- This proposal has no direct implication on FNDC staffing budgets; the cost being met through Waka Kotahi subsidy and work budgets
- Total FNDC staff numbers will increase from 383 FTE to 386 FTE because of this proposal
- Whangarei and Kaipara District Councils have approved the growth in FTE

#### **NGĀ TŪTOHUNGA / RECOMMENDATION**

**That Council:**

- a) notes the significant increase in District and Regional Transportation budgets since the beginning of the 2018/21 Long Term Plan cycle.**
- b) notes the additional employment related costs incurred through the additional FTE's is offset through job costed recoveries and does not result in any additional increase to proposed transportation budgets within the 2021/24 LTP.**
- c) notes the proposal acknowledges and accounts for indicated risk to available National Land Transport Fund Funding.**
- d) approves the recruitment of three (3) additional FTE's to be employed by FNDC as a component of the total nine (9) FTE's to be recruited into the Northland Transportation Alliance to support delivery of the 2021/24 Northland Council's Transportation programme.**

#### **1) TE TĀHUHU KŌRERO / BACKGROUND**

##### **1.1 NTA Resourcing Proposal**

In February 2021 the Northland Transportation Alliance Leadership Group were provided a paper (Attachment 1) requesting the approval of a total of the nine (9) new FTE positions below to support the NTA's delivery of the Region's 2021/24 LTP transportation programmes.

Department	Position	Hiring Council
Asset Strategy & Management	Asset Manager	WDC
Asset Strategy & Management	Graduate Asset Engineer	FNDC
Road Safety & Traffic Engineering	Senior Development Engineer, Transportation	WDC
Road Safety & Traffic Engineering	RSAP Program Manager	FNDC
Road Safety & Traffic Engineering	Graduate Transportation Engineer	FNDC
Maintenance & Operations	Corridor Access Request (CAR) Specialist	FNDC
Maintenance & Operations	Regional Field Compliance Assessor	WDC
Maintenance & Operations	Streetlighting Services Manager	KDC
Business Performance	Customer Services Lead	WDC

Of the nine Regional positions above, three are direct replacements for existing full-time equivalent resources presently covered through engagement of consultants.

Following consultation with Council P&C Managers on the proposal, the following three positions were determined to best align with FNDC as the hiring Council:

- **Graduate Asset Engineer** – Although a regional role, it is intended this role will primarily support the FNDC Asset Manager with asset management and data for FNDC and will be based in the Far North area. None of the three current NTA Graduates cadets are FNDC employed.
- **Senior Development Engineer** – New role with specific funding applied under Road to Zero funding in Asset Management Plan (AMP). To provide Council with oversight and direction of the delivery of Road Safety Programmes, of which the Far North holds the most significant budget of those in Northland.
- **CAR Specialist** – Although regional role, required to support the increasing number of Corridor Access Requests and associated compliance requirements, this FNDC focussed position will provide a level of succession planning for existing FNDC CAR Specialist who has indicated his intent to retire in the near future.

Due to the resourcing model of the NTA the proposal relies on acceptance and approval from the three NTA partner District Councils; approvals have already been received from both Kaipara and Whangarei Chief Executives for their allocated positions.

## 1.2 Associated increasing Regional Transportation budgets

As demonstrated in the table below, in the period since year one of the current LTP (2018/19), base council transportation budgets have increased by approximately 50%. To date this progressive volume increase has been addressed through a combination of external consultant engagement and work prioritization. However, this is seen as a short-term solution and not sustainable given the projected lift in Council's Transportation budgets indicated in draft 2021/31 LTP's.

Transport Budgets	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 LTP	2022/23 LTP	2023/24 LTP
FNDC	\$ 32,437,500	\$ 45,000,179	\$ 56,064,042	\$ 58,196,158	\$ 59,738,171	\$ 57,833,038
KDC	\$ 19,200,000	\$ 25,869,379	\$ 26,178,155	\$ 27,417,520	\$ 26,973,449	\$ 27,974,926
WDC	\$ 39,600,000	\$ 46,501,651	\$ 51,534,578	\$ 53,095,250	\$ 55,321,623	\$ 54,483,208
<b>Total</b>	<b>\$ 91,237,500</b>	<b>\$ 117,371,209</b>	<b>\$ 133,776,774</b>	<b>\$ 138,708,928</b>	<b>\$ 142,033,243</b>	<b>\$ 140,291,172</b>
<b>Budget increase vs. 2018/19</b>		<b>29%</b>	<b>47%</b>	<b>52%</b>	<b>56%</b>	<b>54%</b>

The table above excludes historic or on-going work volumes associated with external funding where it is anticipated that resources to deliver this work will continue to be supplemented using consultant resources.

## **2) TE MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

### **2.1 Choice and distribution of hiring Council**

The NTA model requires each seconded FTE to be employed by a designated home Council. Where most of the anticipated work is associated with a single Council it is desirable for that Council to be the hiring Council, whereas if the role is of either a specialist technical or regional nature the specific hiring Council is determined through a combination of best fit (duties and location) and maintaining a level of employment balance across Councils.

### **2.2 FTE staff versus engagement of consultants**

Where vacancies exist or peak work-loads dictate, consultants are engaged to fill resource gaps, manage work-load peaks or provide specialist services where the technical skill does not exist within the organisation (i.e. bridge design).

The current proposal looks to address the current heavy reliance on consultant resources in the areas of Asset Management and Development Engineering, two areas of work deemed to be core business for any Transportation business unit. Through proceeding with this proposal there is an associated downstream impact of freeing up existing staff resources who are presently overseeing and managing consultant workloads to concentrate on and complete their primary duties.

Should the proposal not be approved, these routine day-to-day tasks will continue to be required to be completed by consultant resources noting that consultancy hourly rates are generally higher than the recovery rate cost of internal NTA seconded staff.

### **Te Take Tūtohunga / Reason for the recommendation**

To obtain approval to increase the overall FNDC staff headcount seconded into the NTA by three FTE.

## **3) NGĀ PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

### **3.1 Recovery of NTA seconded staff costs**

Through the NTA staffing model, the direct and overhead costs for staff are recovered through each hour worked being costed directly to an existing transportation budget item. This methodology effectively treats each NTA employee as a consultant resource with each productive hour booked to an individual job, irrespective of which council employees the person or is funding the associated work.

Recovery rates are calculated for each position to ensure all associated costs are fully recovered throughout the year, with any additional FTE cost attracting equivalent recoveries resulting in a net zero impact.

Through booking each hour to a specific transportation job the labour cost then attracts Financial Assistance Rate (FAR) subsidy (current rate of 67%, increasing to 69% for 2021/24).

This methodology allows specialist NTA staff to be assigned to work across Councils as required, with the cost of the associated work being incurred by the Council the work is for, and the resulting recovery for the staff time credited back to the employing Council to offset the employment costs.

At present approximately 20% of District Council work across the region is undertaken by an employee employed by one of the other District Councils.

### **3.2 Impact on transportation budgets**

Due to the recovery rate methodology used within the NTA for tracking and assigning labour costs, all staff costs associated with delivering transportation activities are booked to, and covered by, Council's transportation budgets.

As demonstrated on the next table, due to the increasing transportation budgets, the proposed increase in direct employee numbers still results in a reduction in the percentage of this cost versus overall transport budgets compared with 2018/19, primarily as a result of increasing organisational efficiencies and a greater spread of the recovery of fixed overheads.

<b>NTA Support Cost Analysis (excluding consultant costs)</b>	<b>2018/19</b>	<b>2021/22 (Submitted)</b>
Proposed FTE total* (6 additional resources - excludes consultant replacements)	53	59
Approximate Regional Employee costs (including increase adjustment for 2021/22)	\$ 6,806,420	\$ 8,043,947
Fixed SSBU costs & Walton Plaza rent costs (2% + 2%)	\$ 819,738.64	\$ 870,261.31
<b>Total Cost</b>	<b>\$ 7,626,159.10</b>	<b>\$ 8,914,207.99</b>
2020/21 Proposed Transportation budgets	\$ 91,237,500	\$ 138,708,928
% Labour cost	8.36%	6.43%

*\*2021/22 FTE numbers exclude the three direct consultant replacement positions as these costs were in addition to staff costs incurred in previous years*

### 3.3 National Land Transport Funding (NLTF) risk on future budgets

Due to the current uncertainty of available NLTF funding for the 2021/24 period, the proposal assumes the resource levels required to maintain existing (2020/21) programmes as this has been indicated to be the likely minimum level of Maintenance, Operations and Renewals funding available.

Additionally, with the greatest funding risk related to Capital Works, the future resourcing proposal does not include any additional Capital Works delivery resourcing (Project Managers) with delivery of fluctuating volumes in this area to be managed through engagement of consultant resources as required, as has been the case to support recent delivery of the additional Central Government funded works across the region.

To provide assurance on the viability of the proposal, a comparison of the increased labour cost against the lower (-15%) 2019/20 budgets has been undertaken as provided in the table below showing that while the percentage of labour cost at 7.59% is greater than the full 2021/22 budget submission on the previous table it remains lower in comparison to 2018/19.

<b>NTA Support Cost Analysis (excluding consultant costs)</b>	<b>2018/19</b>	<b>2021/22 (reduced budgets)</b>
Proposed FTE total* (6 additional resources - excludes consultant replacements)	53	59
Approximate Regional Employee costs (including increase adjustment for 2021/22)	\$ 6,806,420	\$ 8,043,947
Fixed SSBU costs & Walton Plaza rent costs (2% + 2%)	\$ 819,738.64	\$ 853,197.36
<b>Total Cost</b>	<b>\$ 7,626,159.10</b>	<b>\$ 7,937,430.90</b>
2020/21 Proposed Transportation budgets	\$ 91,237,500	\$ 117,371,209
% Labour cost	8.36%	7.59%

## NGĀ ĀPITI HANGA / ATTACHMENTS

1. **2021 NTA Additional Resource Request - February NTALG - A3112186** [↓](#) 

**Te Hōtaka Take Ōkawa / 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.

<b>He Take Ōkawa / Compliance requirement</b>	<b>Te Aromatawai Kaimahi / Staff assessment</b>
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.	Not Applicable.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District wide.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Not Applicable.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Not Applicable.
State the financial implications and where budgetary provisions have been made to support this decision.	As discussed and outlined in the report.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.





**Meeting:** NTALG – February 2021

**Name of item:** NTA Additional Resource Requirement Request  
**Supporting delivery of the 2021/24 LTP Programmes**

**Author:** Calvin Thomas – NTA General Manager

**Date of report:** January 2021

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## 1. Purpose

The purpose of this paper is to provide the required information to support the request of the Alliance Leadership Group to approve additional resources identified as being required to enable successful delivery of the three District Council's Transport Programmes<sup>1</sup> within the 2021/24 Long Term Plans and meet associated Key Performance Measures.

The proposed changes are designed to enable achievement of the agreed NTA Vision of **"Collectively creating better, safer and more accessible journeys across Northland"** through appropriately resourcing the NTA to enable the achievement of the following key deliverables:

- Industry Leader in Asset Management;
- Improve the reach of the public transport network<sup>2</sup>;
- Deliver the Capital Works programme;
- Deliver the Maintenance programme;
- Lift the quality of customer experience; and
- Prove a demonstrable improvement in the Northland Transport Network.

## 2. Recommendations

**That the Alliance Leadership Group:**

- a) **Notes the significant forecast increase, comparing to 2018/19 levels, in District Council's respective Transportation expenditure across the Region;**
- b) **Notes the supporting background information provided as justification for the increase in resourcing levels;**
- c) **Notes that while any increase in resource will result in an increase in FTE's, the associated costs are covered through the proposed 2021/31 LTP Transportation Budgets;**
- d) **Approves the proposal for additional resources as outlined in this paper; and**
- e) **Delegates Authority to the NTA General Manager to work with the Council People and Capability Managers to finalise Home Council employers for each identified position.**

<sup>1</sup> NRC Resourcing is excluded from this analysis as the approval and recruitment of the additional FTE position of Transport Support Officer (in late 2020) has addressed the identified resource requirements in this area.

<sup>2</sup> Supporting achievement of this deliverable excluded from this proposal – refer to note 1



### 3. Background

In March 2019 the NTA transitioned to a functional based structure designed to better support a regionally focused delivery of Council's Transport programmes. At the time of implementing the structure there were 19 vacant positions which were all successfully recruited and filled over the following 18-month period, providing the NTA resourcing to deliver the volume of works that were identified at the time of original structure implementation.

As demonstrated in the table below, in the period since implementing the NTA functional structure (2018/19 Financial Year), base council work volumes have increased by approximately 50% with further pressures added through a combination of external government funding, increasing external activity and reassignment of activities previously completed by other Council departments to the NTA.

To date this progressive volume increase has been addressed through a combination of external consultant engagement and work prioritization however this is seen as a short-term solution and not sustainable given the projected lift in Council's Transportation budgets indicated in draft 2021/31 LTP's.

Transport Budgets	2018/19 Budget	2019/20 Budget	2020/21 Budget	2021/22 LTP	2022/23 LTP	2023/24 LTP
FNDC	\$ 32,437,500	\$ 45,000,179	\$ 56,064,042	\$ 58,196,158	\$ 59,738,171	\$ 57,833,038
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WDC	\$ 39,600,000	\$ 46,501,651	\$ 51,534,578	\$ 53,095,250	\$ 55,321,623	\$ 54,483,208
<b>Total</b>	<b>\$ 91,237,500</b>	<b>\$ 117,371,209</b>	<b>\$ 133,776,774</b>	<b>\$ 138,708,928</b>	<b>\$ 142,033,243</b>	<b>\$ 140,291,172</b>
<b>Budget increase vs. 2018/19</b>		<b>29%</b>	<b>47%</b>	<b>52%</b>	<b>56%</b>	<b>54%</b>

The table above excludes on-going work volumes associated with external funding where it is anticipated that resources to deliver this work will continue to be supplemented using consultant resources.

Each NTA department has completed an assessment of their respective forecast activities and associated resource requirements against the forecast 2021/24 LTP Budgets, associated key performance measures and ability to achieve respective agreed NTA deliverables. As a result of this analysis several key new resource requirements have been identified to enable successful delivery of the Transport programmes while continuing to improve the quality of service and Northland system user outcomes.

### 4. Identified Resource Requirements - Summary

A total of nine additional resources have been identified as being required to support delivery of the 2021/24 LTP Transportation Programmes, specifically:

Department	Position	Hiring Council
Asset Strategy & Management	Asset Manager	WDC
Asset Strategy & Management	Graduate Asset Engineer	FNDC
Road Safety & Traffic Engineering	Senior Development Engineer, Transportation	WDC
Road Safety & Traffic Engineering	RSAP Program Manager	TBC
Road Safety & Traffic Engineering	Graduate Transportation Engineer	TBC
Maintenance & Operations	CAR Specialist	FNDC
Maintenance & Operations	Regional Field Compliance Assessor	TBC
Maintenance & Operations	Streetlighting Services Manager	TBC
Business Performance	Customer Services Administrator	TBC

In addition to the above, the following internal structure / positional change is also proposed:

- Creation of a new Team Leader role of "Regional Customer Services Lead", with intent for this role to be filled via an internal application process.



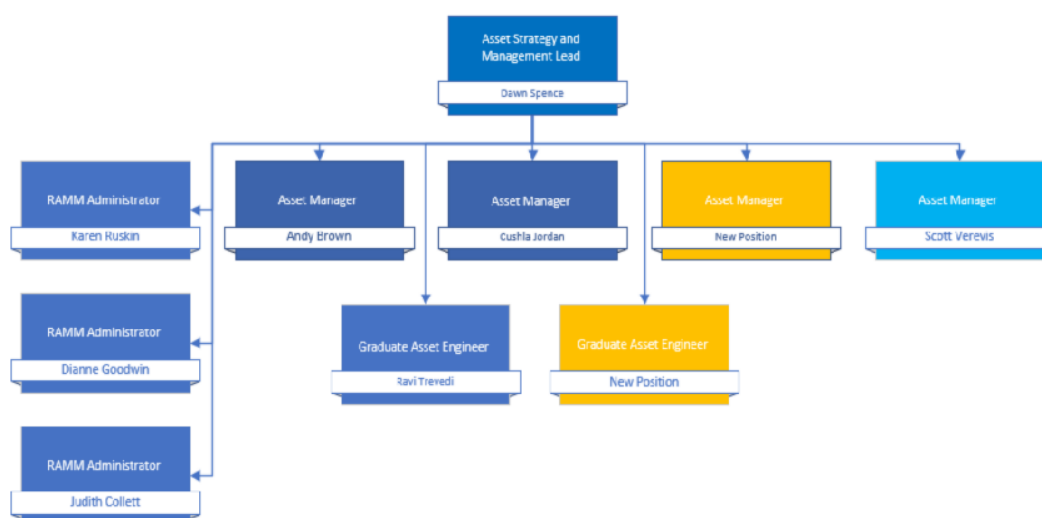
## 5. Resource Requirements – Department Summaries

### Strategy and Planning - Asset Strategy and Management

Two proposed additional FTE roles identified being:

- **Asset Manager** – (Business Cases, AMP, RLTP, and co-ordination of Traffic services and Safety including TIO updates)
- **Graduate Asset Engineer** – Kaikohe based primarily supporting FNDC activities

The revised department structure with proposed new positions (in orange) is:



Key – Dark Blue = Existing internal resource / Light Blue = Existing consultant resource / Orange = Proposed new resource

Primary justifications for the requested changes are:

- Consultant Mark Seakins presently undertakes the following:
  - WDC Liaison;
  - Asset Manager for over 75% of our asset groups;
  - Led the creation & development of the combined region AMP document; and
  - Manages the NZTA TIO system.

Mark has advised his intent to cease asset management related activities to return to be a project management consultant and is due to exit the asset management team through a phase handover over the next six months. We therefore require:

- A replacement in-house Asset Manager
- A restructure of roles and duties to re-balance work load
- Our KDC and FNDC Asset Managers are disproportionately engaged on their respective Council Financial systems and their customer review and resource consents rather than their core asset management work. To assist in resolving it is proposed to:
  - Recruit an additional Graduate Asset Manager required to assist FNDC Asset Manager with increased work load; and
  - Restructure current roles and duties to re-balance work load

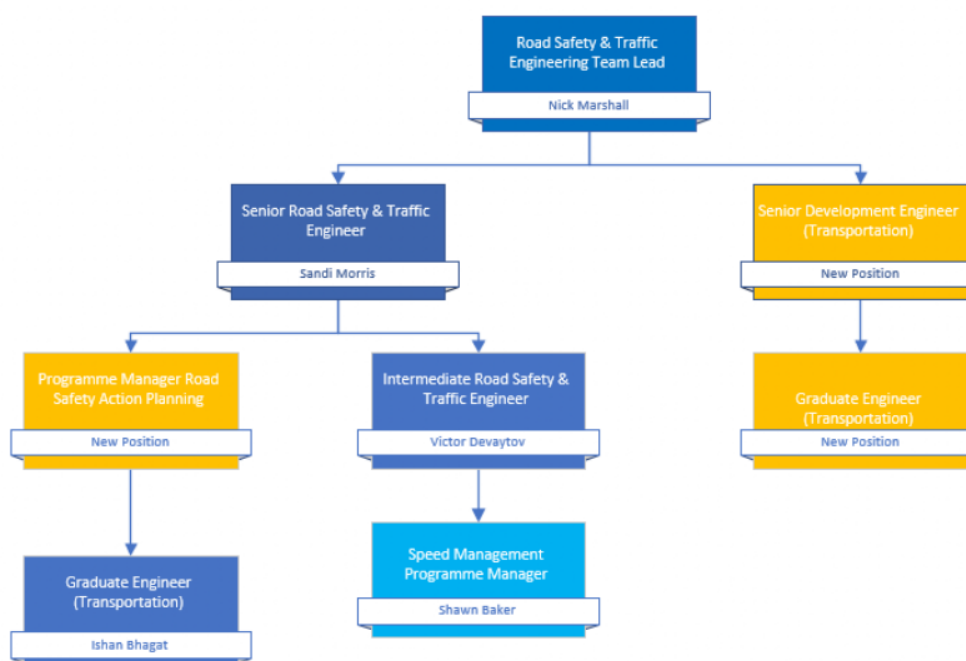


## Strategy and Planning - Road Safety & Traffic Engineering

Three proposed additional FTE roles identified being:

- **Senior Development Engineer, Transportation** – Review of; consent applications, development engineering plans, District Plan and Policy changes, engineering standards and Customer Enquiries; and
- **Graduate Transportation Engineering** – to assist Senior Development Engineer and Road Safety and Traffic Engineers
- **RSAP Program Manager** – to manage Road Safety Action Planning programs and contracts for all three district councils and run the Northland Road Safety Action Planning Committee.

The revised department structure with proposed new positions (in orange) is:



Key – Dark Blue = Existing internal resource / Light Blue = Existing consultant resource / Orange = Proposed new resource

Primary justifications for the requested changes are:

- Northland is one of the fastest growing regions in New Zealand, and with this associated growth the amount, size and complexity of developments to be reviewed has increased. In the past 12 months the volume of consents processed via the NTA Safety and Transportation team has increased by 400%, with the identified need for:
  - A new role to specifically manage **Development Engineering** (consent application reviews and approvals);
  - Additional **Graduate Transportation Engineer** required to assist Development Engineering Team with increased workload and management requirements;
  - A restructure of roles and duties to re-balance workload.



- Additionally, due to a combination of increased development engineering, the size of NTA programs increasing over the past 4 years, and increased management required of our Road Safety Program for NZ Road to Zero Strategy (as reported to Council's in mid-2019), the following role has been identified as being required to enable the Road Safety & Traffic Engineering Team to prioritise and plan future projects and programs to maintain the 'pipeline' of work through to the Capital Delivery Team:
  - **Program Manager, Road Safety Action Planning** to manage Road Safety Action Planning activities, contracts and Committees
  - A restructure of roles and duties to re-balance workload and improve Regional outcomes.

### Capital Works and Procurement

While the Capital Works programmes have increased across the Region, due to historic recruitment constraints and the anticipated workload peaks no additional positions are currently proposed within this department (noting recruitment of replacement for FNDC Project Manager resulting from Jaco Cronje's resignation will continue), with consultant resources to continue to be used to manage increased programme delivery.

Additional resourcing proposed for the Asset Strategy and Management department is designed to better support the preparation and planning of Forward Work Programmes prior to handover to Capital Works and Procurement to improve the ability to successfully deliver the increased annual Capital Works programmes.

As noted in the Asset Strategy and Management section, Mark Seakins (consultant) has advised of his intent to cease asset management related activities to return to be a project management consultant which will provide an additional experienced and semi-dedicated Regional resource to manage the complex projects across the region.

### Maintenance

Resourcing of the Maintenance Contract Management teams has been assessed as sufficient to support the delivery of future programmes and no additional positions are currently proposed within this department.

### Regional Operations

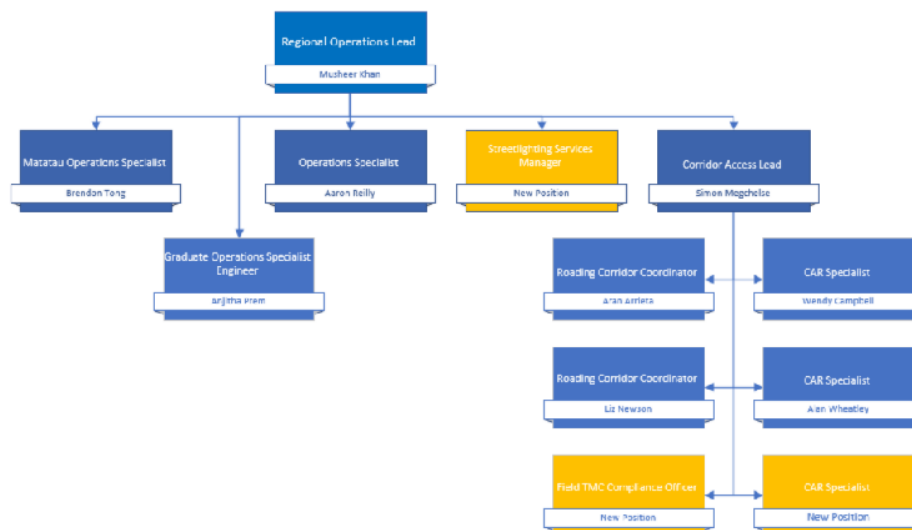
Three proposed additional FTE roles identified being:

- **CAR Specialist** – FNDC based, succession planning for Alan Wheatley, Regional workload coverage; and
- **Field TMC Compliance Officer** – Regional role, completion of field monitoring and compliance functions across the Region as per the Code of Practice for Temporary Traffic Management (CoPTTM) & National Code of Practice for Utility Operators Access to Transport Corridor
- **Streetlighting Services Manager** – Technical role overseeing all streetlighting related activities across the Region





The revised department structure with proposed new positions (in orange) is:



Key – Dark Blue = Existing internal resource / Orange = Proposed new resource

Primary justifications for the requested changes are:

- **CAR Specialist (FNDC based)**
  - The Corridor Access Requests (CARs) for FNDC are handled by one of the three NTA CAR Specialists who is based at FNDC (Alan Wheatley).
  - Alan has indicated his intent to retire in next 12-18 months triggering a need to commence succession planning activities.
  - The proposed additional role will also alleviate increased workload volume issues and allow for provision of cross District support of all CAR specialists.
- **Field TMC Compliance Officer (Regional role)**
  - Due to the high volume of CAR applications being processed for the WDC district by the CAR Lead who is also the TMC; this role is unable to carry out the monitoring and compliance functions as per the Code of Practice for Temporary Traffic Management (CoPTTM) & National Code of Practice for Utility Operators Access to Transport Corridor.
  - The large geographical area covered by the FNDC & KDC CAR Specialists and the limited ability, due to work volumes, to inspect every work site has led to undetected substandard work been carried out by contractors, most recently identified on Mangamuka Road which has now led to the pavement failure.

This role is ideally required to:

- Ensure there is adequate monitoring and audit of all traffic management within the RCA's roading network by monitoring documentation and worksite activities to ensure compliance with CoPTTM and/or the Health and Safety at Work Act 2015. These checks are to be selected randomly and represent a minimum of five percent of all worksites in any month.
- Inspect 100% of the Utility excavations prior to reinstatement
- Carry out minimum 25% Warranty Audits - 2 weeks; 6 month & 18 months



- **Streetlighting Services Manager (Regional Role)**
  - Technical role overseeing all streetlighting related activities across the Region with the field activities continuing to be supported by the streetlight maintenance contractors.
  - Allows for the role of the Operations Specialist – Traffic Safety who is specialised in ITS system needs to be freed up to focus on its core function rather than being part time lighting specialist.
  - Responsibilities for the region will include but are not limited to:
    - Streetlight Maintenance Contract Management
    - Street & Amenity lights operations and maintenance
    - Streetlight handover inspections for sub-divisions
    - Street & amenity lights design reviews
    - Streetlight MSQA for capital works
    - Streetlight improvement scoping

### Customer Services

In late 2020 approval was provided to recruit for an additional (WDC) CRM coordinator for a 6-month fixed term period to support provision of more timely response to Customer Enquiries related to specialist technical areas (Asset Management, Safety, Long Term Strategy, Traffic Operations etc.).

Analysis of District Council Customer Experience reports reveals the following key opportunity areas for improvement:

- ▶ Initial Responsiveness
- ▶ Speed of actioning request
- ▶ Keeping informed of progress
- ▶ Helpfulness of staff actioning the request
- ▶ Follow through of promised actions
- ▶ Reinstatement of the site

In conjunction with the proposals for additional technical resources above it is proposed that this additional position be made permanent to assist with filtering and reducing the amount of issues to be dealt with at a Specialist Technical Resource level and subsequently assist in addressing several the responsiveness and customer communication issues highlighted above.

As part of this change it is proposed to create a new role of “Regional Customer Services Lead” (to be filled via internal application process) who will be responsible for Technical Specialist Responses, Elected Member Responses, Regional response time monitoring and reporting, process improvement initiatives and leave coverage.



## 6. Resource Requests – Department Detail

Further details, justification and background information is contained within this section specifically for the Asset Strategy & Management, Road Safety & Engineering and Regional Operations requested positions. This information is included to provide further context on the current state issues and subsequent proposed solutions to effectively manage delivery of the 2021/31 LTP Transport programs.

### Strategy and Planning – Asset Strategy and Management

#### Current Challenges

The Team of Asset Management and Strategy have some issues impacting effectiveness. The major issues which affect, our team are as follows:

- A large proportion of our strategy operations are contracted out to consultants. Consultant Mark Seakins is withdrawing his full-time input into the Asset Management team and his work operations will have to be reassigned. (to be phased over the next 6 months). This is an opportunity to bring these operations back in-house.
- Considerable time is being spent by current in-house Asset Managers in dealing with
  - Council financial systems and
  - Customer complaints systems (CRMs and RFS)
  - Council development and consent issues

A large proportion of these activities could be reassigned thus freeing up time which could be more effectively used for asset management core activities.

- The responsibility for asset strategies and Forward Work Programmes (FWP's) have been unbalanced between our in-house staff and external consultants. This needs to be readdressed whereby our in-house Asset Managers take ownership and responsibility for all the strategy works.

#### Solution options

To effectively manage these major issues a proposed restructure will be required which will involve reallocation of work activities/responsibilities to existing and to new positions.

It is proposed to continue with the focus our asset managers on groupings of assets. In this manner each Asset Manager will be able to have an in-depth comprehension into their responsible asset group and a general overview for all assets over their district areas.

Currently our consultants Mark Seakins and Scott Verevis oversee and co-ordinate the creation of the strategies and forward work plans for the following asset groups:

- Sealed roads – rehabs and reseals
- Forest Strategy
- Bridges
- Drainage
- Resilience slips and retaining walls
- Environmental and Climate change

They also undertake the major preparation of transport modelling, Annual plan, RLTP and AMP development and preparation and TIO management.





We need to ensure that the Team of Asset Management & Strategy has a clear overall responsibility for the work activities although consultants may be engaged to execute the specialised works. To achieve this, it is proposed to split the Asset Strategy work responsibility into four groups being:

- Sealed Roads
  - Re-seals/Rehabs of sealed roads
  - Seal extensions
  - Traffic Counting
  - Footpaths, Kerb and Channel
  - Databases
- Unsealed Roads
  - CoE strategy
  - Rehabs and metaling of roads
  - Forestry Strategy
- Bridges, Drainage and Structures
  - Bridges
  - Roadside drainage
  - Retaining Walls and resilience slips
  - Environmental
  - Climate
- Business Cases and Co-ordination of Traffic Services and Safety Management
  - Drafting of:
    - Business Cases
    - AMP
  - RLTP co-ordination
  - Transport Modelling & Planning
  - Co-ordination of Strategies, FWP's and TIO management prepared by other NTA team members for:
    - Traffic Services: road furniture, markings and pedestrian crossings
    - Streetlighting
    - Traffic Signals
    - Rail level crossings
    - Safety Management

Each Asset Manager will be responsible for the respective strategies within their particular asset group and the creation of the forward works program divided into the three districts. They are also responsible for the liaison with the respective Asset Manager for each district: FNDC/KDC/WDC to ensure they are fully briefed as to the proposed strategies and FWP.

As the asset strategy work is re-balanced between the Asset Managers, there needs to be further support to reduce the Managers in dealing with:

- Council financial systems and
- Customer complaints systems (CRMs and RFS)
- Council development and consent issues

To resolve the above the following solutions are proposed:

1. Creation and monitoring of a single budget spreadsheet across the NTA, to be modeled on TIO but with reference to the FNDC, KDC and WDC financial systems. [To be initiated by the Asset Management and Strategy Lead (Dawn Spence) and will be reviewed as the exercise progresses.]



2. Engagement of an additional (Kaikohe based) Graduate Asset Engineer for delegation of tasks to free up time of the FNDC Asset Manager which could be more effectively used for asset management core activities.
3. Engagement of a further CRM/RFS coordinator to filter and reduce the amount of issues to be dealt with at an Asset Manager level [refer to Customer Services section of this report for further information]

## Strategy and Planning - Road Safety & Traffic Engineering

### Current Challenges

The Road Safety & Traffic Engineering Team have several issues which impact the ability to be effective. The major issues are:

- A significant proportion of current activities are contracted out to consultants, particularly for Development Engineering. Bringing this in-house will be more efficient and provide a more consistent level of service to our customers. Also, much of our strategic planning for Traffic Engineer specifically has been stalled due to lack of resource internally, and these functions cannot be outsourced.
- Considerable time is being spent by our current in-house Engineers in dealing with;
  - Consents / Development Engineering
  - Customer complaints systems (CRMs and RFS)
  - District Plan and Policy Reviews

A large proportion of these activities could be reassigned thus freeing up time which could be more effectively used for Road Safety & Traffic Engineering activities.

- There is an imbalance between time spent on reactive, externally driven activities (consents & customer responses) versus planned activities resulting in poor delivery of our key planned work streams. This needs to be readdressed whereby our focus can be on our core business of Road Safety, Traffic Engineering and Transport Planning of future works programs.

The graphs & tables below illustrate that the number of Development Applications that the NTA has reviewed and conditioned has increased by 400% and that the average subdivision size has also increased.

### Completed Developments & New Lots Created

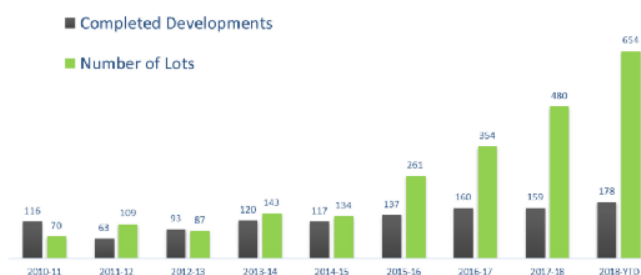


Figure 1 – Whangarei Volume/Size of Developments 2010-2018

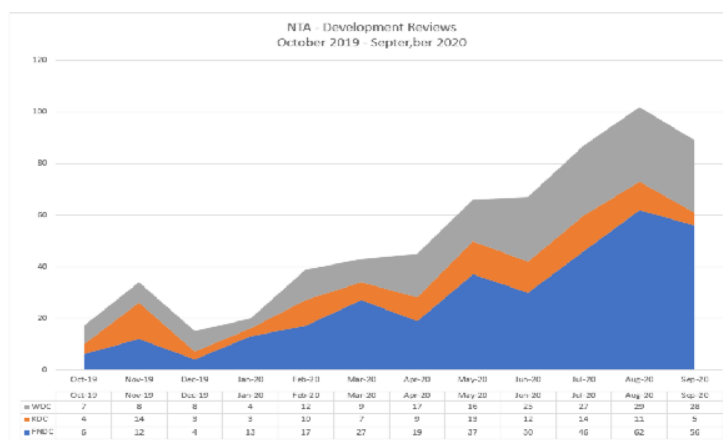


Figure 2 – Northland (NTA) volume of developments October 2019 to September 2020

### Solution options

To effectively manage these major issues a proposed department restructure will be required which will also involve reallocation of work activities/responsibilities to existing and to new positions.

As the Road Safety & Traffic Engineering Team work is re-balanced across the team, there needs to be further support to reduce the Managers in dealing with:

- Council development and consent issues
- Increased Road Safety impetus; RSAP and Safer Network Program
- Customer complaints systems (CRMs and RFS)

To resolve the above the following solutions are proposed:

1. Engagement of a **Senior Development Engineer** to manage the Development Engineering and other reactive workstreams, which will free up the Road Safety and Traffic Engineers to focus on their core activities.
2. Engagement of a **Graduate Transportation Engineer** for delegation of tasks, which will free up the Road Safety and Traffic Engineers to focus on their core activities and enable the Senior Development Engineer to provide the required input into consent applications.
3. Engagement of a **Program Manager for Road Safety Action Planning (RSAP)**, to manage Road safety Action Planning Committee, contracts and programs for Northland.
4. Engagement of a further CRM/RFS coordinator to filter and reduce the amount of issues to be dealt with at Senior Engineer level [refer to Customer Services section of this report for further information]

It is proposed to create two functional units within the Road Safety & Traffic Engineering Team being:

1. Road Safety & Traffic Engineer, and
2. Development Engineering.

Road Safety & Traffic Engineering will focus on the planned/strategic activities, whereas Development Engineering will focus on the reactive activities such as consents and customer enquiries.



### **Key Roles identified within each newly proposed functional unit**

#### ***Road Safety & Traffic Engineer Unit:***

- Crash Reduction Studies
- Fatal Crash Investigations
- Safety Audits
- Safer Network Program (SNP)
- Speed Management Program
- Development of Forward Works Programs (FWP)
- Funding Applications
- Transport Planning; Active Transport, Tourism Cycle Trails
- Road Safety Action Planning (RSAP)
- Design Reviews
- Standards & Procedures

#### ***Development Engineering Unit:***

- Pre-application meeting
- Land Use & Subdivision Consent application reviews
  - Section 92 requests for further information
  - Conditions of consent
  - Hearings
- Engineering Standard reviews
- Input into District Plan & Policy Reviews
- Customer Enquiries (RFS & CRM)

### **Regional Operations**

The present structure for the Regional Operations Team comprises of nine employees (including the Regional Ops Lead), tasked with primary responsibility for the following functions across the Region:

- Corridor Access Requests (All Councils)
- Vehicle Crossings (WDC & KDC only)
- Operations & Maintenance of Intelligent Transportation System (ITS) i.e. Traffic Signals; School Zone Signs; Sydney Coordinated Adaptive Traffic System (SCATS) etc. (Primarily WDC but expanding to other Districts)
- Streetlight Operations & Maintenance (All Councils)
- Hokianga Ferry Operations (FNDC)
- Te Matau A Pohe & Kotuitui Whitinga Bridge operations & maintenance (WDC)

In addition to the core activities above the team is also responsible for the following activities for the respective District Councils:

- Overweight permit - KDC
- Restricted bridges/roads; temporary road closures - KDC
- Road stopping - KDC
- Street numbers & Road naming - KDC
- License to Occupy (LTO) - KDC
- Technical support (Design Reviews) for Streetlighting & Traffic Signals associated with Capital Works & Subdivisions – All Councils
- Streetlighting Handover Inspections – All Councils
- Smart parking systems - WDC
- CCTV systems – WDC



### **Operation Specialist Team**

Under the present arrangement the ITS (Intelligent Transport Systems) unit, comprises of:

- Matatau Operations Specialist - Traffic Safety;
- Operations Specialist Lighting & Transport; and,
- Graduate Engineer.

This team responsibilities presently include:

- Managing the operations and maintenance of 23 WDC and 9 State Highway Traffic Signals and 70 School zone signs in the region. (The State Highway traffic signals are maintained under a delegated authority from the NZTA);
- Contract management of the Hokianga Ferry operations in FNDC;
- Maintenance and Operations of Te Matau A Pohe & Kotuitui Whitinga Bridges in WDC;
- Streetlight operation and maintenance in FNDC, KDC & WDC;
- Provision of technical support to capital works and sub-division planning team with design reviews for traffic signals and streetlighting;
- Smart parking systems related activities for WDC; and
- CCTV systems technical input for WDC.

### **Present Operational Constraints**

The asset management of the continuously increasing streetlight asset base distributed over a very large geographical area make it impractical to continue to manage this as a part time function. The transition to a new formal streetlight maintenance contract for KDC (combined with updated Regionally consistent contracts also being tendered for WDC and FNDC) in the 2021/22 financial year will mean that there will be three new (WDC, FNDC, KDC) formal streetlight maintenance contracts to be managed.

Tabulated below is the streetlight asset base for the three district councils with the forecast growth based on the present streetlight infill works program 2020/2022.

District	Streetlights	Type		Percent LED	LED Infills 2020-2022	Forecast Asset base 2022
		LED	Non-LED			
WDC	5,924	4,808	1,116	81.16%	702	6,626
FNDC	1,899	1,735	165	91.36%	381	2,280
KDC	1,193	1105	88	92.62%	174	1,367
<b>Total</b>	<b>9,016</b>					<b>10,273</b>

In the last six months the ITS team has reviewed over 35 streetlight designs and carried out streetlight handover inspections for over 80 new streetlights in new sub-divisions. The absence of technical expertise and resource constraint in the lighting & electrical field has led to need to contract consultants for MSQA for all infill projects across the regions when this could have been undertaken in-house by an appropriately qualified technical position.

Furthermore, with a growing ITS asset base and a SCATS operating system in need of upgrading (currently running on version V6.7.2.0 versus latest version of 6.9.4), the specialist resources in this area have an increasing commitment to constantly monitor, maintain, upgrade and improve our systems and processes. The separation, and appropriate resourcing of, streetlight related works is seen as a key mitigation of the current operational constraints in this area.





### Proposed Solution

It is proposed to separate off the Region's streetlighting works and creating a functional unit within the Regional Operations Team like the CAR and ITS unit. The activities of this unit will be led by the newly created role of Streetlighting Services Manager and the field activities will be supported by the streetlight maintenance contractors. This will be a technical role whose responsibilities for the region will include but are not limited to:

- Street & Amenity lights Operations and maintenance
- Streetlight handover inspections for sub-divisions
- Street & amenity lights design reviews
- Streetlight MSQA for capital works
- Streetlight improvement scoping

Through removing the responsibility of streetlighting the ITS team will be enabled to focus efforts on delivering to the required levels of service associated with its core technical functions. This is anticipated to require an increased level of resource commitment in the future due to increasing implementations of Intelligent Transport System assets and the need to continually upgrade and maintain systems as technology evolves.

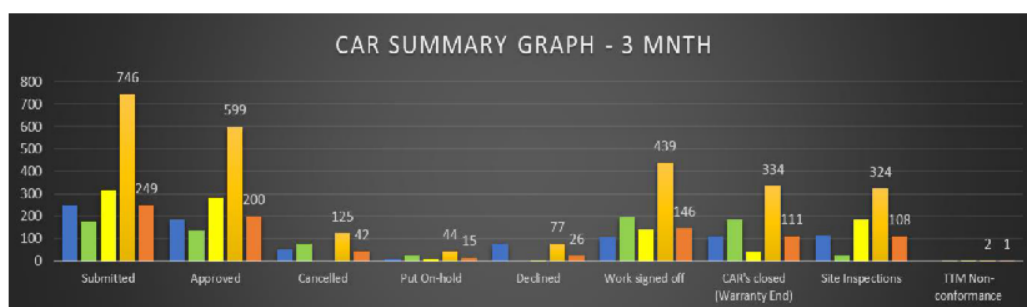
### Corridor Access Request team

The Corridor Access team currently comprises of:

- CAR Lead;
- CAR Specialists (x2); and,
- Roadway Corridor Coordinators (x2)

Each month the team receive and process an average of 249 CAR requests for the region and approximately 23 (WDC) / 15 (KDC) vehicle crossing applications as part of their core activity. Processing of the Vehicle Crossing applications includes the undertaking of 2-3 individual site inspections per application.

Illustrated below is the CAR summary for three months of the 2020/21 financial year.



CAR SUMMARY - 3 MNTH									
District	Submitted	Approved	Cancelled	Put On-hold	Declined	Work signed off	CAR's closed (Warranty End)	Site Inspections	TTM Non-conformance
FNDC	250	182	49	10	75	107	111	113	0
KDC	178	135	76	23	0	194	182	26	1
WDC	318	282	0	11	2	138	41	185	1
Total	746	599	125	44	77	439	334	324	2
AVG/MNTH	249	200	42	15	26	146	111	108	1



### Present Operational Constraints

Over the past 5-10 years the Corridor Access team have been actively working with the wider industry to improve compliance associated with work being completed in the roading corridor having appropriate CARs submitted. In part the team are now suffering from the success of this with CAR volumes increasing significantly over this time and minimal occurrences of non-notified work occurring within the regions roading corridors.

Due to the increase in volume of CAR applications being processed across the region the CAR Lead and CAR Specialists are presently constrained in their ability to undertake the required field monitoring and statutory compliance aspects of their role as per the Code of Practice for Temporary Traffic Management (CoPTTM) & National Code of Practice for Utility Operators Access to Transport Corridor which include:

- Ensuring there is adequate monitoring and audit of all traffic management within the RCA's roading network by monitoring documentation and worksite activities to ensure compliance with CoPTTM and/or the Health and Safety at Work Act 2015. These checks are to be selected randomly and represent a minimum of five percent of all worksites in any month.
- Inspecting 100% of the Utility excavations prior to reinstatement
- Carrying out at least 25% Warranty Audits - 2 weeks; 6 month & 18 months

In addition, the large geographical area covered by the FNDC CAR Specialist and the limited ability to inspect every work site has recently resulted in identification of previously undetected substandard reinstatement works carried out by a contractor on Mangamuka Road which has now led to the pavement failure.

While completing the structure analysis exercise consideration has also been given to the FNDC incumbents indicated intent to retire in the next 12-18 months and the potential operational risk this creates.

### Proposed Solution

It is proposed to introduce two new roles to further support completion of CAR activities, increase the ability to meet statutory field inspection and compliance requirements and ensure appropriate succession planning steps are in place to mitigate the risk associated with the impending retirement of the incumbent FNDC CAR Specialist.

1. **Field TMC Compliance Officer** – this proposed role will be responsible for the field monitoring and auditing of the works sites approved under the Corridor Access Request in the region better enabling the team to fulfil the requirements under CoPTTM. The role will work under the direction of the CAR Lead and CAR Specialists assisting them to ensure we meet field monitoring obligations as a Road Controlling Authority (RCA).
2. **CAR Specialist** – introducing a third CAR specialist (based in FNDC area) to the team is proposed both to mitigate any future risk associated with the FNDC incumbents' retirement while also alleviating increased workload volume issues and allowing for provision of cross District support of all CAR specialists.

Given the specialist nature of the role and a requirement for a level of local area familiarisation, succession planning and associated recruitment is believed to be required now to minimise any resulting knowledge gap created in this space.

## 6.4 RATES ARREARS POLICY

**File Number:** A3132825

**Author:** Margriet Veenstra, Manager - Transaction Services

**Authoriser:** Jaime Dyhrberg, General Manager - Corporate Services (Acting)

### TAKE PŪRONGO / PURPOSE OF THE REPORT

Council has arrears on General Title rate accounts of \$6,363,707 (as at 28/02/2021). Collection processes have been established that involve using Law North and Council's In-house Legal Services team to seek judgment through the District Court to secure the debt.

There are a range of debt recovery options that can be taken once judgment is received and it is important that there is a Policy on the actions to be taken and the circumstances in which each would apply.

### WHAKARĀPOOTO MATUA / EXECUTIVE SUMMARY

- Council has arrears on General Title rate accounts of \$6,363,707 (as at 28/02/2021).
- So far 21 cases have progressed to judgment in the district court with Law North for the rates arrears owed and costs awarded.
- Debt secured through judgment has a six-year limitation period as per the Limitation Act 2010, after which the debt becomes statute barred and must be written off.
- Law North provided a comprehensive memorandum with all the debt recovery options available to council.
- As there are various debt recovery options, it is important to have a policy to enable staff to determine suitable options in line with Council's preferences.
- The Assurance, Risk and Finance Committee considered this report at their meeting on 12 February 2020 and made the following recommendation to Council.

### TŪTOHUNGA / RECOMMENDATION

That Council:

- a) approve the enforcement options attached to the report be formalised into an operational policy under which next steps following a District Court judgement will be assessed.
- b) agree that in broad terms, any arrears that relate to "bare land" sites will automatically progress straight to rating sale.
- c) agree that all other cases will be measured against the policy options and reviewed on a case by case basis.
- d) agree that the CFO and GM Corporate Services will review each case and approve the most appropriate course of action for collection of debt.
- e) agree that any cases where the opinion of the CFO and GM Corporate Services is that a rating sale is the most appropriate course of action, that endorsement will be sought from Council.
- f) agree that any actions taken will be reported back to the Assurance, Risk and Finance Committee as part of the quarterly Revenue Recovery report.

### 1) TĀHUHU KŌRERO / BACKGROUND

From July 2019, a process has been undertaken with Law North to attempt to engage with the ratepayers who are in arrears and secure payment of debt. Unfortunately, 15 of these cases have



resulted in applications to the District Court for judgment to secure the debt and to date a charging order has been registered against 11 properties.

Under the Limitation Act 2010, there is a limited period of six years, which starts after the debt becomes due and where, after the limitation period has expired, the creditor can no longer chase the debtor for the outstanding amount. The same applies to judgment debt which means the debt becomes statute barred and must be written off.

Additionally, although the debt at the time of filing for judgment has been secured, rates will continue to be charged and further debt will accumulate against the rate account for the property. Of the 19 cases, 5 property owners have since paid the debt and the rate accounts are paid up to date. For the remaining 14 the judgment debt and the rates charged since then are still unpaid.

There are various options available to council to collect payment of the secured debt and unpaid rates. A policy needs to be adopted to ensure a correct decision-making process is followed to avoid conflict as any council action or inaction, is always subject to judicial review and must be justified.

## **2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

The Local Government (Rating) Act 2002 allows Council to seek judgment to secure outstanding rates and then ultimately either lease or sell the property if the arrears are not paid within a specified timeframe. However, these are the last-resort type remedies if all other options have failed and Law North have provided a comprehensive memorandum with various options available to council which is attached to this report.

Each debt collection option should be considered for each individual case, while considering numerous factors including (but not limited to):

- the financial position of the debtor,
- the personal situation of the debtor,
- whether the debtor has tried to pay in the past, or ignored Council,
- whether the debtor is a company or a private individual,
- whether the land is a home or an investment
- the size of the debt.

Once these have been considered, a plan must be decided on and implemented at staff/management level, guided by policy agreed at Council level. The policy must be fair and reasonable to all involved and flexible to allow for exceptions when justified. Rating sales in a residential or family home context are a last resort and other enforcement options should be considered first. In a commercial or vacant lot context, rating sales can be used earlier on in the process. However, rating sales are both a lawful and justifiable collection method and Council should consider the ratepaying owners who ultimately carry the burden if rates are not recovered. The CFO has delegation to authorise a rating sale on behalf of Council, but as this is potentially an emotive action, endorsement will be obtained from Council prior to any action being taken.

***District Court*** enforcement options s133 District Court Act 2016: Methods to enforce a judgment for payment of money in the District Court.

- Charging order over property
- Warrant to seize property / chattels
- Garnishee proceedings
- Attachment order against income

***High Court*** enforcement options:

- Bankruptcy and liquidation

***Local Government (Rating) Act 2002*** enforcement option:

- Rating sale

**District Court enforcement**

Charging order over property (District Court Act 2016 s.184)

It is common process for mortgagees to register a charging order against a property.

Council may obtain a charging order against the property which prevents the debtor from selling the property until the debtor pays the judgment as the title of the land cannot be transferred to the new owner. Costs for the charging order are added to the judgment debt.

Although there is a standard condition and undertaking in the NZ sale and purchase agreements for rates to be paid upon the sale of a property, it is not a requirement and this clause can be removed. Informal and family sales commonly result in unpaid rates. It is also a legal requirement for Council to remove the secured debt balance from the property rate account and move to a separate account in the debtor's name. There is a probability for a rates certificate to be issued upon request, showing only the unsecured debt and therefor the property is sold without an undertaking to pay the secured debt.

Recommendation: Council applies for a charging order over all properties it has secured a judgment debt to preserve Council's position.

#### Financial Assessment (District Court Act 2016 s.149 and s.151)

Often before the formal steps are taken, a financial assessment is a starting point to establish the debtor's financial circumstances. They must make a declaration of their income, liabilities, and assets. It allows Council to consider next steps and their feasibility, like an attachment order over income.

There are two types of financial assessment procedures:

1. A court assessment (by phone) of the debtor's ability to pay. This procedure is undertaken by the Court (not Council or lawyers) and carries a small fee (\$80) which is claimable, including the costs. If the Court cannot assess the debtor's finance over the phone, they can issue a summons, but the Council as creditor is not entitled to attend.
2. A hearing which Council/lawyers attend to assess the debtor's ability to pay. The cost to file is more than the phone assessment (either \$130.00 or \$180.00 depending on if the Court will serve the notice, or it is done privately), and can be claimed back.

Recommendation – Option 2 - to request a hearing which Council/lawyers attend as this will ensure Council is able to assess the debtor's ability to pay and whether this is an appropriate amount to clear the debt. An attachment order can be ordered by the courts during the hearing. This should only apply to property types where the owner is the resident at the property.

#### Warrant to seize property / chattels (District Court Act 2016 s.167)

- A warrant to seize property is a warrant that requires the bailiff or constable to whom it is directed to seize and sell goods of a judgment debtor for payment of the following debts:
  - (a) the judgment debt, or so much of it that remains unpaid; and
  - (b) the costs of executing the warrant; and
  - (c) the costs of previous proceedings (if any) for enforcement of the judgment debt.
- By the warrant, the bailiff or constable is authorised to seize:
  - (a) the goods of the judgment debtor, except:
    - (i) his or her tools of trade to a value not exceeding \$5,000; and
    - (ii) his or her necessary household furniture and effects, including clothing for the judgment debtor and his or her family, to a value not exceeding \$10,000; and
  - (b) money, bank notes, and securities (that is, bills of exchange, promissory notes, bonds, specialties, or other securities for money).
- The warrant must be in a form approved by the chief executive.
- The Governor-General may from time to time, by Order in Council, amend subsection (2) by increasing any amount specified in that subsection.

If assets are seized, the debtor has 5 days to pay in full or the items are sold at public auction. Costs (auction, towing of cars) is deducted from the sale so the balance might be insufficient to cover the debt. This option is only feasible if Council knows the location of the debtor, they know the debtor has assets and the debtor is at home during the day, as bailiffs only work standard business hours. Consideration needs to be made whether Council is willing to take away the only transport for an owner/family.

Recommendation: If a financial assessment hearing has taken place, and it is established that the owner is not able to pay the debt but has multiple cars/boats which are not required for the owner to maintain employment or adequate lifestyle then this option should be considered. This should only apply to property types where the owner is the resident at the property and the property belongs to them.

#### Garnishee proceedings (District Court Act 2016 s.180)

If someone (sub-debtor) owes Council's debtor money, Council can apply to the courts for that money to be paid to Council instead. A sub-debtor would be a bank where the debtor has money on deposit or a current account, a company if the debtor is an owner or family trust with assets. The filing fee would be \$250.00 and 40% of costs can be recovered. The sub-debtor however can refuse to pay and so Council will be forced to apply the same the enforcement options as with Council's debtor.

Recommendation: Council only commences with Garnishee proceedings if Council is aware of funds owed and the value would clear the debt with Council in full.

Attachment order against income (District Court Act 2016 s.155)

An attachment order is served on the debtor's employer, work and income, ACC, or other provider of income to the debtor. The employer or other, will then be required to take a % from the debtor's income to Council. No more than 40% of net income can be taken and when setting the amount to be taken, the Courts will consider all the debtor's liabilities including rent, mortgage, and current rates. If a debtor leaves their employment or benefits seize, Council will be obliged to seek an alternative collection option or apply for a new attachment order if they are with a new employer.

Recommendation: Council only seeks an attachment order for smaller debts, less than \$5,000, and where the total debt can be paid within a three-year period while current rates are also paid.

#### **High Court enforcement (High Court Rules 2016 Subpart 3, part 23 and part 24)**

##### Bankruptcy and liquidation

Bankruptcy and liquidation can be considered together as the recovery procedures are similar. Bankruptcy is for personal debtors and liquidation for companies. Both will result in another entity taking over the debtor's assets and selling them if necessary.

Council has used bankruptcy proceedings in the past to recover debt from a debtor whose property in the Far North District was worth less than the debt owed but he owned property in Auckland. Council was not able to proceed with a rating sale for the property in Auckland but was able to secure the sale of the property as part of the bankruptcy proceedings.

This will require separate legal proceedings in the High Court which can be costly.

Recommendation: Council only proceeds with bankruptcy or liquidation proceedings when this action will result in the recovery of all the debt owed by the debtor.

#### **Local Government (Rating) Act 2002 enforcement**

##### Rating Sale

A rating sale is the last remedy for Council when all other options have failed. A rating sale is possible once a judgment for unpaid rates remains unpaid for three months following judgment. Council must file a notice with the Court and the Court will provide notice of our intention to sell to anyone with an interest in the land. If the debt remains unpaid after six months, the land may be sold.

The Rating Act contains procedural rules for implementing a sale and the process is not managed by Council but by the District Court. The Court registrar will appoint an estate agent and auctioneer, although they will converse with Council on the reserve to be set for the auction.

The priority of payment following a sale is:

1. Court fees.
2. The judgment debt(s) for unpaid rates, plus interest, costs and expenses.
3. All further rates owed on the same land at the time of sale, even if the rates are outside the period of limitation under the Limitation Act 2010.
4. Encumbrances on the rating unit (mortgages, charges).
5. Any other judgment for unpaid rates, for other rating units in our district, owed by the ratepayer.
6. Any other rates due at the date of sale, for other rating units, even if the rates are outside the period of limitation under the Limitation Act 2010.
7. Balance proceeds of sale are paid to the Public Trust for that office to deal with.

The main benefit to a rating sale is that Council can recover the secured debt, other rates debt and previously statute barred debt, and all before any other lending secured over the property. Rating sales do create mixed publicity which would need to be managed especially if the property is a residence of the owner.

However, if the property is bare land, commercial premises, or an investment property, then rating sale would be the most suitable and least costly option available to Council. Not only will Council be able to recover the debt, but a new owner will also be more likely to pay their rates.

Recommendation: Where a rating sale is deemed to be the most suitable course of action, these cases will be brought back to Council for endorsement prior to any action being taken.

### **Take Tūtohunga / Reason for the recommendation**

A policy outlining the steps that could be taken following the issuance of a District Court judgment is required to guide staff on the actions Council would wish to occur.

### **3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Costs are recoverable from the ratepayer in most cases if recovery of the judgment debt is enforced within the six-year limitation period.

### **ĀPITIHINGA / ATTACHMENTS**

1. **Enforcement Options Memorandum - A3129736**  
2. **Rate Arrears Policy Process Flow - A3129667**  

**Hōtaka Take Ōkawa / 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.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This report is 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.	Relevant legislations are referenced throughout the report.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Community Board views have not been sought as this relates to a district matter of financial impact beyond the delegation of the Community Board.
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 applicable for general title land only and not considered to have any impact on Māori.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This does not impact any persons identified in legislation.
State the financial implications and where budgetary provisions have been made to support this decision.	As at 28 February 2021, Council had arrears on General Title rate accounts of \$6,363,707.
Chief Financial Officer review.	This report has been reviewed by the Chief Financial Officer.

MEMORANDUM

TO: Janice Smith/FNDC  
FROM: Law North (GAD/ GMM)  
DATE: January 17, 2020  
RE: Enforcement options



This memorandum is provided for discussion purposes to assist in deliberations about enforcement of rates judgments. Some policy comments are made when considered appropriate. This memorandum is not intended to be a detailed opinion/narrative about every option, nor is it intended to replace specific advice for any particular rating unit. If advice is required for a particular rating unit we are happy to assist.

At the end of this memorandum a hypothetical situation is considered.

**Executive summary**

1. Debt collection is fact specific. A one sized all approach will not work. That is even more important for rates collections, which can include selling houses from ratepayers.
2. Each debt collection option should be considered for each case, and a plan decided on and implemented at staff/management level, guided by policy at Council level.
3. Policy must be fair and reasonable to all involved (both the ratepayer debtor, and the ratepaying public who carry the cost if rates are not recovered).
4. Policy must not be inflexible and must allow for exceptions if/when justified.
5. In a residential/family home context rating sales are a last resort and other enforcement options should be considered first. However, rating sales are both lawful and justifiable collection method and Council should not be opposed to using this process if necessary.
6. In a commercial context a rating sale can be utilised earlier in the process.

**District Court** enforcement options s133 District Court Act 2016: - methods to enforce a judgment for payment of money in the District Court

1. Warrant to seize property / chattels
2. Garnishee proceedings
3. Charging order over property
4. Attachment order against income

**High Court/Rating Act**

1. Rating sale
2. Bankruptcy / liquidation

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Often before those formal steps are taken a financial assessment is a starting point to consider the debtor's ability to pay by examining their assets and liabilities.

There are two types of financial assessment procedures:

1. A court assessment (by phone) of the debtor's ability to pay. This procedure is undertaken by the Court (not FNDC, not law north) and carries a small fee (\$80) which is claimable. Costs in preparing the form are claimable (approx. \$127). If the Court cannot assess the debtor's finance over the phone they can issue a summons, but the Council as creditor is not entitled to attend.
2. A hearing which Council/lawyers attend to assess the debtor's ability to pay. The cost to file is more than the phone assessment (either \$130.00 or \$180.00 depending on if the Court will serve the notice, or it is done privately), and can be claimed back. Again, small legal fees are recoverable.

These may be good starting points – to see if a debtor has the money to pay (and has just not paid), has the income to pay, or does not. It allows the Council to consider next steps – whether that is an attachment order over income for instalment payments, or a rating sale if the person has no liquid assets.

### ***Warrant to seize property / chattels***

#### **167 Warrant to seize property**

- (1) A warrant to seize property is a warrant that requires the bailiff or constable to whom it is directed to seize and sell goods of a judgment debtor for payment of the following debts:
  - (a) the judgment debt, or so much of it that remains unpaid; and
  - (b) the costs of executing the warrant; and
  - (c) the costs of previous proceedings (if any) for enforcement of the judgment debt.
- (2) By the warrant, the bailiff or constable is authorised to seize—
  - (a) the goods of the judgment debtor, except—
    - (i) his or her tools of trade to a value not exceeding \$5,000; and
    - (ii) his or her necessary household furniture and effects, including clothing for the judgment debtor and his or her family, to a value not exceeding \$10,000, and
  - (b) money, bank notes, and securities (that is, bills of exchange, promissory notes, bonds, specialties, or other securities for money)

In short, this remedy allows a bailiff to take property that *belongs to the debtor* and sell it to pay the debt. We must provide a current address and then MoJ will send around the bailiff to the property. Two restrictions obvious at this point:

- This remedy is worthless against people we have not personally served/we don't know the location for.
- People can avoid the remedy by proving cars/other items are owned by other people. But this is harder today with no joint ownership of cars etc.

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Other restrictions include people not being at home, as enforcement generally occurs during the day. People who are at work may not have cars / etc at home, and the bailiff may not be able to get access into the house.

Filing fee: \$200.00. Legal costs: Claimable portion is 0.2 only under the rules – ie: \$254 (for simple proceedings), or \$382 (for more complicated applications). 'real cost' to FNDC should be close to this, if not less, provided we have up to date information.

Disbursements: If certain items are there and can be taken, such as cars, there are towing fees, and this is deducted from costs of sale before paying to Council. Also auction fees if successful .

A bailiff can seize specific property – if we know of it. This is probably not realistic for FNDC who does not personally know the situation of the debtors.

If assets are seized, the debtor has 5 days to pay (in full) or the items are sold at public auction. From the costs of sale the costs of enforcement such as towing/auction are deducted, and then the council is paid the rest. If the amount paid to FNDC is insufficient to cover the debt, the balance remains owing.

Pros:

- A good enforcement provision if there are known assets – boats on the land, cars etc.
- If assets are found of value it can be a helpful way to 'chip away' at a debt, reducing it to an amount which may be manageable, thus possibly avoiding a rating sale.
- Best against debtors who are at home so there is less risk of avoiding the bailiff.

Cons:

- Can't take assets from other people – ie: trust assets if trustees not debtor. This should not be as much of an issue if the debtor lives at the rating unit as joint owners will also be liable.
- Limitation on when you can get in to take goods – bailiffs usually working business hours.
- We have to know address – not viable for substituted serviced persons.

Possible policy considerations

- Do we want bailiff's to be taking cars if the car is the only transport for a ratepayer family? This would not apply to multiple cars/boats/TVs etc which are arguably 'fair game'

***Garnishee proceedings***

If someone (sub-debtor) owes the debtor money, you can apply to the court for that money to be paid to you instead of the debtor.

This is a type of proceeding where you need to know that the person is owed something. If you are unaware of money being owed to the debtor (or if you know nothing is owed) the application is a waste of time.

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Helpful in many more situations than may be first thought however, consider:

- Money a person may have on deposit with a bank.
- Companies if the debtor is an owner – current accounts with companies are often in debt, with the company owing money to the shareholder.
- Trusts:
  - Has a person sold assets to a family trust (house) and has outstanding money due they are gifting to the trust?
  - Does a beneficiary have a current account?

Filing fee: \$250.00. Claimable costs: 0.4 (ie: \$508 or \$764).

Process: There is no form (compare to warrant to seize) – FNDC files an affidavit and an application and registrar (if accepting of the application) issues the orders. The sub-debtor has the chance to defend / object to the process, by claiming they do not owe the ratepayer/debtor.

Perhaps ironically a garnishee order is a judgment which can be enforced in the normal way. Meaning for example if the sub-debtor owes our ratepayer money, and the sub-debtor has a boat, a warrant to seize the property can be made against the *sub-debtor* and a bailiff can seize the sub-debtor's boat to sell the ratepayer's debt to FNDC. A somewhat circular process.

Pros:

- If we know money is owed this can be a useful way to get paid the rates debt.
- Can be very powerful if the sub-debtor is solvent – company/trust/bankruptcy issues can arise, or if the sub-debtor has assets which can be sold.

Cons:

- Suffers all the problems of the other judgment procedures IF the sub-debtor refuses to pay – ie you end up with a situation where you are wasting time chasing another person.

### ***Attachment orders***

An attachment order tells an employer (or Work and Income, ACC etc) to transfer money from the debtor's wages or benefit to the creditor. No more than 40% of net income can be taken.

On the one hand this is often seen as a very good order as it will allow a creditor to be drip fed what they are due, especially a smaller debt. However, on the downside a big rates debt can take a long time repay by instalments. At the same time, if the person leaves their employment or the benefit ceases the payments will stop – it is the creditor's obligation to check the payments and take steps if they stop.

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Another problem with attachment orders is Council already offers rates easy pay options and the cases we are dealing with here have gone beyond that – either the debts were too high, or the ratepayers refused. This is an issue because the debtors will be required to pay their judgment debt by instalments and their current rates. The result of this will inevitably be a reduced weekly payment as rates are an expense the Court would factor into the amount ordered. A weekly payment of \$10.00 per week for a \$10,000.00 rates debt would not be helpful for example.

Our advice would be to look at these orders only for small debts.

Pros:

- A helpful method for collecting smaller debts.
- Allows debtors to cashflow debts

Cons:

- At times be benefiting the debtor more than the creditor as the amount paid can be small if deducted from benefits.
- Arguably useless for large debts unless the interim payments are significant. There is little merit (if any) in a tiny drip fed payment against a large debt.
- Council needs to have staff to monitor the payments *as well as* the rates payments.

### ***Charging orders***

Our advice is that charging orders be registered over the rating unit after every judgment for unpaid rates. This was effectively a standing order from Council previously, but with the volume of files we need to consider the issue again.

The costs of a charging order are added to the debt.

One common misconception is that you cannot sell land with unpaid rates. That is untrue. It is true that a standard condition in the NZ sale and purchase agreements is an undertaking to clear the rates, but the clause can simply be removed. Family deals commonly involve informal agreements and unpaid rates.

When a property is transferred to a new owner the new owner becomes liable for the rates debt. But they do *not* become liable to a judgment for unpaid rates – ie they do not become liable for costs and interest in the Court process.

Registering a charging order will ensure that ratepayers do not ‘pass the buck’ and vanish with cash.

A charging order also blocks a ratepayer from obtaining a mortgage, which is helpful.

There are two types of charging orders – rating act and district Court. District Court charging orders – in terms of land – are not as powerful as the Rating Act charging orders. That is because District Court charging orders expire, Rating Act charges do not. One benefit to District Court charging orders is that it can related to not only land but other personal property.

However, the limitation for both remains – this is not a remedy to *get paid*, it is a remedy to stop the debtor acting to get rid of their property. It is seen as a “stop order” to prevent the land/property being dealt with. This means that further steps will always be needed to recover the debt. The charge preserves Council’s position.

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Pros:

- Preserves Council's position
- Puts pressure on ratepayer as they see that – finally – there is a real impact on their title.
- Nearly cost neutral as fees added to judgment debt

Cons:

- Further work required to recover money after charge registered.

### ***Rating sale – Rating Act***

A rating sale is the last-resort type remedy if all other options have failed. If a rating sale is being considered the Council will effectively be at a point where it must decide to either (a) apply for a rating sale, or (b) write off the rates debt and costs incurred. In our opinion it is only in very rare cases that the rates debt should be written off as the burden for meeting the rates shifts to the remainder of ratepayers. The danger in not taking a proactive stance with rating sales is that it sets a very dangerous precedent – that the Council is not going to take final steps and so paying rates is not required.

A rating sale is available if a judgment for unpaid rates is unpaid for three months following the judgment. We file a notice into the Court and the Court will provide notice of our intention to sell to anyone with an interest in the land. If the debt remains unpaid after six months, the land may be sold. The Rating Act contains procedural rules for implementing a sale.

The priority of payment following a sale is:

1. Court fees;
2. The judgment debt(s) for unpaid rates, plus interest, costs and expenses;
3. All further rates owed on the same land at the time of sale, *whether or not the rates are outside the period of limitation under the Rating Act*;
4. Encumbrances on the rating unit (mortgages, charges);
5. Any other judgment for unpaid rates, for *other* rating units in our district, owed by the ratepayer;
6. Any other rates due at the date of sale, for *other* rating units, whether or not the rates are outside the period of limitation under the Rating Act;
7. Balance proceeds of sale are paid to the Public Trust for that office to deal with.

One of the main benefits of a rating sale is, as above, the rates are paid before lending secured over the property. It will only be in exceptional cases (bare land) where the proceeds of sale will be less than the rates debt.

Rating sales are also helpful if a debtor owns multiple rates units as unpaid rates from those units can be collected.

Finally, a rating sale allows the Council to recover unpaid rates which have otherwise become statute barred. This is one reason we advise Council to *not* write off statute barred rates.

Our advice is that Council does utilise rating sales to recover unpaid rates. Whether rating sales are a last resort or utilised at an earlier stage will depend on the facts of the case. For example, – is the

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rating unit a residential dwelling that the ratepayer occupies as a family home? Or is it an investment property? Is it bare land? Is the ratepayer a vulnerable person? What is the side of the debt?

It is noted that rating sales do create publicity above and beyond normal debt recovery procedures. That will inevitably be mixed publicity depending on who the ratepayer is.

### ***Bankruptcy / liquidation***

These similar recovery procedures are considered together. Bankruptcy for personal debtors. Liquidation for company debtors. These procedures are a good way to recover assets from a person who is unable to pay their debts. Both will result in another entity taking over the debtor's assets and selling them if necessary.

Because the Rating Act provides for rating sales situations where these procedures are needed should be limited. In a recent situation FNDC used bankruptcy proceedings to recovery money from a long-standing judgment debtor when the value of the debtor's land in the Far North district was less than the value of the debt. The debtor owned real estate in Auckland which we could not use the Rating Act procedures against (being out of our jurisdiction). In a case like that – which is rare – bankruptcy / liquidation is a very powerful tool. Had the debtor's Far North assets been valued at more than the debt it is expected the High Court would have refused to allow the application.

One downside to bankruptcy/liquidation is that you must commence separate legal proceedings, in the High Court. That can be costly.

### **Other matters for Council consideration**

- Judgment debts have their own limitation periods and must be recovered within 6 years of the judgment issuing. The time period is in addition to the standard Rating Act limitation.
- When a judgment debt issues Council must be careful to ensure there is no doubling up of debts. Advice has been given previously that the judgment debt needs to be managed separately from the rates record to ensure that the customer does not receive arrears on unpaid rates on top of interest for a judgment debt. This has come up many times over the years and this seems a good time to consider a policy change. Ideally the rate account would be cleared of the debt so current rates will accrue simultaneously with the debt collection process.
- If a ratepayer's personal situation is such that recovery is difficult (perhaps a low income) then rather than writing off the rates debt the Council can simply defer recovery for a period and revisit the issue in the future. Provided current rates are paid that may be an attractive option.

### **Hypothetical situations**

#### **Hypothetical recovery process (A)**

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**Facts:**

Ratepayer: private individual, employed or on benefit

Use of rating unit: family home

Judgment debt: \$15,000.00 (rates debt and costs).

*Charge property with debt to ensure Council protected. Undertake financial means assessment/or hearing. If ratepayer has assets which can be sold, obtain warrant to seize assets and sell these to pay down debt. If debt remains obtain attachment order to deduct debt from income by instalments.*

*If ratepayer does not have assets which can be sold, consider attachment order if income sufficient to repay by instalments. If ratepayer's income is low and payments by instalments is not reasonable (considering current rates which will also need to be paid), consider whether rating sale is a viable option – consider personal situation of ratepayer as part of exercise.*

*Consideration must also be given to why the rates debt is unpaid. Is the ratepayer simply unable to pay, and has allocated income elsewhere, or is the ratepayer on a "rates strike" for various reasons. In the case of a person who is simply unable to pay for personal reasons, every effort should be made to assist them, and a deferring of enforcing judgment may be considered provided current rates are paid. In the case of a person on a "rates strike" Council should not we suggest have sympathy for the ratepayer as this type of action carries risk of spreading and settling a bad precedent.*

**Hypothetical recovery process (B)****Facts:**

Ratepayer: investor

Use of rating unit: investment/ bare land

Judgment debt: \$20,000.00 (rates debt and costs).

*Council should be firmer with those who obtain rating units as part of a commercial enterprise. Charge property to protect Council position. Demand payment of debt but proceed to rating sale if debt unpaid. As human factors are not present there is little reason to investigate other recovery procedures. The rates debt is also higher than the above situation.*

**Hypothetical recovery process (C)****Facts:**

Ratepayer: investor

Use of rating unit: investment/ rental property with tenant in occupation

Judgment debt: \$10,000.00 (rates debt and costs).

*Charge property. With a lesser amount of debt, and a tenant in occupation of the rating unit, other options for recovery should be explored prior to a rating sale. However, less leeway should be given*

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*than a case of a private owner/occupier, as this is still a commercial enterprise. We would not recommend for example attachment orders against an owner/investor but if assets can be seized and sold that should be explored prior to a rating sale.*

## **Conclusion**

There are various options available to the Council to collect unpaid rates debts. Our advice is that the Council consider the various options and create a policy to enable staff to determine which option to use on a case by case basis. Whether the decision to proceed to a rating sale is seen as a management issue for (senior) staff or a governance issue for Council, is itself a decision for Council.

The reason a policy should be adopted is to protect the Council (and Council staff) and ensure a correct decision-making process. Council action (or inaction) is always subject to judicial review. All policy must allow for exceptions, and cases can be assessed on a case by case basis. But if a policy is *not* adopted, and each case is considered each time afresh, there is a very serious risk that decisions will be made which conflict and which benefit certain individuals in a manner which cannot be justified to a Court on review.

There is not a one size fits all approach to decide which option is best. The decision will depend in numerous factors, including (but not limited to) the financial position of the debtor, the personal situation of the debtor, whether the debtor has tried to pay in the past, or ignored Council, whether the debtor is a company or a private individual, whether the land is a home or an investment, the size of the debt.

**MN: 52367 (Debt recovery general file)**



Bay of Islands NZ

Phone: 09 407 7099

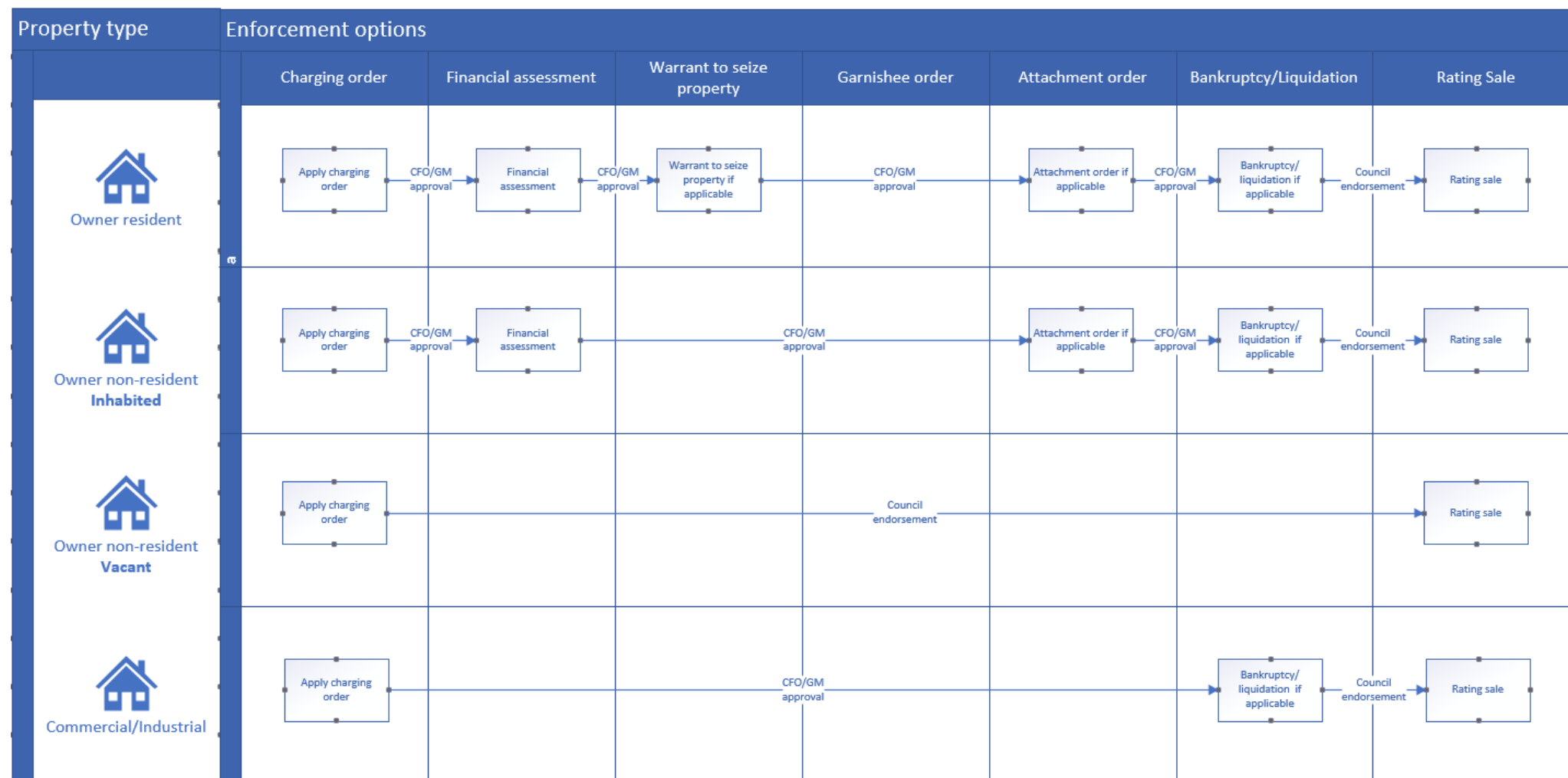
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Rate arrears policy – process flow



## 7 INFORMATION REPORTS

### 7.1 COMMUNITY BOARD UPDATES MARCH 2021

**File Number:** A3131304

**Author:** Kim Hammond, Meetings Administrator

**Authoriser:** Aisha Huriwai, Team Leader Democracy Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To enable oversight of Community Board resolutions at Council and provide Community Board Chairperson's with a formal opportunity to speak with Council about discussions at Community Board.

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

A copy of the following Community Board meeting minutes are attached for Council's information.

#### TŪTOHUNGA / RECOMMENDATION

That Council note the following Community Board minutes:

- a) Te Hiku Community Board, 2 March 2021
- b) Kaikohe-Hokianga Community Board, 3 March 2021
- c) Bay of Islands-Whangaroa Community Board, 4 March 2021.

#### TĀHUHU KŌRERO / BACKGROUND

This report is to provide Council oversight of resolutions made at Community Board meetings and provide Community Board Chairperson's with a formal opportunity to raise any Community Board issues with Council.

#### MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

This is intended as an information report.

From time to time Community Board's may make recommendations to Council regarding some matters.

Council will note a recommendation to Council from the Bay of Islands-Whangaroa Community Board minutes. This recommendation is presented to Council in the Transfer of Local Purpose (Esplanade) Reserve to Landowners of Kopukawau Block, earlier in the agenda.

#### PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budget provision in considering this report.

#### ĀPITIHINGA / ATTACHMENTS

- 1. 2021-03-02 Te Hiku Community Board Unconfirmed Minutes - A3096188 [↓](#) 
- 2. 2021-03-03 Kaikohe-Hokianga Community Board Unconfirmed Minutes - A3102620 [↓](#) 
- 3. 2021-03-04 Bay of Islands-Whangaroa Community Board Unconfirmed Minutes - A3103072 [↓](#) 



**MINUTES OF  
TE HIKU COMMUNITY BOARD MEETING  
HELD AT THE HOUHORA BOWLING CLUB, 3920 FAR NORTH ROAD, PUKENUI  
ON TUESDAY, 2 MARCH 2021 AT 10:00 AM**

**PRESENT:** Chairperson Adele Gardner, Member Jaqi Brown (via Microsoft TEAM's), Member Darren Axe, Member Sheryl Bainbridge, Member John Stewart, Member William (Bill) Subritzky, Member Felicity Foy

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Member Darren Axe opened the meeting with a prayer.

**2 APOLOGIES AND CONFLICTS OF INTEREST**

Member John Stewart declared a conflict of interest in relation to item 7.3 – Funding Applications for the application received from Kaitaia Sport and Leisure Trust.

**3 PUBLIC FORUM**

Margaret McIntyre presented the Community Board with a petition in regards to the planting taking place at Monkey Point, Houhora.

Delwyn Shepherd presented the Community Board with information on the restoration and installation project for the Kataia Town Clock.

**LETTER OF SUPPORT FOR DELWYN SHEPHERD - RESTORATION AND INSTALLATION OF  
THE KAITAIA TOWN CLOCK**

**RESOLUTION 2021/11**

Moved: Chairperson Adele Gardner

Seconded: Member William (Bill) Subritzky

**That Te Hiku Community Board agree to provide a letter of support to Delwyn Shepherd to provide to external funders for the restoration and installation of the Kaitaia Town Clock.**

**CARRIED**

**4 DEPUTATIONS**

Nil

**5 SPEAKERS**

Nil

**6 CONFIRMATION OF PREVIOUS MINUTES**

**6.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 6.1 document number A3052772, pages 12 - 19 refers.

**RESOLUTION 2021/12**

Moved: Member Darren Axe

Seconded: Member John Stewart

**That the Te Hiku Community Board agrees that the minutes of the meeting held 26 January 2021 be confirmed as a true and correct record.**

**CARRIED**

## **7 REPORTS**

### **7.1 CHAIRPERSON AND MEMBER REPORTS**

Agenda item 7.1 document number A3052853, pages 20 - 26 refers.

#### **RESOLUTION 2021/13**

Moved: Member Sheryl Bainbridge

Seconded: Member Felicity Foy

**That the Te Hiku Community Board:**

- a) note the reports from Chairperson Gardner and Members Axe, Bainbridge and Subritzky.**
- b) acknowledges that Cable Bay Block Road has been added to Te Hiku Community Board Footpaths Programme/Matrix for consideration in 2021/2022.**
- c) request that pedestrian safety is added to the Footpaths Programme/Matrix as a weighting criteria and notified of when the review of the Footpaths Programme/Matrix will be taking place and completed.**

**CARRIED**

The meeting was adjourned from 11.27 am to 11.40 am.

### **7.2 TE HIKU STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 31 JANUARY 2021**

Agenda item 7.2 document number A3083390, pages 27 - 30 refers.

#### **RESOLUTION 2021/14**

Moved: Chairperson Adele Gardner

Seconded: Member Darren Axe

**That Te Hiku Community Board receives the report "Te Hiku Statement of Community Board Fund Account as at 31 January 2021".**

**CARRIED**

### **7.3 FUNDING APPLICATIONS**

Agenda item 7.3 document number A3085760, pages 31 – 48 refers.

#### **RESOLUTION 2021/15**

Moved: Chairperson Adele Gardner

Seconded: Member William (Bill) Subritzky

**That Te Hiku Community Board approves the sum of \$2,753 (plus GST if applicable) be paid from the Board's Community Fund account to Kaitaia Sport and Leisure Trust for costs towards boxing tournament to support the following Community Outcomes:**

- i) Proud Vibrant Communities**

**ii) Communities that are healthy, safe, connected and sustainable****CARRIED**Abstained: Cr John Stewart**RESOLUTION 2021/16**

Moved: Member John Stewart

Seconded: Member Darren Axe

**That Te Hiku Community Board**

- a) approves the sum of \$862.50 (plus GST if applicable) be paid from the Board's Community Fund account to Paula Matthews for costs towards re-planting pohutukawa trees at Pukenui to support the following Community Outcomes:
  - i) Proud Vibrant Communities
  - ii) Communities that are healthy, safe, connected and sustainable
- b) agrees that funding will not be paid and work cannot be undertaken until Paula Matthews attends the Far North District Council Health and Safety Volunteer Training programme.

**CARRIED****7.4 PROJECT FUNDING REPORTS**

Agenda item 7.4 document number A3085762, pages 49 - 69 refers.

**.RESOLUTION 2021/17**

Moved: Member Sheryl Bainbridge

Seconded: Member Felicity Foy

**That Te Hiku Community Board note the project reports received from:**

- a) Coopers Beach Christian Youth Camp
- b) Far North Safer Community Council (Footpath marking project)
- c) Northland Area Floral Art
- d) Takahue Hall Society Inc
- e) Te Tuhua ki Aotearoa Charitable Trust
- f) Mangonui Lions (Fun Run)

**CARRIED****8 INFORMATION REPORTS****8.1 COMMUNITY FUNDING AND REPORTING REVIEW**

Agenda item 8.1 document number A3085964, pages 70 - 71 refers.

**.RESOLUTION 2021/18**

Moved: Member Sheryl Bainbridge

Seconded: Member Darren Axe

**That the Te Hiku Community Board receive the report Community Funding and Reporting Review.**

**CARRIED**

## **8.2 COMMUNITY AND CUSTOMER SERVICES REPORT 1 JULY - 31 DECEMBER 2020**

Agenda item 8.2 document number A3082197, pages 72 - 82 refers.

### **.RESOLUTION 2021/19**

Moved: Member Sheryl Bainbridge

Seconded: Member William (Bill) Subritzky

**That Te Hiku Community Board receive the report Community and Customer Services Report 1 July - 31 December 2020.**

**CARRIED**

## **9 MEETING CLOSE**

The meeting closed at 12.15 pm.

The minutes of this meeting will be confirmed at the Te Hiku Community Board Meeting held on 6 April 2021.

.....  
**CHAIRPERSON**

**MINUTES OF  
KAIKOHE-HOKIANGA COMMUNITY BOARD MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVENUE, KAIKOHE  
ON WEDNESDAY, 3 MARCH 2021 AT 10.31 AM**

**PRESENT:** Chairperson Mike Edmonds, Member Emma Davis, Member Louis Toorenburg, Member Kelly van Gaalen, Member Alan Hessel, Member Laurie Byers, Member John Vujcich, Member Moko Tepania

**IN ATTENDANCE:**

**STAFF PRESENT:** Shaun Clarke (Chief Executive Officer), Kathryn Trewin (Funding Advisor), Ken Ross (Community Development Advisor), Aisha Huriwai (Team Leader – Democracy Services), Marlema Baker (Meetings Administrator).

Reminder from Chair Mike Edmonds that the meeting was being livestreamed.

## **1 PUBLIC FORUM**

- David Cortesi – kids on bikes in Kaikohe township a major safety concern.
- Rachel Smith and Moko Tepania – Outward Bound Scholarships; Partnership opportunity for FNDC and our Community Boards, supporting our young people. (Document tabled)
- Shaun Reilly – Bikes down the footpath in Kaikohe. Attended Taiamai Residents meeting. Ohaeawai road naming. Bridge railing over Pekapeka stream needs repair. Footpaths in Ohaeawai need attention. Dam needs to be moved to Hillcrest Road. Roadside mowing.
- Charmaine Peri. Roading issues in Otaua. (document tabled)
- Shem Kerr – Broadwood Bridge. The Chairperson requested a report for the April meeting. (document tabled)

Meeting adjourned 11:33 am – 11:49 am.

## **2 SPEAKERS**

- CHI Festival Funding Application - Willie Maihi and Bill Edwards – Bill supports Willie's application (Heritage role). Willie Maihi acknowledged Council for their help with the Kaikohe Aerodrome CHI Festival but requested they reconsider the application considered at the last meeting.

## **3 CONFIRMATION OF PREVIOUS MINUTES**

### **3.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 6.1 document number A3052575, pages 10 - 16 refers.

#### **RESOLUTION 2021/12**

Moved: Chairperson Mike Edmonds

Seconded: Member Emma Davis

**That the Kaikohe-Hokianga Community Board confirms the minutes of their meeting held 3 February 2021 as a true and correct record.**

**CARRIED**

## 4 REPORTS

### 4.1 ROAD NAMING - 5978B STATE HIGHWAY 12, OHAEAWAI

Agenda item 7.1 document number A3080628, pages 17 - 36 refers.

#### **RESOLUTION 2021/13**

Moved: Member Moko Tepania

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board, pursuant to Council's Road Naming and Property Addressing Policy #2125, name a private road, Te Mania Drive that is currently addressed at 5978b State Highway 12, Ohaeawai as per application and maps (A3080460).**

**CARRIED**

### 4.2 ROAD NAMING - 6 BISSET ROAD KAIKOHE

Agenda item 7.2 document number A3083222, pages 37 - 57 refers.

#### **RESOLUTION 2021/14**

Moved: Member John Vujcich

Seconded: Member Alan Hessel

**That the Kaikohe-Hokianga Community Board, pursuant to Council's Road Naming and Property Addressing Policy #2125, name a private road, Timatanga Place that is currently addressed at 6 Bisset Road, Kaikohe as per map (A3080456).**

**CARRIED**

### 4.3 KAIKOHE-HOKIANGA STATEMENT OF COMMUNITY BOARD FUND ACCOUNT AS AT 31 JANUARY 2021

Agenda item 7.3 document number A3083803, pages 58 - 60 refers.

#### **RESOLUTION 2021/15**

Moved: Member Moko Tepania

Seconded: Member Alan Hessel

**That the Kaikohe-Hokianga Community Board receives the report Kaikohe-Hokianga Statement of Community Board Fund Account as at 31 January 2021.**

**CARRIED**

### 4.4 MOTION TO RESCIND PREVIOUS FUNDING DECISION

#### **RESOLUTION 2021/16**

Moved: Chairperson Mike Edmonds

Seconded: Member Alan Hessel

**That the Kaikohe-Hokianga Community Board rescinds the previous resolution 2020/60 made 7 October 2020 regarding item 6.5 Funding Application: Maihi Memorial Parks Charitable Trust.**

**RESOLUTION 2020/60**

Moved: Member Laurie Byers

Seconded: Member Louis Toorenburg

**That the Kaikohe-Hokianga Community Board, in considering the provisions of the Community Grant Policy authorise the sum of **\$1,000** (plus GST if applicable) to be paid from the Board's Community Fund account to Maihi Memorial Parks Charitable Trust for costs towards the CHI Festival 2021 to support the following Community Outcomes:**

- (i) Proud vibrant communities.**
- (ii) Communities that are healthy, safe, connected and sustainable.**

**CARRIED**

**CARRIED**

**4.5 FUNDING APPLICATION**

Agenda item 7.4 document number A3086614, pages 61 - 69 refers.

**4.5a RESOLUTION TO EXCLUDE THE PUBLIC****RESOLUTION 2021/16**

Moved: Member Louis Toorenburg

Seconded: Member Alan Hessell

**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
<b>4.5 – Funding Applications</b>	s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7.

**CARRIED**

**4.5b MOTION TO MOVE OUT OF CLOSED MEETING INTO OPEN MEETING****RESOLUTION 2021/17**

Moved: Chairperson Mike Edmonds

Seconded: Member Moko Tepania

**That the Kaikohe-Hokianga Community Board moves out of closed meeting into open meeting.**

**CARRIED**

**4.5c FUNDING APPLICATION**

Agenda item 7.4 document number A3086614, pages 61 - 69 refers.

**MOTION**

Moved: Member Moko Tepania

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board, in considering the provisions of the Community Grant Policy authorise the sum of \$1,000 (plus GST if applicable) to be paid from the Board's Community Fund account to Maihi Memorial Parks Charitable Trust for costs towards the CHI Festival 2021 to support the following Community Outcomes:**

- (i) **Proud vibrant communities.**
- (ii) **Communities that are healthy, safe, connected and sustainable.**

**LOST**

**RESOLUTION 2021/18**

Moved: Chairperson Mike Edmonds

Seconded: Member Emma Davis

**That the Kaikohe-Hokianga Community Board, in considering the provisions of the Community Grant Policy declines to make an out of policy decision regarding the funding application for Maihi Memorial Parks Charitable Trust .**

**CARRIED**

**4.6 PROJECT FUNDING REPORTS**

Agenda item 7.5 document number A3084602, pages 70 – 89 refers

**RESOLUTION 2021/19**

Moved: Member John Vujcich

Seconded: Member Moko Tepania

**That the Kaikohe-Hokianga Community Board note the project reports received from:**

- a) **Ngapuhi Hokianga ki te Raki Incorporated Society**
- b) **North Hokianga A&P Show (2020 report)**
- c) **Te Rau o Te Huia**

**CARRIED**

**5 INFORMATION REPORTS****5.1 COMMUNITY FUNDING AND REPORTING REVIEW**

Agenda item 8.1 document number A3085298, pages 90 - 91 refers

**RESOLUTION 2021/20**

Moved: Chairperson Mike Edmonds

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board receive the report Community Funding and Reporting Review.**



**CARRIED****5.2 COMMUNITY AND CUSTOMER SERVICES REPORT 1 JULY 2020 - 31 DECEMBER 2020**

Agenda item 8.2 document number A3082526, pages 92 - 99 refers

**RESOLUTION 2021/21**

Moved: Member Kelly van Gaalen

Seconded: Member John Vujcich

**That the Kaikohe-Hokianga Community Board receive the report Community and Customer Services Report 1 July 2020 - 31 December 2020.**

**CARRIED****5.3 ITEMS OF BUSINESS NOT ON THE AGENDA WHICH CANNOT BE DELAYED - CYCLING BYLAW ENFORCEMENT****RESOLUTION 2021/22**

Moved: Member Moko Tepania

Seconded: Chairperson Mike Edmonds

**That the Kaikohe-Hokianga Community Board resolves, under Section 46A (7), LGOIMA, to address the Community Cycling Bylaw and the Chairperson provides the following information during the public part of the meeting:**

- a) the reason the item is not on the agenda is that it was raised at this meeting during Public Forum as a major community concern.**
- b) the reason why the discussion of the item cannot be delayed until a subsequent meeting is that urgent action is required.**

**and**

- c) write a letter to the NZ Police regarding concerns around the antisocial cycling behaviour in the Kaikohe community and the need for enforcement of its laws and bylaws.**

**CARRIED****6 MEETING CLOSE**

The meeting closed at 12:48 am.

The minutes of this meeting were confirmed at the Kaikohe-Hokianga Community Board Meeting held on 7 April 2021.

.....  
**CHAIRPERSON**

**MINUTES OF  
BAY OF ISLANDS-WHANGAROA COMMUNITY BOARD MEETING  
HELD AT THE BAYSPORT COMPLEX, HARMONY LANE, WAIPAPA  
ON THURSDAY, 4 MARCH 2021 AT 10.18 AM**

**PRESENT:** Chairperson Belinda Ward, Deputy Chairperson Frank Owen, Member Lane Ayr, Member Manuela Gmuer-Hornell, Member Bruce Mills, Member Manuwai Wells, Member Dave Hookway-Kopa, Member Rachel Smith

**IN ATTENDANCE:** Councillor David Clendon

**1 KARAKIA TIMATANGA – OPENING PRAYER**

Chairperson Belinda Ward opened with a karakia.

**2 APOLOGIES AND CONFLICTS OF INTEREST**

Nil

**3 PUBLIC FORUM**

Councillors Rachel Smith and Moko Tepania spoke in regard to The Mayors Task Force on Jobs – Outward Bound Scholarships.

**3.1 RESOLUTION**

**RESOLUTION 2021/11**

Moved: Member Manuwai Wells  
Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board in partnership with the Mayor's Task Force For Jobs receive and consider an application by a young person from our ward to cover up to the \$749 cost toward the course fee and travel costs.**

**CARRIED**

**4 DEPUTATIONS**

Nil

**5 SPEAKERS**

Nil

**6 CONFIRMATION OF PREVIOUS MINUTES**

**6.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 6.1 document number A3051626, pages 10 - 15 refers.

**RESOLUTION 2021/12**

Moved: Chairperson Belinda Ward  
Seconded: Member Frank Owen

**That the Bay of Islands-Whangaroa Community Board confirm the minutes of the Bay of Islands-Whangaroa Community Board meeting held 4 February 2021 are a true and correct record with the following amendments:**

- a) **Ray Hatch, Vice-chair, spoke on behalf of the Rangitane Recreation Association.**
- b) **Tabled Document 'Draft Kerikeri Peninsular Community Development Plan – Rangitane' February 2021.**

**CARRIED**

Abstained: Rachel Smith

## **7 REPORTS**

### **7.1 CHAIRPERSON AND MEMBERS REPORT**

Agenda item 7.1 document number A3052231, pages 16 - 23 refers.

#### **RESOLUTION 2021/13**

Moved: Member Lane Ayr  
Seconded: Member Bruce Mills

- a) **That the Bay of Islands-Whangaroa Community Board note the reports from Chairperson Belinda Ward, Member Manuela Gmuer-Hornell with the following amendments correct spelling of Motumaire on Chairperson Ward's report.**

**CARRIED**

Abstained: Rachel Smith

### **7.2 RESOLUTION**

#### **RESOLUTION 2021/14**

Moved: Chairperson Belinda Ward  
Seconded: Member Dave Hookway-Kopa

**That the Bay of Islands-Whangaroa Community Board request a regular update on new liquor license, renewal of liquor license, and special liquor license within the Bay of Islands-Whangaroa ward.**

**CARRIED**

Abstained: Rachel Smith

### **7.2 FUNDING APPLICATIONS**

Agenda item 7.2 document number A3086198, pages 24 - 33 refers.

#### **RESOLUTION 2021/15**

Moved: Member Lane Ayr  
Seconded: Member Dave Hookway-Kopa

**That the Bay of Islands-Whangaroa Community Board approves the sum of \$1,974 (plus GST if applicable) be paid from the Board's Community Fund account to Bay of Islands Rotary Club for costs towards 2021 Duck Race to support community outcomes.**

**CARRIED**

Abstained: Rachel Smith

### 7.3 PROJECT FUNDING REPORTS

Agenda item 7.3 document number A3086619, pages 34 - 63 refers.

**RESOLUTION 2021/16**

Moved: Chairperson Belinda Ward

Seconded: Member Manuela Gmuer-Hornell

**That the Bay of Islands-Whangaroa Community Board note the project reports received from:**

- a) **Kawakawa Business Association – Christmas 2020 Event**
- b) **Whangaroa Health Services Trust – Community Gym Fitness Equipment**

**CARRIED**

Abstained: Rachel Smith

## 8 INFORMATION REPORTS

### 8.1 COMMUNITY FUNDING AND REPORTING REVIEW

Agenda item 8.1 document number A3085966, pages 64 - 65 refers.

**RESOLUTION 2021/17**

Moved: Member Frank Owen

Seconded: Member Lane Ayr

**That the Bay of Islands-Whangaroa Community Board receive the report Community Funding and Reporting Review.**

**CARRIED**

Abstained: Rachel Smith

At 12:05 pm, Member Rachel Smith left the meeting. At 12:08 pm, Member Rachel Smith returned to the meeting.

### 8.2 COMMUNITY AND CUSTOMER SERVICE REPORT 1 JULY 2020 - 31 DECEMBER 2020

Agenda item 8.2 document number A3081335, pages 66 - 81 refers.

**RESOLUTION 2021/18**

Moved: Chairperson Belinda Ward

Seconded: Member Manuwai Wells

**That the Bay of Islands-Whangaroa Community Board receive the report Community and Customer Service Report 1 July 2020 - 31 December 2020.**

**CARRIED**

Abstained: Rachel Smith

**Attachments tabled at meeting**

Tabled Document - Rangitane Resident March 2021

**9 KARAKIA**

Dave Hookway-Kopa closed with a karakia.

**10 MEETING CLOSE**

The meeting closed at 1:00 pm.

**The minutes of this meeting will be confirmed at the Bay of Islands-Whangaroa Community Board meeting held on 1 April 2021.**

.....  
**CHAIRPERSON**

**7.2 CEO REPORT TO COUNCIL 01 JANUARY 2021 - 28 FEBRUARY 2021****File Number:** A3119902**Author:** Mia Haywood, Accounting Support Officer**Authoriser:** Emma Healy, Executive Officer**PURPOSE OF THE REPORT**

The purpose of the report is to present the CEO Report, 1 January 2021 to 28 February 2021 for Council's consideration.

**EXECUTIVE SUMMARY**

The CEO Report to Council is a summary of Council activities, presenting an overview across all activities that Council undertakes. We have placed emphasis on relevant issues and pressures Council is experiencing whilst meeting its objectives to the community.

**RECOMMENDATION**

**That the Council receive the report CEO Report to Council 01 January 2021 - 28 February 2021**

**BACKGROUND**

The CEO Report to Council is attached and covers a detailed overview of progress against Council's activities. His Worship the Mayor and Councillors' feedback is welcomed.

**DISCUSSION AND NEXT STEPS**

This report is for information only.

**FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

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

**ATTACHMENTS**

1. **CEO Report to Council\_1 January 2021 - 28 February 2021 - A3128082** [↓](#) 



**Far North  
District Council**

## **Chief Executive Officer's Report to Council**

Period: 1 January 2021 – 28 February 2021

### **Key Work Plan Areas:**

**Governance**

**CEO Office**

**Strategy**

**Corporate**

**Operations**

**Infrastructure and Asset Management**

## **Introduction**

Welcome to this CEO report, which provides an overview on the Council's activities for the

## Welcome to the latest summary report of Council activities

### Introduction from Shaun Clarke, Chief Executive

January is typically a quieter month as staff and Elected Members return from holiday. It is traditionally a time to plan for the year ahead, and I took the opportunity to seek face-to-face meetings with each of the Councillors and Community Board Chairs to understand what they would like to see achieved for this year. Reflecting on these discussions, the anticipated feedback from our CouncilMARK assessment and what our customers are saying will lead to a different lense for how we deliver our work – more on this in the next update.

Having enjoyed four months of only Level 1 COVID restrictions, three new cases of community transmission were detected and on 14 February 2021 Auckland moved to Alert Level 3 and the rest of the country to Alert Level 2 for an initial period of 3 days, and on 18 February Auckland moved to Alert Level 2 and the rest of the country to Alert Level 1. This had minimal operational impact, with Elected Member workshops still held with limited staff in-person and with social distancing measures. On 28 February Auckland moved back to Alert Level 3 and the rest of NZ at Alert Level 2 until 7 March.

The hybrid of having remote working and office-based working formally commenced 2 February. An Elected Members lounge was developed at Kaikohe headquarters by repurposing the Committee room, and a large collaboration area was developed in the former IAM space. Thanks to this initiative, staff are enabled to work from home making the transition between COVID alert levels smooth. The message during Alert Level 2 is to work at home if you can do and if you need to come into the office ensure you have safe social distancing measures in place. Daily communications were sent to staff updating them on key messages, and these were forwarded to Elected Members for their reference.

The Senior Leadership Team (SLT) commenced Your Voice action sessions with staff. These open forums were an opportunity for the SLT to hear directly from staff and have a two-way dialogue on what it's like to work at FNDC. These sessions are scheduled to conclude March. In February I announced Darren Edward's appointment to the General Manager – Strategic Policy & Planning role. We are pleased we were able to recruit a high-caliber leader to fill this strategically important position and welcome Daren back to FNDC on 24 May.

As well as listening to staff, these months were about preparing to listen to our communities through Navigating Our Course (seeking feedback on the Representation Review, FN2100, Long Term Plan and Māori Wards). This was through workshops with Elected Members to gain their guidance, planning content, graphics and face-to-face consultation events.

During this period water restrictions were put on and then lifted. Level 3 water restrictions were placed on Kaitia in mid-January and on 2 February Level 3 water restrictions were applied to Kawakawa and Kaikohe and Kerikeri and Level 2 for Paihia-Opua-Waitangi. On 19 February a significant reduction in demand prompted the Council to reduce Level 2 water restrictions at Paihia, Opua and Waitangi. We were able to remove all restrictions for Kerikeri and decrease Kaikohe restrictions from Level 3 to Level 2 on 25 February. The Sweetwater bore was opened temporarily for tanker supply, and work continues on a separate bore site at Sweetwater to be operational for next Summer. Drilling and testing on a second bore at Tokareireia (Monument Hill) in Kaikohe was completed in February. The project aims to provide a reliable secondary water supply that will make Kaikohe far more resilient to future droughts.



Other achievements during this period included –

- Roading maintenance, operations and renewal contracts have exceeded 90% compliance for the first six months of the financial year.
- Successful mediation for the Taipa Wastewater Treatment Plant which will see Council work with Ngāti Kahu hapū and community representatives to find the best upgrade option.
- Business case for adopting water monitoring software, given the significant data requirements of the Three Waters reform package and customer demands, is in the final stages of being drafted.
- We are seeing consequential benefits of the Te Tai Tokerau Worker Redeployment initiative – while this work is coming to an end, our contract RSL has extended the contracts for some to help with peak seasonal demand and the MBIE flood funding programme.
- In January new speed limits were introduced on Council-administered roads between Kaeo and Ohaeawai following a public consultation process that gathered 166 submissions from the community.
- The Kerikeri Domain BBQ providing opportunity for anyone interested in Kerikeri's central green space to find out about the planned improvements, which include new landscaping and upgrades to lighting, the skate park, playground and basketball court.
- The first of three playground swings specifically designed for children and adults in wheelchairs was opened at the Jaycee Park playground in Kaitia.

Operational performance during this period saw –

- 25.06% decrease in financial interactions at Service Centres
- 10.50% decrease in calls to the Contact Centre
- 170.43% increase in AskUs emails received. The large increase was due to a technical issue which saw approximately 7,000 'no reply' emails go into the AskUs email inbox. Staff had to sort through them and delete them.
- 0.15% increase in building inspections booked
- 25.09% decrease in visits to Service Centres
- 46% decrease in i-SITE visitor numbers
- 22% decrease in i-SITE retail revenue
- 53% decrease in i-SITE transaction spend
- 42% decrease in i-SITE transaction numbers
- 5.1% increase in digital library use reflecting increased range of resources and summer borrowing growth
- 0.8% decrease in book checkouts reflecting steady book borrowing during the holiday period and a short month
- 656 RFS' received for Animal Management during January – February 2021, over 60 more than for the previous two months, reflecting more people out and about with dogs over the summer holiday period
- 61 dogs were impounded across the District with 10 dogs rehomed through the Council's website
- 21 food business verifications were completed and 31 proactive alcohol license Good Host Visits (GHV) were conducted, with 60% of all licensed premises in the District having had

## GHV's

- 74 health inspections completed
- 233 noise complaints were received with 141 of these received in January, reflecting the busy holiday festive season. Response rates have improved in February, (92%) compared with 77% in January
- Only six RFSs regarding parking concerns received across the district
- Only 74 resource consent applications were received over this period, considerably lower than previous two months (151) due to the holiday period
- 100% of all resource consents were processed within statutory time frames in January
- Five of the six applications that went over time in February were applications that were received during lockdown and delays in obtaining engineering advice regarding transport and stormwater matters on time
- Discounts applied to consent processing for 2020/2021 to the end of February is \$41,734.99 noting that for the same period last year there had been \$176,299.82 applied, reflecting our increased performance in meeting statutory time frames
- Building consents received for January (85) and February (145) were higher than last year for both months
- 165 building consents were issued, 100% within statutory timeframes
- 99.66% of building consents were issued within the legislative timeframe of twenty working days for this financial year
- The average number of days to issue a consent is 12.28 working days (against the 20-day statutory requirement) and 31.81 calendar days
- Overall CCC compliance for 2021 remains above 95%, but the team is looking to improve monthly compliance to 100%
- 87 Building Warrant of Fitness (BWOF) audits were undertaken, reinforcing the success of the mobile inspection tool that has been introduced as part of business improvements.
- 111 BWOF RFSs were received during January/February, consistent with this time of year and previous summers.
- 59 Notices to Fix were issued for breaches of the Building Act and 8 Infringements were issued for building-related breaches.
- A total of 13 Certificates of Acceptance were approved
- 58 pool inspections were carried out, the fail rate for this period was 34%. This total is of concern, given that it is the middle of summer. Follow up checks are planned during the coming weeks and appropriate steps will be taken to achieve compliance.
- Revenue from the Hokianga ferry ticket sales for this financial year are approximately 30% higher, primarily as a result of high domestic tourism market due to the COVID-19 pandemic

## Governance

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### Workshops

The month of January was quiet with activity ramping up during the month of February:

- Long Term Plan, one workshop
- District Plan, one workshop
- FN2100, one workshop
- Māori wards, one workshop

The workshop format is invaluable in providing an overall strategic direction, which in turn allows Members at formal Council meetings to make informed decisions.

### Community Board Workshops

Representation review workshops were held with each Community Board on 28 January 2021. These workshops were designed to gather feedback on current or new communities of interest and effective representation. These workshops were well attended with some great feedback received. Following on from these workshops, staff attended each Community Board meeting during the month of January and February to capture feedback from elected members unable to be at the workshops. This information will now form part of the representation discussions with the Mayor and Councillors.

### Training

Mayor, Chairs of Committees, and Community Board Chairs (and deputies) attended an in-house workshop on Chairing Meetings, facilitated by Meeting Solutions Limited on 11 February 2021. This training had been planned a full year earlier but was repeatedly pushed out due to COVID related lockdowns and availability issues. This is part of the formal training programme for elected members, over and above those members with individual professional development plans.

### Action Sheets/Decision Tracking

A review tracking the status of Council decision into action has been completed. Staff have been gathering data for the calendar year during this quarter to inform a baseline and targets for a report to the Assurance, Risk and Finance Committee in May. Action sheets are already in place for Council, Committees and Community Boards.

# CEO Office

## People and Capability

### CEO Office

No recruitment changes amongst the CEO office groups.

A selection of staff in leadership from across the departments attended a leadership workshop in the new year ran by P&C to discuss the needs of the organisation. The outcomes from this are being worked on by the Talent & Development Manager. Regular organisational communications on new starters and the reward & recognition program has launched on TK3

### Creating Great Workplaces – Remote Working Consultation

The hybrid remote working and office-based model formally commenced on 2<sup>nd</sup> February 2021. All staff who elected to be office based are allocated a permanent desk. Office reconfiguration was carried out at headquarters, which included the creation of an Elected Members lounge and a large collaboration area in the former IAM space.

### Cadetship Scheme

Three Cadets commenced at FNDC during January 2021 for a ten-month term. The Cadets are allocated to the Building Consents, District Planning and Environmental Services departments. They will receive support from both FNDC and the Ministry of Social Development during this time.

### “Your Voice” Organisational Survey 2020

Survey details have been made available to all groups with the intent that discussion will cascade down through all people in the group. Since the survey is confidential, feedback comments reflect broad areas of one-way concern or approval. To allow for further two-way communication in these areas, six open discussion sessions are being led by the Chief Executive and members of the SLT. Held across the three main centres, these sessions are an opportunity for all FNDC people to speak their minds and get a committed response. The feedback gathered at these sessions will inform the action plans within the groups. A change on COVID level has delayed these sessions but they will be completed in March.

### Infrastructure & Asset Management Group

The long-standing vacancy of Manager – Asset Management & Infrastructure Planning has been filled. A fixed term position for 3 Waters Hydraulic Modeller is approved and advertised, funded by 3 waters reform initiative – a talented candidate has been identified. The Infrastructure and Asset Management leadership group participated in a Team Management Profiling session ran by P&C which identifies ways to improve communication and engagement across the group. The engagement was high and provided an opportunity for the group to discuss their vision.

## **Strategic, Planning & Policy**

An ideal candidate for the General Management position has been identified after a panel interviewed five candidates, including some internal applicants. Internal candidate secured for the new Sustainability Programme Coordinator position. Recruitment for two Strategic Planner positions have taken place (both existing vacancies). District Planning and Community Development is facing a busy period coming into consultation.

## **Corporate Services Group**

The General Manager – Corporate Services Group was seconded to lead the Strategic Planning & Policy Group, while this position is recruited to. This has resulted in acting up and development opportunities for this Corporate Services leadership role, which has included Tier 3 Managers stepping up. The Manager - Transformation & Assurance is currently acting as General Manager - Corporate Services Group, with backfill provided by the Manager – Project Management.

The recruitment campaign for the two-year fixed term Principal Advisor – Sustainable Procurement position was not successful, with no suitable candidates. This vacancy is to be re-advertised with a new campaign to attract talent to this key position.

## **District Services Group**

The Manager - Community & Customer Services position is temporarily being covered by delegated authority on a rotational basis. The Manager – Libraries, Manager – iSites and Manager- Customer Care have all acted up to this position, enabling cohesive coverage while linking to development opportunities.

## Staffing, Salaries and Training

### Current Staffing Levels

Actual Full Time Equivalent (FTE) at 28 February 2021	Annual Plan Establishment (FTE)
354.33	382.53

\*New approved FTE applied

### Salaries and Training

Financial Performance as at 28 February 2021	YTD Actual	YTD Budget	YTD Actual vs Budget	Annual Budget
Salary Costs	\$19,861,950	\$19,912,601	\$50,651	\$30,452,195
Training Costs	\$238,671	\$523,944	\$285,273	\$901,179
<b>Trainings as a % of Salaries</b> (Sector average is 4%)	1.2%			3.0%

### Vacancies

Department	FTE Available
CEO/Communications/People & Capabilities	0
Corporate Services	5.0
District Services	10.00
Infrastructure & Asset Management/NTA	9.0
Strategic Planning & Policy	4.2
<b>FNDC TOTAL (FTE)</b> * includes part time & full time EST Position Vacancies	<b>28.2</b>

## **Customer Service**

### **Customer Experience Programme**

#### **Customer Satisfaction**

We are launching our new customer feedback surveying platform at the beginning of March. As a result, there is no performance data for this reporting period. The customer surveys will be back dated to cover interactions during set up period. The next report will include responses for this period as well.

The new platform called AskNicely will help us to understand and act on our customer feedback. Not only is the system a smart way to gather feedback it will give us real time voice of the customer information that allows us to respond, act on insights and grow our customer first focus.

We are continuing to request feedback from customers when we close their request for service or complete their application but will be expanding the teams we cover and ditching our old mail-based form. We will also be providing QR codes in our venues for visitor feedback.

The system allows for a digital first approach where we will now email our customers. The survey gives them the opportunity to tell us their story and what is important to them.

We are excited to present this platform to Elected Members on the 11<sup>th</sup> of March.

#### **Customer Journeys**

In addition to the above work, the Customer Experience Improvement Programme is also focusing alignment changing customer behaviors and other organisation initiatives. A programme of work is under development to ensure customers experiences are improved by our processes and systems. This involves systematically going through our customer facing teams (starting with Transport) and undertaking a customer journey mapping and diagnostic programme to ensure that our system and processes are as customer friendly as possible.

This programme will also inform and aid in the delivery of a number of other customer initiatives across our organisation (i.e., Target Operating Model Service Catalogue, Pathways review, communications assistance with content and responses, BI Reporting, training on systems and customer contact channels).

## Health, Safety & Wellbeing (HSW)

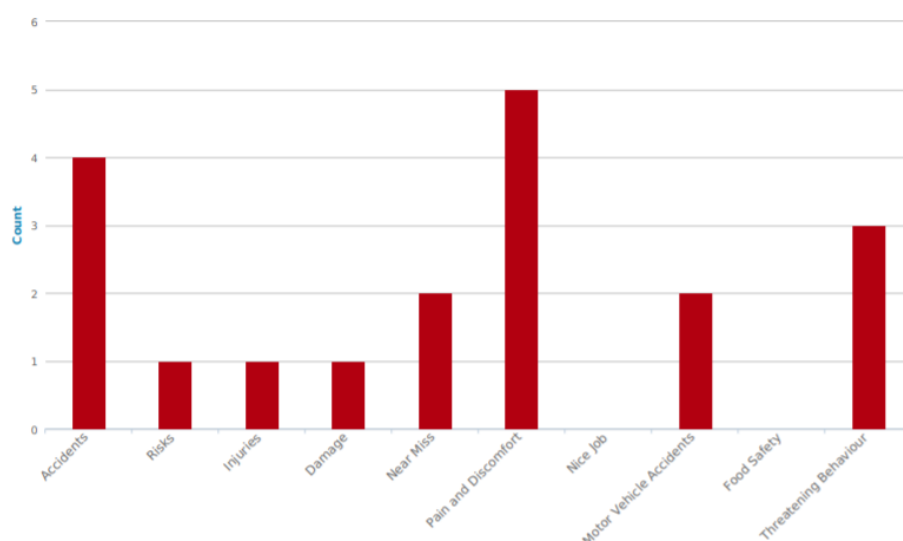
### Summary of Activities

1. H&S inspections undertaken at the new Northern Animal Shelter - Kaitaia with Infrastructure Capital Works team and contract partners.
2. Kaikohe Fire Evacuation debrief undertaken following fire false alarm. Full review of current fire warden numbers underway, consideration to include Remote Working Project and new permanent based staff.
3. Remote Working Risk Assessments reviews for those staff working under hybrid model undertaken, 50% completed at the time of this reporting period.
4. Lone Worker Safety Solutions & Vehicle GPS Project – phase 2 technology order placed with the supplier and training to be scheduled for March 2021.
5. Investigation support to a contractor following a vehicle roll-over incident. NZ Police were notified, and the staff was un-injured. Full investigation summary report is due in March.

### PeopleSafe Stories Types during the reporting period Far North District Council

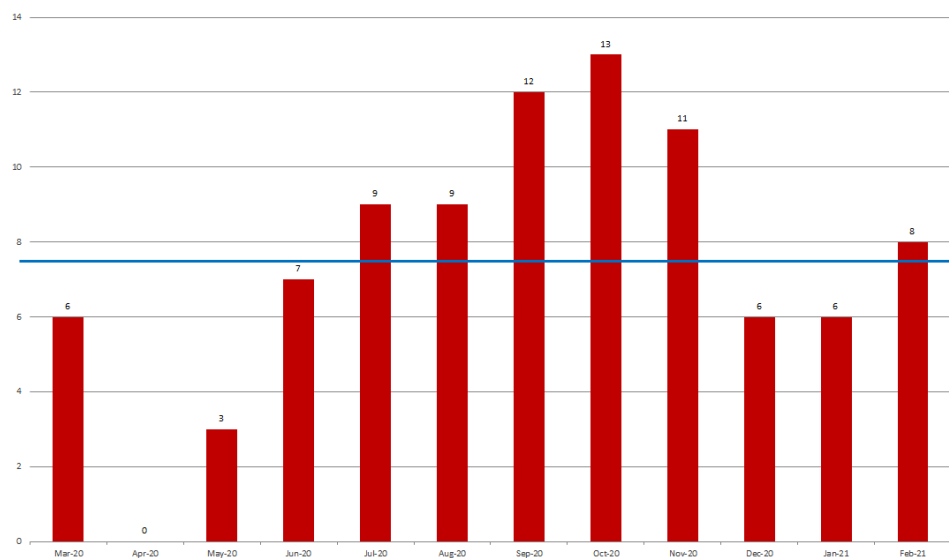


#### Stories Report Summary





## PeopleSafe 12 Month Rolling Incident Rate



During the two-month reporting period there were 14 PeopleSafe incidents/events told, covering 19 story types. The average number of incidents per month has decreased further and now sits at 7.5 incidents/month.

## Communication

### Activity summary

January and February remained a busy period for the Communications Team. Water restrictions were in force at most of our water supplies, so our messaging was focused on raising community awareness about water shortages. The team also provided significant support to the Engagement Team as it prepared for the *Navigating Our Course* community consultation.

### Media releases

The team issued nine media releases during the eight-week reporting period. Five of these media releases were about water restrictions and the Council's response to the dry weather. The other four were about:

- Hapū support for plans to upgrade maritime facilities at Rangitane near Kerikeri
- New speed limits on more than 60 roads in the Bay of Islands-Whangaroa Ward
- A draft, five-year strategy Museum @ Te Ahu was seeking community feedback on
- The unveiling of a Kerikeri Domain concept plan at a community BBQ.

### Media enquiries

The team responded to 49 media enquiries in January and February. The top topic of enquiry was Council water supplies, which accounted for 13 enquiries. Other main subjects of interest were animal management and roads.

### Social media

The team was active on social media, particularly Facebook, during January and February.

Outputs included:

- 61 Facebook posts on a range of topics, especially water restrictions
- 281 new Facebook page 'likes', increasing the number of people who 'like' the Council's Facebook page from 5,871 to 6152.

### Mayoral support

The team drafted four Mayoral columns/blogs about:

- Challenges in 2020 and Council drought-resilience projects
- Our economic recovery projects
- The *Navigating Our Course* community consultation
- Roading and the Integrated Transport Strategy.

### CEO support

The team produced six editions of weekly newsletter *The Weekender*, numerous communications to staff about COVID-19, as well as talking points for weekly videos to staff.

### Other support and outputs

- A four-page quarterly newsletter about Council projects. This was posted to ratepayers with third quarter rates bills in January.
- Fortnightly newspaper adverts in four local newspapers about our rubbish and recycling services, water restrictions and the *Navigating Our Course* consolidated consultation.
- Information stalls about water shortages at the Kaikohe and Kaitia A&P Shows.
- Critical involvement in the production of a six-minute video about the *Navigating Our Course* consolidated consultation.

- Graphic design support to promotional materials for the *Navigating Our Course* consultation

## **Strategy**

### **Corporate Planning**

#### **Long Term Plan (LTP)**

January saw the beginning of audit activities on the Consultation Document and supporting information for the LTP. At the end of the period an Audit Opinion had not been received but was imminent.

Steady progress was made on planning for engagement on the Consultation Document. Consultation will commence on 6 March for one month.

### **Strategy Development, Bylaws and Policies**

#### **Far North 2100 District Strategy**

A workshop was completed with elected members on 17 February 2021 that walked the attendees through the draft Far North 2100 Strategy that was proposed for consultation. Modifications were made to the draft strategy that have been included in the draft that is going out for public consultation in March 2021.

Staff completed a workshop on placemaking and spatial planning with elected members on 17 February 2021. A follow-up workshop is planned for April 2021 that will further refine the programme of spatial planning and placemaking over the 2021 -2023 period leading in the governments planned resource management reforms.

#### **Climate Change**

We have successfully recruited to the position of Sustainability Programme Coordinator in February 2021. This position is key to the delivery of the climate change roadmap.

Workshops on embedding climate change into the decision-making processes of Council are being planned for May 2021.

#### **Regional Accessibility Strategy**

Staff have been analysing the results of the Te Tai Tokerau Regional Accessibility Survey completed in December 2020. The Disability Action Group was informed of the plans for a Regional Accessibility Strategy on 12 February 2021 by a Whangarei District Council staff member who is leading the development of the Strategy.

#### **Parks and Reserves**

A workshop with internal subject matter experts on challenges and issues associated with the acquisition, management of events and then disposal of Council administered, and controlled land was completed on 19 February 2021.

## **Bylaw Programme**

On 25 February 2021 Council approved the making of a Treated Water Supply Bylaw to replace the current Water Supply Bylaw that will automatically revoke in October 2021.

Staff are working on an options paper based on a review of the Solid Waste Bylaw that will come to the 23 March 2021 Strategy and Policy Committee. The current bylaw is due a review as per the requirements of the Local Government Act on 5 May 2021.

Research has commenced on the development of a new Parking and Traffic Bylaw that will replace the current Parking and Traffic Control Bylaw that will automatically revoke on 17 June 2022.

An options paper for a new Onsite Wastewater Bylaw is planned to come to the 4 May 2021 Strategy and Policy Committee Meeting.

The development of an Animals Bylaw is currently on hold while staff focus on the development of a Treated Water Supply Bylaw.

## **Policy Programme**

Staff are working on a review of the Psychoactive Substances Policy and Gambling Policy in alignment with the requirements under legislation. Options papers for the modifications and the continuation of these policies will be put to the Strategy and Policy Committee on 4 May 2021.

## **Iwi/ Hapū Relationships**

### **Māori representation**

On 5 February 2021, legislation was introduced under urgency to the house to amend the Local Electoral Act 2002 to align the treatment of Māori wards and constituencies with the treatment of general wards; and to remove all mechanisms for binding polls on the establishment of wards and constituencies.

During February 2021, Council held a workshop on Māori representation and whether or not to hold a non-binding poll for the 2022 Local Body Elections or to continue to hold a poll, albeit non-binding, at the same time as the next elections. The workshop was attended by Council and invited guests from across the community.

Council voted against holding a non-binding poll and in favour of gathering feedback on the issue during consultation on the Representation Review. The need for a formal decision was due to statutory timeframes associated with the wider representation review.

## **Te Oneroa-a-Tōhe Board**

Te Rautaki o Te Oneroa-a-Tōhe/ The Ninety Mile Beach Plan was formally notified on 25 January 2021. A number of outstanding issues remain before the final document is released. The issues were grammatical, however, there were also a number of cultural stories which needed finalising. During January and February 2021, the Te Hono Manager worked with the Iwi Board members on final scripts to be included into the plan. A formal launch and ceremony is scheduled for April 2021.

## **Māori liaison**

In February 2021, a ceremony was held to unveil a memorial at Ruapekapeka Pā in remembrance

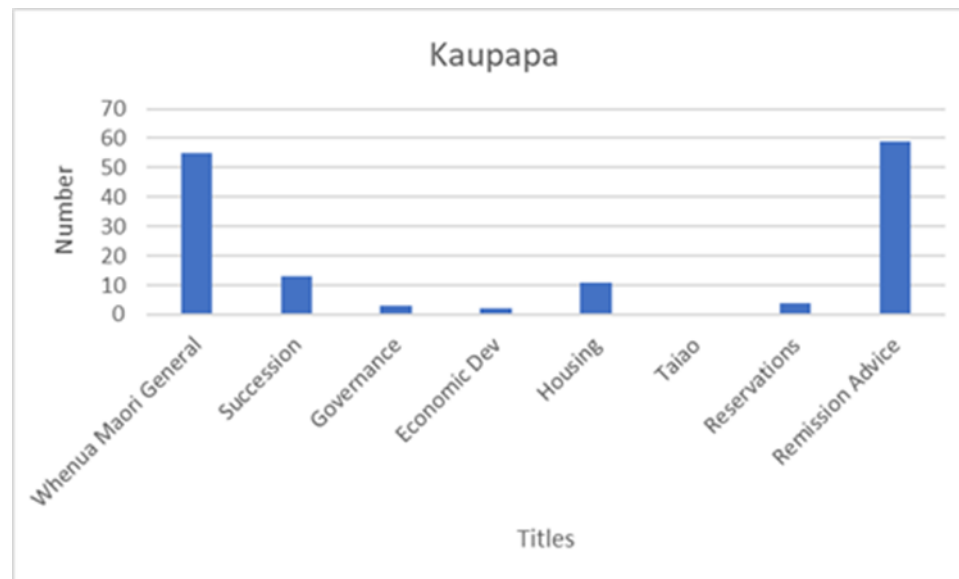
of the events that took place in 1846. Council provided support for this project after funding was gained via the Provincial Growth Fund (PGF) to carry out upgrades and safety measures to the existing road leading to the Pā site. The opening of Te Ahurea (formerly Rewa's Village) took place in early February 2021. The site, owned by Ngāti Rehia, received PGF funding which enabled the hapū to turn the site into a new living showcase of Māori culture. Assistance was provided by Council in the provision of space for a Whare Waka to be built on the banks of the Kerikeri River. Both ceremonial events were supported by Te Hono.

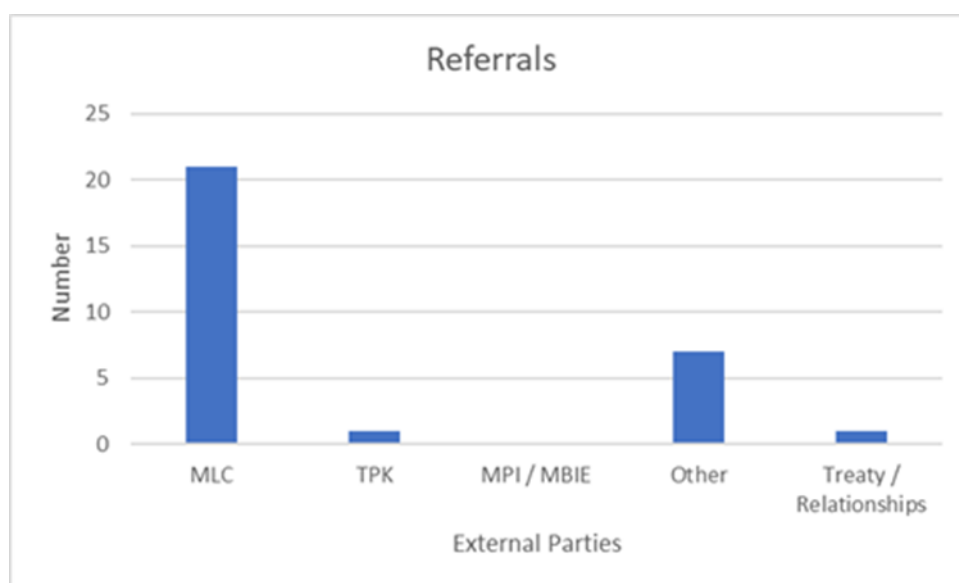
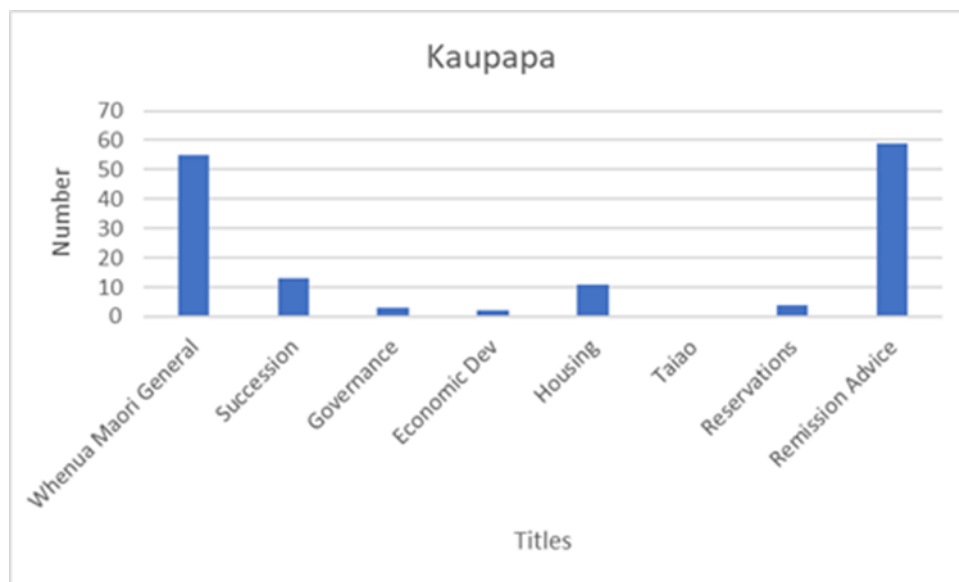
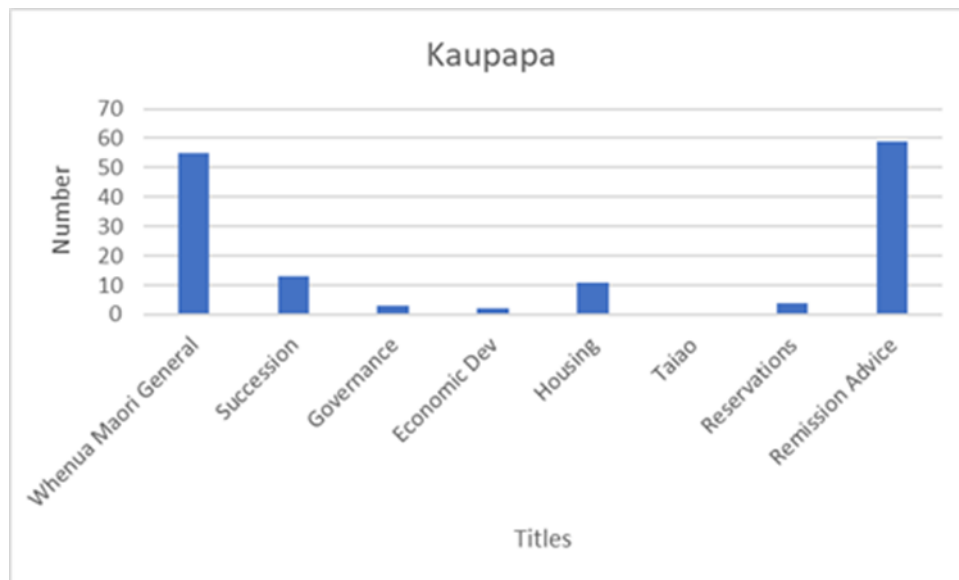
Te Hono continued to support council infrastructure staff with the appeal pertaining to the East Coast Wastewater Treatment Plant mediation between Council and local hapū and iwi along with providing cultural advice and support. Likewise, Te Hono continue to provide advice and support for the the Kohukohu Wastewater Treatment Plant procurement of a Cultural Impact Assessment.

## Māori Development

Over the last year the Te Hono Māori Development team completed over 600 assessments (including 100 unresolved applications) on Whenua Māori. During January and February 2021, the last of this backlog was cleared and the team are working on applications that are current lodgements. The team has streamlined the process and committed to providing quality and timely service to our customers. To support this improved customer service, they have made a commitment to turning around any request for service within 1 day and new rate remission applications completed for General Manager signoff within 5 days.

They had 147 queries inclusive of rate remission advice for the months of January and February 2021 and 59 referrals to external agencies, mostly to the Māori Land Court for further information.





Key: MLC = Māori Land Court. TPK = Te Puni Kōkiri. MPI/MBIE = Ministries of Primary Industry and Business, Innovation and Employment.

The team now have the capacity to support Māori Economic Development on whenua. They had one Whenua Māori trust successfully apply under the Incentivising Māori Economic Development Policy to support their Provincial Growth Fund application. The team has identified several Whenua Māori blocks in need of development support, so have committed to working with these landowners to achieve their development aspirations.

## **Community Wellbeing**

### **Community Development & Funding**

Council and Te Puna o Kūpenuku continue to work towards a mutually acceptable lease agreement. Te Puna o Kūpenuku have been building their resources and Council is tidying up loose ends such as the campus security system. Both parties are committed to making this partnership work to provide training opportunities and improve the wellbeing of the people of the Hokianga.

The Kai Ora Fund opened with applications rolling in. As well as the normal on-going Kai Ora Programme activity, Council has also been working with one of the Kai Ora partners (Mahitahi Hauora) and Whangaroa Health Services Trust and Te Rununga o Whaingaroa, exploring the possibility of building a Northland Food Security Network Hub in Kaeo. The Kai Ora Fund is open until 24<sup>th</sup> March 2021.

A number of successful meetings have taken place in the Hokianga area raising awareness around the concepts of 'Localism', Integrated Planning and Communities of Interest. Meetings were held in Kohukohu, Broadwood, and Horeke. To date the community responses echo respective Community Plans and also align with Council's current work in Social Procurement.

The community located on the southern shore of Doubtless Bay (from Cable Bay to Hihi and inland) has been asked if they wish to create a Community Plan for themselves, facilitated by staff. Following several orientation meetings, a strong and resourceful working party of 12 locals has been formed to ascertain the aspirations of the community and create a meaningful plan on their behalf.

At the request of the community, the Totara North community has engaged in a fast-tracked Council facilitated community planning process. The working group is highly active and engaged with good representation from all that make up this special and diverse community. The community aim to have their plan completed quickly in order to meet Long Term Planning submission deadlines.

Staff continue to deliver on the Nothing But Net digital strategy. Connected Northland, a project promoting the online training platform Drive is about to be delivered free to all Northlanders, launching early March 2021. This is a partnership under the Northland Digital Enablement Group (Northland Regional Council, Northland Inc, Whangarei District Council and Kaipara District Council) with funding from the US State Department. The Nothing But Net strategy document has been entered into the SOLGM Local Government Excellence Awards in the Martin Jenkins Award for Better Policy and Regulation category. The award recognises the development of robust and effective evidence-based policy or strategy that has become business as usual and used a methodology that can be transferred to other local authorities. Nothing But Net ticks these boxes and more and staff view it as being a real contender.

Council has selected three Māori youth for the TUIA Mentoring programme, which is part of the 'Mayor's Taskforce for Jobs' initiative. Our candidates are Council cadets Te Oi Singh and Justine Lyden, joining Codi Clarke from Ngapuhi Iwi Social Services who is returning to the programme in a leadership role after completing the course in 2020. Candidates will be sponsored by Council to attend 5 wananga throughout the year to be held all over Aotearoa New Zealand, as well as developing a mutually beneficial mentoring relationship with the Mayor and Councillors' Moko Tepania and Rachel Smith. Our three rangatahi are grateful to be given this opportunity and believe the programme will help grow their knowledge and develop the skills they need to make positive changes for young people in Te Tai Tokerau.

Council in partnership with the Department of Conservation and Northland Regional Council has again been successful in running the Kaitiaki Program with funding from the MBIE Responsible Camping Fund. Staff were responsible for supervising the Ahipara Coastal Patrol and Te Rarawa's Ahipara Kaitiaki groups. The Kaitiaki promoted positive behaviors through advocacy and educational messaging concerning responsible camping and assisted with messaging concerning illegal rubbish dumping. They provided a positive customer experience and they were instrumental in the Civil Defence response to the fire that engulfed the Gumfields and threatened the homes of many residents. We have received excellent feedback from customers about the programme.

Staff met with the Kaitaia Business Association Chair and their Co-Ordinator to discuss the reporting requirements to the Te Hiku Community Board regarding the Business Investment District. The Kaitaia Business Association Chairperson is working in collaboration with businesses, social services, government agencies, iwi, churches, not for profit organisations, Northland Inc., the Far North District Council and Civil Defence, to name a few. The Kaitaia Business Association and the Te Hiku Community Board have a solid working relationship and we expect the Te Hiku Rejuvenation Plan to be successful, in part, because of this positive relationship.

Staff facilitated the first meeting of 2021 of the Disability Action Group. An inclusive way of working has been well received by the Infrastructure and Asset Management team who are now very much involved in the meetings, much to the delight of the Disability Action Group. Lengthy discussions were had concerning footpath health and safety issues and the disabled. We believe there will be many positive outcomes from this new way of working collaboratively.

## **District Planning**

### **Development of the new District Plan**

The District Plan team conducted a workshop with Elected Members on 18 February 2021 to demonstrate the new integrated digital district plan. Matters covered included the progress of plan making and use from a paper-based district plan, to an on-line accessible plan and now a full searchable e-plan product with the digital map interface.

The new e-plan format is a mandatory direction for plan making under the National Planning Standard, established in November 2019. The new district plan has been authored alongside the development of the National Planning Standard and will mean that the plan will achieve the e-plan direction well within the 5 year mandatory timeframe dictated by the Standard.

The team also covered with elected members the development of the policy framework into zone and wide provisions, plan rules and standards. Each of the key elements of the plan were framed



under the context of nine separate 'Significant Resource Management Issues'. This allowed for a direct line of understanding of why certain zones, rules and methods have been applied in order to remedy big picture problem statements.

The same organisational context will be applied during engagement on the draft district plan allowing communities to observe the cascade of problem statements to policies and methods.

Engagement scheduled for March 2021 on the draft district plan alongside Far North 2100 and the 2021-31 Long Term Plan will allow for further demonstration of the short and medium term solutions for integrated management of land and infrastructure supply for housing and business land and strategic direction for the district.

### **Reform of the Resource Management System**

The development of the district plan is taking place against the backdrop of proposed large-scale reform of land and environmental planning legislation. The Government announced on 10 February 2021 that the Resource Management Act (RMA) will be repealed and replaced with new legislation within the current parliamentary term. The reforms are based on a 2020 independent panel review of the planning system.

The Government's aim is to introduce three new pieces of legislation aimed at improving the natural environment, enabling more development against specific environmental limits, improving housing supply and affordability, and providing an effective role for Māori.

The proposed legislation to deliver these outcomes are:

- The Natural and Built Environments Act (NBA) which replaces the RMA and will provide for land use and environmental regulation.
- The Strategic Planning Act (SPA) which will integrate with the NBA, the Local Government Act, the Land Transport Management Act and the Climate Change Response Act, and deliver regional spatial strategies
- The Climate Change Adaptation Act (CAA) which will address the complex legal and technical issues of managed retreat, funding, and financial adaptation.

The making of the new district plan continues to deliver outcomes such as local responses to growth, protection of natural resources and management of nationally important issues. These local plan making processes will continue in the near term under Schedule 1 of the RMA. The prioritised legislation in the reform package, the NBA, is scheduled for gazettal at the end of 2022. The proposed district plan will, at that time, have been notified and on the pathway to decision making, and importantly eligible to represent local issues into any new national planning regime.

## Northland Forward Together

The Chief Executive's forum met 15 February and the Mayoral forum met 1 March. The key priorities for these forums remain the government waters reforms, climate change, regional economic development and further enhancements to the Northland Transport Alliance. Māori wards has also been topical and Coastal Hazards was discussed at both forums. Solid waste and recycling are also a priority due to the upcoming reforms in the sector. Three carry over projects from the previous financial year; PGF and government funding, Digital Enablement and Regional ICT continue to be progressed and monitored.

Below is a snapshot of the nine work streams and the progress that has been made since previously reported and highlight progress made over the last quarter.

	Prioritised Projects for 2020	Lead Council	Status	Key Priorities	Achievement and Actions for next 3 months
1.	Four Waters	WDC	In Progress	<ul style="list-style-type: none"> <li>*Government Reforms and potential amalgamation</li> <li>*Northland Re-arrangement Option</li> <li>*Completion of Request For Information (RFI)</li> </ul>	<ul style="list-style-type: none"> <li>The reforms propose three tranches:               <ul style="list-style-type: none"> <li>Tranche One 2020-2021 – Council agreement to MOU, work with government, funding stimulus released to participating Councils and progress sector on entity design consideration. Government plans to introduce legislation.</li> <li>Tranche Two 2021 - 2022 – Councils opt into to multi-regional groupings and commence re-establishment planning and the release of further stimulus funding.</li> <li>Tranche Three 2022 - 2023 – Formation of new entities and a further release of stimulus funding.</li> </ul> </li> <li>The three Territorial Authorities in Northland have signed up to Tranche One and submitted their Delivery Plans to CIP.</li> <li>The three Northland territorial authorities are working hard to fulfil the requirements of the RFI process – a considerable amount of work that will provide in-depth analysis for investment. Far North and Whangarei are undertaking a more detailed RFI than Kaipara. At this stage there is reasonable confidence that the governments deadline for information provision has been achieved.</li> <li>In December 2020 Northland Territorial Authorities senior infrastructure managers together with Rationale consultants undertook a two</li> </ul>

					day Investment Logic Mapping (ILM) exercise to explore water services delivery options for Northland.
2.	Refining the Northland Transport Alliance (NTA)	WDC	In Progress	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>Previously this item had focussed on ICT improvements. Following the NTA workshop held on 6 August, the NTA Delivery Model Improvement Plan was developed and presented to, and endorsed by, the NTALG at the November 2020 meeting (09/11/2020).</li> <li>The improvement plan covers off 8 primary, and 3 secondary, work streams being: <ul style="list-style-type: none"> <li>Primary Work Streams: <ol style="list-style-type: none"> <li>1. Formalisation of NTA Contract Agreement</li> <li>2. People &amp; Capability</li> <li>3. Health &amp; Safety</li> <li>4. IT Development</li> <li>5. Branding</li> <li>6. NTA Reporting</li> <li>7. Procurement &amp; Work Delivery</li> <li>8. Resource Review</li> </ol> </li> <li>Secondary Work Streams <ol style="list-style-type: none"> <li>1. Financial Management (SSBU)</li> <li>2. Financial Management (Operational)</li> <li>3. Staff Engagement</li> </ol> </li> </ul> </li> <li>An overview of the Improvement Plan and Work Streams was provided to each Council Leadership team and key work stream contributors through December 2020.</li> <li>Work has commenced on Work Streams 3, 4, 5 and 8 plus sub-streams 1 and 3. A full progress update will be provided to the NTALG at the February 2021 governance meeting.</li> <li>Suggested that once the formal report is approved and a new contractual agreement entered into, there are a series of meetings with Calvin, Chris and Jason with the Chief Executives and the key business support staff where obligations from both sides will be discussed.</li> </ul>
3.	Climate Change	KDC	In Progress	<ul style="list-style-type: none"> <li>*Inter-Council Joint Standing Committee</li> <li>*Adaptation Strategy</li> <li>*Hazard mapping including</li> </ul>	<ul style="list-style-type: none"> <li>Key areas of work for Climate Adaptation Te Taitokerau (joint staff working group - CATT): <ul style="list-style-type: none"> <li>Developing a regional adaptation strategy focussed on working with communities on</li> </ul> </li> </ul>

				coastal erosion and flooding	<p>long-term climate change adaptation</p> <ul style="list-style-type: none"> <li>• Drafting supporting strategy documents including a regional climate change risk assessment, local government adaptation toolbox, and adaptive pathways program scope and adaptation plan</li> <li>• Ensuring consistency in LTP proposals regarding CC adaptation</li> <li>• Supporting the establishment of the Joint Committee on Climate Change Adaptation</li> <li>• Providing feedback to central Government on climate change initiatives (such as the National Climate Change Risk Assessment and National Adaptation Plan).</li> <li>• The groups key current focus is the development of a regional adaptation strategy. The regional Adaptation Strategy is now in the early stages of development and will ultimately outline a ten-year work program to develop adaptation plans for key locations across the region. The strategy will pull together information from a series of technical reports covering a climate risk assessment (climate risk overview; coastal hazard risk analysis, adaptation options for local government and a 10-year adaptation plan (including adaptation methods, program scope, priorities and timeline).</li> <li>• Part one of the regional climate change risk assessment (an overview of climate risks in Northland) is being drafted by NRC and reviewed by CATT members. It is on track to be released as technical report in early 2021. This report will be followed by a coastal risk analysis and risk profiles, using updated coastal hazard mapping undertaken by NRC. These hazard maps cover coastal erosion and coastal inundation mapping with several sea level rise scenarios/timeframes. The full adaptation strategy is expected to be delivered as a digital resource in late 2021.</li> </ul>
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					<ul style="list-style-type: none"><li>• The adaptation strategy is in alignment with, and in support of, individual council's efforts to resource adaptation planning in their rohe. Adaptation planning projects are unlikely to get underway before the beginning of 2022, with additional resources expected for each council mid 2021 allowing a 6-month planning window prior to community engagement.</li><li>• In parallel to the adaptation work of CATT, NRC are publishing new coastal hazard maps for consideration in the RPS and district plans. Workshops with each council to review the maps are scheduled for February and March. Maps are set to be released in early April. The timing aligns with district plan reviews by FNDC and WDC.</li><li>• CATT is driving the establishment and providing administrative support for a regional governance structure for climate change adaptation involving councillors and tangata whenua. All councils have now approved the ToR and nominated representatives to the Joint Committee on Climate Change Adaptation. Scheduling is underway for the first hui, which will likely take place in March or April, pending representative availability.</li><li>• MfE are currently engaging with local government regarding risk assessment methodologies and the upcoming national adaptation strategy and national adaptation plan. CATT members are participating in these hui and are key players in developing inter-regional cooperative adaptation knowledge-sharing.</li></ul>
4.	Regional Economic Development	NRC	In Progress	<ul style="list-style-type: none"><li>• *Re-organisation of Northland Inc. to a Regional Joint CCO</li></ul>	<ul style="list-style-type: none"><li>• NRC, KDC and FNDC staff have been working together to coordinate text for their respective LTP consultation documents.</li><li>• NRC has established the Regional Economic Development Service Delivery Working Party which has two elected members from each of the three councils. It is chaired by NRC Cr. Justin Blaikie. The Working Party has two objectives: to provide advice to NRC on Northland Inc.'s Statement of Intent 2021-2024 and the appointment of three directors to Northland Inc. commencing 1 July 2021. The Working Party has met twice, providing input into a letter of expectations sent by NRC to Northland</li></ul>

					<p>Inc, regarding the SOI 2021-2024. A draft SOI will be provided by Northland Inc. before 1 March. A timetable for undertaking the process of advertising, interviewing and selecting three directors has been agreed and implemented.</p> <ul style="list-style-type: none"> <li>Documentation required for moving to joint ownership of Northland Inc. (e.g. shareholder agreement, changes to Northland Inc. constitution) is being drafted by lawyer</li> </ul>
<b>Projects carried over from 2019</b>					
5.	PGF and CIP Funded Projects	FNDC	In Progress	<ul style="list-style-type: none"> <li>*Securing PGF funds for strategic projects and projects that enable employment creation and sustainability.</li> </ul>	<ul style="list-style-type: none"> <li>On 1 July 2020, government announced \$150M for Northland Infrastructure "Shovel Ready" Projects, with further announcements made up until central government elections. A schedule of the projects and the funding allocation is attached.</li> <li>The focus once a Labour-government was announced was on getting the PGF funding agreements signed. This is now complete and projects into delivery phase with milestone reporting underway.</li> </ul>
6.	Digital Enablement	FNDC	In Progress	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>Jude Thompson, TTNEAP Portfolio Manager, is the new Chair of the DEG. The group met on Dec 3rd 2020 to finalise the launch of the 5th annual 2020-21 Northland Broadband Speed Test and the plan the Connected Northland regional online learning programme, funded by the US State Department and FNDC and launching in March 2021. Over 100 people have completed the survey and there is still one month before it closes. A quick scan of results shows upload speeds are very slow across the region. The group agreed NRC would draft a letter to Crown Infrastructure Partners questioning the slowness of the WISP build in Northland – and whether this was still a good use of funds with the much improved satellite technology now available and other networks coming on line in the near future e.g. Starlink. An additional request, outside of the DEG meeting, has been made by FNDC to NRC to include the lack of coverage on the Pou Herenga Tai Cycle Trail. In the letter. The trail is supposed to be a priority area in the RBI build but as yet nothing has progressed. The DEG discussed the possibility of the Far North Nothing But Net Digital Strategy (or parts of it like the Goals) being adopted at a regional level,. The strategy is being</li> </ul>

					submitted to the SOLGM Awards by FNDC.
7	Regional ICT	FNDC	In Progress	•	<ul style="list-style-type: none"> <li>Limited activity/progress has been occurred with the end of year processes and LTP planning occurring across all Council teams.</li> <li>One area of activity has progressed is supporting the Northland Transport Alliance (NTA) migrate the individual team members into a single Microsoft 365 environment. This is planned to rollout during Feb/March 2021.</li> <li>One of the ongoing focus areas has been how each Council is able support the various stages of 'working from home' or hybrid working due to COVID-19. Each Council is working at various speeds and priorities depending on the operating model moving forward.</li> <li>Alignment to some of the tools and learning are being shared with a view to support each other moving forward given the variation of where each Council is at.</li> <li> <ul style="list-style-type: none"> <li>Mobility as a Service – NRC has completed this work with Spark for their mobile fleet and this is being used to help other Council to adopt a similar service.</li> </ul> </li> </ul> <p>FNDC and WDC are now progressing with planning for moving into this service following on from the learnings from NRC.</p> <ul style="list-style-type: none"> <li>Following 2020 'new normal' activities, Cyber Security and ICT Security have become a key focus area for all the Northland Councils. FNDC, WDC and KDC are all working through this industry framework. This work is aligned to the Association of Local Government Information Managers (ALGIM) cyber security framework, audit and benchmarking process that is being delivered by a NZ based company called SAM for Compliance.</li> <li>'Northland Digital Collaboration Alliance' has yet to be developed into a working model.</li> </ul>

					This will be a focus during 2021. The focus will be to support each Council particularly with the 'new normal' that we are all operating under.
<b>Projects with a watching brief/ awaiting prioritisation</b>					
8.	Solid Waste Re-cycling	WDC	In Progress	<ul style="list-style-type: none"> <li>*Agility to ongoing changes to the re-cycling market and central government policy</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing changes in the market and central government policy related to solid waste and recycling requires that the TAs in the region keep a 'watching brief' on progress nationally to see where the opportunities and risks emerge.</li> <li>Currently any collaboration on solid waste issues across Northland is done on an ad-hoc and informal basis. To maximise to the limited resources available to individual Councils and to take advantage of the efficiencies gained from taking a regionally consistent approach it is worth exploring regional collaboration opportunities. To this end a meeting of the Council staff involved in solid waste from each of the four Councils was held on the 7th December 2020.</li> <li>The meeting confirmed some significant differences in the way that each council approaches the provision of solid waste services.</li> <li>It was agreed that there would be some value in identifying common ground where we can collaborate particularly in order to access central government funding for solid waste infrastructure.</li> </ul>
8.	Libraries	All	Lower Priority		<ul style="list-style-type: none"> <li>Requested by the Mayoral Forum as a regional opportunity. This has been noted as a lower priority and there is no update to date.</li> </ul>

## Corporate

### Transformation and Assurance

#### Audit and Assurance

The Internal Audit and Assurance Programme for the 2021 calendar year has been rescoped to incorporate the findings of recent external audits and approved by SLT. The Programme will be presented to the Assurance, Risk and Finance Committee along with the refreshed Audit Recommendations Register.



**Risk**

Regular reporting, to the Assurance, Risk and Finance Committee, on the top organisational risks and their treatment plans continues.

Three risk progress reports were included in the February 2021 Risk Management Report to the Assurance, Risk and Finance Committee. The Risk Progress Reports on ARF003 Health Safety and Wellbeing Vulnerabilities, ARF006 Projects Priorities Delivery Delays and ARF012 Contract Management were presented.

Four risk progress reports with treatment plan updates are being prepared for the meeting of the Assurance, Risk, and Finance Committee in March. These updates are for ARF001 Climate Change Risk, ARF004 Asset Management Risk, ARF010 Customer Service Delivery Risk and ARF013 Drinking Water Resilience Risk.

We have successfully tested and implemented a process for decision-making on demoting a risk from the Top Organisation Risk Dashboard. Two recommendation reports have been presented, and accepted, by the Assurance, Risk and Finance Committee resulting in the demotion of both the ARF008 Civil Defence and ARF002 Building Consents – BCA status Risks from the Top Organisation Risk Dashboard. A recommendation, to demote ARF011 Organisational Cohesion Risk, from the Top Organisation Risk Dashboard will be made to the Assurance, Risk and Finance Committee in March.

We also completed the truncated December risk workshop in February, confirming the 2021 risk work programme for the Assurance, Risk and Finance Committee.

Finally, we are presenting an information report, to the Assurance, Risk and Finance Committee, in March to provide Elected Members a risk progress report on the risks associated with the programme of the externally funded “shovel ready” projects that form part of the Governments economic response to the COVID-19 pandemic.

**Transformation**

The Creating & Enabling Great Workplaces Programme entered an 'Implementation' phase in January/February 2021. The official commencement date of 2 February 2021 for the new operating model has been followed with a clean out of all paper-based files across the organisation with teams either archiving, digitising or removing where appropriate. This has enabled the re-design of key spaces on the Level 1 Annex in headquarters Kaikohe and Level 2 in JBC, Kerikeri. Permanent office-based staff have now been allocated their desk spaces across all sites including Kaitaia.

A Councillors Lounge in Kaikohe was opened in February. For staff, Level 1 Annex in Kaikohe has been developed into a collaborative space and key hub for hybrid workers. Using existing furniture and some new office and IT equipment, this space will launch in early March. Level 2 JBC, Kerikeri will also benefit from a less intensive refit and launch in mid-March.

## Digital Information Services

### Executive Summary

The start of 2021 has seen several work stream activities gaining steam as we undertake the delivery of work for 2021.

One of the key focus activities for 2021 has been to ensure that the Digital Information Services department has adapted like the rest of Council with the various changes that occurred during 2020. Particularly our now permanent operating rhythm of working from home for a significant number of staff.

The first was the results of the internal ICT Satisfaction survey that was commissioned via the Association of Local Government Information Managers (ALGIM) and allow for Council to be benchmarked against other Councils in New Zealand. The second was the ALGIM ICT Cyber Security Audit which was well received by the committee given the changing landscape of how Council is operating since COVID-19 lockdown in March. Both activities will be key to the future workplans within the team.

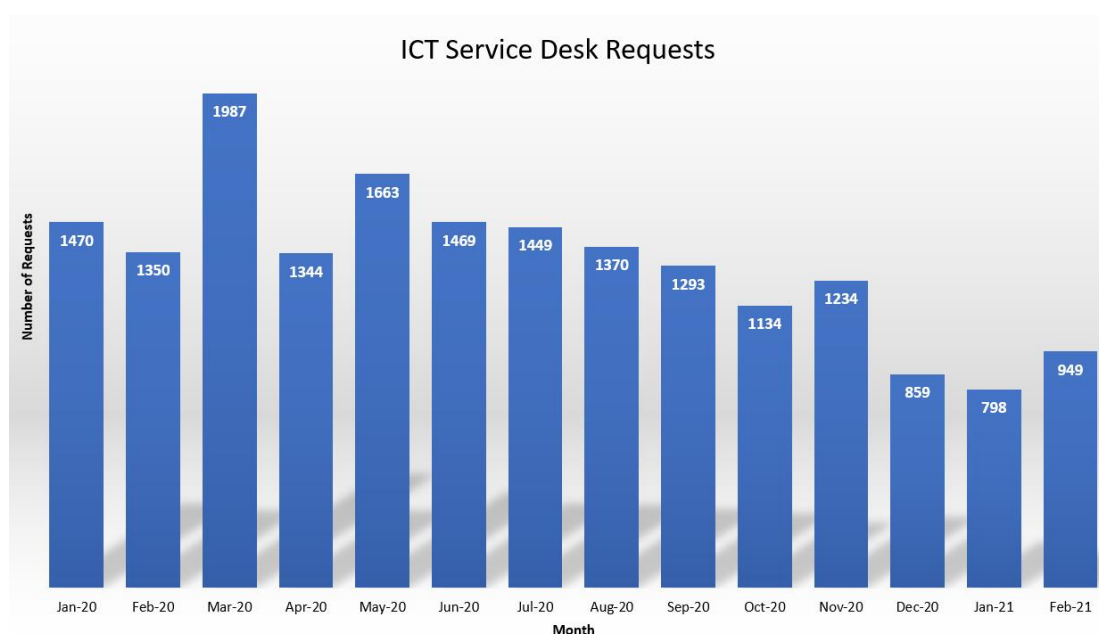
Additional work has been progressing with support and deployment of the Creating and Enabling Great Workplaces programme with the new year deployment and configuration of new spaces in Kaikohe, Kerikeri and Kaitia. This work has entailed deployment of new equipment and Teams rooms options to support the hybrid model.

A new operational planning process has been established to support current and future programmes of work and activities. The department is very mindful that we are in a position where we are not wanting to lose the gains created during 2020 as well as developing our new operating rhythm to ensure delivery of our work programmes.

### ICT Operations and Delivery:

#### ICT Service Desk Requests

The number of ICT Service Desk requests received during the January-February 2021 period was 1,747. This number is down from 2,095 which were received in the November-December 2020 period. The number of outstanding requests yet to be resolved is 367.



### External Phone Calls via Microsoft Teams

Work has further progressed to migrate external phone calls (making and receiving) from Skype for Business to Microsoft Teams. The initial technical configuration and testing has been completed by Spark and our ICT team. Twenty 'Early Adopter' staff have been moved over to Teams and are undertaking testing before it is rolled out to the rest of the Council staff. This project is due to be completed in March/April 2021.

### Contact Centre Phone System Project

Work is currently underway with Datacom to migrate the existing Contact Centre phone system Genesys PureConnect, to a new cloud-based SaaS (Software as a Service) system called Genesys Cloud. This will provide a better customer and employee experience and will integrate with Microsoft Teams. The new platform will also provide great options for remote working should future lockdowns or significant events affect the contact centre team currently based in Kaikohe. The system is currently being configured whilst we wait for hardware to be delivered.

### Library RFID Project

Work has progressed on the project to set up RFID (radio-frequency identification) tags in library books to enable the use of self-service kiosks in our Libraries. The ICT team have been testing software and a range of hardware devices to ensure the required expected level of performance and quality is achieved.

### ICT Equipment

The ICT team have been working on fitting out the new Cloud space in Kaikohe with computer equipment. This has involved setting up 55 desks with dual monitors, docking stations or thin client computers, keyboards and mice. Three meeting rooms and one large workshop space is also being set up with Microsoft Teams enabled audio visual equipment.

### External Email Warning Message

In mid-February we implemented a warning message that is displayed at the top of emails that are received from an external email address. The purpose is to highlight that the email has been sent from an email address outside of FNDC and extra caution should be taken before clicking on any links or opening any attachments.

**CAUTION:** This email originated from outside Far North District Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

### Multi Factor Authentication (MFA)

MFA has been rolled out to all FNDC staff and will also be rolled out to contractors shortly. We are using the Microsoft Authenticator app which is installed on your smart phone or a hard token can be supplied if necessary.

MFA is used to ensure that when you log into a computer system you are who you say you are, by requiring at least two pieces of evidence to prove your identity. It adds a layer of protection to the sign-in process and reduces the risk of unauthorised access to sensitive data.

### Cybersecurity Awareness Programme

We have purchased an online Cybersecurity Awareness Programme from SSS (IT Security Specialists) and ALGIM that will be rolled out to all staff and elected members. Attackers are always looking for a way into Council systems, which is why it is important for everyone in our organisation to have a good awareness of information security. Communications will go out to all staff over the next few weeks.

### **Antivirus Software Health Check**

We have recently completed a health check of our antivirus software (Trend Micro) to ensure the configuration is set optimally and is performing effectively against an ever-growing variety of threats.

## **Data Insights and Programme Delivery:**

### **Online Services**

The following functionality has been made available and in use by customers, LIM Requests, 'MyFNDC' for customer RFS, infringement payments, registrations, mobile inspections RFS (internal users), building and resource consent applications. An initiative encouraging building and resource practitioners to become registered customers so that they can lodge building and resource applications online is underway.

The online payment of rates and water rates was released in January ready for payments in quarter three. Publicity is planned in quarter four when this new system is well bedded in. This publicity may include modifying the printed and electronic rates bill. This is the most effective way to communicate information about rates payment options to the target audience.

The mobile inspection functionality for hairdressers and mortuaries has recently been released and is now in production including end to end digital process for Admin, Inspectors and customers. Training has been provided to all inspectors using the new tablets. Analysis for food business inspections has started, with a solution to automatically update inspection results to MPI likely.

An events management solution has been built and is being tested by the business. This will allow applicants to apply for licenses and permits in order to organise events. Dog re-registration is awaiting testing prior to a soft launch. An approach for permits and licenses has been developed with preliminary scoping planned for mid-March.

The process for handling Online Services enhancement requests has been documented and a solution has been developed, the current backlog of enhancement requests is being evaluated and considered as items for online services stage 5 using this solution.

Support of the CRT due to changing COVID alert levels continue to impact the delivery of solutions.

### **Upgrade Programme**

A draft programme of work that covers software and hardware security updates has been developed to ensure a regular schedule and release programme. This has been planned with consideration to significant business activities such as rates strike, financial year end and long-term plan consultation.

### **Enterprise Data Warehouse (EDW)**

A considerable period has been spent planning and developing a design that will not only meet current reporting requirements but also allow for future needs. The agreed solution follows industry

standards and best practices. Training and education of the internal team on enterprise data warehouse concepts and best practice continues as needs are identified.

The data vault, a core component of the data warehouse, has been constructed and handed over to SQL Services as the foundation for the data warehouse. Work will commence in the second week of March on the schema for building consents and Vision 2020.

### Electronic Document Delivery

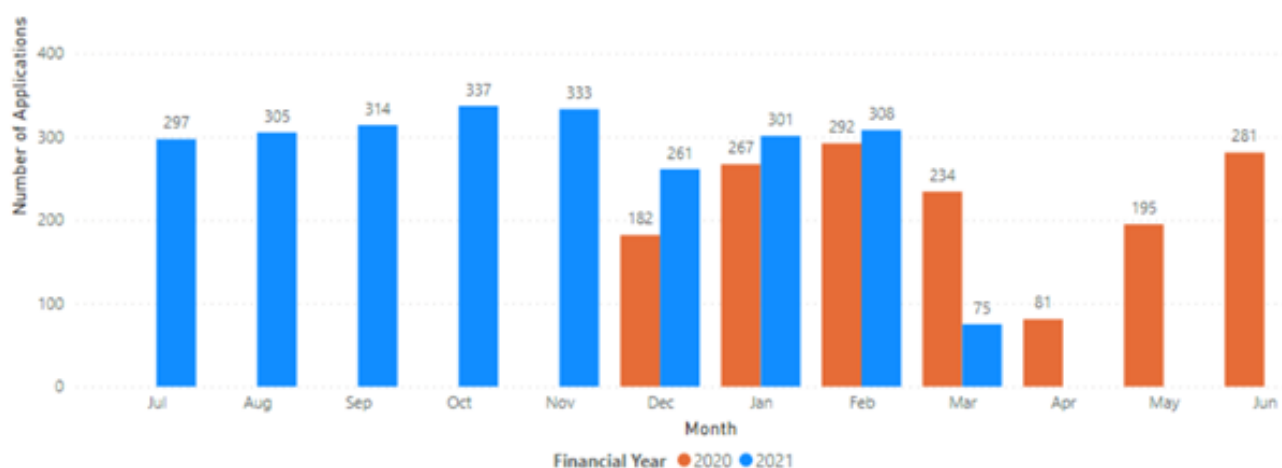
The Electronic Document Delivery enhancements that allow for form letters and other information to be directly emailed from Pathway has progressed well.

The training of staff in the management of the process has been completed and complementary manuals and guides published for them to use. One on one training sessions with staff around how to set up email as a preferred delivery method and how to prepare templates have also been completed.

Where appropriate, the form letters confirming a customer's decision to use email delivery have been produced and staff trained in their use.

### Information Management:

#### Property File ePathway Applications



### Objective Support

Support requests resolved: 177

Files and folders created and approved: 201

Objective users' changes/movements: 99

New User setup/staff movements: 20

### Northland Information Management Professionals (NIMP)

NIMP was established in 2012 to bring together the information management professionals from the various Northland councils and provide networking, support, collaboration and learning opportunities. The first quarterly meeting of 2020 was hosted by WDC on 12 January. Matters discussed included:

- NTA SharePoint project
- New ISO standard for an IM management system
- NRC Objective migration
- KDC SharePoint taxonomy

- WDC in-house scanning bureau

The next meeting will be hosted by FNDC on 7 May

### **Archives NZ Annual Report**

On 19 February Archives NZ released their annual report on the state of Government recordkeeping, including the collated results of their annual survey. The report reflects on the challenges of recordkeeping in the face of COVID-19, highlights where improvements are needed and where Archives will focus efforts in the coming year.

### **Business Intelligence and GIS:**

#### **Enterprise Data Warehouse Workshops**

Work on the Data Vault in preparation of the new warehouse has been completed. The build has been handed over to our vendor for the creation of the Datawarehouse.

#### **Ci-Anywhere Finance**

Key user training on Data Analytics, Reporting and Accounts Payable has been completed in preparation for the upgrade to Ci-Anywhere.

#### **Ci-Anywhere Human Resources:**

Ci-Anywhere key processes have been configured ready for business training and Phase 1 go-live 6 April. This includes:

- System configuration, design, testing and implementation of the Recruitment module (previously done via Scout)
- Preparation for development and automation of forms and approvals, replacing existing business processes.
- Classification and documentation of FTE operational movements, reconciliation, and detailed reporting
- Preparation for the automation of the resignation process, associated tasks, and internal communication

### **Geospatial Information Services:**

#### **Water Scheme Modelling (IAMS)**

A consolidated dataset that is secure and dynamic for one of our external vendors Morphem for the water scheme modelling has been created. This enabled the vendor to use our GIS self-service portal and extract data as needed with the project.

#### **Flood Modelling (IAMS)**

A consolidated dataset that is secure and dynamic for one of our external vendors GHD for flood modelling has been created. This enabled the vendor to use our GIS self-service portal and extract data as needed with the project.

### **Supporting District Administration/Democracy Services with the Representation Review**

A detailed subdivision boundary maps showing roads/rivers/properties on the boundaries has been

created so that Community Board Members have a clearer understanding of their subdivision area. Putting together maps and data from various sources to show outcomes of boundary amendments during consultations.

Generally, to create a visual display of a suggested boundary change and the consequent impact of the change on population numbers and representation ratios.

### **Supporting District Planning with the District Plan Review**

We are receiving draft maps from consultant, tidying them up to FNDC GIS and record-keeping requirements, checking they meet Ministry for the Environment 'National Planning Standards' criteria and adding them to the District Plan ePlan (ISOvist).

This process ensures that FNDC fulfils MfE/RMA requirements and appropriate record management policies.



## Operational Financial Performance - As at 28 February 2021

Whole of Council Statement of Operational Financial Performance for the period ending 28 February 2021	Year to date			Actual s YTD as a % of Total	Actual s YTD as a % of Annual	Full year		
	YTD Actual \$000's	YTD Budget \$000's	Variance \$000's			Total Annual Budget \$000's	Total Annual Forecast \$000's	Forecast Variance \$000's
<b>Operations</b>								
<b>Operational income</b>								
Rates - general (excl water supply rates)	59,795	59,684	112	67%	67%	89,525	89,525	0
Rates - penalties	586	1,555	(969)	28%	28%	2,073	2,073	0
Fees & charges (inc water supply rates)	12,020	12,177	(157)	70%	71%	17,059	16,904	(155)
Central govt subsidies - operational	6,946	6,923	23	64%	60%	10,825	11,541	716
Other income	4,531	1,832	2,699	123%	68%	3,686	6,701	3,015
<b>Capital income</b>								
Central govt subsidies - new works	3,407	4,712	(1,305)	36%	30%	9,354	11,504	2,151
Central govt subsidies - renewals	8,534	11,871	(3,337)	49%	58%	17,378	14,591	(2,787)
Other contributions	13,840	0	13,840	0%	35%	0	39,156	39,156
Development contributions	0	0	0	0%	0%	0	0	0
<b>Total operating income</b>	<b>109,659</b>	<b>98,754</b>	<b>10,905</b>			<b>149,901</b>	<b>191,396</b>	<b>42,095</b>
<b>Operating Expenditure</b>								
Payroll related costs	19,751	19,913	162	65%	65%	30,452	30,471	(19)
Other staffing related costs	1,104	1,368	264	51%	51%	2,181	2,152	29
General expenses	5,116	6,869	1,752	53%	53%	9,691	9,696	(6)
Rate remissions	1,684	1,891	207	75%	75%	2,257	2,257	0
Contractor & professional fees	32,455	32,783	328	62%	56%	52,442	57,879	(5,437)
Grants and donations	1,250	1,153	(97)	76%	75%	1,647	1,677	(30)
Allocations (direct and indirect)	0	0	0	0%	0%	(0)	(0)	0
Interest costs	890	1,143	254	52%	52%	1,715	1,715	0
<b>Sub-total</b>	<b>62,250</b>	<b>65,120</b>	<b>2,870</b>			<b>100,384</b>	<b>105,846</b>	<b>(5,462)</b>
Depreciation and other asset costs	22,741	23,097	356			34,645	34,645	0
Gain/Loss on Disposal	(20)	0				0	0	0
<b>Total operating expenditure</b>	<b>84,971</b>	<b>88,217</b>	<b>3,226</b>			<b>135,029</b>	<b>140,491</b>	<b>(5,462)</b>
<b>Net operating surplus/(deficit)</b>	<b>24,688</b>	<b>10,537</b>	<b>14,151</b>			<b>14,872</b>	<b>51,505</b>	<b>36,633</b>
<b>Statement of Capital Financial Performance for the period ending 28 February 2021</b>	<b>Year to date \$000's</b>			<b>Actual s as % of Total Budget</b>	<b>Actual s as % of Annual Foreca</b>	<b>Full year \$000's</b>		
	<b>YTD Actual</b>	<b>YTD Total Budget</b>	<b>Variance</b>			<b>Total Annual Budget</b>	<b>Total Annual Forecast</b>	<b>Forecast Variance</b>
<b>Capital Works</b>								
District Facilities	3,656	3,483	(173)	21%	13%	17,059	28,789	(11,730)
Stormwater	846	882	37	46%	52%	1,844	1,636	209
Solid Waste	23	96	73	6%	5%	421	426	(5)
Wastewater	3,808	6,747	2,939	33%	33%	11,696	11,552	144
Water Supply	2,027	5,026	2,999	31%	18%	6,549	11,209	(4,659)
	10,361	16,234	5,873	28%	19%	37,570	53,611	(16,041)
Roading & Footpaths	22,689	24,361	1,672	50%	35%	45,362	64,135	(18,773)
<b>Other</b>								
Environmental Management	836	1,080	244	44%	29%	1,914	2,914	(1,000)
Governance & Strategic Administration	2,422	1,279	(1,143)	57%	56%	4,286	4,357	(70)
Customer Services	439	533	94	30%	28%	1,467	1,557	(90)
Strategic Planning	0	0	0	0%	0%	0	40	(40)
<b>Total Capital Works</b>	<b>36,746</b>	<b>43,486</b>	<b>6,740</b>	<b>41%</b>	<b>29%</b>	<b>90,599</b>	<b>126,613</b>	<b>(36,015)</b>

## Capital Spend Analysis

as at 28-Feb-2021

	YTD (\$000's)		Full Year (\$000's)							
LTP Group	YTD Actual	Commitments	LTP Budget	Carry Forward Budget	Total Annual Budget	Actual vs Budget %	Total Annual Forecast	Actual vs Forecast %	Forecast vs Budget %	Forecast vs Budget Variance
District Facilities	3,250	3,890	9,361	4,031	13,392	24.3%	13,010	25.0%	97%	(382)
Wastewater	3,808	2,946	4,936	6,760	11,696	32.6%	11,552	33.0%	99%	(144)
Water Supply	963	1,567	1,935	1,950	3,886	24.8%	3,827	25.2%	98%	(59)
Stormwater	846	84	1,179	666	1,844	45.8%	1,636	51.7%	89%	(209)
Solid Waste	23	93	325	96	421	5.5%	426	5.5%	101%	5
<b>Project Delivery Team Subtotal</b>	<b>8,890</b>	<b>8,580</b>	<b>17,737</b>	<b>13,503</b>	<b>31,240</b>	<b>28.5%</b>	<b>30,451</b>	<b>29.2%</b>	<b>97%</b>	<b>(789)</b>
Roading & Footpaths	17,929	20,243	37,388	7,974	45,362	39.5%	42,466	42.2%	94%	(2,895)
<b>IAM Total</b>	<b>26,819</b>	<b>28,823</b>	<b>55,125</b>	<b>21,477</b>	<b>76,601</b>	<b>35.0%</b>	<b>72,917</b>	<b>36.8%</b>	<b>95%</b>	<b>(3,684)</b>
Environmental Management	754	912	0	1,182	1,182	63.8%	1,471	51.3%	124%	289
Governance & Strategic Administrative	2,422	819	2,334	1,952	4,286	56.5%	4,357	55.6%	102%	70
Customer Services	439	66	533	933	1,467	29.9%	1,557	28.2%	106%	90
Strategic Planning	0	0	0	0	0	0.0%	40	0.0%	0%	40
<b>Other Total</b>	<b>3,615</b>	<b>1,797</b>	<b>2,867</b>	<b>4,067</b>	<b>6,934</b>	<b>52.1%</b>	<b>7,424</b>	<b>48.7%</b>	<b>107%</b>	<b>490</b>
<b>Sub Total</b>	<b>30,434</b>	<b>30,620</b>	<b>57,992</b>	<b>25,544</b>	<b>83,536</b>	<b>36.4%</b>	<b>80,342</b>	<b>37.9%</b>	<b>96%</b>	<b>(3,194)</b>
<b>DIA Projects</b>										
Water Supply	1,064	512	2,560	103	2,663	40.0%	7,381	14.4%	277%	4,718
Wastewater	0	0	0	0	0	0.0%	0	0.0%	0%	0
Stormwater	0	0	0	0	0	0.0%	0	0.0%	0%	0
<b>Total DIA Projects</b>	<b>1,064</b>	<b>512</b>	<b>2,560</b>	<b>103</b>	<b>2,663</b>	<b>40.0%</b>	<b>7,381</b>	<b>14.4%</b>	<b>277%</b>	<b>4,718</b>
<b>ESEO Projects</b>										
District Facilities	406	696	3,667	0	3,667	11.1%	15,779	2.6%	430%	12,112
Environmental Management	82	28	0	733	733	11.1%	1,443	5.6%	197%	711
Roading & Footpaths	4,760	7,987	0	0	0	0.0%	21,668	22.0%	0%	21,668
<b>Total ESEO Projects</b>	<b>5,248</b>	<b>8,710</b>	<b>3,667</b>	<b>733</b>	<b>4,400</b>	<b>119.3%</b>	<b>38,890</b>	<b>13.5%</b>	<b>884%</b>	<b>34,491</b>
<b>Total</b>	<b>36,746</b>	<b>39,843</b>	<b>64,219</b>	<b>26,380</b>	<b>90,599</b>	<b>40.6%</b>	<b>126,613</b>	<b>29.0%</b>	<b>140%</b>	<b>36,015</b>

### Comments:

The 'Total Annual Forecast' is what is expected to be spent by 30 June 2021.

**Achieved for the year:** As at 28 February 2021 the operational surplus, which excludes capital income, is \$21.6 million against a planned \$17.1 million. The Operational budget variance is therefore a 27% surplus. However we have received considerable income in relation to ESEO and 3 water reform that is not in the budget, if these are excluded the variance drops to 20% surplus.

Major savings are in general expenses for provision for doubtful debts which is an annualised process and savings in contractor & professional fees with a number of consultants have not yet been engaged across the organisation.

We are currently tracking above the forecasted position in operational income. This is due to PGF funds received for Lake Omapere for de-mobilisation costs, operational subsidy received to support capital projects and MBIE grant for Te Tai Tokerau Worker Redeployment programme. Furthermore, we have received half of the Ministry of Business, Innovation & Employment grant for Twin Cost Cycle Trail and a NZTA subsidy for the July storm event.

The Forecast Variance for Contract Professional Fees is broken down as per below table.

<b>Funded by:</b>	<b><i>Forecasted Overspend</i></b>
PGF	881
ESEO	1,421
DIA - 3W Reform	1,410
NZTA	453
MBIE	(1)
FNDC	1,273
<b>Total</b>	<b>\$ 5,437</b>

## Operations

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### Contact Centre / Service Centres

- 25.06% decrease in financial interactions at Service Centres (2,888 down from 3,854)
- 10.50% decrease in calls to the Contact Centre (12,522 down from 13,992)
- 170.43% increase in AskUs emails received (11,799 up from 4,363). The large increase was due to a technical issue which dumped approximately 7,000 'no reply' emails into the AskUs email inbox. Staff had to sort through them and delete them.
- 0.15% increase in building inspections booked (662 up from 661)
- 25.09% decrease in visits to Service Centres (5,840 down from 7,796)

### i-SITEs

- 46% decrease in visitor numbers (49,790 down from 92,502)
- 22% decrease in retail revenue (\$28,582 down from \$36,833)
- 53% decrease in transaction spend (\$43,720 down from \$93,230)
- 42% decrease in transaction numbers (12,726 down from 22,134)

### Libraries

- 5.1% increase in digital library use (from 104,829 to 110,152), reflecting increased range of resources and summer borrowing growth.
- 0.8% decrease in book checkouts (64,476 to 63,973), reflecting steady book borrowing during the holiday period and a short month.

## Regulatory Services

### Environmental Services

A total of 1,311 Requests for Service (RFSs) were received and 1,355 RFSs were closed during the January/February period for Environmental Services.

### Animal Management

The Animal Management team received a total of 656 RFSs during January – February 2021. Over 60 more than for the previous two months. This is reflective of more people out and about with dogs over the summer holiday period. This increase added pressure to staff meeting response times over the holiday period, dropping to 88% of RFSs responded to on time overall for this period compared to 96% in the second quarter.

For the 2020/2021 registration period, there are now nearly 8,050 dogs registered. This figure is made up of renewed registrations and new dog registrations. The team is still working through a follow-up program for unregistered dogs and updating the data base.

61 dogs were impounded across the District during the January/February period, with 10 dogs

rehomed through the Council's website.

Good progress has been made on the Northern Animal Shelter in Kaitaia, due for completion in June 2021. The Southern shelter site design is nearing completion and preparations are now in place to remove buildings by tender to clear the site.



### **Environmental Health and Monitoring Compliance**

A total of 21 food business verifications were completed and 31 proactive alcohol license Good Host Visits (GHV) were conducted in January and February 2021, with 60% of all licensed premises in the District having had GHV's.

These lower numbers are due to the team also focusing on health inspections for hairdressers, campgrounds and mortuaries during December and January. During this period the team completed a total of 74 health inspections. Food verifications resumed in February 2021.

A total of 233 noise complaints were received in the January/February period. With 141 received in January. This is reflective of the busy holiday festive season. Response rates have improved in February, (92%) compared with 77% in January.

The Parking Warden duties have been shared across the Monitoring and Compliance Officers on a mostly reactive basis during January and February while recruitment for a new Warden was underway. Over this period only two infringement notices have been issued to the value of \$100. There were only six RFSs regarding parking concerns received across the district during this period. A new Warden started on 22 February 2021 and is currently undergoing training.

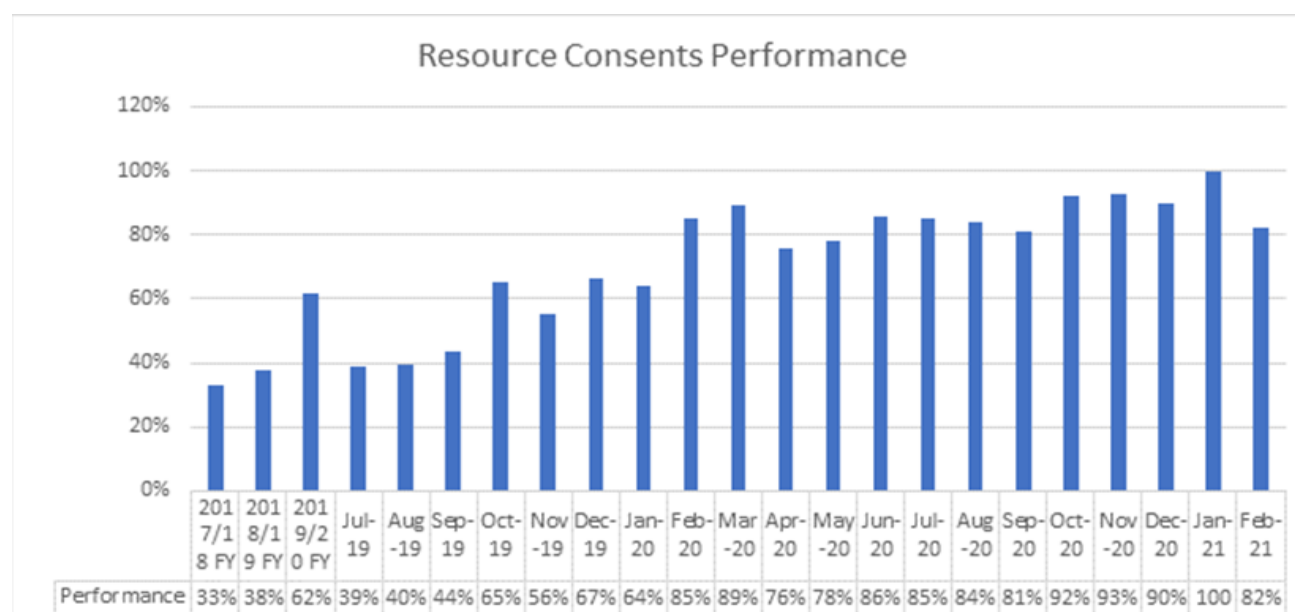
### **Resource Consents Management**

Only 74 resource consent applications were received over the January/February period. These numbers are considerably lower than previous two months (151) due to the holiday period through

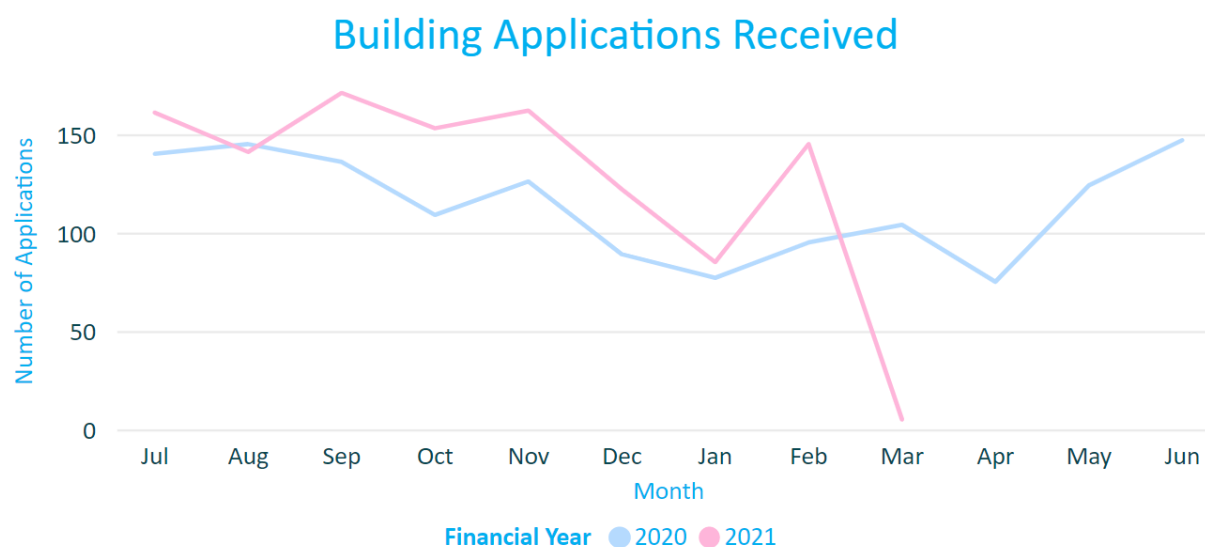
January and statutory time clock stopping between 20 December 2020 and 10 January 2021.

The upward trend in consents being processed within statutory timeframes has been maintained and in January the team achieved 100% of all consents processed on within statutory time frames. February's drop was due to six out of 33 consents going over time. Five of the six applications that went over were applications that were received during lockdown and delays in obtaining engineering advice regarding transport and stormwater matters on time.

Discounts applied to consent processing for 2020/2021 to the end of February is \$41,734.99. For the same period last year there had been \$176,299.82 applied. This amount is reflective of meeting statutory time frames.



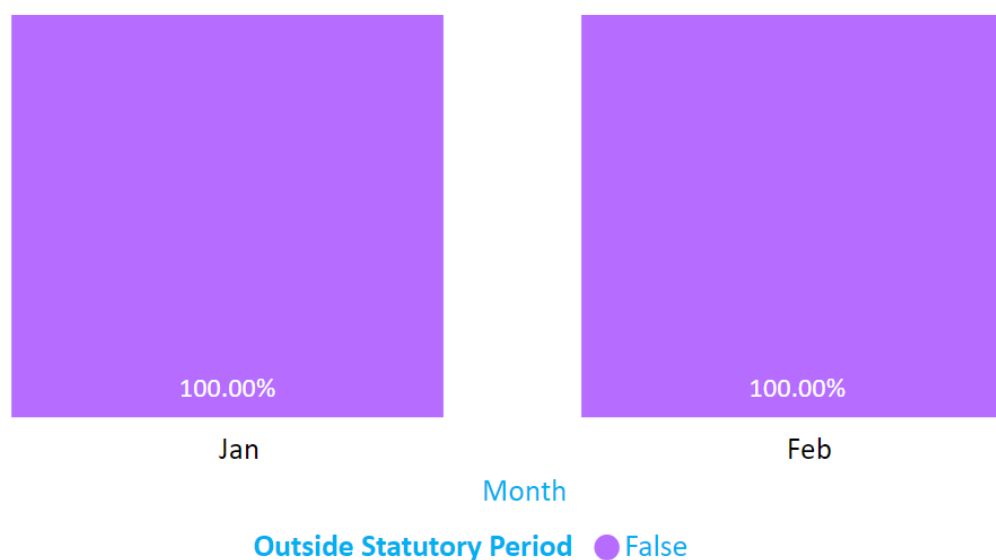
## Building Consents Management



Consents received for January (85) and February (145) were higher than last year for both months.

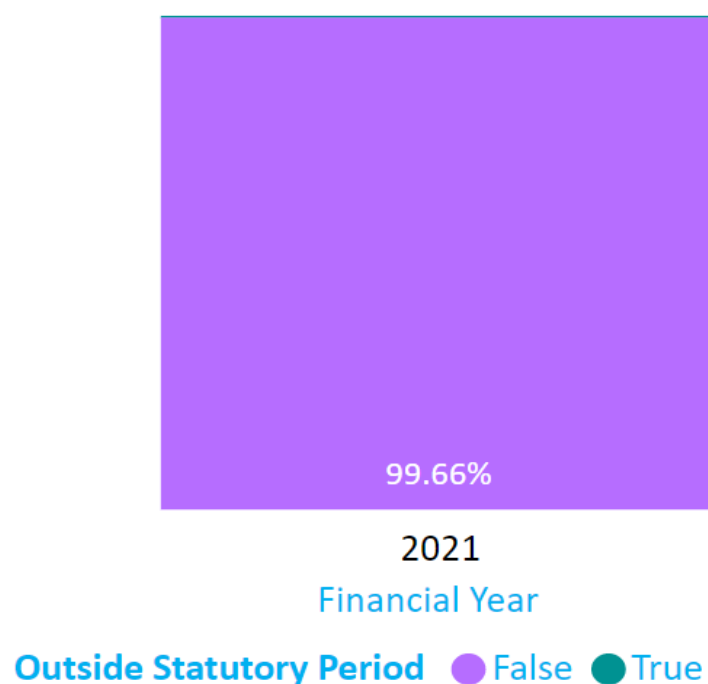
### Building consent 20-day compliance rates for January and February.

### Granted or Refused Within Statutory Period

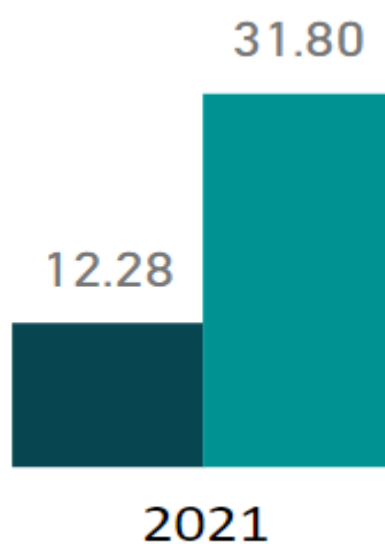


The BCA issued 165 building consents during the same period.

## Granted or Refused Within Statutory Period

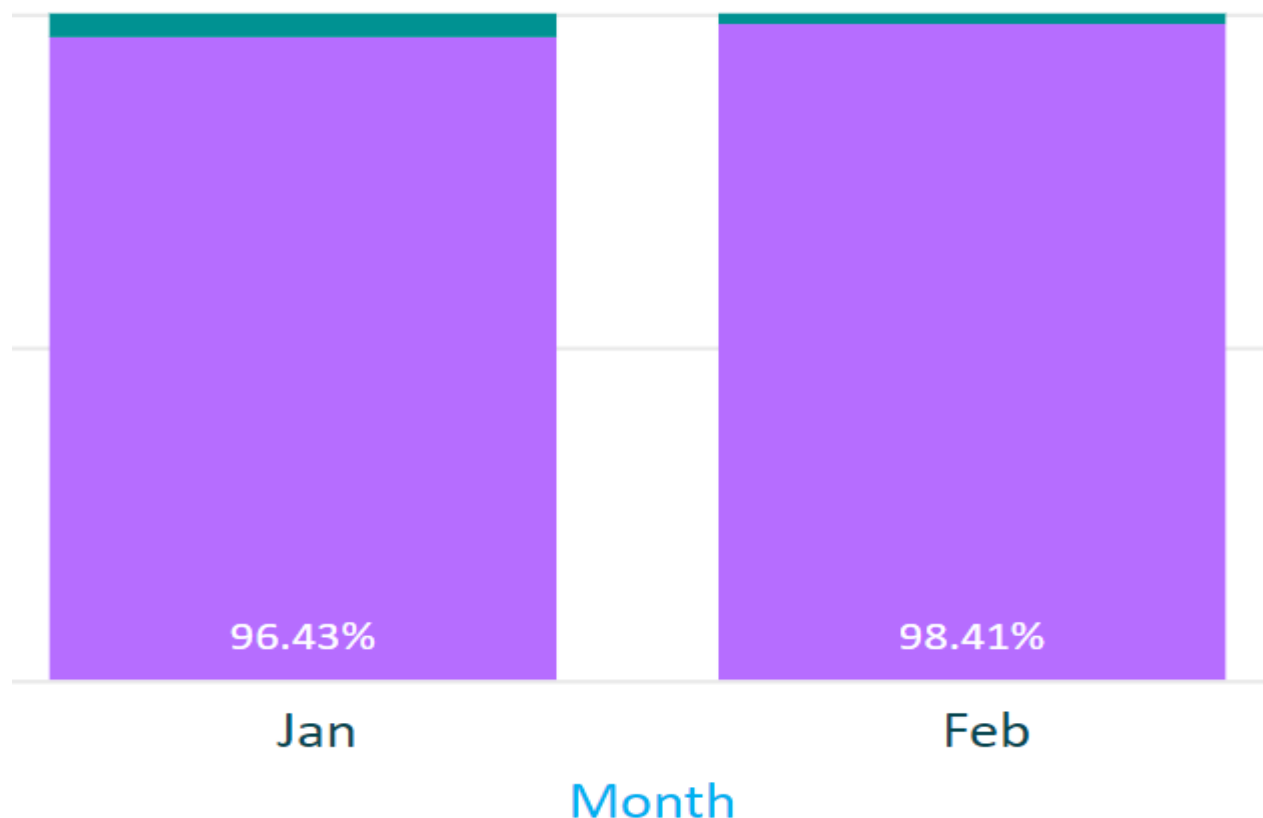


99.66% of building consents were issued within the legislative timeframe of twenty working days during the 2020/21 Financial Year.

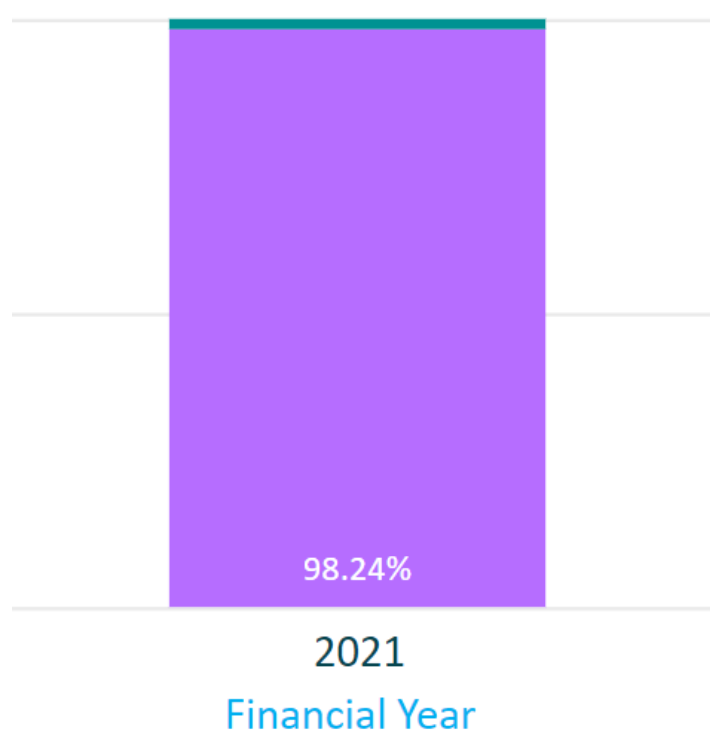


The average number of days to issue a consent for the above period is 12.28 working days (against the 20-day statutory requirement) and 31.81 calendar days.

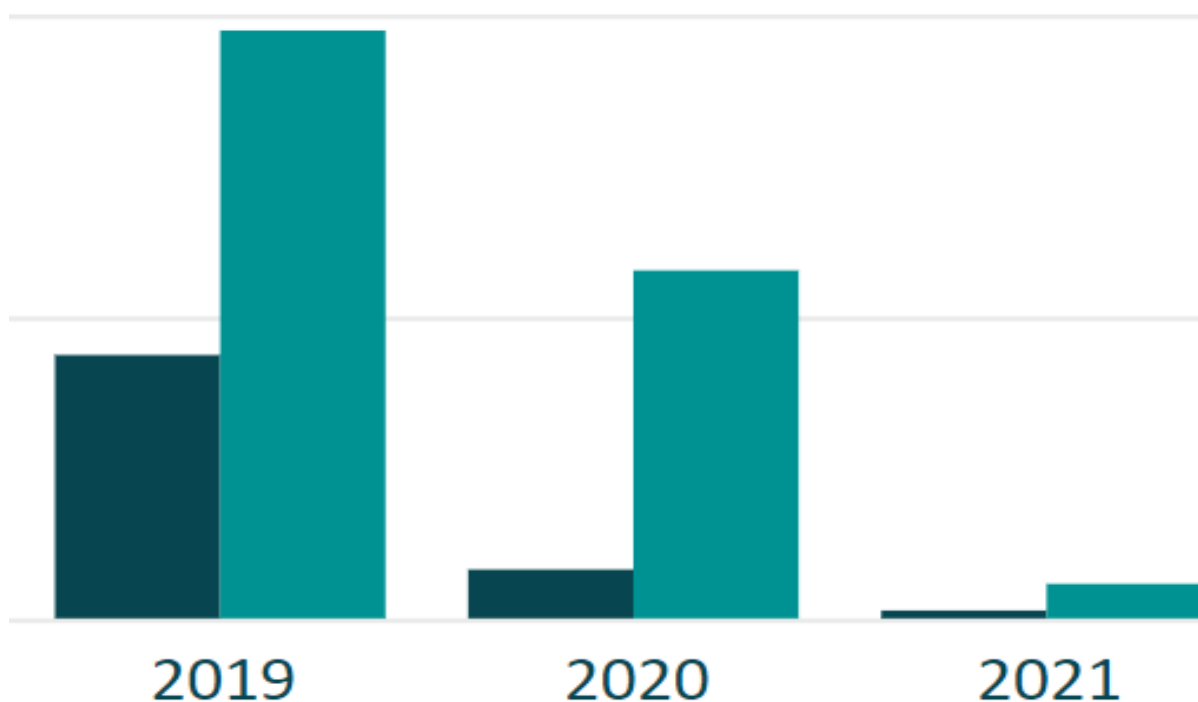


**Code Compliance Certificate 20-day compliance rates for January and February**

CCC compliance for January and February is showing less than 100% as the team looks to improve the overall CCC process as they clear consents that were missed due to reporting issues.



Overall CCC compliance for 2021 remains above 95%, but the team is looking to improve monthly compliance to 100%.



Overall in the last three years there has been a vast improvement in statutory days to issue CCC's, which currently takes on average 5.24 days to issue.

### **Building Accreditation / Building Consent Authority (BCA) Update**

The BCA have addressed clearing the last of the General Non-Compliances (GNC's) identified by International Accreditation NZ (IANZ) in the draft report. The aim is to clear all GNCs and receive a final report by 12 March 2021.

### **Building Compliance**

- 87 Building Warrant of Fitness (BWOFF) audits were undertaken during the January/February period, reinforcing the success of the mobile inspection tool that has been introduced as part of business improvements.
- 111 RFSs were received during January/February, consistent with this time of year and previous summers.
- 59 Notices to Fix were issued for breaches of the Building Act and 8 Infringements were issued for building-related breaches.
- A total of 13 Certificates of Acceptance were approved.

### **Swimming Pools**

58 pool inspections were carried out during the months of January and February; the fail rate for this period was 34%. This total is of concern, given that it is the middle of summer. Follow up checks are planned during the coming weeks and appropriate steps will be taken to achieve compliance.

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**Infrastructure and Asset Management (IAM)**

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The IAM business report is circulated under separate cover to Elected Members and is publicly available through the FNDC website as an [Infrastructure Network Committee agenda item](#).

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

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<b>8.1 - 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)(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)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</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>	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

**9 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER**

**10 MEETING CLOSE**